

# BOARD OF ALDERMEN

ITEM NO. A(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: January 9, 2006

**TITLE: Decision on Draft Ordinance Amending the Carrboro Land Use Ordinance Provisions Dealing with Flood Damage Prevention**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES _ NO X</b>
<b>ATTACHMENTS:</b> <ul style="list-style-type: none"><li><b>A. Resolution supporting adoption</b></li><li><b>B. Resolution supporting denial</b></li><li><b>C. Draft ordinance</b></li><li><b>D. Article XVI, Part I</b></li><li><b>E. Comments and recommendations</b></li></ul>	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – 918-7327 Michael Brough – 929-3905

### PURPOSE

Mapping of area regulatory floodplains has been recently updated and federal rules dealing with floodway and floodplain management have been revised. A draft ordinance amending the Carrboro Land Use Ordinance flood damage prevention provisions has been prepared. The Board of Aldermen held a public hearing on the ordinance on November 28, 2006, delaying action until comments were received from the Floodplain Management Branch of the North Carolina Department of Emergency Management.

### INFORMATION

Carrboro has been a participant in the federal flood insurance program since 1978, seeking through this participation to ensure that life and property were protected through regulations and that residents are given the opportunity for assistance if damage occurs as a result of a natural disaster. These efforts have been fairly successful. Since 1978, less than \$10,000 in claims for flood damage has been filed by property owners in town.

A multi-year, multi-agency effort to update local floodway and floodplain information was completed in 2005 and new maps have been prepared. The mapping effort refined local information on floodplain locations through more detailed data collection, incorporated map amendments that had been approved over the years, and, at the request of the town, captured more upstream areas of local creeks.

Federal flood regulations have been modified and a state model ordinance prepared as part of the expanded state-level role in floodplain regulations. The structure of the model ordinance differs fairly substantially from the manner in which the Land Use Ordinance currently covers flood plain regulations. The differences have necessitated a complete rewrite of the Town's regulations. Aside from the additional definitions and modified procedural requirements that are inspired by the state's model ordinance, there are two principle changes to floodplain provisions. First, the ordinance requires the two-foot elevation of structures on lots with special flood hazards areas, compared to

the one-foot elevation of structures within the floodplain. Second, the ordinance requires certification of elevation for building on lots where special flood hazard areas are present. Copies of the draft ordinance and existing regulations are attached (*Attachments C and D*).

It should be noted that one provision that was included in the version of the draft ordinance transmitted to the Board of Aldermen on November 14<sup>th</sup> has been removed from this version. The noted provision deals with the establishment of locally-designated special flood hazard areas. Staff has determined that this provision needs additional work before it is ready for adoption. The provision has no effect on the compliance of the Town's floodplain regulations with state and federal requirements. Staff expects to bring the completed version of this provision back for the Board's consideration in conjunction with the review of stream buffer provisions sometime in 2007.

Adoption of the ordinance is needed before February 2, 2007 in order for the Town to continue to be considered in compliance with state and federal regulations pertaining to flood damage prevention. The draft ordinance was referred to Orange County and advisory boards for comments; recommendations from the Planning Board and Environmental Advisory Board are attached (*Attachment E*). The Board of Aldermen delayed acting on the draft ordinance on November 28<sup>th</sup>, pending the receipt of comments from staff of the Floodplain Management Branch. These comments are still outstanding.

#### **FISCAL IMPACT**

None identified

#### **STAFF RECOMMENDATION**

The staff recommends that the Board of Aldermen adopt both the resolution supporting adoption of the draft ordinance and the draft ordinance amending provisions pertaining to flood damage prevention.