

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2024, Legislative Day No. 4

Bill No. 6-24

Mr. Izzy Patoka, Chairman
By Request of County Executive

By the County Council, February 20, 2024

A BILL
ENTITLED

AN ACT concerning

Maryland Model Floodplain Ordinance - Conforming Legislation

FOR the purpose of updating the Baltimore County Code to be in conformance with the
Maryland Model Floodplain Ordinance; deleting the definition of “historic structure” in the
Building Code of Baltimore County; and generally relating to Floodplain Management.

BY repealing
Article 35 -- Buildings and Housing
Title 3 -- Housing in General
Subtitle 3 -- Notice to Residential Property Tenants and Buyers
Section 35-3-302
Baltimore County Code, 2015

BY repealing
Article 32 – Planning, Zoning, and Subdivision Control
Title 4 – Development

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Subtitle 4 – General Design Standards and Requirements
Section 32-4-414
Baltimore County Code, 2015

- BY repealing
Article 32 – Planning, Zoning, and Subdivision Control
Title 8 – Floodplain Management
Subtitle 1 – Definitions
Section 32-8-101
Baltimore County Code, 2015
- BY adding to
Article 32 – Planning, Zoning, and Subdivision Control
Title 8 – Floodplain Management
Section 32-8-101 to be under the new subtitle, “Subtitle 1. Floodplain
Management Provisions – In General”.
Baltimore County Code, 2015
- BY repealing
Article 32 – Planning, Zoning, And Subdivision Control
Title 8 – Floodplain Management
Subtitle 2 – Floodplain Management Program
Sections 32-8-202 through 32-8-208
Baltimore County Code, 2015
- BY adding to
Article 32 – Planning, Zoning, And Subdivision Control
Title 8 – Floodplain Management
Subtitle 1 – Definitions
Sections 32-8-102 through 32-8-109 to be under the new subtitle, “Subtitle 1.
Floodplain Management Provisions – In General”.
Baltimore County Code, 2015
- BY repealing
Article 32 – Planning, Zoning, and Subdivision Control
Title 8 – Floodplain Management
Subtitle 2 – Floodplain Management Program
Section 32-8-201
Baltimore County Code, 2015
- BY adding to
Article 32 – Planning, Zoning, and Subdivision Control
Title 8 – Floodplain Management
Subtitle 2 – Floodplain Management Program
Section 32-8-201
Baltimore County Code, 2015

- BY repealing
Article 32 – Planning, Zoning, and Subdivision Control
Title 8 – Floodplain Management
Subtitle 3 – Waivers
Sections 32-8-301 through 32-8-307
Baltimore County Code, 2015
- BY adding to
Article 32 – Planning, Zoning, and Subdivision Control
Title 8 – Floodplain Management
Sections 32-8-301 through 32-8-308 to be under the new subtitle, “Subtitle 3.
Administration”.
Baltimore County Code, 2015
- BY repealing
Article 32 – Planning, Zoning, and Subdivision Control
Title 8 – Floodplain Management
Subtitle 4 – Flood Insurance Rate Maps
Sections 32-8-401 through 32-8-404
Baltimore County Code, 2015
- BY adding to
Article 32 – Planning, Zoning, and Subdivision Control
Title 8 – Floodplain Management
Sections 32-8-401 through 32-8-412 to be under the new subtitle, “Subtitle 4.
Requirements in All Flood Hazard Areas”.
Baltimore County Code, 2015
- BY adding to
Article 32 – Planning, Zoning, And Subdivision Control
Title 8 – Floodplain Management
Sections 32-8-501 through 32-8-507 to be under the new subtitle, “Subtitle 5.
Requirements In Flood Hazard Areas (A Zones) That Are Not Coastal
High Hazard Areas (V Zones) Or Coastal A Zones”
Baltimore County Code, 2015
- BY adding to
Article 32 – Planning, Zoning, And Subdivision Control
Title 8 – Floodplain Management
Sections 32-8-601 through 32-8-606 to be under the new subtitle, “Subtitle 6.
Requirements In Coastal High Hazard Areas (V Zones) And Coastal A
Zones”
Baltimore County Code, 2015

BY adding to
Article 32 – Planning, Zoning, And Subdivision Control
Title 8 – Floodplain Management
Sections 32-8-701 through 32-8-704 to be under the new subtitle, “Subtitle 7.
Variances”
Baltimore County Code, 2015

BY adding to
Article 32 – Planning, Zoning, And Subdivision Control
Title 8 – Floodplain Management
Sections 32-8-801 through 32-8-803 to be under the new subtitle, “Subtitle 8.
Enforcement”
Baltimore County Code, 2015

BY adding to
Article 32 – Planning, Zoning, And Subdivision Control
Title 8 – Floodplain Management
Section 32-8-901 to be under the new subtitle, “Subtitle 9. Subsequent
Amendments”
Baltimore County Code, 2015

BY repealing

The definition of “historic structure” in Part 123.1(3) of the Building Code of
Baltimore County, Maryland

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF

BALTIMORE COUNTY, MARYLAND, that the Laws of Baltimore County shall read
as follows:

Article 35. - Buildings and Housing

Title 3. - Housing in General

Subtitle 3. - Notice to Residential Property Tenants and Buyers

[§ 35-3-302. – Acknowledgment to Tenant of Housing within Floodplain.

(a)Applicability. This section shall apply when any part of a multifamily rental facility, including
the parking area, is within the 100 year floodplain as designated on:

1 (1) A flood hazard area boundary map furnished by the Federal Insurance Administration of the
2 U.S. Department of Housing and Urban Development;

3 (2) The floodplain maps of the U.S. Army Corps of Engineers; or

4 (3) Other available floodplain data.

5 (b) Acknowledgment required. A landlord shall include the acknowledgment under subsection

6 (c) of this section in a lease for a tenant who will occupy or use a building or a parking or storage
7 facility area that is situated in whole or in part within a flood hazard area.

8 (c) Form of acknowledgment. In the event of heavy rainfall, the unit you are to occupy or the
9 motor vehicle parking area or the separate storage facility (as the case may be) is situated within
10 a flood hazard area and may be subject to flooding which may damage personal belongings and
11 motor vehicles. Because of this possible loss, you may be eligible for U.S. government
12 subsidized flood insurance on the personal belongings in your unit. In any event, because of this
13 danger of loss of your personal belongings due to flooding, you may wish to consider acquiring
14 flood insurance which may be purchased from some insurance agents.

