

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2016 Legislative Session

Bill No. CB-38-2016

Chapter No. 34A

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Davis, Lehman, Harrison, Turner, Glaros, Franklin,
Taveras and Patterson

Date of Introduction July 19, 2016

BILL

1 AN ACT concerning

2 Floodplain Ordinance

3 For the purpose of amending the County’s Floodplain Ordinance to be consistent with the State
4 of Maryland’s Model Floodplain Management Ordinance (May 2014), which meets the
5 requirements of the National Flood Insurance Program (the “NFIP”).

6 BY repealing and reenacting with amendments:

7 SUBTITLE 32. WATER RESOURCES
8 PROTECTION AND GRADING CODE.

9 Sections 32-202, 32-203, 32-204, 32-205, 32-206, 32-
10 207, 32-208, 32-209, 32-211 and 32-212

11 The Prince George's County Code
12 (2015 Edition).

13 BY adding:

14 SUBTITLE 32. WATER RESOURCES
15 PROTECTION AND GRADING CODE.

16 Sections 32-203.01, 32-203.02, 32-203.03, 32-203.04,
17 32-203.05, 32-203.06, 32-203.07, 32-203.08, 32-

18 207.01, 32-207.02 , 32-207.03, 32-207.04, 32-207.05,
19 32-207.06, 32-207.07, 32-207.08, 32-207.09, 32-

20 207.010, 32-208.01, 32-208.02, 32-208.03, 32-208.04
21 and 32-208.05

1 The Prince George's County Code
2 (2015 Edition).

3 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
4 Maryland, that Sections 32-202, 32-203, 32-204, 32-205, 32-206, 32-207, 32-208, 32-209, 32-
5 211 and 32-212 of the Prince George's County Code be and the same are hereby repealed and
6 reenacted with the following amendments:

7 **SUBTITLE 32. WATER PROTECTION AND GRADING CODE.**

8 **DIVISION 4. FLOODPLAIN ORDINANCE.**

9 **Sec. 32-202. General Provisions: Purpose, Scope, Application.**

10 (a) **General Provisions**

11 (1) **Findings.** The Federal Emergency Management Agency has identified special
12 flood hazard areas within the boundaries of Prince George's County, Maryland. Special flood
13 hazard areas are subject to periodic inundation which may result in loss of life and property,
14 health and safety hazards, disruption of commerce and governmental services, extraordinary
15 public expenditures for flood protection and relief, and impairment of the tax base, all of which
16 adversely affect the public health, safety and general welfare. Structures that are inadequately
17 elevated, improperly flood proofed, or otherwise unprotected from flood damage also contribute
18 to flood losses.

19 Prince George's County, Maryland, by resolution, agreed to meet the requirements of
20 the National Flood Insurance Program and was accepted for participation in the program on
21 August 4, 1972. As of August 4, 1972, also the initial effective date of the Prince George's
22 County Flood Insurance Rate Map, all development and new construction, as defined herein, are
23 to be compliant with these regulations.

24 (2) **Statutory Authorization.** The Maryland General Assembly, in Md. Code Ann.,
25 Land Use Article, Title 4, has established as policy of the State that the orderly development and
26 use of land and structures requires comprehensive regulation through the implementation of
27 planning and zoning control, and that the planning and zoning controls shall be implemented by
28 local government in order to, among other purposes, secure the public safety, promote health and
29 general welfare, and promote the conservation of natural resources. Therefore, the County
30 Council of Prince George's County does hereby adopt the following floodplain management
31 regulations.

1 [(a)](b) **Statement of Purpose.** The purpose of this Division is to promote the public
 2 health, safety and general welfare, and to:

3 (1) [To] protect human life, {and} health and welfare;

4 (2) [To] minimize public and private property damage;

5 (3) [To] encourage the [use] utilization of appropriate construction practices in order
 6 to prevent or minimize flood damage in the future;

7 (4) [To] protect potential purchasers from unwittingly buying lands and structures
 8 which are unsuited for certain purposes because of flood hazards;

9 (5) [To protect water supply, sanitary sewage disposal, and natural drainage]
 10 minimize flooding of water supply and sanitary sewage disposal systems;

11 (6) maintain natural drainage;

12 [(6)](7) [To] reduce financial burdens imposed on the community, its governmental
 13 units, and its residents by [preventing the] discouraging unwise design and construction of
 14 development in areas subject to flooding;

15 [(7)](8) [To] increase public awareness of [the] potential flooding [potential];

16 [(8)](9) [To] protect the biological and environmental quality of the watersheds or
 17 portions thereof located in Prince George's County, Maryland; [and]

18 (10) minimize the need for rescue and relief efforts associated with flooding and
 19 generally undertaken at the expense of the general public;

20 (11) minimize prolonged business interruptions;

21 (12) minimize damage to public facilities and other utilities such as water and gas
 22 mains, electric, telephone and sewer lines, streets and bridges;

23 (13) reinforce that those who build in and occupy special flood hazard areas should
 24 assume responsibility for their actions;

25 (14) minimize the impact of development on adjacent properties within and near flood-
 26 prone areas;

27 (15) provide that flood storage and conveyance functions of floodplains are
 28 maintained;

29 (16) minimize the impact of development on the natural and beneficial functions of
 30 floodplains;

1 (17) prevent floodplains uses that are either hazardous or environmentally
 2 incompatible;

3 (18) meet community participation requirements of the National Flood Insurance
 4 Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22; and

5 [(9)](19) [To] provide a unified comprehensive approach to floodplain management
 6 which addresses requirements of Federal and State programs concerned with floodplain
 7 management, including without limitations: the National Flood Insurance Program and the
 8 President’s Executive Order [11988 of May 27, 1977] 13690 of January 30, 2015, on floodplain
 9 management; the State Waterway Construction Permit Program, State Wetlands Permit Program,
 10 the U.S. Army Corps of Engineer’s Section 10 and Section 404 permit programs; and the State
 11 Coastal Zone Management Program.

12 [(b)](c) **Areas to Which These Regulations Apply.** The provisions of this Division shall
 13 apply to all [parts] **special flood hazard areas within the jurisdiction** of Prince George’s County,
 14 Maryland, except for that area of the County within the boundaries of the City of Laurel. **The**
 15 provisions of this Division shall not apply to Federal and state-owned properties.

16 (d) [In the event that other provisions of this Code affect the application of this
 17 Division, the more restrictive Code provisions shall apply.] **Basis for Establishing Special**
 18 **Flood Hazard Areas and Base Flood Elevations (BFEs).**

19 (1) For the purposes of these regulations, the minimum basis for establishing special
 20 flood hazard areas and base flood elevations is the Flood Insurance Study for Prince George’s
 21 County, Maryland and Incorporated Areas (except within the boundaries of the City of Laurel)
 22 dated September 16, 2016, or the most recent revision thereof, and the accompanying Flood
 23 Insurance Rate Map(s) and all subsequent amendments and revisions to the FIRMs. The FIS and
 24 FIRMs are retained on file and available to the public at the Prince George’s County website,
 25 libraries and government office(s).

26 (2) Where field surveyed topography or digital topography indicates that ground
 27 elevations are below the closest applicable base flood elevation, even in areas not delineated as a
 28 special flood hazard on the FIRM, the area shall be considered as a special flood hazard area.

29 (3) To establish base flood elevations in special flood hazard areas or floodways that
 30 do not have such elevations shown on the FIRM, the Floodplain Administrator or designee may
 31 provide the best available data for base flood elevations, may require the applicant to obtain

1 available information from Federal, State, or other sources, or may require the applicant to
 2 establish special flood hazard areas and base flood elevations as set forth in these regulations.

3 (e) [The granting of a permit or approval pursuant to this Division, shall not be a
 4 representation, guarantee, or warranty of any kind and shall create no liability upon the County,
 5 its officials or employees.] **Abrogation and Greater Restrictions.** These regulations are not
 6 intended to repeal or abrogate any existing regulations and ordinances, including subdivision
 7 regulations, zoning ordinances, building codes, or any existing easements, covenants, or deed
 8 restrictions. In the event of a conflict between these regulations and any other ordinance, the
 9 more restrictive shall govern.

10 [(c)](f) [The provisions of this Division shall be:] **Interpretation.** In the interpretation
 11 and application of these regulations, all provisions shall be:

12 (1) Considered as minimum requirements;

13 (2) [Construed in favor of proper flood hazard management in the County] Liberaly
 14 construed in favor of the governing body; and

15 (3) Deemed neither to limit nor repeal any other powers granted under [the
 16 Annotated Code of Maryland] the laws of Maryland.

17 [(f) This Division shall be applied and interpreted so as to meet or exceed the
 18 minimum requirements of federal and state floodplain regulations. In the event of a conflict
 19 between the minimum requirements of federal and state floodplain requirements, the more
 20 restrictive provisions shall prevail.]

21 (g) **Warning and Disclaimer of Liability.** The degree of flood protection required by
 22 these regulations is considered reasonable for regulatory purposes and is based on scientific and
 23 engineering considerations. Larger floods can and will occur, and flood heights may be
 24 increased by man-made or natural causes. These regulations do not imply that land outside of
 25 the special flood hazard areas or uses that are permitted within such areas will be free from
 26 flooding or flood damage. These regulations shall not create liability on the part of Prince
 27 George's County, any officer or employee thereof, the Maryland Department of the Environment
 28 (MDE) or the Federal Emergency Management Agency (FEMA), for any flood damage that
 29 results from reliance on these regulations or any administrative decision lawfully made
 30 hereunder.

1 (h) **Severability.** Should any section or provision of these regulations be declared by the
 2 courts to be unconstitutional or invalid, such decision shall not affect the validity of the
 3 regulations as a whole, or any part thereof other than the part so declared to be unconstitutional
 4 or invalid.

5 **Sec. 32-203. Definitions.**

6 (a) The following terms shall have the meanings indicated:

7 [(1) **100 Year Flood or Base Flood** - the flood that has a one percent (1%) chance of
 8 being equaled or exceeded in any given year.]

9 [(2)](1) **Accessory Structure** – [(for FEMA purposes only), a] A detached structure
 10 on the same parcel of property as the principal structure, the use of which is incidental to the
 11 principal structure. (Examples would be a shed or detached garage, etc.). For the purposes of
 12 these regulations, an accessory structure shall be used solely for parking of vehicles and limited
 13 storage.

14 (2) **Agreement to Submit an Elevations Certificate** - A form on which the
 15 applicant for a permit to construct a building or structure, to construct certain horizontal
 16 additions, to place or replace a manufactured home, to substantially improve a building,
 17 structure, or manufactured home, agrees to have an Elevation Certificate prepared by a licensed
 18 professional engineer or licensed professional surveyor, as specified by the Floodplain
 19 Administrator or designee, and to submit the certificate:

20 (A) Upon placement of the lowest floor and prior to further vertical construction;
 21 and

22 (B) Prior to the final inspection and issuance of the Certificate of Occupancy.

23 (3) **Alteration of a Watercourse** - For the purpose of these regulations, alteration of
 24 a watercourse includes, but is not limited to widening, deepening or relocating the channel,
 25 including excavation or filling of the channel. Alteration of a watercourse does not include
 26 construction of a road, bridge, culvert, dam, or in-stream pond unless the channel is proposed to
 27 be realigned or relocated as part of such construction.

28 (4) **Area of Shallow Flooding** - A designated Zone AO on the Flood Insurance Rate
 29 Map with a 1-percent annual chance or greater of flooding to an average depth of one to three
 30 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable,

1 and where velocity flow may be evident; such flooding is characterized by ponding or sheet
 2 flow.

3 (5) **Base Building** - The building to which an addition is being added. This term is
 4 used in provisions relating to additions.

5 (6) **Base Flood (or 100-year Flood)** - The flood that has a one percent (1%) chance
 6 of being equaled or exceeded in any given year; the base flood also is referred to as the 1-percent
 7 annual chance (100-year) flood.

8 (7) **Base Flood Elevation** - The water surface elevation of the base flood in relation
 9 to the datum specified on the community's Flood Insurance Rate Map and any approved
 10 floodplain study. In areas of shallow flooding, the base flood elevation is the highest adjacent
 11 natural grade elevation plus the depth number specified in feet on the Flood Insurance Rate Map,
 12 or at least four (4) feet if the depth number is not specified.

13 [(3)](8) **Basement** - Any area of a building having its floor subgrade (below ground
 14 level) on all sides.

15 (9) **Building Code(s)** – Subtitle 4, the Prince George's County Building Code.

16 (10) **Coastal A Zone** - An area within a special flood hazard area, landward of a
 17 coastal high hazard area (V Zone) or landward of a shoreline without a mapped coastal high
 18 hazard area, in which the principal source(s) of flooding are astronomical tides and storm surges,
 19 and in which, during base flood conditions, the potential exists for breaking waves with heights
 20 greater than or equal to 1.5 feet. The inland limit of the Coastal A Zone may be delineated on
 21 FIRMs as the Limit of Moderate Wave Action (LiMWA).

22 (11) **Coastal High Hazard Area** - An area of special flood hazard extending from
 23 offshore to the inland limit of a primary frontal dune along an open coast and any other area
 24 subject to high velocity wave action from storms. Coastal high hazard areas also are referred to
 25 as "V Zones" and are designated on FIRMs as zones VE or V1-30.

