

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2020 Legislative Session**

Bill No. CB-84-2020

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Anderson-Walker, Ivey and Dernoga

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2 Water Requirements for Development in Floodplains

3 For the purpose of amending the water requirements for development in floodplains to include  
4 studies conducted by an independent third party and generally relating to requirements for  
5 development in floodplains.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 32. WATER RESOURCES

8 PROTECTION AND GRADING CODE.

9 Section 32-206,

10 The Prince George's County Code

11 (2019 Edition).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
13 Maryland, that Section 32-206 of the Prince George's County Code be and the same is hereby  
14 repealed and reenacted with the following amendments:

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

16 **DIVISION 4. FLOODPLAIN ORDINANCE.**

17 **Sec. 32-206. Water Requirements for Development in Floodplains.**

18 (a) In order to undertake any development in the County floodplain other than as permitted  
19 in Section 32-205(b) of the County Code, the applicant must obtain a waiver from the  
20 Director or the Director's designee.

21 (b) The request for waiver shall include:

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- (1) The information required for a permit for development as set forth in this Division;
  - (2) A statement explaining the need for the development, any public benefit to be derived, and the actions that will be taken to reduce the threat of any potential flooding, flood damage, or adverse environmental impacts;
  - (3) Plans and studies as required by the Department.
  - (4) The Name, address, and telephone number of the applicant and property owner; a legal description of the property; a parcel map; a description of the existing use; description of the proposed use; a site map showing the location of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, flood protection setbacks; and a description of the waiver sought; and
  - (5) If the application is for a waiver to allow the lowest floor (A Zones) or bottom of the lowest horizontal structural member (V Zones and Coastal A Zones) of a building or structure below the applicable minimum elevation required by these regulations, the application shall include a statement signed by the owner that, if granted, the conditions of the waiver shall be recorded on the deed of the property.
- (c) Required plans and studies. The Department [may] shall require plans and studies to be submitted. All studies shall be subject to approval by the Department and the Department authorizes and encourages utilization of a third-party program (e.g. through the Army Corps of Engineers and/or another disinterested party) to conduct such plans and studies. Should the applicant or its agents conduct such plans and studies, the applicant will be fully liable for damage caused by flooding that occurs within the following ten (10) years that are directly related to the applicant's development. All studies and calculations furnished to satisfy this provision shall become the property of the County and may be used by the County for reviewing other development or for other purposes. The request for a waiver shall include all necessary documentation, including analysis of hydrology and hydraulic requirements, as defined in the Prince George's County Stormwater Management Design Manual (latest edition) for technical analysis by the Department.
- (d) The Director shall grant a waiver only upon determining that:

1 (1) The plans and studies required in Subsection (c), above, provide reasonable  
2 evidentiary assurances that the development will not increase the likelihood of  
3 flooding;

4 [(1)] (2) There is good and sufficient cause that is based solely on the physical  
5 characteristics of the property and cannot be based on the character of the  
6 improvement, the personal characteristics of the owner/inhabitant, or local  
7 provision that regulate standards other than health and public safety;

8 [(2)] (3) The granting of the waiver will not result in additional threats to public  
9 safety, or other adverse impacts on other public or private property either  
10 upstream, downstream or adjacent to the subject property;

11 [(3)] (4) The granting of the waiver will not result in fraud or victimization of the  
12 public;

13 [(4)] (5) The development will not violate other Federal, State or local laws or  
14 regulations;

15 [(5)] (6) The development will not violate other Federal, State or local laws or  
16 regulations;

17 [(6)] (7) The waiver does not violate the purpose and intent of this Division;

18 [(7)] (8) The failure to grant the waiver would result in exceptional hardship due to  
19 the physical characteristics of the property.

20 [(8)] (9) A building, structure or other development is protected by methods to  
21 minimize flood damages; and

22 [(9)] (10) A waiver is the minimum necessary to afford relief, considering the flood  
23 hazard.

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25 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
26 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
27 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
28 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
29 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
30 Act, since the same would have been enacted without the incorporation in this Act of any such  
31 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,

1 or section.

2 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)

3 calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Todd M. Turner  
Council Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
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.