15 Damage to motor vehicles may not be covered by such insurance; therefore, you may wish to
16 also determine whether or not you have sufficient motor vehicle insurance to cover loss due to
17 damage of your motor vehicle resulting from flooding in the area.

18 I acknowledge reading and understanding the foregoing warning concerning flooding and the
19 availability of flood insurance and hereby assume the risk of loss which may result from such
20 flooding.

21 Tenant signature

22 (d) Manner of providing acknowledgment.

23 (1) The acknowledgment required under subsection (c) of this section may be:

- (i) In the form of an attachment to the lease; or
- (ii) In the lease form if:
1. The acknowledgment is distinctly set apart from any other provisions of the lease; and
 2. A space is provided for a separate written acknowledgment that the tenant is aware of the flood risk.
- (2) A landlord may not enforce a lease that is subject to this section unless:
- (i) The lease is accompanied by the acknowledgment required under this section; and
 - (ii) The acknowledgment has the tenant's signature or witnessed mark specifically and independently related to the acknowledgment.
- (e) Penalty. A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both.]

Article 32. - Planning, Zoning, and Subdivision Control

Title 4. - Development

Subtitle 4. - General Design Standards and Requirements

§ 32-4-414. - Floodplain and Wetland Protection

- (a) Definitions. In this section, "base flood", "development", "flood insurance rate map", "flooding", "floodway" and "riverine floodplain" have the meanings stated in Title 8 of this article.
- (b) Purpose. The purpose of this section to:
- (1) Reduce loss of life and property from flooding;
 - (2) Avoid the need for public expenditures for flood protection; and
 - (3) Protect or enhance the environmental quality of watersheds.

(c) Development in floodplain prohibited; exceptions. The county may not permit development in a riverine floodplain except for:

(1) The establishment of property subdivision lines; and

(2) The installation of a pond, culvert, bridge, street, utility, or drainage facility that the county finds is not detrimental to floodplain management programs.

(d) Base flood elevation.

(1) Except as provided in paragraph (2) of this subsection, if the floodplain is shown on the flood insurance rate map, the county shall limit any increase in the existing base flood elevation to a maximum of 1 foot.

(2) The county may not allow encroachment in the floodway causing an increase in the existing base flood elevation.

(3) In areas where the base flood elevation has not been established, the county shall determine the riverine floodplain and flood elevation by means of a flood study prepared in accordance with the requirements of the Department of Public Works and Transportation Design Manual and sealed by a registered professional engineer before the issuance of a permit or the recording of a subdivision plat.

(e) Wetlands.

(1) The county may not permit dredging, filling, or construction in any nontidal wetland or tidal wetland.

(2) The county shall require adequate protection of nontidal wetlands or tidal wetlands from contamination.]

Article 32. - Planning, Zoning, and Subdivision Control

Title 8. – Floodplain Management

Subtitle 1. - Definitions

§ 32-8-101.

(a) *In general.* In this title and in any code or regulations adopted under the authority of this title, the following words have the meanings indicated.

(b) *Accessory structure.*

(1) "Accessory structure" means a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure.

(2) "Accessory structure" includes a shed or detached garage.

(c) *Base flood.* "Base flood" means the 100-year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in the code.

(d) *Baltimore County Datum.* "Baltimore County Datum (BCD)" means the datum elevation to which Baltimore County floodplain elevations are referenced.

(e) *Basement.* "Basement" means an enclosed area that is below grade on all four sides.

(f) *Certificate of occupancy or use.* "Certificate of occupancy or use" means a permit to legally occupy or use a building for the intended purpose.

(g) *Development.*

(1) "Development" means any man-made change to improved or unimproved real estate, including erection of buildings and other structures, dredging, fill, grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or materials.

(2) "Development" includes subdivision of land.

- 1 (h) *Elevation certificate*. "Elevation certificate" means the form supplied by the Federal
2 Emergency Management Agency (FEMA) currently identified as "FEMA Form 81-31," as
3 amended, which form represents the certifying registered design professional's best efforts
4 to interpret data available and which certifies building elevations of the as-built structure.
- 5 (i) *Flood*. "Flood" means general and temporary condition of partial or complete inundation of
6 normally dry land areas from overflow of inland or tidal waters, or rapid unusual
7 accumulation of runoff from any sources.
- 8 (j) *Flood insurance rate map*. "Flood Insurance Rate Map (FIRM)" means a map that depicts
9 the minimum special flood hazard area to be regulated by this code unless a floodway map
10 is available.
- 11 (k) *Flood protection elevation*. "Flood Protection Elevation (FPE)" means the elevation of the
12 base flood plus 1 foot freeboard.
- 13 (l) *Floodproofing*. "Floodproofing" means any combination of structural or nonstructural
14 changes that reduce or eliminate flood damage to improved property.
- 15 (m) *Floodproofing certificate*. "Floodproofing certificate" means a form supplied by the Federal
16 Emergency Management Agency to certify that a building has been designed and
17 constructed to be structurally dry and to be floodproofed to the flood protection elevation.
- 18 (n) *Floodway*. "Floodway" means the channel and adjacent land area required to discharge the
19 waters of the 100-year frequency flood of a watercourse without increasing the water
20 surface elevations more than a specified height.
- 21 (o) *Floodway fringe*. "Floodway fringe" means that portion of the riverine floodplain outside
22 the floodway.

(p) *Floodway map*. "Floodway map" means a map that depicts floodways and special flood hazard areas.

(q) *Freeboard*. "Freeboard" means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence or other unpredictable effects.

(r) "Historic structure" means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

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

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

(4) Individually listed on the inventory of historic places maintained by Baltimore County whose historic preservation program has been certified by the Maryland Historical Trust or the Secretary of the Interior.

(s) *Lowest floor*.

(1) (i) "Lowest" floor means the lowest floor of the lowest enclosed area.

(ii) "Lowest floor" includes a basement.