26 [4](12) **Community** – [(for FEMA purposes only) - any State or area or] A political
 27 subdivision [thereof, which] of the State of Maryland (county, city or town) that has authority to
 28 adopt and enforce [flood plain] floodplain management regulations [for the areas] within its
 29 [jurisdiction] jurisdictional boundaries.

1 [(5)](13) **County Floodplain or the Floodplain** – [i]Includes those areas within the
 2 County that will be inundated by the one percent annual chance [100-year] base flood, as
 3 determined by FEMA or the County (see definition of “Flood or Flooding”).

4 (14) **Critical and Essential Facilities - Buildings and other structures that are**
 5 **intended to remain operational in the event of extreme environmental loading from flood, wind,**
 6 **snow or earthquakes. Critical and essential facilities typically include hospitals, fire stations,**
 7 **police stations, storage of critical records, facilities that handle or store hazardous materials, and**
 8 **similar facilities.**

9 (15) **Declaration of Land Restriction (Nonconversion Agreement) - A form signed**
 10 **by the owner to agree not to convert or modify in any manner that is inconsistent with the terms**
 11 **of the permit and these regulations, certain enclosures below the lowest floor of elevated**
 12 **buildings and certain accessory structures. The form requires the owner to record it on the**
 13 **property deed to inform future owners of the restrictions.**

14 [(6)](16) **Department** – [t]The Prince George’s County Department of Permitting,
 15 Inspections, and Enforcement (DPIE).

16 [(7)](17) **Development** – [a]Any [man-made] manmade change to improved or
 17 unimproved real estate including, but not limited to, any construction, reconstruction,
 18 modification, extension or expansion of buildings or other structures, placement of manufactured
 19 homes, placement of fill or concrete, construction of new or replacement infrastructure,
 20 dumping, mining, dredging, grading, paving, drilling operations, storage of materials, land
 21 excavation, land clearing, land improvement, landfill operation, or any combination thereof.

22 [8](18) **Director** – [t]The Director of the Prince George’s County Department of
 23 Permitting, Inspections, and Enforcement (DPIE) or the Director’s designee.

24 (19) **Discharge** - A flow rate of stormwater runoff. For non-FEMA flood studies,
 25 discharge is based on ultimate [certain] land use conditions.

26 [(9)](20) **Elevation [Certification] Certificate** - FEMA form on which surveyed
 27 elevations and other data pertinent to a property and a building are identified and which shall be
 28 completed by a licensed professional land surveyor or a licensed professional engineer, as
 29 specified by the Floodplain Administrator. When used to document the height above grade of
 30 buildings in FEMA special flood hazard areas, for which base flood elevation data are not
 31 available, the Elevation Certificate shall be completed in accordance with the instructions issued

1 by FEMA. [t]The certificate [that] verifies the as-built elevation of a structure using Mean Sea
 2 Level as established by the National Geodetic Vertical Datum (NGVD) of 1929, the North
 3 [Atlantic] American Vertical Datum (NAVD) of 1988, [or] and the WSSC Datum [submitted by
 4 a registered land surveyor or professional engineer on the official form prepared and distributed
 5 by the Federal Emergency Management Agency]. An elevation certificate shall identify the
 6 datum of the site topography.

7 (21) **Floodway Map** - a map which depicts floodways and special flood hazard areas
 8 to be regulated.] **Enclosure Below the Lowest Floor** - An unfinished or flood-resistant
 9 enclosure that is located below an elevated building, is surrounded by walls on all sides, and is
 10 usable solely for parking of vehicles, building access or storage, in an area other than a basement
 11 area, provided that such enclosure is built in accordance with the applicable design requirements
 12 specified in these regulations. Also see "Lowest Floor."

13 (22) **Existing Condition Floodplain** - The 1-percent annual chance (100-year)
 14 floodplain conditions before the proposed development is started. For non-FEMA floodplain
 15 studies, this is based on ultimate [certain] development hydrology and existing channel
 16 conditions.

17 [(10)](23) **Federal Emergency Management Agency (FEMA)** – [t]The Federal
 18 [Emergency Management A]gency with the overall responsibility for administering the
 19 National Flood Insurance Program (NFIP).

20 (24) **FEMA Floodplain** - The flood hazard area as shown on FEMA maps, which is
 21 based on existing land use conditions.

22 [(11)](25) **FEMA Maps** – [t]The Flood Insurance Rate [m]Maps (FIRM) and [the
 23 Flood Boundary and Floodway maps of the County prepared by FEMA and] any subsequent
 24 amendments or revisions.

25 [(12)](26) **Flood (or Flooding)** – [the] A general and temporary condition of partial or
 26 complete inundation of normally dry land areas from the overflow of inland or tidal waters, or
 27 the rapid and unusual accumulation of runoff of surface water from any source.

28 (27) **Flood Damage-Resistant Materials** - Any construction material that is capable
 29 of withstanding direct and prolonged contact with floodwaters without sustaining any damage
 30 that requires more than cosmetic repair.

1 ~~[(13)]~~(28) **Flood Insurance Rate Map (FIRM)** – [a map that depicts the minimum]
 2 An official map on which the Federal Emergency Management Agency delineated the minimum
 3 special flood hazard areas to [be regulated by this Ordinance (unless a floodway map is
 4 available)] indicate the magnitude and nature of flood hazards, to designate applicable flood
 5 zones, and to delineate floodways, if applicable. FIRMs that have been prepared in digital
 6 format or converted to digital format are referred to as Digital FIRMs (DFIRM).

7 (29) **Flood Insurance Study (FIS)** - The official report in which the Federal
 8 Emergency Management Agency has provided engineering methodology to compute flood
 9 profiles, floodway information, and the water surface elevations.

10 (30) **Flood Opening** - A flood opening (non-engineered) is an opening that is used to
 11 meet the prescriptive requirement of one (1) square inch of net open area for every square foot of
 12 enclosed area. An engineered flood opening is an opening that is designed and certified by a
 13 licensed professional engineer or licensed architect as meeting certain performance
 14 characteristics, including providing automatic entry and exit of floodwaters; this certification
 15 requirement may be satisfied by an individual certification for a specific structure.

16 ~~[(14)]~~(31) **Floodplain** means in general:

17 (A) Relatively flat or low land area adjoining a river, stream or other
 18 watercourse which is subject to partial or complete inundation;

19 (B) Area subject to the unusual and rapid accumulation or runoff of surface
 20 waters from any source; or

21 (C) Area subject to tidal surges or extreme tides.

22 ~~[(15)]~~(32) **Floodplain Buffer** – [a]An area extending beyond and paralleling the
 23 County floodplain to maintain the stability of steep slopes, to preserve the environmental
 24 integrity of stream or wetland habitats associated with a floodplain, and to otherwise protect and
 25 maintain the public safety.

26 ~~[(16)]~~(33) **Flood proofing (or Flood Proofed)** – [a]Any combination of structural and
 27 nonstructural additions, changes or adjustments of properties and structures that reduce or
 28 eliminate flood damage to lands, water and sanitary facilities, structures, and contents of
 29 buildings, such that the buildings or structures are watertight with walls substantially
 30 impermeable to the passage of water and with structural components having the capability of
 31 resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

1 ~~[(17)]~~**(34) Flood proofing Certificate** – [a]A form supplied by [FEMA to certify that a
 2 building has been designed and constructed to be structurally dry and flood proofed] the Federal
 3 Emergency Management Agency that is to be completed, signed and sealed by a licensed
 4 professional engineer or licensed architect to certify that the design of flood proofing and
 5 proposed methods of construction are in accordance with the applicable requirements to the
 6 Flood Protection Elevation.

7 ~~[(18)]~~**(35) Flood Protection Elevation (FPE)** – [the elevation of the base flood plus
 8 one-foot freeboard]. The base flood elevation plus freeboard. Two (2) feet of freeboard are
 9 required for FEMA purposes only. For non-FEMA studies, one (1) to two (2) feet of freeboard
 10 are required, based on the specific watershed, as described in the Prince George’s County,
 11 Maryland, Stormwater Management Design Manual (the “Manual”).

12 ~~[(19)]~~**(36) Floodway** – [t]The channel [and adjacent land area required to discharge the
 13 waters of the 100-year flood of a watercourse without cumulatively increasing the water surface
 14 elevations more than a specified height.] of a river or other watercourse and the adjacent land
 15 areas that must be reserved in order to pass the base flood discharge such that the cumulative
 16 increase in the water surface elevation of the base flood discharge is no more than one (1) foot.
 17 When shown on a FIRM, the floodway is referred to as the “designated floodway.”

18 ~~[(20)]~~**(37) Floodway Fringe** - that portion of the floodplain outside the floodway.

19 **(38) Floodway Map** – A map which depicts floodways and special flood hazard areas
 20 to be regulated.

21 ~~[(38)]~~ **(39) Floodway Surcharge** – The increase in the one percent annual chance 100-
 22 year flood elevation due to an encroachment within the floodplain.

23 **(40) Flood Zone** - A designation for areas that are shown on Flood Insurance Rate
 24 Maps:

25 **(A) Zone A:** Special flood hazard areas subject to inundation by the 1-percent
 26 annual chance (100-year) flood; base flood elevations are not determined.

27 **(B) Zone AE and Zone A1-30:** Special flood hazard areas subject to inundation
 28 by the 1-percent annual chance (100-year) flood; base flood elevations are determined;
 29 floodways may or may not be determined. In areas subject to tidal flooding, the Limit of
 30 Moderate Wave Action may or may not be delineated.

1 (C) Zone AH and Zone AO: Areas of shallow flooding, with flood depths of
 2 one (1) to three (3) feet (usually areas of ponding or sheet flow on sloping terrain), with or
 3 without BFEs or designated flood depths.

4 (D) Zone B and Zone X (shaded): Areas subject to inundation by the 0.2-percent
 5 annual chance (500-year) flood; areas subject to the 1-percent annual chance (100-year) flood
 6 with average depths of less than one (1) foot or with contributing drainage area less than one (1)
 7 square mile; and areas protected from the base flood by levees.

8 (E) Zone C and Zone X (unshaded): Areas outside of Zones designated A, AE,
 9 A1-30, AO, VE, V1-30, B, and X (shaded).

10 (F) Zone VE and Zone V1-30: Special flood hazard areas subject to inundation
 11 by the 1-percent annual chance (100-year) flood and subject to high velocity wave action (also
 12 see coastal high hazard area).

13 [(22)](41) **Freeboard** – [an increment of elevation added to the base flood elevation to
 14 provide a factor of safety for uncertainties in calculations, wave actions, subsidence, and other
 15 unpredictable effects.] A factor of safety that compensates for uncertain circumstances that
 16 could contribute to flood heights greater than the height calculated for a selected size flood and
 17 floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams,
 18 climate change, and the hydrologic effect of urbanization in a watershed.

19 (42) **Free-of-Obstruction** - A term that describes open foundations (pilings, columns,
 20 or piers) without attached elements or foundation components that would obstruct the free
 21 passage of floodwaters and waves beneath structures that are elevated on such foundations.

22 (43) **Functionally Dependent Use** - A use which cannot perform its intended purpose
 23 unless it is located or carried out in close proximity to water; the term includes only docking
 24 facilities, port facilities that are necessary for the loading and unloading of cargo or passengers,
 25 and ship building and ship repair facilities, but does not include long-term storage or related
 26 manufacturing facilities.

27 [(23)](44) **Geographic Information System (GIS) Based Floodplain Model** – [t]The
 28 hydrology and hydraulic models developed by the Department of the Environment (DoE) using
 29 GIS technologies and databases to determine peak discharges and flood elevations.

30 (45) **Highest Adjacent Grade** – The highest natural elevation of the ground surface,
 31 prior to construction, next to the proposed foundation of a structure.

1 ~~[(24)]~~(46) **Historic Structure** – [a structure listed individually on the National Register
2 of Historic Places, the Maryland Inventory of Historic Properties, or the Historic Sites and
3 Districts Plan of Prince George’s County.] Any structure that is:

4 (A) Individually listed in the National Register of Historic Places (a listing
5 maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of
6 the Interior as meeting the requirements for individual listings on the National Register;

7 (B) Certified or preliminarily determined by the Secretary of the Interior as
8 contributing to the historical significance of a registered historic district or a district preliminarily
9 determined by the Secretary to qualify as a registered historic district;

10 (C) Individually listed on the Maryland Register of Historic Places; or

11 (D) Individually listed on the inventory of historic places maintained by Prince
12 George’s County whose historic preservation program has been certified by the Maryland
13 Historical Trust or the Secretary of the Interior.

14 (47) **Hydrologic and Hydraulic Engineering Analyses** - Analyses performed by a
15 licensed professional engineer, in accordance with standard engineering practices that are
16 accepted by Prince George’s County, the Maryland Department of the Environment (Nontidal
17 Wetlands & Waterways) and FEMA, used to determine the base flood, other frequency floods,
18 flood elevations, floodway information and boundaries, and flood profiles.

19 (48) **Letter of Map Change (LOMC)** - A Letter of Map Change is an official FEMA
20 determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood
21 Insurance Study. Letters of Map Change include:

22 (A) Letter of Map Amendment (LOMA): An amendment based on technical data
23 showing that a property was incorrectly included in a designated special flood hazard area. A
24 LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific
25 property or structure is not located in a special flood hazard area.

