

ORDINANCE NO. 2024-022

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 10, "FLOOD PREVENTION AND PROTECTION," ARTICLE II, "APPLICABILITY," SECTION 10-9, "BASIS FOR ESTABLISHING FLOOD HAZARD AREAS," TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAP; AND BY AMENDING ARTICLE IV, "DEFINITIONS," SECTION 10-63, "DEFINITIONS," TO UPDATE THE MEANING OF "MARKET VALUE;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coconut Creek ("City") is vested with broad home rule powers to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City participates in the National Flood Insurance Program, and the City 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 (FEMA) has revised the Flood Insurance Study (FIS) and Flood Insurance Rate MAP (FIRM) for both the incorporated and unincorporated areas of Broward County, Florida, with an effective date of July 31, 2024; and

WHEREAS, the City Commission has determined that it is in the public interest to amend certain sections within Chapter 10, "Flood Prevention and Protection," of the City's Code of Ordinances to identify the effective date of the revised FIS and FIRM, as well as update the definition of *market value*, as used therein; and

WHEREAS, the City Commission determines these code amendments are in the best interest of the City of Coconut Creek, and protect the health, safety, and welfare of its residents and businesses.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, are hereby amended by amending Chapter 10, “Flood Prevention and Protection,” Article II, “Applicability,” Section 10-9, “Basis for establishing flood hazard areas,” and Article IV, “Definitions,” Section 10-63, “Definitions,” to read as follows:

Chapter 10 – FLOOD PREVENTION AND PROTECTION

ARTICLE II. - APPLICABILITY

Sec. 10-9. – Basis for establishing flood hazard areas.

The flood hazard areas identified by FEMA in its currently effective flood insurance study (FIS) for Broward County, Florida and incorporated areas dated ~~August 18, 2014~~ July 31, 2024, and all subsequent amendments and revisions to its FIS and accompanying flood insurance rate maps (FIRM) are adopted by reference as part of this chapter 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 floodplain administrator’s office.

ARTICLE IV. – DEFINITIONS

Sec. 10-63. – Definitions.

~~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 chapter, the term refers to the market~~ The 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.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS ____ DAY OF _____, 2024.

PASSED SECOND READING THIS ____ DAY OF _____, 2024.

Sandra L. Welch, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

| | <u>1st</u> | <u>2nd</u> |
|-----------|-----------------------|-----------------------|
| Welch | _____ | _____ |
| Railey | _____ | _____ |
| Rydell | _____ | _____ |
| Brodie | _____ | _____ |
| Wasserman | _____ | _____ |