



**CITY OF DERBY
MEETING OF THE PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 2, 2017
6:30 P.M.**

1. **CALL MEETING TO ORDER**
2. **ROLL CALL**
3. **CONSIDERATION OF MINUTES**
 3. A. **Regular meeting minutes of January 19, 2017**
 - Approve the regular meeting minutes of January 19, 2017, as presented.
4. **PUBLIC FORUM**
5. **NEW BUSINESS**
 5. A. **Amend Zoning Regulations: Floodplain District**
 - Adopt the recommended amendments to the text of the zoning regulations as presented, and forward a recommendation of approval to the City Council.
6. **ANNOUNCEMENTS**
7. **ADJOURNMENT**

Planning Commission Meeting

3.A.

Meeting Date: 02/02/2017

Submitted By: Everett Haynes, Assistant City Planner

Subject:

Regular meeting minutes of January 19, 2017

Recommend a Motion to:

- Approve the regular meeting minutes of January 19, 2017, as presented.
-

Attachments

Meeting minutes of January 19, 2017

Planning Commission Meeting

5.A.

Meeting Date: 02/02/2017

Submitted By: Cody Bird, City Planner

Agenda Category: New Business

Subject:

Amend Zoning Regulations: Floodplain District

Background Information:

- The City recently updated its floodplain regulations and adopted an ordinance to incorporate the updated regulations into the City's Municipal Code.
 - The Federal Emergency Management Agency (FEMA) creates and maintains Flood Insurance Rate Maps (FIRM) detailing official floodplain areas within a community. The maps are periodically updated using modern mapping and modeling technology to more accurately reflect the flood risks for properties subject to flooding. A new FIRM covering Derby took effect December 22, 2016.
 - In addition to adopting the new FIRM, the City is also required to adopt updates and additions to the City's floodplain regulations in order to meet the minimum standards required by federal and state law.
 - Failure to adopt regulations consistent with current FEMA requirements would have resulted in the City's removal from the National Flood Insurance Program, which would result in residents no longer having access to flood insurance.
- Evaluation of the City's existing regulations revealed that the FP Floodplain District met many of the substantive requirements, but other areas required additions, updates or clarification to meet the current requirements.
 - The regulations are required to provide for the appointment of a Floodplain Administrator who is tasked with administration and enforcement of the floodplain regulations. Under the existing zoning regulations, this would have been the responsibility of the Zoning Administrator. Because the City has a Floodplain Manager to fill this role, modifications to the zoning regulations are needed to reflect the Floodplain Administrator's responsibilities.
 - It is also required that a board be established to hear and decide appeals and variances of the floodplain regulations. The City already has a Board of Zoning Appeals (BZA) that can fulfill this obligation. Both the new Floodplain Management Code and the Zoning Regulations should appropriately reflect the Board's role in presiding over cases involving floodplain regulations.
 - The existing zoning regulation includes standards for review of requests for land uses and development within floodplains. The standards included in the current zoning regulations are inconsistent with FEMA's current requirements for floodplain regulations, and are proposed to be removed.
- Several of the requirements for floodplain regulation are not related to zoning. It is

desirable to keep all of the floodplain regulations in one regulatory document. As a result, the City decided to adopt the new Floodplain Management Code into the City Municipal Code.

- Because the new regulations were included in the Municipal Code, it is necessary to amend the existing zoning regulations to reference the new chapter of the Municipal Code, and to remove any duplicative or contradictory language.
- Proposed amendments to the text of the zoning regulations requires a public hearing:
 - Notice of the required public hearing was published in the *Derby Informer* on January 11, 2017.
 - Because the proposed amendments to the zoning regulations are general in nature and do not affect specific properties, notices are not mailed to individual property owners.

Staff Comments:

- Proposed amendments to the zoning regulations are intended to remove all text and language that duplicates or conflicts with the floodplain management regulations adopted into the City's Municipal Code. The zoning amendments are proposed to adopt the new Chapter 17.08 "Floodplain Management" of the Municipal Code by reference. All other sections with references to floodplain regulations are updated to reflect the provisions incorporated into the Municipal Code.
- A summary of proposed zoning amendments is as follows:
 - Article 3, Section 303 "Miscellaneous Requirements"
 - Subsection 303.L is updated to reflect that floodplain regulations have been moved to the Municipal Code and references Chapter 17.08.
 - Subsection 303.N is updated to reflect that moving manufactured homes and mobile homes proposed to be located within a floodplain require both zoning approval and a floodplain permit. Floodplain permit provisions are referenced in the Municipal Code.
 - Article 4, Section 416 "F-P Floodplain District"
 - The F-P Floodplain District currently provides for the establishment of the floodplain boundaries by incorporating the FEMA Flood Insurance Rate Map (FIRM). The district also includes regulatory provisions for the administration and enforcement of development and land use in floodplain areas, and places the responsibility of enforcement on the Zoning Administrator.
 - When FEMA updates the FIRMs periodically, the City is required to incorporate the new boundaries. Federal requirements also include mandatory provisions for regulation of floodplains. The current zoning regulations of the F-P District do not adequately cover all of the mandatory floodplain provisions.
 - When the City updated and adopted the new Floodplain Management Code as a chapter in the City Municipal Code, the new FIRM map and the mandatory regulations were incorporated, including the appointment of a Floodplain Administrator to enforce the provisions.

- The proposed amendments remove all regulations conflicting with the recently adopted Floodplain Management Code, and incorporates the floodplain regulations, including the new FIRM map, by reference.
- Article 9, Section 901 "Zoning Permits and Occupancy Certificates"
 - Subsection 901.A.3 is updated to identify that grading or excavating within a designated floodplain does not require a zoning permit, but does require a floodplain permit.
- Article 9, Section 903 "Violations"
 - Subsection 903.C is proposed to be removed. Violations of the floodplain regulations has been updated and is now contained in the Municipal Code. Removing this subsection prevents conflicting regulations.
- Article 10, Section 1002 "Appeals" (by the Board of Zoning Appeals)
 - The Floodplain Management Code establishes the Board of Zoning Appeals as the board to hear appeals brought by any person affected by decisions of the Floodplain Administrator made in the enforcement or administration of the floodplain regulations.
 - A reference to state statute is also updated for legal clarity.
- Article 10, Section 1003 "Variances" (by the Board of Zoning Appeals)
 - The Floodplain Management Code also establishes the Board of Zoning Appeals as the board to hear and decide requests for variances from the floodplain management regulations. The section is proposed to be updated to include this responsibility.
 - Subsection 1003.A includes a new bullet #5 which references additional data or information that is required to be provided when submitting an application for a variance from the floodplain regulations.
 - Subsection 1003.C is proposed to be divided into two parts to reflect standards of review for 1) variances from the zoning regulations, and 2) variances from the Floodplain Management Code.
 - Subsection 1003.D is updated to reflect that the Board of Zoning Appeals is authorized to require conditions of approval which support the purpose of the Floodplain Management Code when hearing and deciding on variances of the floodplain regulations.

Recommend a Motion to:

- Adopt the recommended amendments to the text of the zoning regulations as presented, and forward a recommendation of approval to the City Council.

Attachments

Proposed Amendments
Floodplain Management Code