26 (B) Letter of Map Revision (LOMR): A revision based on technical data that may
27 show changes to flood zones, flood elevations, floodplain and floodway delineations, and
28 planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that
29 a structure or parcel of land has been elevated by fill above the base flood elevation and is,
30 therefore, no longer exposed to flooding associated with the base flood. In order to qualify for

1 this determination, the fill must have been permitted and placed in accordance with the
 2 community's floodplain management regulations.

3 (C) Conditional Letter of Map Revision (CLOMR): A formal review and
 4 comment as to whether a proposed flood protection project or other proposed project complies
 5 with the minimum NFIP requirements for such projects with respect to delineation of special
 6 flood hazard areas. A Conditional Letter of Map Revision Based on Fill (CLOMR-F) is a
 7 determination that a parcel of land or proposed structure that will be elevated by fill would not be
 8 inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as
 9 proposed. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood
 10 Insurance Study. Once the CLOMR is approved, a follow-up LOMR is submitted. Upon
 11 submission and approval of certified as-built documentation, a Letter of Map Revision may be
 12 issued by FEMA, to revise the effective FIRM.

13 (49) **Licensed** - As used in these regulations, licensed refers to professionals who are
 14 authorized, and in good standing, to practice in the State of Maryland by issuance of licenses by
 15 the Maryland Board of Architects, Maryland Board of Professional Engineers, Maryland Board
 16 of Professional Land Surveyors, and the Maryland Real Estate Appraisers and Home Inspectors
 17 Commission.

18 (50) **Limit of Moderate Wave Action (LiMWA)** - Inland limit of the area affected by
 19 waves greater than one and one half (1.5) feet during the base flood. Base flood conditions
 20 between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE
 21 Zone.

22 [(25)](51) **Lowest Floor** – [t]The lowest floor of the lowest enclosed area (including
 23 basement)[. An unfinished or flood resistant enclosure, usable solely for parking vehicles,
 24 building access, or storage in an area other than a basement area and that is not considered a
 25 building's lowest floor, provided that it is supplied with water equalizing vents.] of a building or
 26 structure; the floor of an enclosure below the lowest floor is not the lowest floor provided the
 27 enclosure is constructed in accordance with these regulations. The lowest floor of a
 28 manufactured home is the bottom of the lowest horizontal supporting member (longitudinal
 29 chassis frame beam).

30 [(26)](52) **Manufactured Home or Building (for FEMA purposes only)** – [a]A
 31 structure transportable in one or more sections built on a permanent chassis and designed for use

1 with or without a permanent foundation when connected to required utilities. For floodplain
 2 management purposes, the term “manufactured home or building” also includes park trailers,
 3 travel trailers, and other similar vehicles placed on a site for more than one hundred eighty (180)
 4 consecutive days.

5 (53) **Market Value** - The price at which a property will change hands between a
 6 willing buyer and a willing seller, neither party being under compulsion to buy or sell and both
 7 having reasonable knowledge of relevant facts. For the purposes of these regulations, the market
 8 value of a building is determined by a licensed real estate appraiser or the most recent, full
 9 phased-in assessment value of the building (improvement) determined by the Maryland
 10 Department of Assessments and Taxation.

11 (54) **Maryland Department of the Environment (MDE)** - A principal department of
 12 the State of Maryland that is charged with, among other responsibilities, the coordination of the
 13 National Flood Insurance Program in Maryland (NFIP State Coordinator) and the administration
 14 of regulatory programs for development and construction that occur within the waters of the
 15 State, including nontidal wetlands, nontidal waters and floodplains, and State and private tidal
 16 wetlands (Tidal Wetlands). Unless otherwise specified, “MDE” refers to the Department’s
 17 Wetlands and Waterways Program.

18 (55) **Mixed-Use Structure** - Any structure that is used or intended for use for a
 19 mixture of nonresidential and residential uses in the same structure.

20 (56) **National Flood Insurance Program (NFIP)** - The program authorized by the
 21 U.S. Congress in 42 U.S.C. §§4001 - 4129. The NFIP makes flood insurance coverage available
 22 in communities that agree to adopt and enforce minimum regulatory requirements for
 23 development in areas prone to flooding (see definition of “Special Flood Hazard Area”).

24 [(27)](57) **National Geodetic Vertical Datum (NGVD)** – The National Geodetic
 25 Vertical Datum of 1929 elevation reference points set by the national Geodetic Survey based on
 26 Mean Sea Level.

27 [(28)](58) **New Construction** – [a structure for which the start of construction
 28 commenced on or after the effective date of the adoption of a floodplain management ordinance
 29 and includes any subsequent improvements.] Structures, including additions and improvements,
 30 and the placement of manufactured homes, for which the start of construction commenced on or
 31 after August 4, 1972, the initial effective date of the Prince George’s County Flood Insurance

1 Rate Map (FIRM), including any subsequent improvements, alterations, modifications, and
 2 additions to such structures.

3 (59) **NFIP State Coordinator** – See Maryland Department of the Environment
 4 (MDE).

5 [(27.1)](60) **North American Vertical Datum (NAVD)** – The North [Atlantic]
 6 American Vertical Datum of 1988 is the vertical control datum established for vertical control
 7 surveying in the United States of America based upon the General Adjustment of the North
 8 American Datum of 1988.

9 (61) **Non-tidal Waters of the State** - See “Waters of the State.” As used in these
 10 regulations, “non-tidal waters of the State” refers to any stream or body of water within the State
 11 that is subject to State regulation, including the “100-year frequency floodplain of free-flowing
 12 waters.” COMAR 26.17.04.01 states that “the landward boundaries of any tidal waters shall be
 13 deemed coterminous with the wetlands boundary maps adopted pursuant to Environment Article,
 14 §16-301, Annotated Code of Maryland.” Therefore, the boundary between the tidal and non-
 15 tidal waters of the State is the tidal wetlands boundary.

16 [(29)](62) **Permanent [Construction] Structure (for FEMA purposes only)** - any
 17 structure occupying a site for more than one hundred eighty (180) consecutive days per year.

18 [(30)](63) **Proposed Condition Floodplain** – [t]The 1-percent annual chance (100-
 19 year) floodplain conditions after the proposed development is completed. Proposed condition
 20 floodplain reflects proposed changes within the floodplain area, including: grading, road
 21 crossings, culverts, dams, embankments, bridges, structures and other modifications. For non-
 22 FEMA floodplain studies, this is based on [certain] ultimate development hydrology and
 23 proposed channel conditions.

24 [(31)](64) **Recreational Vehicle (for FEMA purposes only)** – [a]A vehicle built on a
 25 single chassis that is four hundred (400) square feet or less when measured at the [longest]
 26 largest horizontal projection, designed to be self-propelled or permanently towable by a light
 27 duty truck, and designed primarily not for use a permanent dwelling, but as temporary living
 28 quarters [while] for recreational, traveling [or], camping, or seasonal use.

29 [(32)](65) **Registered Engineer, Registered Land Surveyor, or Registered**
 30 **Architect** - a professional engineer, land surveyor, or architect licensed to practice said
 31 profession and in good standing in the State of Maryland.

1 **(66) Riparian Buffer** - A riparian buffer is a vegetated area (a "buffer strip") near a
 2 stream, usually forested, which helps shade and partially protect a stream from the impact of
 3 adjacent land uses. A riparian buffer provides an environmental benefit by increasing water
 4 quality in associated streams, rivers, and lakes.

5 ~~[(33)]~~**(67) Special Flood Hazard Area (SFHA)** – [an area within the County where,
 6 by local knowledge, the County has reason to believe that there is a serious potential of flooding
 7 or flood damage. (For FEMA purposes only, this definition includes an area that would be
 8 inundated by the flood having a 1% chance of being equaled or exceeded in any given year and
 9 shown on the latest adopted FEMA map.)] The land in the floodplain subject to a one-percent or
 10 greater chance of flooding in any given year. Special flood hazard areas are designated by the
 11 Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance
 12 Rate Maps as Zones A, AE, AH, AO, A1 30, and Zones VE and V1-30 and A99. The term
 13 includes areas shown on other flood maps and that are identified in Section 32-204(a) of the
 14 County Code.

15 ~~[(34)]~~**(68) Start of Construction (for FEMA purposes only)** – [t]The date the
 16 building permit was issued, provided the actual start of construction, repair, reconstruction,
 17 rehabilitation, addition placement[, substantial improvement,] or other improvement occurs
 18 within one hundred eighty (180) [-]days of the permit date. The actual start of construction
 19 means either the first placement of permanent construction of a structure on a site, such as the
 20 pouring of slab or footings, installation of piles, the construction of columns, or any work beyond
 21 the stage of excavation, or placement of a manufactured home on a foundation. Permanent
 22 construction, as used in this definition, does not include land preparation, such as clearing,
 23 grading[, and filling[,]; nor does it include the installation of streets and/or walkways[,]; nor
 24 does it include excavation for a basement[s], footings, piers, or foundations or the erection of
 25 temporary forms[,]; [or] nor does it include the installation on the property of accessory
 26 [buildings] structures, such as garages or sheds not occupied as dwelling units or not as part of
 27 the main structure. For substantial improvements, the actual start of construction means the first
 28 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that
 29 alteration affects the external dimensions of the building.

30 ~~[(35)]~~**(69) Structure [(for FEMA purposes only)]** – That which is built or
 31 constructed; specifically, a walled [and/or] and roofed building, including, but not limited to, a

1 gas or liquid storage tank that is principally above ground, a building foundation, or platform[,]
 2 [deck, fence, swimming pool, bulkhead, or greenhouse] that is affixed to a permanent site or
 3 location as well as a manufactured home.

4 [(36)](70) **Substantial Damage** – [d]Damage of any origin sustained by a building or
 5 structure whereby the cost of restoring the building or structure to its condition before damage
 6 would equal or exceeds fifty percent (50%) of the market value of the building or structure
 7 before the damage occurred.

8 [(37)](71) **Substantial Improvement (for FEMA purposes only)** – [a]Any [repair,]
 9 reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost
 10 of which equals or exceeds fifty percent (50%) of the market value of the building or structure
 11 (less land value) [either:]. The term includes structures which have incurred substantial damage,
 12 regardless of the actual repair work performed. The term does not, however, include either:

13 (A) [Before the improvement or repair is started] Any project for improvement
 14 of a building or structure to correct existing violations of State or local health, sanitary, or safety
 15 code specifications which have been identified by the local code enforcement official prior to
 16 submission of an application for a permit and which are the minimum necessary to assure safe
 17 living conditions; or

18 (B) [If the structure has incurred substantial damage and has been restored,
 19 before the damage occurred. Substantial improvement occurs when the first alteration of any
 20 wall, ceiling, floor or other structural part of the building commences. The minimum repairs
 21 needed to correct previously identified violations of local health, safety, or sanitary codes and
 22 alterations to historic structures which do not preclude their continued designation as historic
 23 structures, are not considered substantial improvements] Any alteration of a historic structure,
 24 provided that the alteration will not preclude the structures' continued designation as a historic
 25 structure.

26 [(38)](72) **Temporary Structure (for FEMA purposes only)** – [a]Any structure
 27 completely removed within one hundred eighty (180) [-]days from issuance of the permit.

28 [(39)](73) **Use and Occupancy Permit** – [t]The official approval from the Department
 29 of [the Environment] Permitting, Inspections and Enforcement (DPIE) indicating that the
 30 structure has been built consistent with approved plans and may be legally inhabited or used for
 31 the intended purpose.

1 (74) **Violation (for FEMA purposes only)** - Any construction or development in a
 2 special flood hazard area that is being performed without an issued permit. The failure of a
 3 building, structure, or other development for which a permit is issued to be fully compliant with
 4 these regulations and the conditions of the issued permit. A building, structure, or other
 5 development without the required design certifications, the Elevation Certificate, or other
 6 evidence of compliance required is presumed to be a violation until such time as the required
 7 documentation is provided.

8 [(40)](75) **Waiver (or Variance)** – [the] A grant of relief from the strict application of
 9 one or more requirements of this Floodplain Ordinance.

10 (76) **Watercourse** – The channel, including channel banks and bed, of nontidal waters
 11 of the State.

12 (77) **Waters of the State** – Waters of the State include:

13 (A) Both surface and underground waters within the boundaries of the State
 14 subject to its jurisdiction;

15 (B) That portion of the Atlantic Ocean within the boundaries of the State;

16 (C) The Chesapeake Bay and its tributaries;

17 (D) All ponds, lakes, rivers, streams, public ditches, tax ditches, and public
 18 systems within the State, other than those designed and used to collect, convey, or dispose of
 19 sanitary sewage; and

20 (E) The floodplain of free-flowing waters determined by MDE on the basis of
 21 the 1-percent annual chance (100-year) flood frequency.

22 [(41)](78) **Wetland** – [a]An area that is:

23 (A) Inundated or saturated by surface or ground water at a frequency and
 24 duration sufficient to support, and that under normal circumstances does support, a prevalence of
 25 vegetation typically adapted for life in saturated soil conditions, including swamps, marshes,
 26 bogs and similar areas;

27 (B) Considered “private wetland” or “State wetland” pursuant to Title 9,
 28 Wetlands and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or
 29

1 (C) Defined as wetland under the procedures described in the “Federal
2 Interagency Committee for Wetland Delineation” most updated version and as amended from
3 time to time.