(2) An unfinished enclosure is not the "lowest floor" if constructed of flood resistant materials and used solely for parking of vehicles or storage or building access in an area other than a basement, as long as it is supplied with water equalizing vents.

(t) *Manufactured home*. "Manufactured home" means a transportable structure that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

(u) *New construction*. "New construction" means a structure for which the start of construction began on or after the effective date of the original adoption of the Flood Insurance Rate Maps, viz. 1981.

(v) *North American Vertical Datum of 1988 (NAVD 88)*. "North American Vertical Datum of 1988 (NAVD 88)" means an elevation reference system set by the National Geodetic Survey and used by FIRM maps effective on September 26, 2008.

(w) *100-year frequency flood*. "100-year frequency flood" means the base flood, having one chance in one hundred (1%) of being equaled or exceeded in any year.

(x) *Permanent construction*. "Permanent construction" means any structure occupying a site for more than 180 days per year.

(y) *Recreational vehicle*. "Recreational vehicle" means a vehicle built on a single chassis which is 400 square feet or less at the longest horizontal projection, self propelled or towable, and designed primarily for temporary living while traveling or camping.

(z) *Riverine floodplain*. "Riverine floodplain" means that land which is inundated by the storm water runoff created by a 100-year frequency flood and which is based on maximum development of the watershed using the current zoning and based on the current standards

approved by the Department of Public Works and Transportation, but in no case less restrictive than the Federal Flood Insurance Study base flood.

(aa) *Start of construction.*

(1) "Start of construction" means the date of issue of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the new construction or substantial improvement is within 180 days after permit issuance.

(2) "Start of construction" means, for any development, the placement of slab or footings, piles, or columns.

(3) "Start of construction" means, for a manufactured home, the actual placement of the manufactured home.

(4) "Start of construction" means, for substantial improvement, the first alteration of any structural part of the building.

(bb) *Structure.*

(1) "Structure" means a walled and roofed building.

(2) "Structure" includes a manufactured home, gas and liquid storage tanks, garages, barns, and sheds.

(cc) *Substantial damage.* "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

(dd) *Substantial improvement.*

(1) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, less land value, either:

(i) Before the improvement or repair is started; or

(ii) If the structure has incurred substantial damage and been restored, before the damage occurred.

(2) "Substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

(3) "Substantial improvement" does not include the minimum repairs needed to correct previously identified violations of local health, safety, or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures.

(ee) *Temporary structure*. "Temporary structure" means any structure completely removed within 180 days after issuance of the permit.

(ff) *Tidal floodplain*. "Tidal floodplain" means the area subject to inundation by tidewaters as a result of a 100-year frequency flood event as established by the U.S. Army Corps of Engineers or the federal Flood Insurance Study base flood elevation, whichever is the more restrictive.]

Article 32 – Planning, Zoning, and Subdivision Control

Title 8 – Floodplain Management

Subtitle 1 – FLOODPLAIN MANAGEMENT PROVISIONS – IN GENERAL

32-8-101. - FINDINGS

1 A. THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS IDENTIFIED
2 SPECIAL FLOOD HAZARD AREAS WITHIN THE BOUNDARIES OF BALTIMORE
3 COUNTY. SPECIAL FLOOD HAZARD AREAS ARE SUBJECT TO PERIODIC
4 INUNDATION WHICH MAY RESULT IN LOSS OF LIFE AND PROPERTY, HEALTH
5 AND SAFETY HAZARDS, DISRUPTION OF COMMERCE AND GOVERNMENTAL
6 SERVICES, EXTRAORDINARY PUBLIC EXPENDITURES FOR FLOOD PROTECTION
7 AND RELIEF, AND IMPAIRMENT OF THE TAX BASE, ALL OF WHICH ADVERSELY
8 AFFECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE. STRUCTURES
9 THAT ARE INADEQUATELY ELEVATED, IMPROPERLY FLOODPROOFED, OR
10 OTHERWISE UNPROTECTED FROM FLOOD DAMAGE ALSO CONTRIBUTE TO
11 FLOOD LOSSES.

12 B. BALTIMORE COUNTY, BY RESOLUTION, AGREED TO MEET THE
13 REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AND WAS
14 ACCEPTED FOR PARTICIPATION IN THE PROGRAM ON MARCH 2, 1981. AS OF
15 THAT DATE, WHICH IS ALSO THE INITIAL EFFECTIVE DATE OF THE BALTIMORE
16 COUNTY FLOOD INSURANCE RATE MAP, ALL DEVELOPMENT AND NEW
17 CONSTRUCTION AS DEFINED HEREIN, ARE TO BE COMPLIANT WITH THESE
18 FLOODPLAIN MANAGEMENT PROVISIONS IN ADDITION TO THE INTERNATIONAL
19 BUILDING CODE (ICC), 2021 EDITION, APPENDIX G AND THE AMERICAN SOCIETY
20 OF CIVIL ENGINEERS (ASCE) 24-14 FLOOD RESISTANT DESIGN AND
21 CONSTRUCTION, WHICH ARE HERBY ADOPTED BY REFERENCE.

1 Title 8 – Floodplain Management

2 Subtitle 2 – Floodplain Management Program

3
4 **[§ 32-8-202. Floodplain Area — Defined.**

5 (a) *In general.* In accordance with Subtitle 4 of this title:

6 (1) The floodplain area shall include at a minimum those areas of Baltimore County that
7 are subject to the 100-year frequency flood, delineated on the most recent revision of
8 the floodway maps and flood insurance rate maps and described in the Flood Insurance
9 Study prepared for the county by the Federal Emergency Management agency; and

10 (2) The delineation of the floodplain area shall also include the 100-year frequency flood
11 elevations, which shall be not less than those established in the Flood Insurance Study.

12 (b) *Role of the Director of Public Works and Transportation.*

13 (1) The Director of Public Works and Transportation is responsible for the actual
14 delineation of the floodplain area.

15 (2) The floodplain area may be more restrictive than the Flood Insurance Study.

16 (c) *Floodplain zones.*

17 (1) Baltimore County has the following floodplain zones.

18 (2) Riverine floodplains:

19 (i) Consist of floodway and the floodway fringe; and

20 (ii) May have detailed engineering study data, profiles, and water surface elevations,
21 or may have approximate delineations only.

