

Sample Outline for Intermunicipal Floodplain Overlay District (I-FOD)

Article I: Purpose & Intent

1. Flooding is the primary natural hazard in New York State, causing millions of dollars' worth of damage to homes and businesses each year. New York State is vulnerable to both inland and coastal flood hazards; although some regions are more susceptible to multiple flood events than others, there are no municipalities exempt from flooding.
2. The National Flood Insurance Program (NFIP) was created in 1968 by Congress to help people financially protect themselves from flooding. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates in the NFIP and enforces floodplain management regulations.
3. Even with thousands of communities participating in the NFIP, flood damages continue to rise.
4. No Adverse Impact (NAI) floodplain management is an approach developed by the Association of State Floodplain Managers (ASFPM) that ensures the action of any community or property owner—public or private—does not adversely impact the property and rights of others. For local governments, NAI floodplain management represents a more effective way to tackle flood problems.
5. Intermunicipal cooperation in comprehensive planning and land use regulation is recognized under New York General Municipal Law §119-u. Under §119-u 4., intermunicipal agreements can be used to (e) “create an intermunicipal overlay district for the purpose of protecting, enhancing, or developing community resources that encompass two or more municipalities.”
6. This law outlines a foundation by which a municipality can organize and coordinate with neighboring municipalities to address the effects of climate change, including storm surge, sea-level rise, and inland flooding, to avoid “downstream” adverse effects of one community on another by coordinating during the planning and development review process.
etc.

(Annotations)

Article II: Definitions

1. Floodplain
2. Impermanent Stream
3. Permanent Stream
4. Special Flood Hazard Areas (SFHA)
etc.

(Annotations)

Article III: Applicability / District Standards

1. Delineation of FOD boundaries
 - a. Regulated activities within 25 feet of a seasonal stream or 50 feet of a permanent stream.
 - b. Horizontal distance from the mean low water line.
etc.
2. Official maps.
 - a. Can official maps be displayed as GIS interactive maps?

(Annotations) U.S. Geological Survey topographical maps will be used to classify impermanent and permanent streams. Impermanent, also known as "seasonal," streams require a minimum of 25 feet of setback on each side of the stream, extending from the stream bank toward the uplands. Permanent streams are required to have a minimum 50 feet of buffer on each side of the stream, extending from the stream bank toward the upland (e.g. Town of Ulysses, New York).

Article IV: Actions for Referral

1. Regulated Activities

- a. Construction activities involving soil disturbances of one (1) or more acres; including disturbances of less than one acre that are part of a larger common plan of development or sale that will ultimately disturb one or more acres of land (*e.g., SPDES General Permit for Stormwater Discharges from Construction Activity*).
- b. Approval of site plans.
- c. Approval of subdivisions (*e.g., minor and/or major*).

(Annotations)

Article V: Referral Process

1. Applications. All materials required by and submitted to the local board as an application. All referrals must include Cover Sheet, which should be filled out by the municipality.
2. Authorization. Referrals are assigned to Planning Board Chair and/or Code Enforcement Officer.
3. Time limits. The municipality is allowed the following timeframes to review and reply after receipt of a full statement:
 - a minimum of thirty (30) days, and
 - a maximum of up to two (2) days prior to a regularly scheduled meeting during which the board will be taking action (i.e. voting) on the project
4. Factors for consideration. Review letters can include advisory comments, which are meant to provide helpful insights or suggestions:
 - Damage prevention and flood minimization
 - Drainage and watershed

(Annotations) Similar to General Municipal Law §239.

Article VI: Severability

Article VII: Appeals