4 **Sec. 32-204. Establishment of the County Floodplain.**

5 (a) Establishment of the County Floodplain and Danger Reach: The Department shall
6 establish as the County floodplain areas of the County that are subject to inundation by the 1-
7 percent annual chance (100-year) flood and shall delineate these areas on the official floodplain
8 maps that shall be prepared and maintained in force as part of this Division. Where flood
9 elevations have been defined, the County floodplain shall be determined based on 1-percent
10 annual chance (100-year) flood elevations rather than the area graphically delineated on the
11 official floodplain maps. [The County floodplain may also be determined using the County’s
12 GIS-based floodplain models.]

13 (b) Area included. The County floodplain shall include all of the following areas:

14 (1) 1-percent annual chance (100-year) floodplain as determined by FEMA, including
15 all of the following FEMA subcategories (also found in the Definitions section):

16 (A) [Approximate floodplain - areas subject to inundation by the 100-year flood
17 where a detailed study has not been performed but where a 100-year floodplain boundary has
18 been approximated and delineated on the FEMA Maps as.] Zone A;

19 (B) [Floodway - areas required to carry and discharge the water of the 100-year
20 flood without increasing the water surface elevation at any point more than one (1) foot above
21 existing 100-year flood conditions where defined by FEMA and delineated on the FEMA Maps.]
22 Zone AE and Zone A1-30;

23 (C) [Floodway Fringe - areas subject to the 100-year flood that lie beyond the
24 floodway where the floodway has been determined or where detailed study data, profiles and
25 100-year flood elevations have been established, and delineated on the FEMA maps as Zones A,
26 AE and A1-A30.] Zone AH and Zone AO; and

27 (D) [Coastal floodplain - areas subject to coastal or tidal flooding by the 100-
28 year flood, where detailed study data are available, delineated on the FEMA Maps as Zones A,
29 AE and A1-A30.] Zone VE and Zone V1-30.

30 * * * * *

1 (3) Wetland floodplains - areas of wetland subject to inundation by the 1-percent
2 annual (100-year) flood.

3 (4) Area delineated by approved County Comprehensive Watershed Management
4 Plans and supporting data to be subject to the 1-percent annual (100-year) flood or determined to
5 be subject to the 100-year flood by any other floodplain study approved by the County.

6 * * * * *

7 (c) Danger reach of a dam – The applicant shall define the area that will be flooded when a
8 dam has been breached by flood waters, as established by using the latest methodology of the
9 Maryland Department of the Environment. The danger reach limits are to be shown on the 1-
10 percent annual chance (100-year) floodplain delineation mapping and labelled as danger reach
11 limits. Danger reach limits that extend beyond the 1-percent chance (100-year) floodplain limits
12 are not considered to be included in the 1-percent chance (100-year) floodplain area.

13 (d) Floodplain buffer area - where proposed development is associated with a stream or
14 tributary and the limits of the floodplain cannot be accurately determined because of the lack of
15 detailed floodplain data and analysis or because of unknown effects of future development in the
16 watershed, the Department may require that an approximated floodplain boundary and a
17 floodplain buffer be established and maintained as part of the development. The floodplain
18 buffer is twenty five (25) feet, measured outside the approximated 1-percent annual chance (100-
19 year) floodplain delineation. The floodplain buffer is considered part of the 1-percent annual
20 chance (100-year) floodplain delineation and it is included in the floodplain easement.

21 (e) Areas excluded - areas associated with a watercourse having a drainage area less than
22 fifty (50) acres of watershed may be excluded, from the County one percent annual chance (100
23 year) floodplain, subject to the approval of the [County] Department.

24 (f) Sources - the County shall use the following sources for identifying the floodplain:

25 (1) [Most current] The effective FEMA Flood Insurance Study for Prince George’s
26 County, Maryland;

27 (2) The most current FEMA Flood Insurance Rate [m]Maps [(the Floodway maps, if
28 available, must be used rather than the Flood Insurance Rate Maps)];

29 * * * * *

30 (g) [Official floodplain maps shall be at a minimum the FEMA maps.] Where conflicting

1 elevations are found among the above sources, the highest elevation shall govern, including the
 2 appropriate freeboard.

3 (h) Revisions of the County floodplain:

4 (1) The Department may amend the limits of the County floodplain to reflect the
 5 effect of specified flood protection measures recommended in adopted County watershed plans
 6 that have been included in an adopted Prince George’s County Capital Improvement Program
 7 (CIP) for planning, design and construction, and for which the County has all necessary federal
 8 and state permits, construction has been completed, and an as-built certification has been issued.

9 However, the County floodplain may not be based upon flood elevations lower than shown on
 10 the [currently adopted] effective FEMA map until concurrence in the lowered elevations has
 11 been received from FEMA in accordance with applicable federal regulations.

12 (2) The County floodplain limits shall be amended by the Department where studies
 13 or information provided by a qualified agency or person document the need or possibility for
 14 such revision. Where there are no available studies, or where existing studies have been
 15 determined by the Department to be inadequate, a new study of the area shall be required. All
 16 such floodplain studies shall be performed in accordance with the Department's requirements and
 17 criteria, which shall include, without limitation:

18 (A) System within the drainage basin either existing or included in an adopted
 19 County CIP for planning, design and construction and, for which the County has all necessary
 20 federal and state permits, and construction has been completed; and

21 * * * * *

22 (C) Revisions to the floodplain that reflect changes, including but not limited to
 23 constructed grading, road crossings, culverts, dams, embankments, bridges, changes in channel
 24 lining or vegetative cover.

25 (3) FEMA Floodplain Modification: Any proposed reduction or modification to any
 26 area of the County identified by FEMA as part of the 1-percent annual chance (100-year)
 27 floodplain must have the approval of FEMA, as outlined in the NFIP regulations. Proposed
 28 modifications, including modifications based on existing conditions, proposed construction, or as
 29 built conditions, must first be submitted to the Department and the Prince George’s County
 30 Department of the Environment for review, and the Department’s recommendation on the
 31 proposed modification shall be transmitted to FEMA with a copy to the submitter. Any proposed

1 development in the FEMA floodplain, which may result in any increase or decrease in [water
 2 surface] base flood elevations or change to the FEMA floodplain boundaries, must be modeled
 3 and submitted to [FEMA for a Conditional Letter of Map Revision]the Department and the
 4 Prince George’s County Department of the Environment for review. If the proposed
 5 encroachment causes the base flood elevation to increase by more than one (1) foot at any point
 6 within the community, the permit must be submitted to and approved by FEMA for a
 7 Conditional Letter of Map Revision (CLOMR) prior to the issuance of a permit. A CLOMR is
 8 required for any encroachment in the FEMA Floodway that would result in an increase in the
 9 base flood elevation. An applicant must submit a Letter of Map Revision (LOMR) to FEMA
 10 once a project has been completed. A LOMR is required for any project that results in any
 11 change in the floodplain elevation of a half a foot or greater, and any project that results in any
 12 change in the floodplain limit that is scaleable on the FEMA maps. Hydrologic and hydraulic
 13 analysis based on [existing] the effective FEMA floodplain models [and] must be performed in
 14 accordance with standard engineering practices and certified by a registered professional
 15 engineer and must be submitted to FEMA for approval. Failure to receive [this] an approval
 16 letter from FEMA shall be grounds for denial of the permit. The Department shall notify the
 17 Federal Insurance Administrator of revisions to the FEMA floodplain within six (6) months after
 18 the date of completion of the modification by submitting technical and scientific data in
 19 accordance with 44 Code of Federal Regulations, Part 65. All revisions and modifications of the
 20 FEMA floodplain shall be subject to the review and approval [of] by FEMA [and], the
 21 Department and the Prince George’s County Department of the Environment.

22 (i) The Department shall provide[public access to] the County floodplain [and stream
 23 erosion] maps to the public, upon request[, including all areas delineated in and by this section,
 24 and shall provide this information for the County’s Geographic Information System (GIS),
 25 operated by the Maryland National Capital Park and Planning Commission’s Prince George’s
 26 County Planning Department or its successors].

27 **Sec. 32-205. Development Regulations.**

28 * * * * *

29 (b) Permitted Development. The following development shall be permitted:

30 (1) The modification, alteration, repair, reconstruction, or improvement of a structure
 31 which does not constitute substantial improvement to the structure (including improvements to

1 historic structures which do not affect the exterior dimensions). The improvements shall be
2 elevated and/or flood proofed to the greatest extent possible. The elevation of the lowest floor
3 shall be [at least one (1) foot above the elevation of the 100 year flood or those parts of the
4 improvement below the elevation of one (1) foot above the 100 year flood shall be dry flood
5 proofed] at or above the flood protection elevation or for dry flood proofing [and] shall extend
6 [flooding] flood proofing one (1) foot above the flood protection elevation in accordance with
7 the U.S. Army Corps of Engineers flood proofing regulations.

8 * * * * *

9 (3) Private or public streets crossing the floodplain, in compliance with County Road
10 Code Subtitle 23-136.

11 * * * * *

12 (6) [Developments in which all structures will be elevated, by fill, to or above the
13 flood protection elevations and will not be located within the proposed condition floodplain
14 boundaries, provided that all development regulations stated in this Section are met.] In areas of
15 shallow flooding (Zone AO), the lowest floor (including basements) shall be elevated at least as
16 high above the highest adjacent grade as the depth number specified in feet on the FIRM, plus
17 two (2) feet.

18 (7) Fill for proposed public and private roads and access driveways - Compensatory
19 storage and conformance with waiver requirements as described in Section 32-206 of the County
20 Code is not required and is subject to the requirements of the Prince George’s County
21 Stormwater Management Design Manual.

22 (c) Easements: All areas within the County floodplain shall be dedicated to public use or
23 for use as a park, or as a floodplain or conservation easement, whichever is appropriate; the
24 dedication or easement shall meet the County requirements for form and content and shall be
25 recorded among the Land Records of the County. The easement requirement may be waived
26 when, in the opinion of the Department, the waiver would not compromise any public or private
27 interests including the rights of the landowners, safety, and environmental protection; would not
28 conflict with any Federal, State or County laws; and the establishment of an easement would
29 constitute an unreasonable hardship on the applicant. A waiver of an easement may be granted
30 only if the Department finds that the applicant has demonstrated the following:

31 * * * * *

1 (d) Obstructions: Fences and other matters or enclosures which may impede, retard, or
2 change the direction of the flow of water, or that will catch or collect debris carried by such
3 water, or that are placed where the natural flow of the stream or flood waters would carry such
4 impediments downstream to the damage or detriment of either public or private property in or
5 adjacent to the floodplain shall not be permitted without a waiver and permit as provided in this
6 Division.

7 (e) Minimize Floodplain Disturbance: All development shall be designed to minimize
8 floodplain disturbance and shall conform to all other applicable codes, ordinances, regulations,
9 flood management, watershed management plans and the requirements of the permit programs of
10 all applicable Federal, State and local governments.

11 (f) Lowest Floor and Setback Requirements: Any new or substantially improved
12 residential or nonresidential structures, including manufactured homes, shall be located outside
13 the floodplain and have the lowest floor and the surrounding ground elevated, by fill, to or above
14 the flood [protected] protection elevation. Basements are not permitted. The elevation of the
15 lowest floor shall be certified by a registered surveyor or professional engineer on the as-built
16 plan or after the lowest floor is in place. All new structures in any subdivision shall be located
17 outside the 1-percent annual chance (100-year) floodplain boundary. All residential structures
18 shall be set back at least twenty five (25) feet [minimum] from the 1-percent annual chance (100-
19 year) floodplain. For every activity in the floodplain, the conditions described below in
20 subsections (g) and (h) below, and Section 32-206 of the County Code must be met.

21 (g) Cut and Fill: If floodplain storage is reduced because of the project, an equal amount
22 of compensatory storage within the floodplain shall be provided. A site grading plan prepared by
23 a professional engineer, showing a balance of cut-and-fill, shall [also] be submitted. The limits
24 of the floodplain before and after development shall be clearly shown on the site plan.

25 (h) Changes in Base Flood Elevation: A detailed floodplain analysis shall be conducted to
26 indicate that the new floodplain can carry the discharge of the 1-percent annual chance (100-
27 year) flood without increasing the water surface elevation at any point on other private or public
28 property either upstream or downstream from or adjacent to the tract to be developed, unless
29 such lands affected by an increase in water surface elevation are either acquired by the applicant
30 or reserved through acquisition of suitable floodplain easements, provided such increases will
31 not, in the determination of the Department, cause or aggravate damage to such properties and

1 provided that the necessary waiver is granted. However, development shall not increase water
2 surface elevation of the FEMA designated base flood more than one (1) foot at any point, unless
3 the community first applies, then fulfills the requirements of a Conditional Letter of Map
4 Revision (CLOMR). The floodplain analysis shall consider backwater conditions, ineffective
5 flow areas, local obstructions and, where required by the Department partial or complete failure
6 or obstruction of any culvert or enclosed storm drainage system. The new floodplain shall be
7 designed to prevent detrimental erosion, overflow, or nuisance of any kind and shall ultimately
8 discharge into a storm drain facility or a watercourse in accordance with County standards and
9 procedures.

