



Legislation Text

File #: 09-0347, **Version:** 0

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Planning Department)

A BILL ENTITLED

AN ORDINANCE concerning
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.

BY repealing and reordaining, with amendments

Article 7 - Natural Resources
Section(s) 3-21 through 3-30
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 7. Natural Resources

Division I. Floodplain Management

Subtitle 3. Development Regulations

Part 3. Floodway Regulations

§ 3-21. In general.

In the Floodway (F1), the following regulations [shall] apply.

§ 3-22. Private development [prohibited] RESTRICTED.

(A) IN GENERAL.

[Private] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, PRIVATE development, including residential, commercial, and industrial development, [shall be] IS prohibited.

(B) EXCEPTION.

THIS SECTION DOES NOT APPLY TO PRIVATE DEVELOPMENT THAT:

- (1) OTHERWISE MEETS ALL OF THE REQUIREMENTS OF THIS SUBTITLE; AND
- (2) IS LOCATED IN THE CARROLL CAMDEN URBAN RENEWAL PROJECT AREA, BEING THE RENEWAL AREA ESTABLISHED BY AND DESCRIBED IN ORDINANCE 02-296 AND AS MODIFIED BY ORDINANCE 07-548.

§ 3-23. [Public development requires offset] OFFSET REQUIREMENTS.

[Public] NO development [shall not be] IS permitted [except where] UNLESS:

- (1) the effect of [such] THAT development on flood heights is fully offset by accompanying [stream modification] FLOODWAY MODIFICATIONS; and
- (2) the development is approved by all appropriate local authorities, the Maryland Water [Resources] MANAGEMENT Administration, and the U. S. Army Corps of Engineers.

§ 3-24. Engineering report.

(a) Report required.

All proposals to offset the effect of development [in the floodway] by construction of [stream] FLOODWAY modifications [shall] MUST be documented by an engineering report THAT:

- (1) IS prepared by a registered professional engineer;
- (2) [which] fully evaluates the effects of [such] THAT construction; and
- (3) [which shall be] IS submitted with the application for a building permit.

(b) Basis.

The report [shall] MUST use the 100-year flood and floodway data [as] prepared by the Federal Emergency Management Agency [and adopted herein] as the basis of analysis.

§ 3-25. Compliance with Districtwide regulations.

[Any] ALL development [shall meet] MUST COMPLY the requirements of Part 2 of this subtitle

§ 3-26. Map revision.

(a) When required.

- (1) Any development [in the floodway which may] THAT MIGHT result in [any] AN increase in water surface elevations or IN A change to the floodway must be submitted to the Federal Emergency Management Agency for a conditional letter of map revision.
- (2) Failure to [receive] OBTAIN this letter [shall be] IS grounds for denial of the permit.

(b) Required submissions.

[Hydrologic] THE APPLICANT MUST SUBMIT HYDROLOGIC and hydraulic analyses THAT ARE:

- (1) based on existing floodway models; [and]
- (2) performed in accordance with standard engineering practices; and
- (3) certified by a registered professional engineer [must be submitted].

§ 3-27. Alternative analysis.

(a) Required for permit.

[An] BEFORE A PERMIT MAY BE ISSUED FOR ANY DEVELOPMENT IN THE FLOODWAY, THE APPLICANT MUST SUBMIT AN alternative analysis [must be prepared for any development in the floodway before a permit may be issued] TO THE DEPARTMENT OF PLANNING.

(b) Scope of analysis.

[Before a permit may be issued, the appropriate agency shall submit an] THE alternative analysis [to the Department of Planning which demonstrates] MUST DEMONSTRATE that:

- (1) no reasonable alternative exists outside the floodway;
- (2) encroachment in the floodway is the minimum necessary;
- (3) the development will withstand the 100year flood without significant damage; and
- (4) the development will not increase downstream or upstream flooding or erosion[, or] NOR significantly contribute to debris.

§ 3-28. Changes to existing structures.

(a) Substantial improvements.

- (1) Existing structures in the floodway [shall] MAY be substantially improved only:

- (i) by variance; and

 - (ii) if they can be brought into conformance with this Division I without increasing the footprint of the existing structure.
- (2) Substantial improvement of a nonconforming structure [and/or] OR development, regardless of location, [shall] MAY be undertaken only in compliance with [the provisions of] this Division I and any other applicable law.
- (b) Substantial damage or replacement.
- (1) In the event of substantial damage or replacement, the [appropriate agency] OWNER OR DEVELOPER [shall] MUST submit an alternative analysis to determine if the structure can be relocated to a less hazardous site.
- (2) [Where] IF replacement structures cannot be relocated, they [shall] MUST be limited to the footprint of the previous structure.
- (c) Minor additions.
- (1) Minor additions (less than substantial) must be elevated to the flood protection elevation on pilings or columns.
- (2) Permits for incremental improvements and additions [shall] MUST be tracked by the local permitting official[.]. [and if] IF cumulative improvements constitute substantial improvement, no further permits may be issued unless the structure conforms to [the provisions of] this Division I.

- (d) Elevation or floodproofing.

The modification, alteration, repair, reconstruction, or improvement of any non-conforming structure [and/or] OR development amounting to less than 50% of its fair market value [shall] MUST be elevated [and/or] OR floodproofed to the greatest extent possible.

- (e) Nuisance to be eliminated.

Uses or THEIR adjuncts [thereof which] THAT are[,], or become[,], nuisances [shall not be] ARE NOT permitted to continue.

§ 3-29. Prohibited structures.

- (a) Manufactured homes or buildings.

The placement of any manufactured homes or buildings [shall be] IS prohibited.

- (b) Fences, enclosures, etc.

The following [shall] MAY not be placed or caused to be placed in the floodway:

- (1) fences, except 2-rail fences; and
- (2) any enclosures or materials (including fill):

- (I) [WHICH may] THAT MIGHT impede, retard, or change the direction of the flow of water[.]; [or]
- (II) that will catch or collect debris carried by [such] water[.]; or
- (III) that is placed where the natural flow of stream or flood waters would carry [the same] IT downstream, to the damage or detriment of public or private property in or adjacent to the floodplain.

§ 3-30. Use of data.

[The] IN ENFORCING THIS DIVISION I, THE Department of Planning [shall] MAY obtain, review, and reasonably [utilize] APPLY any 100-year flood elevation and floodway data available from a federal, state, or other source, such as the U. S. Army Corps of Engineers, the Soil Conservation Service, the Maryland Water [Resources] MANAGEMENT Administration, or any regional planning organization[, in the enforcement of this Division I].

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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