

GEORGETOWN CLIMATE CENTER

Local Ordinances for Climate Adaptation & Mitigation | Oct. 2025



Local Ordinances to Exceed Minimum Floodplain Standards

Potential for implementation in Maryland, New York, Connecticut, and Maine

Connecticut, Maine, Maryland, and New York have state guidelines for floodplain management. As a general matter, localities are permitted to adopt higher, more protective standards, though they may need approval from their state agency to do so. These standards are enforced through building permits, city laws, and/or the floodplain management entity for the jurisdiction. Here we compare the environmental and political conditions across these four states to assess the viability of implementing the floodplain management practices we recommend.

Challenges

Recent research from Pew Charitable Trusts¹ shows that a large majority of Americans (77%) think higher building codes are important in communities that face extreme climate risks. However, states and local communities may face policy barriers to implementing new floodplain management practices. For example, inconsistent floodplain management regulations can pose a variety of issues. This is often because flooding can impact a variety of government agencies, including environmental protection, emergency management, housing and urban development, transportation, building, and land use. Each of these departments of local and state government has an important part to play in floodplain management solutions. They should be brought to the table to discuss comprehensive reforms, such as passing consolidated model code ordinances for the locality to create clarity and uniformity.

Floodplain setback limits can also raise legal issues related to constitutional takings. Under the takings clause of the Fifth Amendment, no person shall have private property taken from him for public use, without just compensation. If a community is looking to expand floodplain setbacks or place additional limitations on permissible uses within a setback, it should carefully consider the private properties affected by the regulation. In most cases, some economic value will be retained from parcels impacted by setback limitations. There are limited circumstances under which a property owner can bring a takings case against a state or local government entity.² Further, floodplain regulations serve an important public interest that will be considered by courts in evaluating government action under the takings doctrine.

Beyond legal challenges, states and local communities may also have to contend with limited resources, access to federal or state funding, political concerns, community resistance, process challenges, and uncertainty in assessing climate risk many years into the future. Regarding political concerns, community resistance is a large hurdle to overcome in implementing floodplain management standards. Building a structure one foot higher or preventing a development altogether comes with a cost to the homeowner or business owner.

¹ Alec Tyson & Brian Kennedy, *Americans' Views on How to Address the Impacts of Extreme Weather*, Pew (May 29, 2025) <https://www.pewresearch.org/science/2025/05/29/americans-views-on-how-to-address-the-impacts-of-extreme-weather/>

² Katie Spidaleri, Annie Bennett, et al., *Managed Retreat Toolkit*, Georgetown Climate Center (Accessed Sep 2025) <https://www.georgetownclimate.org/adaptation/toolkits/managed-retreat-toolkit/takings.html>

Lastly, climate change uncertainties will impact how a community executes floodplain management with an eye to the future. Communities will have to decide how far into the future they want to plan for land use and development. They also have to decide which sea-level scenario is both appropriate for their regional climate conditions, and reflects the community's risk tolerance and resources. The more sea-level rise a community decides to plan for, the more they must invest in safeguarding infrastructure, which may be outside the scope of the local government's resources and bandwidth.

Connecticut

The Connecticut Institute for Resilience and Climate Adaptation (CIRCA) at the University of Connecticut hosts the Connecticut Sea Level Rise and Storm Surge Viewer, which overlays different flood maps with future sea-level rise projections for the state.³ Flood events include the 10-, 30-, 100-, and 500-year flood, with the option to view 1 foot to 20 inches of sea-level rise added. The state's flood management ordinance requires that critical facilities (such as hospitals and fire stations) not be located in the 500-year floodplain, though some exceptions are considered.⁴ The state's general statutes allow for localities to establish their own setback lines,⁵ and the coastal management ordinance sets a 100-foot buffer around wetlands.⁶ Our research found no state-wide restrictions that apply to unmapped areas adjacent to the standard floodplain beyond the above regulations.