10 [(h)](i) Computations and Notifications: All proposals to offset the effects of
11 development in the floodplain by construction of stream modifications shall be documented by
12 an engineering study prepared by a professional engineer who fully evaluates the effects of such
13 construction. The report shall use the 1-percent annual chance (100-year) flood and floodplain
14 data prepared by FEMA, [at a minimum] if applicable, and other County-approved watershed
15 and floodplain studies. For permits that result in changes to the FEMA floodplain, [E]vidence
16 shall be provided that all adjacent communities and the Maryland Department of the
17 Environment have been notified by certified mail [and have approved of] regarding the proposed
18 modification, as required for processing of a State of Maryland Waterway Construction permit.
19 Copies of these notifications shall then be forwarded to FEMA’s Federal Insurance
20 Administration. The [Department or its designee will] applicant or developer must conduct a
21 study to assure that the 1-percent annual chance (100-year) flood carrying capacity within the
22 altered or relocated portion of the watercourse in question will be maintained. If [required,] the
23 development involves stormwater management facilities, the owner shall execute a declaration of
24 covenants for stormwater management maintenance [agreement] with the County, which shall be
25 recorded in the Land Records.

26 **Sec. 32-206. Waiver Requirements for Development in Floodplain.**

27 (a) In order to undertake any development in the County floodplain other than as permitted
28 in [the preceding] Section 32-205(b) of the County Code, the applicant must obtain a waiver
29 from the Director or the Director’s designee.

30 (b) The request for waiver shall include:

- 31 * * * * *

1 (2) A statement explaining the need for the development, any public benefit to be
2 derived, and the actions that will be taken to reduce the threat of any potential flooding, flood
3 damage, or adverse environmental impacts; [and]

4 * * * * *

5 (4) The Name, address, and telephone number of the applicant and property owner; a
6 legal description of the property; a parcel map; a description of the existing use; description of
7 the proposed use; a site map showing the location of flood hazard areas, designated floodway
8 boundaries, flood zones, base flood elevations, flood protection setbacks; and a description of the
9 waiver sought; and

10 (5) If the application is for a waiver to allow the lowest floor (A Zones) or bottom of
11 the lowest horizontal structural member (V Zones and Coastal A Zones) of a building or
12 structure below the applicable minimum elevation required by these regulations, the application
13 shall include a statement signed by the owner that, if granted, the conditions of the waiver shall
14 be recorded on the deed of the property.

15 (c) Required plans and studies. The Department may require plans and studies to be
16 submitted. All studies shall be subject to approval by the Department. All studies and
17 calculations furnished to satisfy this provision shall become the property of the County and may
18 be used by the County for reviewing other development or for other purposes. The request for a
19 waiver shall include all necessary documentation, including analysis of hydrology and hydraulic
20 requirements, as defined in the Prince George’s County Stormwater Management Design Manual
21 (latest edition) for technical analysis by the Department.

22 (d) The Director shall grant a waiver only upon determining that:

23 (1) There is good and sufficient cause[;]that is based solely on the physical
24 characteristics of the property and cannot be based on the character of the improvement, the
25 personal characteristics of the owner/inhabitant, or local provision that regulate standards other
26 than health and public safety;

27 (2) The granting of the waiver will not result in additional threats to public safety,
28 [increased flood elevations or discharges,] or other adverse impacts on other public or private
29 property either upstream [or], downstream or adjacent to the subject property;

30 * * * * *

1 (5) The development will not violate other Federal, State or local laws or regulations;
2 [and]

3 (6) The waiver does not violate the purpose and intent of this Division[.];

4 (7) The failure to grant the waiver would result in exceptional hardship due to the
5 physical characteristics of the property.

6 (8) A building, structure or other development is protected by methods to minimize
7 flood damages; and

8 (9) A waiver is the minimum necessary to afford relief, considering the flood hazard.

9 (e) Waivers will not be granted for any filling, or the construction or placement of any
10 structures or obstructions which will ultimately be located in the FEMA-designated Floodways[,
11 or in the County designated Special Flood Hazard Areas which will increase the water surface
12 elevation of the base flood]. Within the floodplain, waivers shall not be granted for any new
13 structures, the lowest floors of which are below flood protection elevations.

14 (f) If granted, a waiver shall involve only the least modification necessary to provide
15 relief. If it should become necessary to grant [any variance] a waiver, the applicant shall be
16 required to comply with all applicable requirements of the National Flood Insurance Program
17 regulations (60.3d) including the requirements for elevation, flood proofing and anchoring. The
18 applicant must also comply with any other requirements considered necessary by the
19 Department. Notwithstanding any of the provisions above, [however,] all structures shall be
20 designed and constructed so as to have the capability of resisting the 1-percent annual chance
21 (100-year) flood. Flood proofing is not an option in residential construction. All residential
22 structures must be elevated.

23 * * * * *

24 (h) As a condition of the waiver, the owner of the property being developed shall be
25 required to execute covenants to provide notice of the waiver, the potential for higher insurance
26 premium rates, commensurate with the increased risk (with rates up to \$25 per \$100 of insurance
27 coverage), the flood hazard, and any responsibilities of the owner to maintain flood proofing or
28 stream modification facilities or systems, which covenants shall be recorded among the Land
29 Records of the County. Where there will be enclosed areas below the 1-percent annual chance
30 (100-year) flood elevation, the owner shall provide a statement to be recorded in the Land
31 Records of the County which reads, “No conversion of this area to habitable space is to occur

1 unless the lowest floor is elevated [to one (1) foot above the 100-year flood elevation] at or
 2 above the flood protection elevation. At this site the [100-year] flood protection elevation is
 3 _____ in _____ (datum).”

4 (i) All construction within the floodplain must indicate whether any portion of the site lies
 5 within the danger reach of any existing or planned upstream dams. For information on danger
 6 reach, please refer to Prince George’s County Soil Conservation District Soil Erosion and
 7 Sediment Control Pond Safety Reference Manual (PGSCD Reference Manual).

8 (j) Considerations for Waiver. The Director shall consider and make findings of fact on
 9 all evaluations, all relevant factors, requirements specified in other sections of these regulations,
 10 and the following factors:

11 (1) The danger that materials may be swept onto other lands to the injury of others;

12 (2) The danger to life and property due to flooding or erosion damage;

13 (3) The susceptibility of the proposed development and its contents (if applicable) to
 14 flood damage and the effect of such damage on the individual owner;

15 (4) The importance of the services to the community provided by the proposed
 16 development;

17 (5) The availability of alternative locations for the proposed use which are not subject
 18 to, or are subject to less flooding or erosion damage;

19 (6) The necessity to the facility of a waterfront location, where applicable, or if the
 20 facility is a functionally dependent use;

21 (7) The compatibility of the proposed use with existing and anticipated development;

22 (8) The relationship of the proposed use to the comprehensive plan and hazard
 23 mitigation plan for that area;

24 (9) The safety of access to the property in times of flood for passenger vehicles and
 25 emergency vehicles;

26 (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the
 27 floodwaters and the effects of wave action, if applicable, expected at the site;

28 (11) The costs of providing government services during and after flood conditions,
 29 including maintenance and repair of public utilities and facilities such as sewer, gas, electrical,
 30 and water systems, and streets and bridges; and

31 (12) The comments provided by the Department and/or the MDE.

1 **Sec. 32-207. Construction and Design Standards within the Floodplain.**

2 (a) All development permitted in the County Floodplain shall comply with the following
3 minimum standards where applicable.

4 (1) In general, all new construction and substantial improvements which are
5 permitted in the floodplain by waiver pursuant to this Division shall be:

6 (A) Designed (or modified) and adequately [supported] connected and anchored
7 to prevent flotation, collapse, or lateral movement of the structure due to structural loads and
8 stresses, including hydrodynamic and hydrostatic loads and the effects of buoyancy, from
9 flooding equal to the flood protection elevation or the elevation required by these regulations or
10 the building code, whichever is higher, and constructed to safely support flood loads. The
11 construction shall provide a complete load path capable of transferring all loads from their point
12 of origin through the load-resisting elements to the foundation;

13 * * * * *

14 (2) The elevation of the lowest floor of all new or substantially improved structures,
15 except for garages, storage and accessory structures, which are less than three hundred (300)
16 square feet and not used for human habitation, shall be at [least one (1) foot] or above the [100-
17 year] flood protection elevation. Basements in buildings within the floodplain as herein defined
18 are prohibited.

19 (3) Enclosures below the lowest floor. [The n]New construction, [or] substantial
20 improvements [of] and manufactured homes with fully enclosed areas below the lowest floor,
21 including but not limited to enclosures that are surrounded by rigid skirting or other material that
22 is attached to the frame the frame of foundation, crawl spaces, solid footings and continuous
23 foundations, shall be vented to equalize hydrostatic pressure by permitting the free entry and exit
24 of floodwaters and shall include the following as a minimum:

25 * * * * *

26 (B) The bottom of all openings shall be no higher than one foot above the
27 interior floor, or the exterior grade immediately below the opening;

28 * * * * *

29 (D) The owner shall include a statement on the building plans which states: “No
30 conversion of this area to habitable space is to occur unless the lowest floor is elevated [to one

1 (1) foot above the 100 year flood elevation] at or above the flood protection elevation. At this
2 site the [100-year] flood protection elevation is _____ in _____ (datum).”

3 (4) Accessory structures. The new construction or substantial improvement of
4 garages, storage sheds and similar accessory structures shall meet the requirements set forth in
5 Paragraph (3), above. Accessory structures should be constructed with flood damage-resistant
6 materials if it is below the base flood elevation, and constructed and placed to offer the minimum
7 resistance to the flow of floodwaters.

8 (5) Storage. Storage for materials that are buoyant, flammable, explosive, or that in
9 times of flooding could be injurious to human, animal or plant life shall not be constructed or
10 permitted below [one (1) foot above the level of the 100-year] the flood protection elevation.

11 (6) Fill.

12 * * * * *

13 (D) Disposal of fill, including but not limited to earthen soils, rock, rubble,
14 construction debris, woody debris, and trash, shall not be permitted in special flood hazard areas.

15 (E) Fill shall not be placed in Coastal A Zones or coastal high hazard areas (V
16 Zones).

17 * * * * *

18 (8) Electrical and plumbing systems.

19 (A) All [water heaters, furnaces, generators, heat pumps, air conditioners and
20 other permanent mechanical and electrical installations shall be permitted only at or above one
21 (1) foot above the elevation of the 100-year flood.] new or substantially improved structures
22 which are permitted in the floodplain based upon a waiver shall have electrical systems,
23 equipment and components, and mechanical, heating, ventilating, air conditioning, and plumbing
24 appliances, plumbing fixtures, duct systems, and other service equipment located at or above the
25 flood protection elevation or V Zones and Coastal A Zones:

26 (i) The bottom of the lowest horizontal structural member that supports
27 the lowest floor shall be located at or above the base flood elevation.

28 (ii) Basement floors that are below grade on all sides are prohibited.
29 These structures shall have electrical systems, equipment and components, and mechanical,
30 heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems,
31 and other service equipment located at or above the elevation of the lowest floor. Electrical

1 wiring systems are permitted to be located below elevation of the lowest floor provided they
 2 conform to the provisions of the electrical part of the building code for wet locations. If replaced
 3 as part of a substantial improvement, electrical systems, equipment and components, and heating,
 4 ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and
 5 other service equipment shall meet the requirements of this Section. The space below an elevated
 6 building shall either be free-of-obstruction or, if enclosed by walls, shall meet the requirements
 7 of paragraph (a)(3) of this Section.

8 (B) No electrical distribution panels shall be permitted at an elevation less than
 9 three (3) feet above the elevation of the 1-percent annual chance (100-year) flood.

10 (9) Public and private utilities. The design, placement and construction of all public
 11 and private utilities and facilities shall meet the following requirements:

12 (A) New or replacement water supply systems and/or sanitary sewage systems
 13 shall be designed and flood proofed to eliminate or minimize infiltration of flood waters into the
 14 systems and discharges from the systems into the flood waters, and to avoid impairment during
 15 flooding and to minimize flood damage. On-site waste disposal systems shall be located to avoid
 16 impairment to or contamination from infiltration during conditions of flooding.

17 * * * * *

18 (B) All gas, electrical and other facility and utility systems shall be located,
 19 constructed and flood proofed to eliminate or minimize flood damage. The following applies to
 20 gas and liquid storage tanks:

21 (i) Underground tanks in flood hazard areas shall be anchored to prevent
 22 flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of
 23 buoyancy, during conditions of the base flood.

24 (ii) Above-ground tanks in flood hazard areas shall be anchored to a
 25 supporting structure and elevated to or above the base flood elevation, or shall be anchored or
 26 otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting
 27 from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions
 28 of the base flood.

29 (iii) In flood hazard areas, tank inlets, fill openings, outlets and vents shall
 30 be:

1 (a) At or above the base flood elevation or fitted with covers
2 designed to prevent the inflow of floodwater or outflow of the contents of the tanks during
3 conditions of the base flood; and

4 (b) Anchored to prevent lateral movement resulting from
5 hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the
6 base flood.