22 (3) Tidal floodplains:

- (i) Consist of areas subject to coastal or tidal flooding by the 100-year frequency flood; and
- (ii) Are flooded due to high tides, hurricanes, tropical storms, and steady on-shore winds.

§ 32-8-203. Same — Revisions.

(a) *In general.* Subject to review and approval by the Federal Insurance Administration and the State Secretary of the Environment, the Director of Public Works and Transportation may make revisions, amendments, and modifications to the floodplain area and flood elevations when:

- (1) There are changes through natural or other causes; or
- (2) Changes are indicated by detailed hydrologic and hydraulic studies.

(b) *Review of proposed changes.* Any proposed change to the Federal Emergency Management Agency map or study information, including a change in boundary, surface water elevation, water course, and other political changes, shall be submitted to the Federal Emergency Management Agency within 6 months after the time it becomes available to Baltimore County.

(c) *Change to a water course.*

(1) If any change to water courses is proposed, all conditions for encroachment into the floodway must be met.

(2) (i) Adjacent communities and property owners, the Federal Emergency Management Agency, and the State Department of the Environment must be notified before any modification to a water course may occur.

1 (ii) A modification will require a variance from the county.

2 (iii) In considering this variance, the public good must be shown to outweigh the
3 adverse impacts and the development may not increase surface water elevations,
4 flooding, or erosion.

5 (d) *Regulations.* The Director of Public Works and Transportation may adopt regulations
6 governing floodplain management policy.

7 **§ 32-8-204. Same — Boundary Disputes.**

8 (a) *Director to resolve.* The Director of Public Works and Transportation or the Director's
9 designee shall resolve any disputes regarding any established floodplain area boundary or
10 flood elevation in accordance with generally accepted engineering standards.

11 (b) *Appeal.*

12 (1) Any party aggrieved by the determination of the Director or the Director's designee
13 may appeal to the Board of Appeals.

14 (2) The party appealing shall have the burden of proof to establish, by a preponderance of
15 the evidence, error in the determination.

16 **§ 32-8-205. Information to be Shown on Plats.**

17 All plats prepared for recording shall clearly show the extent of any floodplain area on the
18 subject property by metes and bounds and flood elevations relative to a coordinate system
19 approved by the Director of Public Works and Transportation.

20 **§ 32-8-206. Flood Control and Water Resources Management Projects.**

21 Any flood control or water resources management project proposed for a riverine floodplain
22 or impacting tidal or nontidal wetlands in the floodplain area shall:

- (1) Require a permit from the State Department of the Environment in accordance with the Code of Maryland Regulations; and
- (2) Be subject to review and approval of the Federal Insurance Administration if the project will materially alter the delineation of the floodplain area.

§ 32-8-207. Development in the Floodplain Area.

(a) *In general.* This section applies to all development in the floodplain area notwithstanding any provision in the building code that is to the contrary or less restrictive.

(b) *Permit required.*

(1) The Building Engineer shall require a permit for all development, storage of equipment and materials, or placement of manufactured homes in the floodplain area.

(2) The permit shall be granted only after necessary permits from the state and federal agencies have been obtained.

(c) *Register of permits.*

(1) The county shall maintain a register of permits issued for any residential or nonresidential building construction or improvement in the floodplain area, including the elevation of the lowest floor or the elevation to which the structure was floodproofed, and the elevation of the related base flood level.

(2) The following items are to be maintained in this register, as applicable:

(i) Agreement to supply elevation certificate;

(ii) Non-conversion agreement;

(iii) Declaration of land restrictions;

(iv) Work sheet for substantial improvement;

(v) Checklist for items below flood elevation;

(vi) Floodproofing certificate; and

(vii) Elevation certificate.

(d) *Flood resistant construction.*

(1) Flood resistant construction shall be in accordance with the requirements of the International Code Council's International Building Code currently adopted by the county and as modified in this subsection.

(2) The lowest floor elevations of all new or substantially improved structures shall be those elevations required by the Building Code of Baltimore County.

(3) Basements are not permitted in the floodplain area.

§ 32-8-208. CONTRACT OF SALE REQUIREMENT.

(a) *House removed from floodplain area.* The following clause shall appear in any contract of sale or resale of a house, building, or other structure that has been removed from a 100-year floodplain area: "The house, building or structure which is the subject of this contract has been removed from a 100-year floodplain."

(b) *Failure to include required language.* Failure to include the clause mandated by this section shall render the contract voidable at the option of the purchaser.]

Article 32 – Planning, Zoning, And Subdivision Control

Title 8 – Floodplain Management

Subtitle 1 – Floodplain Management Provisions – In General

32-8-102. - STATUTORY AUTHORIZATION

THE MARYLAND GENERAL ASSEMBLY, IN MD. CODE ANN., LAND USE ARTICLE,
TITLE 4, HAS ESTABLISHED AS POLICY OF THE STATE THAT THE ORDERLY
DEVELOPMENT AND USE OF LAND AND STRUCTURES REQUIRES
COMPREHENSIVE REGULATION THROUGH THE IMPLEMENTATION OF PLANNING
AND ZONING CONTROL, AND THAT PLANNING AND ZONING CONTROLS SHALL
BE IMPLEMENTED BY LOCAL GOVERNMENT IN ORDER TO, AMONG OTHER
PURPOSES, SECURE THE PUBLIC SAFETY, PROMOTE HEALTH AND GENERAL
WELFARE, AND PROMOTE THE CONSERVATION OF NATURAL RESOURCES.
THEREFORE, THE COUNTY COUNCIL OF BALTIMORE COUNTY DOES HEREBY
ADOPT THE FOLLOWING FLOODPLAIN MANAGEMENT PROVISIONS.

