Agenda Item #: 58 - \

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	August 15, 2017	[]	Consent Workshop	[X]	Regular Public Hearing
Department: Submitted By: Submitted For:	Planning, Zoning & Building Building Division Building Division				
			terms beauty heaver process transcriber process process process about a second process process process about a second process proces	====:	
	I. EXECUT	IVE B	RIEF		
of Palm Beach Co (Ordinance 2015-02 5th Edition (2014), County Code (Flood	Staff recommends a motion to a September 12, 2017, at 9:30 a.m.: unty, Florida, amending Chapter 7, A 8), pertaining to the Palm Beach Col Chapter 1, "Administration" (FBC-E Hazard Areas); Providing for Repeal s; Providing for a Savings Clause; Pro	An O Article unty Ai Building of Lav	rdinance of the IV, Section 7-52 mendments to to; amending Sevis in Conflict: Property of the conflict of the	Board of the he Flo ction 1 oviding	of County Commissioners Palm Beach County Code rida Building Code (FBC), 04.10.1 of the Palm Beach for Inclusion in the Code of
Summary: A conflict has been identified between Section 104.10.1 of the Palm Beach County Amendments to the Florida Building Code, Chapter 1 ("Chapter 1") and pending revisions to Article 18 of the Unified Land Development Code (ULDC), Flood Damage Prevention. These changes were recommended by the Florida Division of Emergency Management and required by the Federal Emergency Management Agency (FEMA) as part of the National Flood Insurance Program Flood Insurance Rate Map update process for Palm Beach County. Section 104.10.1 of Chapter 1 establishes criteria for granting a variance from the local floodplain management regulations. These criteria are not consistent with the conditions for granting a variance from the floodplain management requirements set forth in pending changes to Article 18 of the ULDC. This amendment is necessary to make Section 104.10.1 of Chapter 1 consistent with Article 18 of the ULDC as revised. Unincorporated (AH)					
Administrative Chap Commissioners appr Section 7-52 of the F the floodplain manag the specific criteria for with those requirements	olicy Issues: The Florida Legisl wide Florida Building Code (FBC) ofter of the FBC pursuant to Chapter roved Ordinance 2015-028 adopting Palm Beach County Code. Section 10-2 ement regulations in Article 18. A proper granting a variance from the County ents currently listed in Chapter 7, Arture consistency between Chapter 1 a	, and r 553.7 Chapt 4.10.1 posed r's flood ticle IV	authorizing loca 73(4)(a). On Jul er 1, which was of Chapter 1 rela amendment to A dplain managem 7. Section 7-52.	I gover y 21, 2 codifie ates to article 1 ent reg Sectior	nments to adopt their own 2015, the Board of County ed in Chapter 7, Article IV, the granting of variances to 8 of the ULDC enumerates sulations and is inconsistent
Attachments:					
1. Ordinance Amend	ding Chapter 7, Article IV, Section 7-5	2 of th	e Palm Beach C	ounty C	Code (Ordinance 2015-028)
Recommended by	A Pal	: = = = :		Π.	18/17
,	Department Direct	or			Date

Assistant County Administrator

Approved By:

II. <u>FISCAL IMPACT ANALYSIS</u>

A.	Five Year Summa	ry of Fiscal Imp	act:			
Fis	cal Years	20 <u>17</u>	20 <u>18</u>	20 <u>19</u>	20 <u>20</u>	20 <u>21</u>
Op Ext Pro	pital Expenditures erating Costs ternal Revenues ogram Income (Cou Kind Match (County					
NE	ET FISCAL IMPACT					
	o. ADDITIONAL FTE DSITIONS (Cumulat					
ls Ite	em Included In Cur	rent Budget? Yo	es _ No			
Bud	get Account No.:	Fund Object	Department _ _ Reporti	Unit ng Category		
B.	Recommended S	ources of Fund	s/Summary o	f Fiscal Impa	ıct:	
C.	Departmental Fis	cal Review: _				
		III.	. REVIEW CO	<u>MMENTS</u>		
A.	OFMB Fiscal and	or Contract De	v. and Contro	ol Comments	:	
(Jus Powe OFN	7/12/12 IB Ex 7/18	Contra	ct Dev. and 0	Jawbon Control	(7)1911v
B.	Legal Sufficiency			·		
	Assistant County	y Attorney	7			
C.	Other Departmen	t Review:				
	Department Direc	otor				

