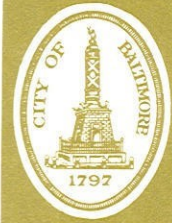


FROM	NAME & TITLE	TJS THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #09-0347/FLOODPLAIN MANAGEMENT-DEVELOPMENT REGULATIONS		

TO

DATE: June 25, 2009

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 N. Holliday Street

At its regular meeting of June 25, 2009 the Planning Commission considered City Council Bill #09-0347, for the purpose of authorizing a limited exception to the prohibition against private development in certain areas; conforming, correcting, and clarifying related provisions; and generally relating to floodplain management.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommends amendments and approval of City Council Bill #09-0347 and adopted the following resolution, seven members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #09-0347 be passed by the City Council.

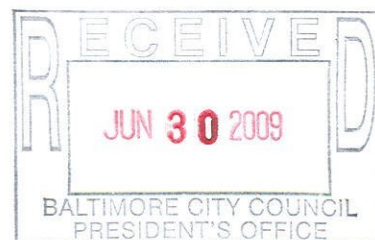
If you have questions, please contact Mr. Wolde Ararsa, Division Chief of Land Use and Urban Design at 410-396-4488.

TJS/WYA/ttl

Attachments

cc:

- Mr. Andrew Frank, Deputy Mayor
- Mr. Demuane Milliard, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. for Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veal, Zoning Enforcement, DHCD
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Green, Council services



RIA



Sheila Dixon
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

June 25, 2009

REQUEST: City Council Bill #09-0347/ Floodplain Management – Development Regulations

For the purpose of authorizing a limited exception to the proscription against private development in certain areas; conforming, correcting, and clarifying related provisions; and generally relating to floodplain management.

RECOMMENDATION: Amend and Approve:

- For the purpose of authorizing a limited exception to the [proscription] PROHIBITION against private development...
- §3-28(a)(1)(ii) if they can be brought into conformance with this Division I without increasing the footprint of the existing structure, UNLESS THE EFFECT OF ANY INCREASE IS FULLY OFFSET, AS PROVIDED IN §3-23 ABOVE.
- §3-28(b)(2) [Where] IF replacement structures cannot be relocated, they [shall] MUST be limited to the footprint of the previous structure, UNLESS THE EFFECT OF ANY INCREASE IS FULLY OFFSET, AS PROVIDED IN §3-23 ABOVE.

STAFF: Kenneth Hranicky

PETITIONER(s): Administration (Planning Department).

SITE/GENERAL AREA

General Area: The proposed legislation would affect the Camden Carroll Urban Renewal Area as modified in 2008. The area is primarily industrial to include warehousing.

HISTORY

- Ordinance No.02-296, approved by the Mayor and City Council on March 6, 2002, established the Carroll Camden Urban Renewal Plan.
- Middle Branch Master Plan approved by the Planning Commission on September 20, 2007.
- Ordinance No. 07-548 approved by the Mayor and City Council on November 26, 2007, amended the boundary to remove the Westport waterfront from the Urban Renewal Plan.
- City Council Bill 09-0329 providing the latest amendment to the Carroll Camden Urban Renewal Plan was approved by the Mayor and City Council April 24, 2008.

CONFORMITY TO PLANS

This project is consistent with the Comprehensive Master Plan's EARN section, Goal One: Strengthen Identified Growth Sectors, Objective One: Retain and Attract Businesses in all Growth Sectors.

ANALYSIS

The City of Baltimore is a participating community in the National Flood Insurance Program (NFIP). To be a participating member of the NFIP the City must manage development within the regulated floodplain as identified on the Flood Insurance Rate Maps (FIRM) or with the best available information. The floodplain regulations adopted by the City must meet a federal and state minimum threshold for safety but can be stricter or more prohibitive.

Over the last two years the City has been working with the Federal Emergency Management Administration, who oversees the NFIP, to both update and modernize our floodplain maps. It came to light during this process that the new floodway for the lower Gwynns Falls has greatly expanded. The old FIRMs did not include any private property in the lower Gwynns Falls area and covered a minimal amount of land area. The new delineated floodway covers 95 acres, has 34 properties that have an assessed value of approximately \$46,148,100.

Currently City floodway regulations are more prohibitive than state and federal requirements for development within the floodplain. The City regulations prohibit any private development within the floodway. Federal and state requirements allow development if it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development (fill, substantial improvement, new structure) would not result in any increase in flood levels with the community during the occurrence of the base flood discharge.

It is the intent of the legislation to allow developers to attempt to meet the requirements of floodway development. The proposed legislation will not compromise our participation in the NFIP. Any development proposals will still have to meet the state and federal requirements for development.

Staff notified the council members of the 9th and 10th districts, Baltimore Development Corporation, Maryland Department of Environment – Waterways Division (responsible for oversight of NFIP compliance), Department of Housing, and Department of Real Estate.



Thomas J. Stosur
Director