



MEMO

DATE: March 2, 2018

FROM: Patrick R. Zenner, Development Services Manager

Re: Case # 18-83 - Text Change (Unified Development Code Section 29-5.1(b))

At the February 22, 2018 work session, the Planning and Zoning Commissioner discussed proposed revisions to Section 29-5.1(b) of the Unified Development Code (UDC) as they related to development restrictions within areas identified as “sensitive features” or within the FP-Overlay (FP-O) district. The discussion and revisions were prepared following the Commission’s January 22, 2018 work session at which the Commission was made fully aware of language within Section 29-1.6 of the UDC that permits development in these areas when such development meets the requirements of the FP-O district (Section 29-2.3(d)) of the UDC. Concerns were expressed that the conflict needed correction to ensure that UDC’s provisions were being properly administered.

The attached amendment proposes to eliminate the conflict between Sections 29-5.1(b) and Section 29-1.6 regarding the designation of the floodplain, specifically flood fringe areas, as a sensitive feature that is restricted from all development. Furthermore, the attached amendment proposes standards that would incentivize property owners/land developers to avoid development within such areas in efforts to maintain the original spirit of the protections proposed within Section 29-5.1(b) at the time the UDC was adopted. Protection of the flood fringe is believed to be appropriate and can benefit the general public; however, such protections must be balanced given the existing FP-Overlay standards and their acceptance by FEMA for the purposes of the City’s participation within the Flood Insurance Program.

It should be noted that the proposed amendment will not eliminate the existing exemption for development within areas identified within the FP-Overlay as afforded by Section 29-1.6. The proposed text will **encourage** property owners/developers to avoid floodplain development. This text is in direct response to the Commission’s work session discussion. If the Commission finds the proposed amendment acceptable a public hearing would need to be held to amend the UDC. For the purposes of efficiency staff recommends such hearing be held as part of a more inclusive set of proposed amendments to the UDC. However, if the Commission desires a separate hearing focused on this single amendment staff can prepare the appropriate notice.

On March 8, the Planning and Zoning Commission will receive public comments during its regular meeting. Based upon public comment, the Commission may direct staff to make revisions to the current draft amendment language. This item is tentatively scheduled for a public hearing at the Planning Commission’s March 22, 2018 meeting. If a recommendation is made on March 22, the requested amendment will be forwarded for Council introduction on April 16 and final reading on May 7.