1	ORDINANCE NO. 2017
2	AN ORDINANCE OF THE BOARD OF COUNTY
3	COMMISSIONERS OF PALM BEACH COUNTY,
4	FLORIDA, AMENDING CHAPTER 7, ARTICLE IV,
5	SECTION 7-52 OF THE PALM BEACH COUNTY CODE
6	(ORDINANCE 2015-028), PERTAINING TO THE PALM
7	BEACH COUNTY AMENDMENTS TO THE FLORIDA
8	BUIDING CODE (FBC), 5th EDITION (2014), CHAPTER 1,
9	"ADMINISTRATION" (FBC-BUILDING); AMENDING
10	SECTION 104.10.1 OF THE PALM BEACH COUNTY CODE
11	(FLOOD HAZARD AREAS); PROVIDING FOR REPEAL OF
12	LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE
13	CODE OF LAWS AND ORDINANCES; PROVIDING FOR A
14	SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND
15	PROVIDING FOR AN EFFECTIVE DATE.
16	WHEREAS, Chapter 125, Florida Statutes, empowers counties to provide for the health, safety
17	and general welfare including the enactment and enforcement of construction and related technical
18	standards and regulations; and
19	WHEREAS, the Florida Legislature has enacted Chapter 98-827, Laws of Florida, as amended
20	by Chapter 98-419, Chapter 2000-141 and Chapter 2001-186, Laws of Florida, which adopts the Florida
21	Building Code and supplants all locally-adopted building codes; and
22	WHEREAS, Section 553.73(4)(a)(2016), Florida Statutes, authorizes Palm Beach County to
23	adopt amendments to the administrative provisions of the Florida Building Code to meet local
24	conditions; and
25	WHEREAS, Section 553.73(4)(b)(2016), Florida Statutes, authorizes Palm Beach County to
26	adopt technical amendments to the Florida Building Code relating to flood resistance in order to
27	implement the National Flood Insurance Program or incentives; and
28	WHEREAS, Section 104.10.1 of the Palm Beach County Amendments to the Florida Building
29	Code, 5th edition (2014) ("FBC"), is entitled the Flood Hazard Areas; and
30	WHEREAS, Article 18 of the Unified Land Development Code, Flood Damage Prevention,
31	establishes conditions for granting a variance from the floodplain management requirements; and
32	WHEREAS, the conditions granting a variance from the floodplain management requirements
33	currently listed in Section 104.10.1 of the FBC are not consistent with the conditions for granting a

variance from the floodplain management requirements in Article 18 of the Unified Land Development

Code; and

WHEREAS, this amendment is necessary to make Section 104.10.1 of the FBC consistent with the Unified Land Development Code Article 18, Flood Damage Prevention.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. FLOOD HAZARD AREAS. CHAPTER 7, ARTICLE IV, SECTION 7-52 OF THE PALM BEACH COUNTY CODE, SECTION 104.10.1 is amended as follows:

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104.10.1 Flood hazard areas. Modifications in flood hazard areas may only be granted by the The Flood Damage Prevention Board, established in pursuant to Article 18 of the Palm Beach County Unified Land Development Code (ULDC). shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 of this code and Article 18 of the ULDC, unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate or Article 18 of the ULDC.

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2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.

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3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

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4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

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5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the flood elevation design increases risks to life and property.

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Section 2. REPEAL OF LAWS IN CONFLICT:

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- All ordinances, or parts of ordinances of Palm Beach County, Florida, which are in conflict with
- 31 this Ordinance are hereby repealed. All or any part of these laws, which pertain to Palm Beach County,
- Florida, which conflict with this Ordinance, or parts of this Ordinance are hereby repealed.

Section 3. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

- The provisions of this Ordinance shall become and be made part of the Code of Laws and
- 35 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or
- relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other
- 37 appropriate word.

Section 4. SAVINGS CLAUSE:

- All provisions of Ordinance 2015-028 Palm Beach County Amendments to the Florida Building
- 40 Code, 5th Edition (2014), as originally enacted and amended, are specifically preserved and remain in full
- force and effect for the limited purpose of enforcing any alleged violations, enforcement orders, ongoing
- 42 enforcement actions, permits, and all other orders relating to said Ordinance, which occurred prior to its
- 43 amendment.

Section 5. SEVERABILITY:

- If any section, paragraph, sentence, clause, or word of this ordinance is for any reason held by the
- 46 Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the
- 47 Ordinance.

2	The provisions of this Ordinance	e shall become effective October 5, 2017.
3	APPROVED and ADOPTED by	the Board of County Commissioners of Palm Beach County
4	Florida, on theday of	_2017.
5 6 7	ATTEST:	
8 9 10 11	SHARON R. BOCK, CLERK AND COMPTROLLER	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
12 13 14 15	By: Deputy Clerk	By: Paulette Burdick, Mayor
16 17 18 19	APPROVED AS TO FORM AND LEGAL SUFFICIENCY	
20 21 22 23 24	By: Onne Odleant County Attorney	
25	Filed with the Department of State on	theday of, 20

Section 6. EFFECTIVE DATE: