PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

Stephanie Rawlings-Blake
Mayor

Thomas J. Stosur
Director

STAFF REPORT

February 6, 2014

REQUEST:

City Council Bill #14-0303/Floodplain Management Code - Revision
This bill adopts new regulated flood boundaries, as identified by FEMA for the 500-year tidal zone, updates language in the current floodplain code to meet most recent standards for flood protection, re-organizes code language and references to increase efficiency of compliance, includes new requirements that maximize public health, safety and welfare increasing Baltimore's resilience to future sea-level rise and reducing flood insurance rates.

City Council Bill #14-0304/Floodplain Management Code – Cross-References and Corrections
This bill updates relevant cross references to other sections of City Code, including zoning code flood districts.

RECOMMENDATION:

City Council Bill #14-0303: Approval
City Council Bill #14-0304: Approval

STAFF: Beth Strommen

PETITIONER: The Administration (Department of Planning)

GENERAL AREA: The areas addressed by this legislation are identified on the National Flood Insurance Rate Maps as areas subject to tidal flooding.

HISTORY

- Ordinance #88-188, approved November 22, 1988, approved the Flood Insurance Rate Map/Flood Insurance Study and floodplain management regulations codified in the Natural Resource Code Article 7 and in the Zoning Code.
- Ordinance # 92-134, approved November 18, 1992, amending language in the Natural Resource Code and in the Zoning Code as pertaining to floodplain management.
- Ordinance #11-516, approved October 26, 2011, amending language in the Natural Resource Code and in the Zoning Code as pertaining to floodplain management.

CONFORMITY TO PLANS

These Bills also are consistent with the adopted 2012 Disaster Preparedness and Planning Project (DP3) - *All Hazard Mitigation Plan,* now part of City comprehensive Plan.

BACKGROUND

In response to the lack of affordable flood insurance, the U.S. Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968. Federal Emergency Management Administration (FEMA) is responsible for the administration of the NFIP. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. The NFIP consists of 3 major areas: 1) Flood Insurance Study and maps; 2) Insurance; and 3) floodplain management/development requirements in identified flood hazard areas.

Since the 1970's, the City of Baltimore has been a continuous, participating member of the NFIP. FEMA, at the direction and funding from Congress, has restudied Baltimore's tidal and non-tidal flood maps to update them using new evaluation technologies and changing conditions. To continue in good standing with the program, the City is required to adopt the updated maps and ensure regulations meet minimum requirements. Failure to adopt the maps by April 2, 2014 will cause the City of Baltimore to lose access to the National Flood Insurance Program and associated disaster relief funds.

ANALYSIS

City Council Bill #'s 14-0303 and 14-0304 accomplishes four actions: 1) Adoption of the new Flood Insurance Rate Map; 2) Adoption the updated Flood Insurance Study; 3) Modification of regulatory language governing floodplain development, and 4) Alignment of floodplain development code with other adopted Baltimore City development codes.

Adoption of these bills will ensure the City of Baltimore's continued eligibility within the National Flood Insurance Program (NFIP). The NFIP provides the maps and regulatory basis for local floodplain management. It is also the primary source of insurance protection for flood-prone properties.

The new flood hazard maps and data will be beneficial in the following ways:

- Community Planners and local officials will have a better understanding of the flood hazards and risks that affect their community and can consequently improve local planning activities.
- Builders and developers will have access to more detailed information for making decisions on where to build and how construction can affect local flood hazard areas.
- Insurance agents, insurance companies, real estate agents and lending institutions will have easy online access to updates and upcoming changes, allowing them to serve their customers and community more effectively.

- Home and business owners will be able to make better financial decisions about protecting their properties.
- By adopting more stringent standards than the minimum set by FEMA, Baltimore will be taking steps to reduce Flood Insurance Premiums for our citizens.
- By regulating development in both the 100 year and 500 year designated floodplains, Baltimore will be building our resilience to sea level rise.

In addition to the map changes, these bills update the floodplain development code and align it with other City development Codes. These updates clarify regulations, construction requirements and administrative procedures. This text update will provide a clearer, more predictable process for development within the floodplain and it will align with Federal and State regulations.

OUTREACH AND NOTIFICATION

The outreach for the new coastal floodplain study/maps was done in conjunction with the federally required adoption by the Planning Commission on October 3, 2013, of the 2013 Disaster Preparedness and Planning Project (DP3) - *All Hazard Mitigation Plan.* The Department held two open houses notifying, either by digital or postal mail, all community associations, Planning Commission mailing list, all residents and property owners within the current coastal floodplain and various neighborhood newsletters also included the open house information. An additional public informational meeting was held February 4, 2014

Notification for the February 4th meeting, Planning Commission and City Council hearings was accomplished with one mailer to the property owners impacted by the proposed legislation. These mailers sent to 2,806 property owners explained on how their property's flood zone designation was changing.

Thomas J. Stosur,
Director