³ *Connecticut Sea Level Rise and Storm Surge Viewer*, Connecticut Institute for Resilience & Climate Adaptation (December 2021) <https://circa.uconn.edu/sea-level-rise-and-storm-surge-viewer/>

⁴ *Chapter 476a Flood Management*, Connecticut General Assembly (Jun. 2018) https://www.cga.ct.gov/2021/pub/chap_476a.htm

⁵ *Connecticut General Statutes Title 22A. Environmental Protection § 22a-342. Establishment of stream channel encroachment lines. Permits for encroachments, required findings. Fees*, FindLaw (Jan. 1, 2004) <https://codes.findlaw.com/ct/title-22a-environmental-protection/ct-gen-st-sect-22a-342.html>

⁶ *Chapter 444 Coastal Management*, Connecticut General Assembly (Accessed Sep. 2025) https://www.cga.ct.gov/current/pub/chap_444.htm

Maine

Maine provides state floodplain maps, including the 500-year flood zone, from the Department of Agriculture, Conservation, and Forestry.⁷ The Department also offers a Floodplain Management Handbook.⁸ Maine does not regulate development in the 500-year floodplain statewide, or in unmapped areas adjacent to the 100- and 500-year floodplains. A permit is required from the Department of Environmental Protection when constructing projects within 100 feet of a protected resource, which may include waterways, per the Natural Resources Protection Act.⁹ The state's shoreland zoning ordinance also prohibits the expansion of structures within 25 feet of the high water line or a wetland.¹⁰ Additional regulations apply for structures within 75, 100, or 250 feet of this boundary line. Under Title 30-A, §3000 – 3007, §4352, §4401 – 4407, and Title 38 §440 of the Maine Revised Statutes, localities within the state have the authority to pass ordinances that control flood risk, though they must be in line with the state's Comprehensive Plan.

Maryland

At the state level, Maryland requires that development is set back 100 feet from mapped water courses and 50 feet from unmapped streams.¹¹ The setback area is considered a “no build” zone, with few exceptions. In considering a variance, the Maryland Model Floodplain Management Ordinance provides a list of twelve factors that should be considered, most of which focus on the dangers and risks associated with possible flooding. Localities may adopt higher standards with guidance from the Maryland Department of the Environment Water and

⁷ *Maine Flood Hazard Map Web Application*, Maine Floodplain Management Program (Accessed Sep. 2025) <https://experience.arcgis.com/experience/82df41bdfb38447eae9af1279ff8a28b/>

⁸ *Maine Floodplain Management Program*, Maine Department of Agriculture, Conservation & Forestry (Mar. 2019) <https://www.maine.gov/dacf/flood/handbook.shtml>

⁹ *Chapter III - Activities Regulated*, Maine Department of Agriculture, Conservation & Forestry (Accessed Sep. 2025) <https://www.maine.gov/dacf/flood/docs/handbook/08-Chapter03-Activities%20Regulated.pdf>

¹⁰ *Title 38: Waters and Navigation, Chapter 3: Protection and Improvement of Waters §439-A. Additional municipal powers, limitations*, Maine Legislature Maine Revised Statutes (Jan. 7, 2025) <https://www.mainelegislature.org/legis/statutes/38/title38sec439-A.html>

¹¹ *Regulations for Floodplain Development*, Maryland Department of the Environment (Accessed Sep. 2025) <https://mde.maryland.gov/programs/water/StormwaterManagementProgram/FloodHazardMitigation/Page/s/floodplainregs.aspx>

Science Administration. Localities can provide exceptions for development in and around the floodplain and setback zone, per the Maryland Department of the Environment.¹² Similar to New Jersey, Maryland has a CTP agreement with FEMA that utilized their statewide flood mapping to update FIRMs.¹³ Current maps include the 500-year floodplain, mapped by flood studies between the early 2000's to the 2010's.¹⁴

New York

New York State maps and regulates development in the 500-year floodplain through their Department of Buildings and Department of Environmental Conservation (DEC) – the flood hazard area is defined as the 500-year, not the 100-year, floodplain.¹⁵ Construction proposed in this area requires permits, floodproofing, and elevation. DEC recommends that municipalities adopt development regulations beyond the 100-year floodplain in its guidance for implementing the Community Risk and Resiliency Act.¹⁶ Finally, the state requires a 75-foot setback from wetlands, with exceptions granted for New York City.¹⁷ Sewage systems are subject to an additional 100-foot setback regulation. Critical facilities and construction funded by the Water Quality Improvement Project (WQIP) are also subject to special regulations within the 500-year flood zone.¹⁸ WQIP was established in 2021 for local governments and nonprofits to receive

¹² Ibid.

