



Community Development Department

DATE: May 28, 2024

FROM: Ben Ehreth, Community Development Director

ITEM: Flood Insurance Rate Map (FIRM) Zoning Ordinance Text Amendment

REQUEST:

Receive information relating to a special meeting to amend section 14-04-19 of the City Code of Ordinances (FP – Floodplain) relating to the Flood Insurance Rate Map (FIRM) effective date and requirements for manufactured home parks, enclosures, and substantial improvements – Zoning Ordinance Text Amendment.

BACKGROUND INFORMATION:

The purpose of this request is to provide information about a special meeting of the Bismarck City Commission on June 6, 2024, at 5:00 PM in the Tom Baker Room, City/County Building, 221 North 5th Street, to consider the request of the City of Bismarck for a zoning ordinance text amendment to amend section 14-04-19 of the City Code of Ordinances relating to the Flood Insurance Rate Map (FIRM) effective date, elevation requirements for manufactured home parks, and specific criteria for enclosures and substantial improvements. The purpose of the special meeting is to ensure that required public notifications are met prior to a public hearing on the item.

The proposed amendments would add additional definitions to avoid misinterpretation and clarify requirements, reduce the freeboard or elevation requirement for Pre-FIRM manufactured home parks or subdivisions from two feet above the Base Flood Elevation (BFE) to one foot above the BFE, and change the effective date of the Flood Insurance Rate Map (FIRM) to June 6, 2024. The FIRM is an official map of a community on which FEMA determines base flood elevation, flood zones, and floodplain boundaries.

The public hearing was initially requested for May 28, 2024, however, it was discovered that legal notice was not provided to the Bismarck Tribune for the required publication. North Dakota Century Code 40-47-04 requires, “no regulation, restriction, or boundary may become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing must be published once a week for two successive weeks before the time set for the hearing in the official newspaper of the city.”

By the time it was discovered the legal notice had not been sent to the Bismarck Tribune, there was insufficient time to submit the appropriate legal notice to the Bismarck Tribune given the Bismarck Tribune’s lead times for publication of such notices.

Additionally, the final date to adopt the new Flood Plain is June 6, 2024. In an effort to meet both the required notice periods for publication and the June 6, 2024, adoption deadline, a Special Meeting of the City Commission has become necessary.

Staff will present the proposed zoning ordinance text amendment which, among other changes, acknowledges the most recent FIRM with an adoption date of June 6, 2024.

RECOMMENDED CITY COMMISSION ACTION:

This memo is provided for informational purposes only.

STAFF CONTACT INFORMATION:

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ATTACHMENTS:

None