



City of Alachua

Planning & Community Development Department Staff Report

Planning & Zoning Board Hearing Date: Legislative Hearing

January 9, 2018

SUBJECT: A request to amend the City's Land Development Regulations (LDRs) to coordinate the City's floodplain management regulations with the *Florida Building Code*

APPLICANT/AGENT: City of Alachua

PROJECT PLANNER: Justin Tabor, AICP

RECOMMENDATION: Staff recommends that the Planning & Zoning Board find that the proposed Text Amendments to the City's Land Development Regulations to be consistent with the City of Alachua Comprehensive Plan and in compliance with the City's Land Development Regulations and transmit such finding to the City Commission with a recommendation to approve.

RECOMMENDED MOTION: *This Board finds that the proposed text amendments to the City's Land Development Regulations are consistent with the City of Alachua Comprehensive Plan and in compliance with the City's Land Development Regulations and transmits the proposed text amendments to the Land Development Regulations to the City Commission with a recommendation to approve.*

SUMMARY

The Florida Department of Emergency Management (FDEM), which is the State agency responsible for the implementation of mitigation strategies to reduce or eliminate the loss of life and property by lessening the impact of disasters, including floodplain management and mitigation, contacted City Staff and requested adoption of the FDEM model ordinance for floodplain management. The FDEM model ordinance is coordinated with the requirements of the *Florida Building Code* (FBC), and is intended to implement local floodplain regulations which are consistent with the FBC.

The FBC governs the design of buildings, and includes provisions which address potential hazards, including those resultant of flood loads. The 5th Edition of the FBC (the 2010 FBC) included flood provisions that were found by the Federal Emergency Management Agency (FEMA) to be consistent with the requirements of the National Flood Insurance Program (NFIP) for buildings and structures. Participation in the NFIP is based on an agreement between local communities and the federal government which enables property owners in participating communities to purchase insurance for protection against potential losses as a result of flooding. The City of Alachua has been a participant in the NFIP since February 21, 1994.

The FBC governs only the design of buildings, while site requirements are generally addressed within local municipal codes. This creates a potential for conflict between building requirements and local floodplain management regulations.

The FDEM model floodplain ordinance is intended to address potential inconsistencies between FBC requirements and local floodplain management regulations. FDEM and FEMA have worked together to develop the FDEM model floodplain ordinance, which has been recognized by FEMA as meeting the requirements of the NFIP. As such, adoption of regulations implementing the FDEM model ordinance ensures the City remains compliant with NFIP requirements. Included within Exhibit "A" to this Staff Report is a letter from FEMA to FDEM acknowledging that the flood resistant flood requirements of the FBC and the FDEM model floodplain ordinance are compliance with NFIP requirements.

City Staff has worked with FDEM to ensure that the regulations found within the model floodplain ordinance are tailored to fit within the structure and organization of the City's LDRS. FDEM has verified that the proposed amendment will accomplish this objective.

PROPOSED LDR TEXT AMENDMENTS

The proposed LDR text amendments are provided in Exhibit “A” of draft Ordinance 18-05, which is attached to Exhibit “A” of this Staff Report. Please reference pages 4 through 26 of draft Ordinance 18-05. These amendments would amend or modify, as further noted below, the following sections of the City of Alachua LDRs to implement the FDEM model floodplain ordinance and serve as the City’s floodplain management regulations:

- Amend Section 2.4.7, Variance Permits;
- Amend Section 2.4.15, Certificate of LDR Compliance;
- Repeal Section 6.9.4, Floodprone Area Standards;
- Adopt a new Section 6.9.4, Floodprone Area Standards, to adopt flood hazard maps and to designate a floodplain administrator; and,
- Modify Section 10.2, Definitions, to amend, delete, and add definitions related to the regulations established in the new Section 6.9.4, Floodprone Area Standards.