¹³ *Maryland Flood Mapping Website*, Federal Emergency Management Agency (Jan. 4, 2023) <https://www.fema.gov/case-study/maryland-flood-mapping-website>

¹⁴ *Flood Risk Application*, Maryland Digital Flood Insurance Rate Maps (Accessed Sep. 2025) <https://mdfloodmaps.net/map/>

¹⁵ *2024 Building Code of New York State*, International Code Council, INC (Mar. 2025) <https://dos.ny.gov/system/files/documents/2025/03/2024-bcnys.pdf>

¹⁶ *New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act*, NYS Department of Environmental Conservation (Aug/ 2020) https://extapps.dec.ny.gov/docs/administration_pdf/crrafloodriskmgmtgdnc.pdf

¹⁷ *661.6 Development Restrictions of Unofficial New York Codes, Rules and Regulations*, Thomas, Reuters Westlaw (Mar. 15, 2023) [https://govt.westlaw.com/nycrr/Document/I4ecd444bcd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/I4ecd444bcd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

¹⁸ *Water Quality Improvement Project Program*, NYS Department of Environmental Conservation (May 2025) <https://dec.ny.gov/get-involved/grant-applications/wqip-program>

funding for improving water quality, aquatic habitat, and drinking water.¹⁹ Outside of the mapped floodplain, New York designates Enhanced Flood Hazard Areas (EFHA) and Enhanced Coastal High Hazard Areas (ECHHA) as part of the WQIP. The contours of these areas are still being determined, but will require additional risk mitigation for development within their bounds.

Conclusions

Based on the research and identified challenges, the following recommendations are provided with the understanding that each community faces unique floodplain management circumstances. Not every state or community will have the resources or community support to implement these strategies, but even small steps towards better floodplain management and flood risk awareness are steps toward a safer community when disaster strikes.

Local communities should consider passing zoning and building code revisions that expand the flood hazard area to encompass the 500-year floodplain, including unmapped areas adjacent to the floodplain, with minimum setback distances from bodies of water. If the state has adopted model codes, the local community should use these to the extent practicable. In zoning, local communities should try to maximize efforts to keep new development out of the floodplain. If variances are available, local communities should aim to make the requirements strict, placing a high burden on the developer to show the need for development outweighs the flood risk.

Communities should also consider passing ordinances that set zoning rules based on the expanded 500-year floodplain regulatory area. This includes mandatory setbacks from bodies of water and, when 500-year maps are unavailable, regulations for areas proximal to the existing mapped floodplain. When development does take place near bodies of water, a mandatory setback may be implemented. And, when the 100- or 500-year floodplain is not mapped (or maps are not up-to-date), states and localities should consider adopting regulations for areas proximal to the mapped floodplain, or high-exposure areas in and around the floodplain. By adopting these recommendations, municipalities in Maryland, Connecticut, Maine, and New York can lessen risk to people, property, and infrastructure in their coastal and riverine areas.

Considering the NFIP shortcomings and uncertain future of FEMA support, states and local communities will be called upon to respond and prepare their citizens for a new future in

¹⁹ 2021 Water Quality Improvement Project Program - Overview, NYS Department of Environmental Conservation (May 2025) https://extapps.dec.ny.gov/docs/water_pdf/wqip21rfa.pdf

floodplain management, one that is adapted to climate change impacts, population growth, and development. We were encouraged to find that our research revealed many states and local communities that are already taking significant action to improve protection of people and property in their flood-prone areas. For those that are still working towards their floodplain management goals, there is a wealth of lessons learned and experience they can draw on to make their communities safer. There are meaningful strategies to gain community support, overcome legal hurdles, and find sources of funding.

About this Research

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