32-8-103. - STATEMENT OF PURPOSE

IT IS THE PURPOSE OF THESE FLOODPLAIN MANAGEMENT PROVISIONS TO
PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE, AND TO:

- (A) PROTECT HUMAN LIFE, HEALTH AND WELFARE;
- (B) ENCOURAGE THE UTILIZATION OF APPROPRIATE CONSTRUCTION
PRACTICES IN ORDER TO PREVENT OR MINIMIZE FLOOD DAMAGE IN THE
FUTURE;
- (C) MINIMIZE FLOODING OF WATER SUPPLY AND SANITARY SEWAGE
DISPOSAL SYSTEMS;
- (D) MAINTAIN NATURAL DRAINAGE;
- (E) REDUCE FINANCIAL BURDENS IMPOSED ON THE COMMUNITY, ITS
GOVERNMENTAL UNITS, AND ITS RESIDENTS, BY DISCOURAGING UNWISE

1 DESIGN AND CONSTRUCTION OF DEVELOPMENT IN AREAS SUBJECT TO
2 FLOODING;

3 (F) MINIMIZE THE NEED FOR RESCUE AND RELIEF EFFORTS ASSOCIATED
4 WITH FLOODING AND GENERALLY UNDERTAKEN AT THE EXPENSE OF THE
5 GENERAL PUBLIC;

6 (G) MINIMIZE PROLONGED BUSINESS INTERRUPTIONS;

7 (H) MINIMIZE DAMAGE TO PUBLIC FACILITIES AND OTHER UTILITIES SUCH AS
8 WATER AND GAS MAINS, ELECTRIC, TELEPHONE AND SEWER LINES, STREETS
9 AND BRIDGES;

10 (I) REINFORCE THAT THOSE WHO BUILD IN AND OCCUPY SPECIAL FLOOD
11 HAZARD AREAS SHOULD ASSUME RESPONSIBILITY FOR THEIR ACTIONS;

12 (J) MINIMIZE THE IMPACT OF DEVELOPMENT ON ADJACENT PROPERTIES
13 WITHIN AND NEAR FLOOD-PRONE AREAS;

14 (K) PROVIDE THAT THE FLOOD STORAGE AND CONVEYANCE FUNCTIONS OF
15 FLOODPLAINS ARE MAINTAINED;

16 (L) MINIMIZE THE IMPACT OF DEVELOPMENT ON THE NATURAL AND
17 BENEFICIAL FUNCTIONS OF FLOODPLAINS;

18 (M) PREVENT FLOODPLAIN USES THAT ARE EITHER HAZARDOUS OR
19 ENVIRONMENTALLY INCOMPATIBLE; AND

20 (N) MEET COMMUNITY PARTICIPATION REQUIREMENTS OF THE NATIONAL
21 FLOOD INSURANCE PROGRAM AS SET FORTH IN THE CODE OF FEDERAL
22 REGULATIONS (CFR) AT 44 CFR SECTION 59.22.

**32-8-104. - AREAS TO WHICH THESE FLOODPLAIN MANAGEMENT PROVISIONS
APPLY**

THESE FLOODPLAIN MANAGEMENT PROVISIONS SHALL APPLY TO ALL SPECIAL
FLOOD HAZARD AREAS WITHIN THE JURISDICTION OF BALTIMORE COUNTY,
AND IDENTIFIED IN SECTION 32-8-105. BALTIMORE COUNTY ADOPTS AND SHALL
ENFORCE THE MOST RECENT REVISION OF THE FLOOD INSURANCE RATE MAPS
AND FLOOD INSURANCE STUDY, INCLUDING FIRM MAP PANEL NUMBER:

2400100010G	2400100015G	2400100020G	2400100030G
2400100035G	2400100040G	2400100045G	2400100055G
2400100065G	2400100080G	2400100085G	2400100090G
2400100095G	2400100105G	2400100110G	2400100115G
2400100120G	2400100130G	2400100135G	2400100140G
2400100145G	2400100165G	2400100170G	2400100185G
2400100195G	2400100205G	2400100210G	2400100215G
2400100220E	2400100230G	2400100235G	2400100240G
2400100245G	2400100255G	2400100260G	2400100265G
2400100270G	2400100280G	2400100285G	2400100290G
2400100295H	2400100315H	2400100335G	2400100355G
2400100359G	2400100360G	2400100365G	2400100370G
2400100378G	2400100380G	2400100385G	2400100386G
2400100387G	2400100388G	2400100389G	2400100395G

1 2400100405G 2400100410G 2400100420H 2400100430H
2 2400100435H 2400100440H 2400100485G 2400100502G
3 2400100505G 2400100510H 2400100530H 240010IND0E
4 240010V001E 240010V002E 240010V003E
5 240010_2023-11-02

6 **32-8-105. - BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS AND**
7 **BFES**

8 (A) FOR THE PURPOSES OF THESE FLOODPLAIN MANAGEMENT PROVISIONS,
9 THE MINIMUM BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS AND
10 BASE FLOOD ELEVATIONS IS THE FLOOD INSURANCE STUDY FOR BALTIMORE
11 COUNTY DATED NOVEMBER 2, 2023, OR THE MOST RECENT REVISION THEREOF,
12 AND THE ACCOMPANYING FLOOD INSURANCE RATE MAP(S) AND ALL
13 SUBSEQUENT AMENDMENTS AND REVISIONS TO THE FIRMS. THE FIS AND FIRMS
14 ARE RETAINED ON FILE AND AVAILABLE TO THE PUBLIC AT THE DEPARTMENT
15 OF PUBLIC WORKS AND TRANSPORTATION BUREAU OF ENGINEERING AND
16 CONSTRUCTION, BALTIMORE COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE
17 AVENUE, ROOM 200, TOWSON, MARYLAND 21204.

18 (B) WHERE FIELD SURVEYED TOPOGRAPHY OR DIGITAL TOPOGRAPHY
19 INDICATES THAT GROUND ELEVATIONS ARE BELOW THE CLOSEST APPLICABLE
20 BASE FLOOD ELEVATION, EVEN IN AREAS NOT DELINEATED AS A SPECIAL
21 FLOOD HAZARD ON THE FIRM, THE AREA SHALL BE CONSIDERED AS SPECIAL
22 FLOOD HAZARD AREA.