FINDINGS OF FACT: COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS

Subsection 2.4.1(E)(1) of the Land Development Regulations (LDRs) states that, “in determining whether to approve a proposed text amendment to the Land Development Regulations, the City Commission shall find that an application is consistent with the following standards.” These standards are listed below, followed by Staff’s evaluation.

- (a) ***Consistent with Comprehensive Plan*** – *Whether and the extent to which the proposed amendment is consistent with the Comprehensive Plan.*

Evaluation & Findings: This amendment does not conflict with any Goals, Objectives, or Policies of the Comprehensive Plan. The amendment would further implement the following Goals, Objectives and Policies: Goal 5, Objective 5.1, Policy 5.1.c, of the Future Land Use Element; Policy 1.12.e – f, Conservation & Open Space Element.

- (b) ***Consistent with Ordinances*** – *Whether the proposed amendment is in conflict with any provision of these LDRs or the City Code of Ordinances.*

Evaluation & Findings: This amendment does not conflict with any provisions of the LDRs or the City Code of Ordinances.

- (c) ***Changed Conditions*** – *Whether and the extent to which there are changed conditions that require an amendment.*

Evaluation & Findings: The Florida Department of Emergency Management (FDEM) has developed a model floodplain ordinance for use by local governments to ensure that local floodplain management regulations are consistent with and coordinated with the requirements of the *Florida Building Code* (FBC). The FBC governs only the design of buildings, while site requirements are generally addressed within local municipal codes. This creates a potential for conflict between building requirements and local floodplain management regulations.

FDEM and the Federal Emergency Management Agency (FEMA) have worked together to develop the FDEM model floodplain ordinance, which has been recognized by FEMA as meeting the requirements of the National Flood Insurance Program (NFIP). As such, adoption of regulations implementing the FDEM model ordinance ensures the City remains compliant with NFIP requirements.

- (d) ***Community Need*** – *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

Evaluation & Findings: The amendment would address community need by ensuring the City's floodplain management regulations encourage and require development practices that reduce the potential for damage to buildings and structures within the City that could be caused by flooding. In addition, the adoption of the proposed amendments, based upon the FDEM model floodplain ordinance, ensure that the City's floodplain management regulations remain compliant with NFIP requirements.

- (e) ***Compatible with Surrounding Uses*** – *Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zone districts in these LDRs, or will improve compatibility among uses and will ensure efficient development within the City.*

Evaluation & Findings: The amendment would ensure the City's floodplain management regulations encourage and require development practices that reduce the potential for damage to buildings and structures within the City that could be caused by flooding, thereby ensuring efficient development within the City and mitigating potential losses to buildings and structures due to flooding.

- (f) ***Development Patterns*** – *Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.*

Evaluation & Findings: The amendment would ensure that development patterns mitigate potential losses to buildings and structures due to flooding, and would further Comprehensive Plan policies that guide development to be located outside of flood hazard areas when such alternatives exist. When no such alternative exists, the proposed amendment would ensure that buildings and structures are designed and elevated to reduce potential impacts to the building / structure that could be caused by flooding.

- (g) ***Effect on Natural Environment*** – *Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

Evaluation & Findings: The amendment would further support the protection and functioning of the natural environment by requiring development to address potential impacts that could be caused by flooding, and would further support the continued natural functioning of flood hazard areas.

- (h) ***Public Facilities*** – *Whether and the extent to which the proposed amendment would result in development that is adequately served by public facilities (roads, potable water, sewage, storm water management, parks, and solid wastes).*

Evaluation & Findings: The amendment would have no impact to the provision of public facilities.

EXHIBIT “A”
TO
LAND DEVELOPMENT REGULATIONS (LDR) TEXT AMENDMENT
FLOODPLAIN MANAGEMENT REGULATIONS
STAFF REPORT

SUPPORTING APPLICATION MATERIALS
SUBMITTED BY CITY STAFF TO THE
PLANNING AND ZONING BOARD