

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 7, ARTICLE IV, SECTION 7-52 OF THE PALM BEACH COUNTY CODE (ORDINANCE 2015-028), PERTAINING TO THE PALM BEACH COUNTY AMENDMENTS TO THE FLORIDA BUILDING CODE (FBC), 5th EDITION (2014), CHAPTER 1, "ADMINISTRATION" (FBC-BUILDING); AMENDING SECTION 104.10.1 OF THE PALM BEACH COUNTY CODE (FLOOD HAZARD AREAS); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, empowers counties to provide for the health, safety and general welfare including the enactment and enforcement of construction and related technical standards and regulations; and

WHEREAS, the Florida Legislature has enacted Chapter 98-827, Laws of Florida, as amended by Chapter 98-419, Chapter 2000-141 and Chapter 2001-186, Laws of Florida, which adopts the Florida Building Code and supplants all locally-adopted building codes; and

WHEREAS, Section 553.73(4)(a)(2016), Florida Statutes, authorizes Palm Beach County to adopt amendments to the administrative provisions of the Florida Building Code to meet local conditions; and

WHEREAS, Section 553.73(4)(b)(2016), Florida Statutes, authorizes Palm Beach County to adopt technical amendments to the Florida Building Code relating to flood resistance in order to implement the National Flood Insurance Program or incentives; and

WHEREAS, Section 104.10.1 of the Palm Beach County Amendments to the Florida Building Code, 5th edition (2014) ("FBC"), is entitled the Flood Hazard Areas; and

WHEREAS, Article 18 of the Unified Land Development Code, Flood Damage Prevention, establishes conditions for granting a variance from the floodplain management requirements; and

WHEREAS, the conditions granting a variance from the floodplain management requirements 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:

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.~~
- ~~2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.~~
- ~~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.~~
- ~~4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.~~
- ~~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.~~

Section 2. REPEAL OF LAWS IN CONFLICT:

All ordinances, or parts of ordinances of Palm Beach County, Florida, which are in conflict with 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 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 appropriate word.

Section 4. SAVINGS CLAUSE:

All provisions of Ordinance 2015-028 Palm Beach County Amendments to the Florida Building 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 enforcement actions, permits, and all other orders relating to said Ordinance, which occurred prior to its amendment.

Section 5. SEVERABILITY:

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

1 **Section 6. EFFECTIVE DATE:**

2 The provisions of this Ordinance shall become effective October 5, 2017.

3 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County,
4 Florida, on the 26th day of September 2017.

5
6 **ATTEST:**

7
8 **SHARON R. BOCK,**
9 **CLERK AND COMPTROLLER**

10
11
12 By: 
13 Deputy Clerk

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

14
15
16 By: 
17 Paulette Burdick, Mayor

18
19
20 **APPROVED AS TO FORM AND**
21 **LEGAL SUFFICIENCY**

22 By: 
23 County Attorney

24
25 Filed with the Department of State on the 28th day of Sept., 2017.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 28, 2017

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Timothy Montiglio, Administrative Specialist II

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2017-027, which was filed in this office on September 28, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb