



**THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION**

Prince George's County Planning Department  
Office of the Planning Director

(301) 9523588  
www.mncppc.org

July 1, 2020

**MEMORANDUM**

**TO:** The Prince George's County Planning Board

**VIA:** Andree Green Checkley, Esq., Planning Director, Planning Department  
Derick Berlage, Acting Deputy Planning Director, Planning Department

**FROM:** Rana Hightower, Intergovernmental Affairs Coordinator

**SUBJECT:** **CB-49-2020**

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Date: 2020.07.02 08:28:40 -0400

**Purpose:** A bill to amend development regulations for Mixed-Use Zones located in a FEMA floodplain to address severe flooding in portions of Prince George's County, Maryland.

**Policy Analysis:** This bill requires a floodplain study as a prerequisite for the residential development of Mixed Use-Transportation Oriented (M-X-T) zoned land located in a FEMA Floodplain.

A "floodplain study" is not a clearly defined document under the Prince George's County Code. However, the County Code already has detailed regulations governing development in the floodplain, as discussed below. It appears to staff that the additional study required by this bill is duplicative of existing regulations.

Subtitle 32, entitled Water Resources Protection and Grading, is responsible for establishing the minimum requirements for grading, drainage, pollution, surface structures, erosion control of land, and stormwater management within Prince George's County.

Subtitle 32 is administered and enforced by the Department of Permitting, Inspections, and Enforcement (DPIE). There is a Floodplain Ordinance under Subtitle 32, Division 4. The Floodplain Ordinance defines a floodplain and establishes the County Floodplain areas and boundaries.

DPIE is responsible for reviewing permit applications to determine if proposed development activities will flood hazard areas and if the development will be reasonably safe from flooding. New construction and improvements must adhere to the Floodplain Ordinance. The agency also advises applicants on necessary permits required from Federal, State, or local agencies.

Development in the MXT zone requires a Conceptual Site Plan (CSP). Before a CSP application can be accepted, it must include an approved Natural Resources Inventory (NRI). To determine if a floodplain is present on-site, the applicant must first submit a Floodplain Information Request form to DPIE. Next, DPIE will determine if there is an approved floodplain study for the property. Also, DPIE will assess the property to determine whether a County-approved watershed study, an approved private floodplain study, or the effective Flood Insurance Study (FIS) prepared by FEMA governs the property.

If there is an approved floodplain study, a letter from DPIE must be provided before it can be used to delineate the 1-percent annual chance (100-year) floodplain on the NRI.

If there is no approved floodplain study for a site, an approved floodplain study must be completed by an engineer or the Prince George's County Department of Environment (DoE) and be approved by DPIE before acceptance of any NRI plan application.

If a floodplain easement has been established on the property, verification from DPIE that the boundaries of the easement are still valid for the area may be required.

To summarize, an approved floodplain request form from DPIE must be provided before the required floodplain information and the NRI plan application can be accepted for review. The floodplain source for the NRI can be one of the following, but must be approved by DPIE:

1. A floodplain easement less than 10 years old, or
2. A watershed study or effective FIS, whichever has the higher water surface elevation, or
3. An existing floodplain study, or
4. A new floodplain study prepared by a licensed engineer or DoE

The study prepared by the engineer or DoE must be approved by DPIE before the Environmental Planning Section's approval of the NRI.

If no area of the one percent annual chance (100-year) floodplain is shown on the NRI, then documentation regarding the absence of the floodplain must be obtained from DPIE stating that there is no one percent annual chance (100-year) floodplain existing on-site.

**Impacted Property:**

The bill would impact all MXT properties in the County that are proposed for residential development.

**Recommendation:**

Oppose

Staff recommends the Planning Board vote to oppose CB-49-2020. The bill is unnecessary for the above-mentioned reasons.