7 (C) All new storm drainage facilities within and leading to or from the County
8 floodplain shall be adequately designed, [flood proofed] and installed to eliminate or minimize
9 property damage resulting from the flood waters of the 1-percent annual chance (100-year) flood
10 and to minimize adverse environmental impacts of their installation and use.

11 * * * * *

12 **Sec. 32-208. Coastal and Wetland Floodplain Regulations – General Requirements.**

13 (a) General Requirements: In addition to the general requirements pursuant to Section 32-
14 207 of the County Code, for [A]ny development and construction in the coastal and wetland
15 floodplains [which is permitted pursuant to Section 32-206 of this Division, shall, in addition to
16 all other requirements of this Division,] shall also meet the following requirements [of this
17 Section.];

18 (1) Apply in flood hazard areas that are identified as coastal high hazard areas (V
19 Zones) and Coastal A Zones (if delineated).

20 (2) Apply to all development, new construction, substantial improvements (including
21 repair of substantial damage), and placement, replacement, and substantial improvement
22 (including repair of substantial damage) of manufactured homes.

23 (A) Exception: In Coastal A Zones, the requirements of Section 32-207 of the
24 County Code shall apply to substantial improvements (including repair of substantial damage),
25 and the substantial improvement of manufactured homes (including repair of substantial damage)
26 and replacement manufactured homes.

27 * * * * *

28 (c) In the wetland floodplain the following regulations shall apply:

29 (1) The Department shall obtain, review and reasonably utilize any wetlands
30 classification data available from a Federal, State or other source to determine the boundaries
31 and characteristics of the wetland floodplain. When the boundary of the wetland floodplain is

1 unknown, obscure, or undefined, [the Department, in cooperation with or with assistance from
 2 the Maryland Department of the Environment,] the applicant shall evaluate each site to
 3 determine the actual extent of wetlands.

4 * * * * *

5 [(4) All buildings and structures shall be prohibited with the exception of catwalks,
 6 piers, boathouses, boat shelters, fences, duck blinds, wildlife management shelters, footbridges,
 7 observation decks and shelters; and other similar water-related structures which are constructed
 8 on pilings to permit the unobstructed flow of waters and preserve the natural contour of the
 9 wetland area within the Chesapeake Bay Critical Area Overlay Zone.]

10 **Sec. 32-209. Permit Requirements within the Floodplain.**

11 * * * * *

12 (c) The following additional information shall be required, where applicable:

13 (1) If the development includes any grading, new construction, or exterior
 14 modifications to existing structures, a site grading plan prepared by a professional engineer or
 15 architect showing: the size and location of the proposed development and any existing buildings
 16 or structures; the location, dimensions and elevation in mean sea level of the site in relation to
 17 the stream channel, shoreline and the floodplain; the elevations of the 1-percent annual chance
 18 (100-year) flood, the existing and proposed final grading and the lowest floor elevations of all
 19 structures; the method of elevating the proposed structure, including proposed fill[s], retaining
 20 walls, foundations, erosion protection measures; and such other information as may be required
 21 by the Department.

22 * * * * *

23 (3) [For n] New construction or substantial improvements of nonresidential structures
 24 within the floodplain[, certification] shall be certified by a professional engineer or a licensed
 25 architect [that the nonresidential structure will be dry flood proofed watertight in accordance
 26 with the specifications of the U.S. Army Corps of Engineering to one (1) foot above the 100-year
 27 flood elevation.] , through the execution of a Flood Proofing Certificate that states that the design
 28 and methods of construction meet the requirements of this section. A Flood Proofing Certificate
 29 shall be submitted with the construction drawings.

30 (4) A plan showing the location of all existing and proposed public and private
 31 utilities, facilities, drainage structures and road access. If the 1-percent annual chance (100-year)

1 flood elevation has been determined, it shall be delineated on the proposed plan. For all
 2 proposals associated with a watercourse having a drainage area of fifty (50) acres or more, the
 3 Department shall [determine] approve the 1-percent annual chance (100-year) flood elevation
 4 using floodplain models and the applicant shall delineate it on the proposed plan. Private
 5 consultant engineering studies and studies using the County’s GIS-based floodplain models will
 6 be accepted by the Department [until a date certain established by the Department]. [After the
 7 specified deadline and upon proper notice, only studies using the County’s GIS-based floodplain
 8 models will be accepted by the Department, unless the Department grants an applicant’s written
 9 request to use a private consultant to perform the study.] In addition, field survey information of
 10 structures, within the floodplain, as may be required by the [Department] County to complete
 11 the study, shall be supplied by the applicant. For all proposals associated with a watercourse
 12 having a drainage area of fifty (50) acres or less, the delineation of the 1-percent annual chance
 13 (100-year) flood [elevation] may be excluded upon the approval of the Department. All plans
 14 shall be certified by a professional engineer.

15 (d) The application shall be reviewed by the Department to assure that:

16 * * * * *

17 (3) The plans provide at least one access which will permit safe vehicular ingress and
 18 egress from the subdivision and/or new development during [a] the 1-percent annual chance
 19 (100-year) flood;

20 * * * * *

21 **Sec. 32-211. Enforcement and Penalties.**

22 (a) Compliance Required.

23 (1) The Department may issue a notice of violation to any person, firm, association or
 24 corporation who fails to comply with the standards and requirements of this Division for
 25 construction or development in the floodplain, which notice may provide a reasonable time in
 26 which to comply.

27 [(b)](2) Any person who fails to comply with a notice of violation or other lawful
 28 direction of the Director shall be subject to civil citation and a monetary fine pursuant to Section
 29 28-261 of this Code.

30 [(e)](3) The Department shall promptly notify the Federal Insurance Administrator
 31 and the Maryland Department of the Environment of any structure or development in the

1 floodplain which is in violation of this Division in order that new or renewal National Flood
 2 Insurance on the subject property may be denied or other appropriate remedies may be pursued
 3 by these agencies.

4 (A) Failure to obtain a permit shall be a violation of these regulations and shall be
 5 subject to penalties in accordance with this Section.

6 (B) Permits issued on the basis of plans and applications approved by the
 7 Department authorize only the specific activities set forth in such approved plans and
 8 applications or amendments thereto. Use, arrangement, or construction of such specific activities
 9 that are contrary to that authorization shall be deemed a violation of these regulations.

10 (b) Notice of Violation and Stop Work Order.

11 If the Floodplain Administrator or designee determines that there has been a violation of
 12 any provision of these regulations, the Floodplain Administrator shall give notice of such
 13 violation to the owner, the owner's authorized agent, and the person responsible for such
 14 violation, and may issue a stop work order. The notice of violation or stop work order shall be in
 15 writing and shall:

16 (1) Include a list of violations, referring to the section or sections of these regulations
 17 that have been violated;

18 (2) Order remedial action which, if taken, will effect compliance with the provisions of
 19 these regulations;

20 (3) Specify a reasonable period of time to correct the violation;

21 (4) Advise the recipients of the right to appeal; and

22 (5) Be posted in a conspicuous place in or on the property and sent by registered or
 23 certified mail to the last known mailing address, residence, or place of business of the recipients.

24 (c) Violations and Penalties.

25 Violations of these regulations or failure to comply with the requirements of these
 26 regulations or any conditions attached to a permit or waiver shall constitute a misdemeanor. Any
 27 person responsible for a violation shall comply with the notice of violation or stop work order.
 28 Failure to comply has following consequences.

29 [(c)](1) Any person who violates the provisions of this Division shall be guilty of a
 30 misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than One
 31 Thousand Dollars (\$1,000) or imprisonment not exceeding six (6) months, or both, for each

1 violation, with costs imposed at the discretion of the Court. Each day that the violation continues
2 shall constitute a separate offense.

3 [(d)](2) The imposition of a civil or criminal fine or penalty for any violation or
4 noncompliance with this Division shall not excuse the violator from the requirement to correct or
5 remedy the violation within a reasonable time. The County Attorney may institute injunctive,
6 mandamus or other appropriate action or proceedings at law or equity for the enforcement of this
7 Ordinance, and any court of competent jurisdiction shall have the right to issue restraining
8 orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or
9 relief.

10 (3) Each day a violation continues shall be considered a separate offense. Nothing
11 herein contained shall prevent Prince George's County from taking such other lawful action as is
12 necessary to prevent or remedy any violation.

13 [(e)](d) The Department shall promptly notify the Federal Insurance Administrator and
14 the Maryland Department of the Environment of any structure or development in the floodplain
15 which is in violation of this Division in order that new or renewal National Flood Insurance on
16 the subject property may be denied or other appropriate remedies may be pursued by these
17 agencies.

18 **Sec. 32-212. Fees for Conducting the Floodplain Study.**

19 Fees for GIS-Based Floodplain Studies: The fees for the [Department] County to conduct a
20 floodplain study using the GIS-based floodplain models pursuant to this Subtitle shall be adopted
21 by resolution of the Prince George's County Council. The County Executive shall propose and
22 recommend to the County Council a schedule of fees that reflects the actual costs associated with
23 conducting the study and administering and maintaining the GIS database and hardware needed
24 for the models pursuant to the floodplain study.

25 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
26 Maryland, that Sections 32-203.01, 32-203.02, 32-203.03, 32-203.04, 32-203.05, 32-203.06, 32-
27 203.07, 32-203.08, 32-207.01, 32-207.02 , 32-207.03, 32-207.04, 32-207.05, 32-207.06, 32-
28 207.07, 32-207.08, 32-207.09, 32-207.010, 32-208.01, 32-208.02, 32-208.03, 32-208.04 and 32-
29 208.05 of the Prince George's County Code be and the same are hereby added:

30 **Sec. 32-203.01. Administration - Designation of the Floodplain Administrator.**

1 The Floodplain Administrator will be the Director of the Department of Permitting,
 2 Inspections and Enforcement or the Director’s designee. The Floodplain Administrator may:

3 (a) Delegate duties and responsibilities set forth in these regulations to qualified technical
 4 personnel, plan examiners, inspectors, and other employees.

5 (b) Enter into a written agreement or written contract with another Maryland community or
 6 private sector entity to administer specific provisions of these regulations. Administration of any
 7 part of these regulations by another entity shall not relieve the community of its responsibilities
 8 pursuant to the participation requirements of the National Flood Insurance Program as set forth
 9 in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22.

10 **Sec. 32-203.02. Administration - Duties and Responsibilities of the Floodplain**
 11 **Administrator and Designee.**

12 The duties and responsibilities of the Floodplain Administrator or designee shall include but
 13 not be limited to:

14 (a) Review applications for permits to determine whether proposed activities will be
 15 located in flood hazard areas.

16 (b) Interpret floodplain boundaries and provide available base flood elevation and flood
 17 hazard information.

18 (c) Review applications to determine whether proposed activities will be reasonably safe
 19 from flooding and require new construction and substantial improvements to meet the
 20 requirements of these regulations.

21 (d) Review all permit applications to advise the applicant of necessary permits required
 22 from the Federal, State or local agencies; in particular, permits from MDE for any construction,
 23 reconstruction repair or alteration of a dam, reservoir, or waterway obstruction (including
 24 bridges, culverts, structures), and alteration of a watercourse, or any change of the course,
 25 current, or cross section of a stream or body of water, including any change to the 1-percent
 26 annual chance (100-year) frequency floodplain of free flowing non-tidal waters of the State. The
 27 applicant shall be responsible for obtaining all necessary permits.

28 (e) Verify that applicants proposing an alteration of a FEMA special flood hazard
 29 watercourse have notified adjacent communities and MDE (NFIP State Coordinator), and have
 30 submitted copies of such notifications to FEMA.

1 (f) Approve applications and issue permits to develop in flood hazard areas if the waiver
2 requirements, set forth in Section 32-206 of the County Code, have been met and approved by
3 the Department.

4 (g) Inspect or cause to be inspected, buildings, structures, and other development for which
5 permits have been issued to determine compliance with these regulations or to determine if non-
6 compliance has occurred or violations have been committed.

7 (h) Review Elevation Certificates, as appropriate, and require incomplete or deficient
8 certificates to be corrected.

9 (i) Submit to FEMA, or require applicants to submit to FEMA, data and information
10 necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared
11 by or for Prince George's County, within six months after such data and information becomes
12 available if the analyses indicate changes in base flood elevations or boundaries.

13 (j) Maintain and permanently keep records that are necessary for the administration of
14 these regulations, including:

15 (1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies
16 and maps and current effective studies and maps) and Letters of Map Change; and

17 (2) Documentation supporting issuance and denial of permits, Elevation Certificates,
18 documentation of the elevation (in relation to the datum on the FIRM) to which structures have
19 been Flood proofed, other required design certifications, waiver, and records of enforcement
20 actions taken to correct violations of these regulations.

21 (k) Enforce the provisions of these regulations, investigate violations, issue notices of
22 violations or stop work orders, and require permit holders to take corrective action.

23 (l) Administer the requirements related to proposed work on existing buildings:

24 (1) Make determinations as to whether buildings and structures that are located in
25 flood hazard areas and that are damaged by any cause have been substantially damaged.

26 (2) Make reasonable efforts to notify owners of substantially damaged structures of
27 the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant
28 repair of substantially damaged buildings except for temporary emergency protective measures
29 necessary to secure a property or stabilize a building or structure to prevent additional damage.

