

## **Board of County Commissioners**

### **Agenda Request**

Date of Meeting: March 17, 2009

Date Submitted: February 27, 2009

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Lindsay Stevens, Assistant County Administrator  
Luther E. Council, Jr., Building Official

Subject: Request Board Approval to Conduct a Public Hearing to Consider Adopting Text Changes to Ordinance 06-28 Which Establishes and Amends Flood Hazard Areas in Certain Specific Subdivisions, Establishes Building Elevations in Specific Flood Hazard Areas and Regulates Fill in Specific Flood Hazard Areas

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#### **Statement of Issue:**

This agenda item requests Board approval to conduct a Public Hearing to consider adopting the proposed language changes to Ordinance 06-28, which established basin specific flood hazard areas within the County and set forth standards for all new construction within specific subdivisions (Attachment #1).

#### **Background:**

Over the years, the Wakulla County Board of County Commissioners has been faced with flooding issues within Wakulla Gardens and other subdivisions, such as Greiner's Addition and Magnolia Gardens, within the County (collectively referred to as the "Historic subdivisions"). These Historic Subdivisions were mostly platted during the late 1950's and 1960's and did not include comprehensive infrastructure improvements. In 2006, the Board approved Ordinance 06-28, which attempted to provide a stop-gap measure to address some of the flooding issues within these Historic Subdivisions.

A comprehensive stormwater study has not been conducted for the County or for the Historic Subdivisions, which had been anticipated by Ordinance 06-28. While stormwater studies are needed in order to develop a meaningful stormwater plan, the County is faced with the immediate concern that Wakulla Gardens and the other Historic Subdivisions are presently one of the fastest developing areas in our County, even during the current decline in the real estate market.

Agenda Request: Request Board Approval to Conduct a Public Hearing to Consider Adopting Text Changes to Ordinance 06-28 Which Establishes and Amends Flood Hazard Areas in Certain Specific Subdivisions, Establishes Building Elevations in Specific Flood Hazard Areas and Regulates Fill in Specific Flood Hazard Areas

March 17, 2009

Page 2

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In an effort to reflect the knowledge of local flooding issues within the Historic Subdivisions gained since enactment of Ordinance 06-28, staff was directed by the Board during late Fall 2008 to draft language amending Wakulla County Ordinance 06-28 to require all new home construction in certain specific subdivisions; (Wakulla Gardens, Magnolia Gardens, Greiner's Addition, Lake Ellen Terrace, Lake Ellen Proper, Lake Ellen Estates and Wakulla River Estates), to:

- (1) be constructed with stem wall foundations unless an alternate foundation is approved by the Director of Planning and Community Development or their Designee;
- (2) require all finished floors be located not less than 24 inches above the average crown of the facing road, as defined by the proposed language changes contained in the amended ordinance;
- (3) require all finished floors of homes constructed within floodplains identified by the Federal Emergency Management Agency (FEMA), to be constructed to the FEMA and Florida Building Code standards for constructing within floodplains or located no less than 24 inches above the average crown of the facing road, whichever is most restrictive.

**Analysis:**

The proposed amended Wakulla County Ordinance 06-28 includes a new definition for "average crown of the facing road." Additionally, the proposed text change requires stem wall foundations or alternate approved foundations, for all new construction with a minimum finished floor elevation of 24 inches above the average crown of the facing road. The proposed changes were determined by staff to be appropriate, after consulting with and considering the views of several contractors who work in the Historic Neighborhoods. It is the position of the Building Official that amending this Ordinance to include these revised standards is necessary to avoid a "canyon-effect" of new homes being constructed at higher elevations on small lots.

Staff also included revisions providing for the possibility of constructing monolithic foundations in lieu of stem wall foundations in areas of higher ground elevations. These foundations must meet the requirements of the most recent versions of the flood insurance rate maps (FIRM) promulgated by FEMA in areas designated as "A" or "B" zones on such maps, with certain design criteria approved by the Director of Planning and Community Development or their Designee. This allowance for monolithic foundations in lieu of a stem wall foundation construction would be made on a case-by-case basis. Additionally, the proposed Ordinance revisions define penalties for repeat offenders of this Ordinance. The proposed revisions increase the violations from a 2<sup>nd</sup> degree misdemeanor to a 3<sup>rd</sup> degree felony for additional violations.

Agenda Request: Request Board Approval to Conduct a Public Hearing to Consider Adopting Text Changes to Ordinance 06-28 Which Establishes and Amends Flood Hazard Areas in Certain Specific Subdivisions, Establishes Building Elevations in Specific Flood Hazard Areas and Regulates Fill in Specific Flood Hazard Areas  
February 3, 2009  
Page 3

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In sum, the proposed amendments to Ordinance 06-28 will place more stringent requirements for all new construction within the identified subdivisions of Wakulla Gardens, Magnolia Gardens, Greiner's Addition, Lake Ellen Terrace, Lake Ellen Proper, Lake Ellen Estates and Wakulla River Estates. It is anticipated that the proposed text amendments, in concert with stormwater planning in the near future, will improve the quality of life in the identified neighborhoods.

**Options:**

1. Conduct a Public Hearing and adopt the proposed amendments to Ordinance 06-28 which establishes and amends flood hazard areas in certain specific subdivisions, establishes building elevations in specific flood hazard areas and regulates fill in specific flood hazard areas.
2. Conduct a Public Hearing and do not adopt the proposed amendments to Ordinance 06-28 which establishes and amends flood hazard areas in certain specific subdivisions, establishes building elevations in specific flood hazard areas and regulates fill in specific flood hazard areas.
3. Board Direction.

**Recommendation:**

Option #1

**Attachments**

1. Draft of Amended Ordinance 06-28
2. Proposed Amended Ordinance 06-28 incorporating all revisions, adds, & strikes as in Attachment #1.