(C) TO ESTABLISH BASE FLOOD ELEVATIONS IN SPECIAL FLOOD HAZARD AREAS THAT DO NOT HAVE SUCH ELEVATIONS SHOWN ON THE FIRM, THE FLOODPLAIN ADMINISTRATOR MAY PROVIDE THE BEST AVAILABLE DATA FOR BASE FLOOD ELEVATIONS, MAY REQUIRE THE APPLICANT TO OBTAIN AVAILABLE INFORMATION FROM FEDERAL, STATE OR OTHER SOURCES, OR MAY REQUIRE THE APPLICANT TO ESTABLISH SPECIAL FLOOD HAZARD AREAS AND BASE FLOOD ELEVATIONS AS SET FORTH IN SECTION 32-8-303, SECTION 32-8-304, AND SECTION 32-8-305 OF THESE FLOODPLAIN MANAGEMENT PROVISIONS.

32-8-106. - ABROGATION AND GREATER RESTRICTIONS

(A) THESE FLOODPLAIN MANAGEMENT PROVISIONS ARE NOT INTENDED TO REPEAL OR ABROGATE ANY EXISTING REGULATIONS AND ORDINANCES, INCLUDING SUBDIVISION REGULATIONS, ZONING ORDINANCES, BUILDING CODES, OR ANY EXISTING EASEMENTS, COVENANTS, OR DEED RESTRICTIONS.

(B) IN THE EVENT OF A CONFLICT BETWEEN THESE FLOODPLAIN MANAGEMENT PROVISIONS AND ANY OTHER ORDINANCE, THE MORE RESTRICTIVE SHALL GOVERN.

32-8-107. - INTERPRETATION

(A) IN THE INTERPRETATION AND APPLICATION OF THESE FLOODPLAIN MANAGEMENT PROVISIONS, ALL PROVISIONS SHALL BE:

- (1) CONSIDERED AS MINIMUM REQUIREMENTS;
- (2) LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY; AND,
- (3) DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS GRANTED UNDER STATE STATUTES.

(B) NOTES REFERENCING PUBLICATIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY REFER TO THE MOST RECENT EDITION OF THOSE PUBLICATIONS, ARE INTENDED ONLY AS GUIDANCE, AND DO NOT BIND OR ALTER THE AUTHORITY OF THE FLOODPLAIN ADMINISTRATOR TO INTERPRET AND APPLY THESE FLOODPLAIN MANAGEMENT PROVISIONS.

32-8-108. - WARNING AND DISCLAIMER OF LIABILITY

(A) THE DEGREE OF FLOOD PROTECTION REQUIRED BY THESE FLOODPLAIN MANAGEMENT PROVISIONS IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. LARGER FLOODS CAN AND WILL OCCUR, AND FLOOD HEIGHTS MAY BE INCREASED BY MANMADE OR NATURAL CAUSES. THESE FLOODPLAIN MANAGEMENT PROVISIONS DO NOT IMPLY THAT LAND OUTSIDE OF THE SPECIAL FLOOD HAZARD AREAS OR USES THAT ARE PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGE.

(B) THESE FLOODPLAIN MANAGEMENT PROVISIONS SHALL NOT CREATE LIABILITY ON THE PART OF BALTIMORE COUNTY, ANY OFFICER OR EMPLOYEE THEREOF, THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FOR ANY FLOOD DAMAGE THAT RESULTS FROM RELIANCE ON THESE PROVISIONS OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE HEREUNDER.

32-8-109. SEVERABILITY

SHOULD ANY SECTION OR PROVISION OF THESE FLOODPLAIN MANAGEMENT PROVISIONS BE DECLARED BY THE COURTS TO BE UNCONSTITUTIONAL OR

INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE PROVISIONS AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID.

Article 32 – Planning, Zoning, and Subdivision Control

Title 8 – Floodplain Management

Subtitle 2 – Floodplain Management Program

[§ 32-8-201. Established.

(a) *Established 100-year frequency flood event.* The United States, through the Federal Emergency Management Agency, and the State of Maryland have established the 100-year frequency flood as the event defining the area of peril.

(b) *Established in accordance with state and federal programs.* Desiring to secure to its citizens the benefits of the National Flood Insurance Program and desiring to protect the health, safety, welfare, property, and life of its citizens, the county establishes, in accordance with state and federal programs, policies, laws and regulations, this floodplain management program.]

§ 32-8-201.

(A) *IN GENERAL.* UNLESS SPECIFICALLY DEFINED BELOW, WORDS OR PHRASES USED IN THESE FLOODPLAIN MANAGEMENT PROVISIONS SHALL BE INTERPRETED TO HAVE THE MEANING THEY HAVE IN COMMON USAGE AND TO GIVE THESE PROVISIONS THE MOST REASONABLE APPLICATION.

(B) *ACCESSORY STRUCTURE.* “ACCESSORY STRUCTURE” MEANS A BUILDING OR STRUCTURE ON THE SAME LOT WITH, AND OF A NATURE CUSTOMARILY

INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL STRUCTURE. FOR THE PURPOSES OF THESE FLOODPLAIN MANAGEMENT PROVISIONS, AN ACCESSORY STRUCTURE INCLUDES SHEDS AND DETACHED GARAGES AND SHALL BE USED SOLELY FOR PARKING OF VEHICLES AND LIMITED STORAGE.

(C) *AE*. “AE” MEANS 1% ANNUAL CHANCE FLOODPLAIN WITH ELEVATIONS DETERMINED AS DELINEATED IN THE FIRM.

(D) *AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE*. “AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE” MEANS A FORM ON WHICH THE APPLICANT FOR A PERMIT TO CONSTRUCT A BUILDING OR STRUCTURE, TO CONSTRUCT CERTAIN HORIZONTAL ADDITIONS, TO PLACE OR REPLACE A MANUFACTURED HOME, OR TO SUBSTANTIALLY IMPROVE A BUILDING, STRUCTURE, OR MANUFACTURED HOME, AGREES TO HAVE AN ELEVATION CERTIFICATE PREPARED BY A LICENSED PROFESSIONAL ENGINEER OR LICENSED PROFESSIONAL SURVEYOR, AS SPECIFIED BY THE FLOODPLAIN ADMINISTRATOR, AND TO SUBMIT THE CERTIFICATE:

(1) UPON PLACEMENT OF THE LOWEST FLOOR AND PRIOR TO FURTHER VERTICAL CONSTRUCTION; AND

(2) PRIOR TO THE FINAL INSPECTION AND ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

(E) *ALTERATION OF A WATERCOURSE*. “ALTERATION OF A WATERCOURSE,” FOR THE PURPOSE OF THESE FLOODPLAIN MANAGEMENT PROVISIONS, MEANS ALTERATION OF A WATERCOURSE INCLUDES, BUT IS NOT LIMITED TO WIDENING, DEEPENING OR RELOCATING THE CHANNEL, INCLUDING

EXCAVATION OR FILLING OF THE CHANNEL. ALTERATION OF A WATERCOURSE DOES NOT INCLUDE CONSTRUCTION OF A ROAD, BRIDGE, CULVERT, DAM, OR IN-STREAM POND UNLESS THE CHANNEL IS PROPOSED TO BE REALIGNED OR RELOCATED AS PART OF SUCH CONSTRUCTION.