30 (m) Undertake, as determined appropriate by the Floodplain Administrator due to the
31 circumstances, other actions which may include but are not limited to: issuing press releases,

1 public service announcements, and other public information materials related to permit requests
 2 and repair of damaged structures; coordinating with other Federal, State, and local agencies to
 3 assist with substantial damage determinations; providing owners of damaged structures
 4 information related to the proper repair of damaged structures in special flood hazard areas; and
 5 assisting property owners with documentation necessary to file claims for Increased Cost of
 6 Compliance (ICC) coverage under NFIP flood insurance policies.

7 (n) Notify the Federal Emergency Management Agency when the corporate boundaries of
 8 Prince George's County have been modified and:

9 (1) Provide a map that clearly delineates the new corporate boundaries or the new
 10 area for which the authority to regulate pursuant to these regulations has either been assumed or
 11 relinquished through annexation; and

12 (2) If the FIRM for any annexed area includes special flood hazard areas that have
 13 flood zones that have regulatory requirements that are not set forth in these regulations, prepare
 14 amendments to these regulations to adopt the FIRM and appropriate requirements, and submit
 15 the amendments to the governing body for adoption; such adoption shall take place within six
 16 months of the date of annexation and a copy of the amended regulations shall be provided to
 17 MDE (NFIP State Coordinator) and FEMA.

18 (o) Upon the request of FEMA, complete and submit a report concerning participation in
 19 the NFIP which may request information regarding the number of buildings in the SFHA,
 20 number of permits issued for development in the SFHA, and number of waivers issued for
 21 development in the SFHA.

22 **Sec. 32-203.03. Administration - Use and Interpretation of FIRMs.**

23 The Floodplain Administrator or designee shall make interpretations, where needed, as to
 24 the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries.
 25 The following shall apply to the use and interpretation of FIRMs and data:

26 (a) Where field surveyed topography indicates that ground elevations:

27 (1) Are below the base flood elevation, even in areas not delineated as a special flood
 28 hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to
 29 the requirements of these regulations;

1 (2) Are above the base flood elevation, the area shall be regulated as special flood
 2 hazard area unless the applicant or the County, as determined by the Director, obtains a Letter of
 3 Map Change that removes the area from the special flood hazard area.

4 (b) In FEMA-identified special flood hazard areas where base flood elevation and
 5 floodway data have not been identified and in areas where FEMA has not identified special flood
 6 hazard areas, any other flood hazard data available from a Federal, State, or other source shall be
 7 reviewed and reasonably used.

8 (c) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall
 9 take precedence over base flood elevations and floodway boundaries by any other sources if such
 10 sources show reduced floodway widths and/or lower base flood elevations.

11 (d) Other sources of data shall be reasonably used if such sources show increased base
 12 flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

13 (e) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study
 14 has been provided by FEMA:

15 (1) Upon the issuance of a Letter of Final Determination by FEMA, if the preliminary
 16 flood hazard data is more restrictive than the effective data, it shall be used and shall replace the
 17 flood hazard data previously provided from FEMA for the purposes of administering these
 18 regulations.

19 (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of
 20 preliminary flood hazard data shall be deemed the best available data pursuant to Section 32-
 21 202(d)(3) of the County Code and used where no base flood elevations and/or floodway areas are
 22 provided on the effective FIRM.

23 **Sec. 32-203.04. Administration - Permits Required and Expiration.**

24 (a) It shall be unlawful for any person to begin any development or construction which is
 25 wholly within, partially within, or in contact with any flood hazard area including but not limited
 26 to: filling; grading; construction of new structures; the substantial improvement of buildings or
 27 structures, including repair of substantial damage; placement or replacement of manufactured
 28 homes, including substantial improvement or repair of substantial damage of manufactured
 29 homes; erecting or installing a temporary structure, or alteration of a watercourse, until a permit
 30 is obtained from Prince George's County. No such permit shall be issued until the requirements
 31 of these regulations have been met.

1 (b) In addition to the permits required in paragraph (a), applicants for permits in non-tidal
 2 waters of the State are advised to contact MDE. Unless waived by MDE, pursuant to Code of
 3 Maryland Regulations 26.17.04, Construction on Non-tidal Waters and Floodplains, MDE
 4 regulates the “100-year frequency floodplain of free-flowing waters,” also referred to as non-
 5 tidal waters of the State. To determine the 1-percent annual (100-year) frequency floodplain,
 6 hydrologic calculations are based on the ultimate development of the watershed, assuming
 7 existing zoning. The resulting flood hazard areas delineated using the results of such
 8 calculations may be different than the special flood hazard areas. A permit from Prince George’s
 9 County is still required in addition to any State requirements.

10 (c) A building permit is valid provided the actual start of work is within 180 days of the
 11 date of permit issuance. Requests for extensions shall be submitted in writing and justifiable
 12 cause demonstrated. For building permits for structures affecting the 1-percent annual (100-year)
 13 floodplain, the Floodplain Administrator may grant, in writing, one or more extensions of time,
 14 for additional periods not exceeding ninety (90) days each and provided there has been no
 15 amendment or revision to the basis for establishing special flood hazard areas and BFEs.

16 **Sec. 32-203.05. Administration - Application Required.**

17 (a) The application for a county permit shall be made by the owner of the property or the
 18 owner’s authorized agent (herein referred to as the applicant). The county permit shall be issued
 19 prior to start of any work.

20 (b) New Technical Data

21 (1) The applicant may seek a Letter of Map Change by submitting new technical data
 22 to FEMA, such as base maps, topography, and engineering analyses to support revision of
 23 floodplain and floodway boundaries and/or base flood elevations. Such submissions shall be
 24 prepared in a format acceptable to FEMA and any fees shall be the sole responsibility of the
 25 applicant.

26 (2) If the applicant submits new technical data to support any change in floodplain
 27 and designated floodway boundaries and/or base flood elevations but has not sought a Letter of
 28 Map Change from FEMA, the applicant shall submit such data to FEMA as soon as practicable,
 29 but not later than six (6) months after the date such information becomes available. Such
 30 submissions shall be prepared in a format acceptable to FEMA and any fees shall be the sole
 31 responsibility of the applicant.

1 **Sec. 32-203.06. Administration - Review of Application.**

2 The Floodplain Administrator or designee shall:

3 (a) Review applications for development in special flood hazard areas to determine the
4 completeness of information submitted. The applicant shall be notified of incompleteness or
5 additional information that is required to support the application.

6 (b) Notify applicants that permits from MDE and the U.S. Army Corps of Engineers, and
7 other State and Federal authorities may be required.

8 (c) Review all permit applications, advise the applicant of necessary permits required from
9 Federal, State or local governmental agencies. The applicant shall be responsible for obtaining
10 such permits, including permits issued by:

11 (1) The U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors
12 Act and Section 404 of the Clean Water Act;

13 (2) MDE pursuant to COMAR 26.23 (Non-tidal Wetlands) and Section 401 of the
14 Clean Water Act;

15 (3) MDE for construction on non-tidal waters of the State pursuant to COMAR
16 26.17.04;

17 (4) MDE pursuant to COMAR 26.24 (Tidal Wetlands); and

18 (5) Review applications for compliance with these regulations after all information
19 required by the Floodplain Administrator has been received.

20 **Sec. 32-203.07. Administration - Inspections.**

21 The Floodplain Administrator shall make periodic inspections of development permitted in
22 special flood hazard areas, at appropriate times throughout the period of construction in order to
23 monitor compliance. Such inspections may include:

24 (a) Wall Check inspection, to determine location on the site relative to the flood hazard
25 area and designated floodway.

26 (b) Foundation inspection, upon placement of the lowest floor and prior to further vertical
27 construction, to collect information or certification of the elevation of the lowest floor.

28 (c) Inspection of enclosures below the lowest floor, including crawl/underfloor spaces, to
29 determine compliance with applicable provisions.

30 (d) Utility inspection, upon installation of specified mechanical and electrical equipment
31 and appliances, to determine appropriate location with respect to the base flood elevation.

1 (e) Final inspection prior to issuance of the Certificate of Occupancy.

2 **Sec. 32-203.08. Administration - Submissions Required Prior to Final Inspection.**

3 Pursuant to the Agreement to Submit an Elevation Certificate submitted with the
 4 application as required, the permittee shall have an Elevation Certificate prepared and submitted
 5 prior to final inspection and issuance of a Certificate of Occupancy for elevated structures and
 6 manufactured homes, including new structures and manufactured homes, substantially-improved
 7 structures and manufactured homes, and additions to structures and manufactured homes.

8 **Sec. 32-207.01. Construction and Design Standards within the Floodplain - Subdivision**
 9 **Proposals and Development Proposals.**

10 Subdivision and development proposals shall be reviewed by the Department of Permitting,
 11 Inspections and Enforcement to must address the following requirements:

12 (a) Subdivision proposals and development proposals shall be consistent with the need to
 13 minimize flood damage and are subject to all applicable standards in these regulations.

14 (b) Subdivision proposals and development proposals shall have utilities and facilities such
 15 as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

16 (c) Subdivision proposals and development proposals shall have adequate drainage paths
 17 provided to reduce exposure to flood hazards and to guide floodwaters around and away from
 18 proposed structures.

19 (d) Subdivision proposals and development proposals containing at least five (5) lots or at
 20 least five (5) acres, whichever is the lesser, that are wholly or partially in flood hazard areas
 21 where base flood elevation data are not provided by the Floodplain Administrator or available
 22 from other sources, shall be supported by determinations of base flood elevations as required in
 23 Prince George's County Stormwater Management Manual.

24 (e) Proposed Subdivision access roads shall be designed to convey the 1-percent annual
 25 chance (100 year) storm with at least one (1) foot of freeboard from the 100-year backwater
 26 elevation to the ground elevation at the public right-of-way for closed section roadways, or to the
 27 edge of paving for an open section roadways, or to the bottom of a new bridge superstructure. If
 28 an existing access roadway is inundated by floodplain (6-inch inundation or more) due to the 1-
 29 percent annual chance (100-year) storm, such that the 1 foot of freeboard cannot be achieved,
 30 approval is required through a waiver process with the Director or the Director's designee.

31 (f) In special flood hazard areas of non-tidal waters of the State:

1 (1) Subdivision proposals shall be laid out such that proposed building pads are
 2 located outside of the special flood hazard area and any portion of platted lots that include land
 3 areas that are below the base flood elevation shall be used for other purposes, deed restricted, or
 4 otherwise protected to preserve it as open space.

5 (2) In special flood hazard areas of non-tidal waters of the State: Subdivision access
 6 roads shall have the driving surface at or above the base flood elevation.

7 **Sec. 32-207.02. Construction and Design Standards within the Floodplain – Historic**
 8 **Structures.**

9 Repair, alteration, addition, rehabilitation, or other improvement of historic structures shall
 10 be subject to the requirements of these regulations if the proposed work is determined to be a
 11 substantial improvement, unless a determination is made that the proposed work will not
 12 preclude the structure’s continued designation as a historic structure. The Floodplain
 13 Administrator or designee may require documentation of a structure’s continued eligibility and
 14 designation as a historic structure.

15 **Sec. 32-207.03. Construction and Design Standards within the Floodplain – Manufactured**
 16 **Homes.**

17 (a) New or substantially improved manufactured homes shall not be placed or installed in
 18 floodplain, floodways or coastal high hazard areas (V Zones).

19 (b) New manufactured homes located outside of floodplains and floodways and coastal
 20 high hazard areas (V Zones), replacement manufactured homes in any flood hazard areas, and
 21 substantial improvement (including repair of substantial damage) of existing manufactured
 22 homes in all flood hazard area, shall:

23 (1) Be elevated on a permanent, reinforced foundation in accordance with this
 24 ordinance, as applicable to the flood zone; and

25 (2) Be installed in accordance with the anchor and tie-down requirements of the
 26 building code or the manufacturer’s written installation instructions and specifications.

27 **Sec. 32-207.04. Construction and Design Standards within the Floodplain – Critical and**
 28 **Essential Facilities.**

29 Critical and essential facilities shall:

30 (a) Not be located in coastal high hazard areas (V Zones), Coastal A Zones or floodways.

1 (b) If located in flood hazard areas other than coastal high hazard areas, Coastal A Zones
 2 and floodways, shall be elevated to the flood protection elevation or higher.

3 **Sec. 32-207.05. Construction and Design Standards within the Floodplain – Temporary**
 4 **Structures and Temporary Storage.**

5 In addition to the application requirements, applications for the placement or erection of
 6 temporary structures and the temporary storage of any goods, materials, and equipment, shall
 7 specify the duration of the temporary use. Temporary structures and temporary storage in the
 8 floodplain shall meet the limitations of these regulations. In addition:

9 (a) Temporary structures shall:

10 (1) Be designed and constructed to prevent flotation, collapse or lateral movement
 11 resulting from hydrodynamic loads and hydrostatic loads during conditions of the base flood;

12 (2) Have electric service installed in compliance with the electric code; and

13 (3) Comply with all other requirements of the applicable State and local permit
 14 authorities.

15 (b) Temporary storage shall not include hazardous materials.

