

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2021 Legislative Session

Bill No. CB-25-2021

Chapter No. _____

Proposed and Presented by Council Member Anderson-Walker

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Plans and Studies Conducted Pursuant to the County’s Floodplain Ordinance

3 For the purpose of providing that certain plans and studies required pursuant to the County’s
4 Floodplain Ordinance include studies conducted by an independent third party; and generally
5 relating to the Floodplain Ordinance.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 32. WATER RESOURCES

8 PROTECTION AND GRADING CODE.

9 Sections 32-203, 32-204, 32-205, 32-206, and 32-209,

10 The Prince George's County Code

11 (2019 Edition; 2020 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Sections 32-203, 32-204, 32-205, 32-206, and 32-209, of the Prince George's
14 County Code be and the same is hereby repealed and reenacted with the following amendments:

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

16 **DIVISION 4. FLOODPLAIN ORDINANCE.**

17 **Sec. 32-203. - Definitions.**

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

19 * * * * *

20 (7) Base Flood Elevation - The water surface elevation of the base flood in relation to the
21 datum specified on the community's Flood Insurance Rate Map and any approved floodplain

1 study, including a study conducted by an independent third party. In areas of shallow flooding,
2 the base flood elevation is the highest adjacent natural grade elevation plus the depth number
3 specified in feet on the Flood Insurance Rate Map, or at least four (4) feet if the depth number is
4 not specified.

5 * * * * *

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

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

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

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

- 17 (A) Zone A;
- 18 (B) Zone AE and Zone A1-30;
- 19 (C) Zone AH and Zone AO; and
- 20 (D) Zone VE and Zone V1-30.

21 (2) Special flood hazard areas, as defined herein and identified by the County.

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

24 (4) Area delineated by approved County Comprehensive Watershed Management Plans and
25 supporting data to be subject to the 1-percent annual (100-year) flood or determined to be subject
26 to the 100-year flood by any other floodplain study, including a study conducted by an
27 independent third party approved by the County.

28 * * * * *

29 (h) Revisions of the County floodplain:

30 (1) The Department may amend the limits of the County floodplain to reflect the effect of
31 specified flood protection measures recommended in adopted County watershed plans that have

1 | been included in an adopted Prince George's County Capital Improvement Program(CIP) for
2 | planning, design and construction, and for which the County has all necessary federal and state
3 | permits, construction has been completed, and an as-built certification has been issued. However,
4 | the County floodplain may not be based upon flood elevations lower than shown on the effective
5 | FEMA map until concurrence in the lowered elevations has been received from FEMA in
6 | accordance with applicable federal regulations.

7 | (2) The County floodplain limits shall be amended by the Department where studies or
8 | information provided by a qualified agency or person document the need or possibility for such
9 | revision. Where there are no available studies, or where existing studies have been determined by
10 | the Department to be inadequate, a new study, including a study conducted by an independent
11 | third party of the area shall be required. All such floodplain studies shall be performed in
12 | accordance with the Department's requirements and criteria, which shall include, without
13 | limitation:

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

17 | (B) Future land use based on existing zoning or based on adopted or approved master
18 | plans, or sectional map amendments, whichever best reflects future land use in the opinion of the
19 | County.

20 | (C) Revisions to the floodplain that reflect changes, including but not limited to
21 | constructed grading, road crossings, culverts, dams, embankments, bridges, changes in
22 | channeling or vegetative cover.

23 | * * * * *

24 | **Sec. 32-205. - Development Regulations.**

25 | * * * * *

26 | (i) Computations and Notifications: All proposals to offset the effects of development in the
27 | floodplain by construction of stream modifications shall be documented by an engineering study
28 | prepared by a professional engineer who fully evaluates the effects of such construction. The
29 | report shall use the 1-percent annual chance (100-year)flood and floodplain data prepared by
30 | FEMA, if applicable, and other County-approved watershed and floodplain studies. For permits
31 | that result in changes to the FEMA floodplain, evidence

1 shall be provided that all adjacent communities and the Maryland Department of the
 2 Environment have been notified by certified mail regarding the proposed modification, as
 3 required for processing of a State of Maryland Waterway Construction permit. Copies of these
 4 notifications shall then be forwarded to FEMA's Federal Insurance Administration. The applicant
 5 or developer must conduct a study to assure that the 1-percent annual chance (100-year) flood
 6 carrying capacity within the altered or relocated portion of the watercourse in question will be
 7 maintained. The applicant or developer's study shall be reviewed by an independent third party,
 8 if requested by the Director. If the development involves stormwater management facilities, the
 9 owner shall execute a declaration of covenants for stormwater management maintenance with the
 10 County, which shall be recorded in the Land Records.

11 * * * * *

12 **Sec. 32-206. - Water Requirements for Development in Floodplain.**

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

16 (b) The request for waiver shall include:

17 (1) The information required for a permit for development as set forth in this Division;

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

21 (3) Plans and studies, including plans and studies conducted by an independent third party,
 22 as required by the Department.

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

28 * * * * *

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

30 (a) A permit is required for all development (including, but not limited to, construction of and/or
 31 substantial improvements to buildings and structures, placement of manufactured homes or

1 buildings, fill, temporary development, new or replacement infrastructure, or any combination
2 thereof) in the floodplain. However, for a development associated with a watercourse having a
3 drainage area of less than 50 acres, a detailed floodplain study may be waived, subject to the
4 review by an independent third party, and [subject to the] approval of the Department.

5 * * * * *

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

14 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
15 calendar days after it becomes law.

Adopted this _____ day of _____, 2021.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
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.