(F) *AREA OF SHALLOW FLOODING*. “AREA OF SHALLOW FLOODING” MEANS A DESIGNATED ZONE AO ON THE FLOOD INSURANCE RATE MAP WITH A 1-PERCENT ANNUAL CHANCE OR GREATER OF FLOODING TO AN AVERAGE DEPTH OF ONE TO THREE FEET WHERE A CLEARLY DEFINED CHANNEL DOES NOT EXIST, WHERE THE PATH OF FLOODING IS UNPREDICTABLE, AND WHERE VELOCITY FLOW MAY BE EVIDENT; SUCH FLOODING IS CHARACTERIZED BY PONDING OR SHEET FLOW.

(G) *BALTIMORE COUNTY DATUM*. “BALTIMORE COUNTY DATUM (BCD)” MEANS THE DATUM ELEVATION TO WHICH BALTIMORE COUNTY FLOODPLAIN ELEVATIONS ARE REFERENCED.

(H) *BASE BUILDING*. “BASE BUILDING” MEANS THE BUILDING TO WHICH AN ADDITION IS BEING ADDED. THIS TERM IS USED IN PROVISIONS RELATING TO ADDITIONS.

(I) *BASE FLOOD*. “BASE FLOOD” MEANS THE FLOOD HAVING A ONE-PERCENT CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR; THE BASE FLOOD ALSO IS REFERRED TO AS THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD.

(J) *BASE FLOOD ELEVATION*. “BASE FLOOD ELEVATION” MEANS THE WATER SURFACE ELEVATION OF THE BASE FLOOD IN RELATION TO THE DATUM

SPECIFIED ON BALTIMORE COUNTY’S FLOOD INSURANCE RATE MAP OR THE MARYLAND COORDINATE SYSTEM, NORTH AMERICAN VERTICAL DATUM 1988 (NAD 83/91, NAVD 88). IN AREAS OF SHALLOW FLOODING, THE BASE FLOOD ELEVATION IS THE HIGHEST ADJACENT NATURAL GRADE ELEVATION PLUS THE DEPTH NUMBER SPECIFIED IN FEET ON THE FLOOD INSURANCE RATE MAP, OR AT LEAST FOUR (4) FEET IF THE DEPTH NUMBER IS NOT SPECIFIED.

(1) IN NON-TIDAL FLOOD ZONE AREAS, ZONE AE, ZONE A AND ZONE X, THE BASE FLOOD ELEVATION IS THE HIGHEST ELEVATION SHOWN ON THE FIRM, FIS OR A RECENT HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS BASED ON ULTIMATE LAND USE CONDITIONS SIGNED AND SEALED BY A LICENSED ENGINEER.

(2) IN TIDAL FLOOD ZONE AREAS, ZONE AE, ZONE A AND ZONE X, THE BASE FLOOD ELEVATION WILL BE 7.7’ SOUTH OF N576,770, E1,482,080 INCLUDING BACK RIVER AND ITS TRIBUTARIES AND 8.5’ NORTH OF N576,770, E1,482,080.

(3) IN AREAS WHERE TIDAL AND NONTIDAL FLOOD ZONE AREAS MEET, ALL ZONE AE, ZONE A AND ZONE X BASE FLOOD ELEVATIONS WILL BE DETERMINED USING A RECENT HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSIS BASED ON ULTIMATE LAND USE CONDITIONS SIGNED AND SEALED BY A MARYLAND PROFESSIONAL ENGINEER WITH THE MEAN HIGH TIDE ELEVATION AS THE DOWNSTREAM WATER CONDITION.

(K) *BASEMENT*. “BASEMENT” MEANS ANY ENCLOSED AREA OF THE BUILDING HAVING ITS FLOOR SUBGRADE (BELOW GROUND LEVEL) ON ALL SIDES.

1 (L) *BUILDING CODE(S)*. “BUILDING CODE(S)” MEANS THE EFFECTIVE
2 MARYLAND BUILDING PERFORMANCE STANDARDS (COMAR 05.02.07),
3 INCLUDING THE BUILDING CODE, RESIDENTIAL CODE, AND EXISTING BUILDING
4 CODE.

5 (M) *CERTIFICATE OF OCCUPANCY OR USE*. “CERTIFICATE OF OCCUPANCY OR
6 USE” MEANS A PERMIT TO LEGALLY OCCUPY OR USE A BUILDING FOR THE
7 INTENDED PURPOSE.

8 (N) “CLIMATE CHANGE” IS A LONG-TERM CHANGE IN AVERAGE WEATHER
9 PATTERNS THAT IS OBSERVABLE THROUGH THE SIMULTANEOUS RISE OF:
10 GLOBAL AVERAGE TEMPERATURES; SEA LEVELS; EXTREME RAINFALL EVENTS;
11 NUISANCE FLOODING; AND EROSION, THE CAUSES OF WHICH CAN BE NATURAL,
12 AND INCLUDE BUT ARE NOT LIMITED TO, CHANGES IN THE SUN’S ACTIVITY,
13 VARIATIONS IN THE EARTH’S ORBIT, OR LARGE VOLCANIC ERUPTIONS, AND
14 SINCE THE 1800’S, HAVE ALSO BEEN AFFECTED BY HUMAN ACTIVITIES.”

