



**TOWN OF HIGHLAND BEACH
ORDINANCE NO 17-001 O**

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA AMENDING THE TOWN CODE OF ORDINANCES BY AMENDING CHAPTER 20, "PLANNING AND DEVELOPMENT", ARTICLE VI, "FLOODPLAIN MANAGEMENT", DIVISION 1, "ADMINISTRATION", SECTION 20-341, "APPLICABILITY", SUBSECTION (C), "BASIS FOR ESTABLISHING FLOOD HAZARD AREAS", OF THE CODE OF ORDINANCES TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, 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 Town of Highland Beach participates in the National Flood Insurance Program and the Town Commission 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 October 5, 2017; and

WHEREAS, the Town Commission has determined that it is in the public interest to amend Section 20-341 to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps.

NOW, THEREFORE, BE IT ORDAINED by the Town Commission of the Town of Highland Beach, Florida, as follows:

Section 1. The foregoing Whereas clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The Town Commission hereby amends Chapter 20, "Planning and Development", Article VI, "Floodplain Management", Division 1, "Administration", Section 20-341, "Applicability", Subsection (c), "Basis for establishing flood hazard areas" of the Town Code of Ordinances to read as follows (additional language underlined and deleted language ~~stricken through~~):

(c) *Basis for establishing flood hazard areas.* The Flood Insurance Study and ~~Wave Height Analysis, Town of Highland Beach, Florida, for~~ Palm Beach County, Florida and Incorporated Areas dated ~~March 31, 1982~~ October 5, 2017, 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 Town Hall, 3614 S. Ocean Blvd., Highland Beach, Florida 33487.

(1) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 20-344 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
- b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

Section 3. It is the intention of the Town Commission of the Town of Highland Beach that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Town of Highland Beach, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or other word or phrase in order to accomplish such intention.

Section 4. All Ordinances or parts thereof and Resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Should any section, provision, paragraph, sentence, clause or word of this Ordinance or portion thereof be held or declared by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall not affect the validity of the remaining portions or application of this Ordinance.

Section 6. This Ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
HIGHLAND BEACH ON THIS 1st DAY OF AUGUST, 2017.**

ATTEST:

By: 

Larelda Gaskins, Town Clerk

July 5, 2017

First Reading

July 5, 2017

Posted after First Reading

July 22, 2017

Published

August 1, 2017

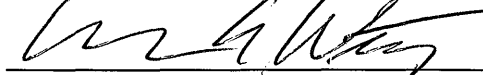
Final Reading

August 1, 2017

Posted after Final Reading


TOWN OF HIGHLAND BEACH, FLORIDA


Carl Feldman, Mayor


William A. Weitz, Ph.D, Vice Mayor


Rhoda Zelniker, Commissioner


George Kelvin, Commissioner


Elyse Riesa, Commissioner

APPROVED AS TO FORM AND LEGALITY:

By: 

Glen J. Torcivia, Town Attorney
Town of Highland Beach, Florida