

ORDINANCE 2024-15 - AN ORDINANCE BY THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 "LAND DEVELOPMENT REGULATIONS," ARTICLE 7 "FLOODPLAIN MANAGEMENT,"; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Lake Worth Beach participates in the National Flood Insurance Program and the City desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, with an effective date of December 20, 2024; and

WHEREAS, the City wishes to amend Chapter 23, "Land Development Regulations," Article 7 "Floodplain Management," Section 23.7-2 "Applicability" to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps; and

WHEREAS, the City wishes to amend Chapter 23, "Land Development Regulations," Article 7 "Floodplain Management," Section 23.7-7 "Variances and appeals" to correct the cited reference to the Florida Building Code; and

WHEREAS, the City has determined that it is in the public interest to amend Chapter 23, "Land Development Regulations," Article 7 "Floodplain Management," Section 23.7-10 "Definitions" to revise the definitions for historic structure, letter of map change, and market value; and

WHEREAS, the Planning and Zoning Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the Historic Resources Preservation Board, in its capacity as the local planning agency, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the City Commission has reviewed the proposed amendments and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1: The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance as if set forth herein.

Section 2: Chapter 23 "Land Development Regulations," Article 7 "Floodplain Management," Division 1 "Administration," Section 23.7-2 "Applicability" is hereby amended by

52 adding the words shown in underline type and deleting the words struck through as indicated in
53 **Exhibit A.**

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55 **Section 3:** Chapter 23 “Land Development Regulations,” Article 7 “Floodplain
56 Management,” Division 1 “Administration,” Section 23.7-7 “Variances and appeals” is hereby
57 amended by adding the words shown in underline type and deleting the words struck through as
58 indicated in **Exhibit B.**

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60 **Section 4:** Chapter 23 “Land Development Regulations,” Article 7 “Floodplain
61 Management,” Division 2 “Definitions,” Section 23.7-10 “Definitions” is hereby amended by adding
62 the words shown in underline type and deleting the words struck through as indicated in **Exhibit**
63 **C.**

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65 **Section 5:** Severability. If any section, subsection, sentence, clause, phrase or portion
66 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
67 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
68 such holding shall not affect the validity of the remaining portions thereof.

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70 **Section 6:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
71 herewith are hereby repealed to the extent of such conflict.

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73 **Section 7:** Codification. The sections of the ordinance may be made a part of the City
74 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
75 the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

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77 **Section 8:** Effective Date. This ordinance shall become effective 10 days after
78 passage.

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80 The passage of this ordinance on first reading was moved by _____, seconded
81 by _____, and upon being put to a vote, the vote was as follows:

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83 Mayor Betty Resch
84 Vice Mayor Sarah Malega
85 Commissioner Christopher McVoy
86 Commissioner Mimi May
87 Commissioner Reinaldo Diaz

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89 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
90 day of _____, 2024.

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93 The passage of this ordinance on second reading was moved by _____,
94 seconded by _____, and upon being put to a vote, the vote was as follows:

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96 Mayor Betty Resch
97 Vice Mayor Sarah Malega
98 Commissioner Christopher McVoy
99 Commissioner Mimi May
100 Commissioner Reinaldo Diaz

102 The Mayor thereupon declared this ordinance duly passed on the _____ day of
103 _____, 2024.

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LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, MMC, City Clerk

EXHIBIT A

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 7 "FLOODPLAIN MANAGEMENT"

Article 7, "Floodplain Management," Division 1, "Administration"

Sec. 23.7-2. Applicability.

c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Palm Beach County, Florida and Incorporated Areas, dated ~~October 5, 2017~~ **December 20, 2024**, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Lake Worth City Hall, 7 North Dixie Highway, Lake Worth **Beach**, Florida 33460.

EXHIBIT B

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 7 "FLOODPLAIN MANAGEMENT"

Article 7, "Floodplain Management," Division 1, "Administration"

Sec. 23.7-7. Variances and appeals.

- d) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 44 **12** Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

EXHIBIT C

Chapter 23

LAND DEVELOPMENT REGULATIONS ARTICLE 7 "FLOODPLAIN MANAGEMENT"

Article 7, "Floodplain Management," Division 2, "Definitions"

Sec. 23.7-10. Definitions.

Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 44 12 Historic Buildings.

Letter of map change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

- 1. Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- 2. Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- 3. Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- 4. Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Market value: ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts.~~ As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.