16 **Sec. 32-207.06. Construction and Design Standards within the Floodplain – Functionally**
 17 **Dependent Uses.**

18 Applications for functionally dependent uses that do not conform to the requirements of
 19 these regulations shall be approved only through a waiver. If approved, functionally dependent
 20 uses shall be protected by methods that minimize flood damage during the base flood, including
 21 measures to allow floodwaters to enter and exit, use of flood damage-resistant materials, and
 22 elevation of electric service and equipment to the extent practical given the use of the building.

23 **Sec. 32-207.07. Construction and Design Standards within the Floodplain – Development**
 24 **in Floodways.**

25 For proposed development that will encroach into a designated floodway, the applicant is
 26 required to submit an evaluation of alternatives to such encroachment, including different uses of
 27 the site or the portion of the site within the floodway, and minimization of such encroachment.
 28 This requirement does not apply to fences that do not block the flow of floodwaters or trap
 29 debris. Proposed development in a designated floodway may be permitted only if:

30 (a) The applicant has been issued a permit by MDE; and

1 (b) The applicant has developed hydrologic and hydraulic engineering analyses and
 2 technical data prepared by a licensed professional engineer reflecting such changes, and the
 3 analyses, which shall be submitted to the Floodplain Administrator, demonstrate that the
 4 proposed activity will not result in any increase in the base flood elevation; or

5 (c) If the analyses demonstrate that the proposed activities will result in an increase in the
 6 base flood elevation, the applicant has obtained a Conditional Letter of Map Revision and a
 7 Letter of Map Revision from FEMA upon completion of the project. Submittal requirements and
 8 fees shall be the responsibility of the applicant.

9 **Sec. 32-207.08. Construction and Design Standards within the Floodplain – Roads,**
 10 **Bridges, Culverts, Dams and In-Stream Ponds.**

11 Construction of roads, bridges, culverts, dams and in-stream ponds in non-tidal waters of
 12 the State shall not be constructed unless they comply with this section and the applicant has
 13 received a permit from MDE.

14 **Sec. 32-207.09. Construction and Design Standards within the Floodplain – Alteration of a**
 15 **Watercourse.**

16 For any proposed development that involves alteration of a watercourse the applicant shall
 17 develop hydrologic and hydraulic engineering analyses and technical data reflecting such
 18 changes, including the floodplain analysis, and submit such technical data to the Floodplain
 19 Administrator. This shall also be submitted to FEMA for projects that affect a FEMA
 20 established 1-percent annual chance (100 year) floodplain. . The analyses shall be prepared by
 21 a licensed professional engineer in a format required by MDE and by FEMA for a Conditional
 22 Letter of Map Revision or Letter of Map Revision. Submittal requirements and fees shall be the
 23 responsibility of the applicant. Alteration of a watercourse may be permitted only upon
 24 submission, by the applicant, of the following:

25 (a) A description of the extent to which the watercourse will be altered or relocated;

26 (b) A certification by a licensed professional engineer that the flood-carrying capacity of
 27 the watercourse will not be diminished;

28 (c) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and MDE
 29 have been notified of the proposal, and evidence that such notifications have been submitted to
 30 FEMA, for projects that affect a FEMA established 1-percent annual chance (100 year)
 31 floodplain; and

1 (d) Evidence that the applicant shall be responsible for providing the necessary
 2 maintenance for the altered or relocated portion of the watercourse so that the flood carrying
 3 capacity will not be diminished. The Floodplain Administrator may require the applicant to
 4 enter into an agreement with Prince George’s County specifying the maintenance
 5 responsibilities; if an agreement is required, the permit shall be conditioned to require that the
 6 agreement be recorded on the deed of the property which shall be binding on future owners.

7 **Sec. 32-207.010. Construction and Design Standards within the Floodplain – Horizontal**

8 **Additions.**

9 (a) A horizontal addition proposed for a building or structure that was constructed after the
 10 date specified in Section 32-202 of the County Code shall comply with the applicable
 11 requirements of Section 32-207 of the County Code and this section.

12 (b) In non-tidal waters of the State that are subject to the regulatory authority of MDE, all
 13 horizontal additions shall comply with the applicable requirements of Section 32-207 of the
 14 County Code and this Section and:

15 (1) If the addition is structurally connected to the base building, the requirements of
 16 paragraph (c) apply.

17 (2) If the addition has an independent foundation and is not structurally connected to
 18 the base building and the common wall with the base building is modified by no more than a
 19 doorway, the base building is not required to be brought into compliance.

20 (c) For horizontal additions that are structurally connected to the base building:

21 (1) If the addition combined with other proposed repairs, alterations, or modifications
 22 of the base building constitutes substantial improvement, the base building and the addition shall
 23 comply with the applicable requirements of Section 32-207 of the County Code and this section.

24 (2) If the addition constitutes substantial improvement, the base building and the
 25 addition shall comply with all of the applicable requirements of Section 32-207 of the County
 26 Code and this section.

27 (d) For horizontal additions with independent foundations that are not structurally
 28 connected to the base building and the common wall with the base building is modified by no
 29 more than a doorway, the base building is not required to be brought into compliance. A
 30 horizontal addition to a building or structure that is not substantial improvement, and is not
 31 located in nontidal waters of the State, is not required to comply with this section.

1 **Sec. 32-208.01. Coastal and Wetland Floodplain Regulations – Location and Site**

2 **Preparation.**

3 (a) The placement of structural fill for the purpose of elevating buildings is prohibited.

4 (b) Buildings shall be located landward of the reach of mean high tide.

5 (c) Minor grading, and the placement of minor quantities of fill, shall be permitted for
6 landscaping and for drainage purposes under and around buildings and for support of parking
7 slabs, pool decks, patios and walkways.

8 (d) Site preparations shall not alter sand dunes unless an engineering analysis demonstrates
9 that the potential for flood damage is not increased.

10 **Sec. 32-208.02. Coastal and Wetland Floodplain Regulations – Residential and**

11 **Nonresidential Structures.**

12 New structures and substantial improvement (including repair of substantial damage) of
13 existing structures shall comply with the applicable requirements of Section 32-207 of the
14 County Code and the requirements of this Section.

15 (a) Foundations

16 (1) Structures shall be supported on pilings or columns and shall be adequately
17 anchored to such pilings or columns. Pilings shall have adequate soil penetrations to resist the
18 combined wave and wind loads (lateral and uplift). Water loading values used shall be those
19 associated with the base flood. Wind loading values shall be those required by applicable
20 building codes. Pile embedment shall include consideration of decreased resistance capacity
21 caused by scour of soil strata surrounding the piling.

22 (2) Slabs, pools, pool decks and walkways shall be located and constructed to be
23 structurally independent of structures and their foundations to prevent transfer of flood loads to
24 the structures during conditions of flooding, scour, or erosion from wave-velocity flow
25 conditions, and shall be designed to minimize debris impacts to adjacent properties and public
26 infrastructure.

27 (b) Elevation Requirements

28 (1) The bottom of the lowest horizontal structural member that supports the lowest
29 floor shall be located at or above the flood protection elevation.

30 (2) Basement floors that are below grade on all sides are prohibited.

1 (3) The space below an elevated building shall either be free-of-obstruction or, if
2 enclosed by walls, shall meet the requirements of paragraph [(c)] (d) below.

3 (c) Certification of Design

4 As required in Section 32-204 of the County Code, the applicant shall include in the
5 application a certification prepared by a licensed professional engineer or a licensed architect
6 that the design and methods of construction to be used meet the requirements of [paragraph (a),
7 paragraph (b), paragraph (d)] Section 32-208.03 (c) and (d) , and the building code.

8 (d) Enclosures Below the Lowest Floor

9 (1) Enclosures below the lowest floor shall be used solely for parking of vehicles,
10 building access or limited storage;

11 (2) Enclosures below the lowest floor shall be less than two hundred ninety-nine
12 (299) square feet in area (exterior measurement);

13 (3) Walls and partitions are permitted below the elevated floor, provided that such
14 walls and partitions are designed to break away under flood loads and are not part of the
15 structural support of the building or structure;

16 (4) Electrical, mechanical, and plumbing system components shall not be mounted on
17 or penetrate through walls that are designed to break away under flood loads;

18 (5) Walls intended to break away under flood loads shall be constructed with insect
19 screening or open lattice, or shall be designed to break away or collapse without causing
20 collapse, displacement or other structural damage to the elevated portion of the building or
21 supporting foundation system. Such walls, framing and connections shall have a design safe
22 loading resistance of not less than 10 pounds per square foot and no more than twenty (20)
23 pounds per square foot; or

24 (6) Where wind loading values of the building code exceed twenty (20) pounds per
25 square foot, the applicant shall submit a certification prepared and sealed by a licensed
26 professional engineer or licensed architect that:

27 (A) The walls and partitions below the lowest floor have been designed to
28 collapse from a water load less than that which would occur during the base flood.

29 (B) The elevated portion of the building and supporting foundation system have
30 been designed to withstand the effects of wind and flood loads acting simultaneously on all
31 building components (structural and nonstructural). Water loading values used shall be those

1 associated with the base flood; wind loading values used shall be those required by the building
 2 code.

3 (C) In Coastal A Zones, in addition to the requirements of this section, walls
 4 below the lowest floor shall have flood openings that meet the requirements of Section 32-207 of
 5 the County Code.

6 **Sec. 32-208.03. Coastal and Wetland Floodplain Regulations – Horizontal Additions to**
 7 **Structures.**

8 (a) A horizontal addition proposed for a building or structure that was constructed after
 9 the date specified in Section 32-202 of the County Code shall comply with the applicable
 10 requirements of Section 32-207 of the County Code and this Section.

11 (b) For horizontal additions, whether structurally connected or not structurally connected,
 12 to the base building:

13 (1) If the addition combined with other proposed repairs, alterations, or modifications
 14 of the base building constitutes substantial improvement, the base building and the addition shall
 15 comply with the applicable requirements of Section 32-207 of the County Code and this Section.

16 (2) If the addition constitutes substantial improvement, the base building and the
 17 addition shall comply with all of the applicable requirements of Section 32-205 of the County
 18 Code and this section. Note: The base building is required to comply otherwise it is an
 19 obstruction that does not comply with the free-of-obstruction requirement that applies to the
 20 elevated addition under Section 32-208 of the County Code.

21 (c) A horizontal addition to a building or structure that is not substantial improvement is
 22 not required to comply with this section.

23 **Sec. 32-208.04. Coastal and Wetland Floodplain Regulations – Accessory Structures.**

24 (a) Accessory structures shall be limited to not more than three hundred (300) square
 25 feet in total floor area.

26 (b) Accessory structures shall comply with the elevation requirements and other
 27 requirements of Section 32-208 of the County Code or, if not elevated, shall:

28 (1) Be useable only for parking of vehicles or limited storage;

29 (2) Be constructed with flood damage-resistant materials below the base flood
 30 elevation;

1 (3) Be constructed and placed to offer the minimum resistance to the flow of
2 floodwaters;

3 (4) Be anchored to prevent flotation;

4 (5) Have electrical service and mechanical equipment elevated to or above the
5 base flood elevation; and

6 (6) If larger than one hundred (100) square feet in size, have walls that meet the
7 requirements of Section 32-208, as applicable for the flood zone; and if located in Coastal A
8 Zones, walls shall have flood openings that meet the requirements of Section 32-207.

9 **Sec. 32-208.05. Coastal and Wetland Floodplain Regulations – Other Structures and**
10 **Development.**

11 (a) Decks and Patios

12 In addition to the requirements of the building code or the residential code, decks and patios
13 shall be located, designed, and constructed in compliance with the following:

14 (1) A deck that is structurally attached to a building or structure shall have the bottom
15 of the lowest horizontal structural member at or above the flood protection elevation and any
16 supporting members that extend below the design flood elevation shall comply with the
17 foundation requirements that apply to the building or structure, which shall be designed to
18 accommodate any increased loads resulting from the attached deck.

19 (2) A deck or patio that is located below the flood protection elevation shall be
20 structurally independent from structures and their foundation systems, and shall be designed and
21 constructed either to remain intact and in place during base flood conditions or to break apart
22 into small pieces that will not cause structural damage to adjacent elevated structures.

23 (3) A deck or patio that has a vertical thickness of more than twelve (12) inches or
24 that is constructed with more than the minimum amount of fill that is necessary for site drainage
25 shall not be approved unless an analysis demonstrates no harmful diversion of floodwaters or
26 wave run-up and wave reflection that would increase damage to adjacent elevated structures.

27 (4) A deck or patio that has a vertical thickness of twelve (12) inches or less and that
28 is at natural grade or on fill material that is similar to and compatible with local soils and is the
29 minimum amount necessary for site drainage may be approved without requiring analysis of the
30 impact on diversion of floodwaters or wave run-up and wave reflection.

1 (b) Other Development: Other development activities shall be permitted only if located
 2 outside the footprint of, and not structurally attached to, structures, and only if an analysis
 3 demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection onto
 4 adjacent elevated structures. Other development includes but is not limited to:

5 (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control
 6 structures;

7 (2) Solid fences, privacy walls, and fences prone to trapping debris, unless designed
 8 and constructed to fail under base flood conditions; and

9 (3) Mounded septic systems.

10 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 11 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 12 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 13 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 14 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 15 Act, since the same would have been enacted without the incorporation in this Act of any such
 16 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 17 or section.

18 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
 19 calendar days after it becomes law.

Adopted this 13th day of September, 2016.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

* * * * *