15 ~~(N)~~ (O) *COASTAL A ZONE*. “COASTAL A ZONE” MEANS AN AREA WITHIN A
16 SPECIAL FLOOD HAZARD AREA, LANDWARD OF A COASTAL HIGH HAZARD AREA
17 (V ZONE) OR LANDWARD OF A SHORELINE WITHOUT A MAPPED COASTAL HIGH
18 HAZARD AREA, IN WHICH THE PRINCIPAL SOURCE(S) OF FLOODING ARE
19 ASTRONOMICAL TIDES AND STORM SURGES, AND IN WHICH, DURING BASE
20 FLOOD CONDITIONS, THE POTENTIAL EXISTS FOR BREAKING WAVES WITH
21 HEIGHTS GREATER THAN OR EQUAL TO 1.5 FEET. THE INLAND LIMIT OF THE
22 COASTAL A ZONE MAY BE DELINEATED ON FIRMS AS THE LIMIT OF MODERATE
23 WAVE ACTION (LIMWA).

~~(Θ)~~ (P) *COASTAL HIGH HAZARD AREA*. “COASTAL HIGH HAZARD AREA “MEANS AN AREA OF SPECIAL FLOOD HAZARD EXTENDING FROM OFFSHORE TO THE INLAND LIMIT OF A PRIMARY FRONTAL DUNE ALONG AN OPEN COAST AND ANY OTHER AREA SUBJECT TO HIGH VELOCITY WAVE ACTION FROM STORMS. COASTAL HIGH HAZARD AREAS ALSO ARE REFERRED TO AS “V ZONES” AND ARE DESIGNATED ON FIRMS AS ZONES VE OR V1-30.

~~(P)~~ (Q) *COMMUNITY*. “COMMUNITY” MEANS A POLITICAL SUBDIVISION OF THE STATE OF MARYLAND (COUNTY, CITY OR TOWN) THAT HAS AUTHORITY TO ADOPT AND ENFORCE FLOODPLAIN MANAGEMENT PROVISIONS WITHIN ITS JURISDICTIONAL BOUNDARIES.

~~(Q)~~ (R) *CRITICAL AND ESSENTIAL FACILITIES*. “CRITICAL AND ESSENTIAL FACILITIES” MEANS BUILDINGS AND OTHER STRUCTURES THAT ARE INTENDED TO REMAIN OPERATIONAL IN THE EVENT OF EXTREME ENVIRONMENTAL LOADING FROM FLOOD, WIND, SNOW OR EARTHQUAKES. CRITICAL AND ESSENTIAL FACILITIES TYPICALLY INCLUDE HOSPITALS, FIRE STATIONS, POLICE STATIONS, STORAGE OF CRITICAL RECORDS, FACILITIES THAT HANDLE OR STORE HAZARDOUS MATERIALS, AND SIMILAR FACILITIES.

~~(R)~~ (S) *DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT)*. “DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT)” MEANS A FORM SIGNED BY THE OWNER TO AGREE NOT TO CONVERT OR MODIFY IN ANY MANNER THAT IS INCONSISTENT WITH THE TERMS OF THE PERMIT AND THESE FLOODPLAIN MANAGEMENT PROVISIONS, CERTAIN ENCLOSURES BELOW THE LOWEST FLOOR OF ELEVATED BUILDINGS AND

CERTAIN ACCESSORY STRUCTURES. THE FORM REQUIRES THE OWNER TO
RECORD IT ON THE PROPERTY DEED TO INFORM FUTURE OWNERS OF THE
RESTRICTIONS.

~~(S)~~ (T) *DEVELOPMENT*. “DEVELOPMENT” MEANS ANY MANMADE CHANGE TO
IMPROVED OR UNIMPROVED REAL ESTATE, INCLUDING BUT NOT LIMITED TO
BUILDINGS OR OTHER STRUCTURES, PLACEMENT OF MANUFACTURED HOMES,
MINING, DREDGING, FILLING, GRADING, PAVING, EXCAVATION, DRILLING
OPERATIONS OR STORAGE OF EQUIPMENT OR MATERIALS.

~~(F)~~ (U) *DRAINAGE AREA*. “DRAINAGE AREA” MEANS AN AREA CONTRIBUTING TO
RUNOFF TO A SINGLE POINT MEASURED IN A HORIZONTAL PLANE THAT IS
ENCLOSED BY A RIDGE LINE.

~~(U)~~ (V) *ELEVATION CERTIFICATE*. “ELEVATION CERTIFICATE” MEANS A
FEMA FORM ON WHICH SURVEYED ELEVATIONS AND OTHER DATA PERTINENT
TO A PROPERTY AND A BUILDING ARE IDENTIFIED AND WHICH SHALL BE
COMPLETED BY A LICENSED PROFESSIONAL LAND SURVEYOR OR A LICENSED
PROFESSIONAL ENGINEER, AS SPECIFIED BY THE FLOODPLAIN ADMINISTRATOR.
WHEN USED TO DOCUMENT THE HEIGHT ABOVE GRADE OF BUILDINGS IN
SPECIAL FLOOD HAZARD AREAS FOR WHICH BASE FLOOD ELEVATION DATA ARE
NOT AVAILABLE, THE ELEVATION CERTIFICATE SHALL BE COMPLETED IN
ACCORDANCE WITH THE INSTRUCTIONS ISSUED BY FEMA OR BALTIMORE
COUNTY, WHICHEVER IS MORE RESTRICTIVE.

~~(V)~~ (W) *ENCLOSURE BELOW THE LOWEST FLOOR*. “ENCLOSURE BELOW THE
LOWEST FLOOR” MEANS AN UNFINISHED OR FLOOD-RESISTANT ENCLOSURE

1 THAT IS LOCATED BELOW AN ELEVATED BUILDING, IS SURROUNDED BY WALLS
2 ON ALL SIDES, AND IS USABLE SOLELY FOR PARKING OF VEHICLES, BUILDING
3 ACCESS OR STORAGE, IN AN AREA OTHER THAN A BASEMENT AREA, PROVIDED
4 THAT SUCH ENCLOSURE IS BUILT IN ACCORDANCE WITH THE APPLICABLE
5 DESIGN REQUIREMENTS SPECIFIED IN THESE FLOODPLAIN MANAGEMENT
6 PROVISIONS. ALSO SEE “LOWEST FLOOR.”

7 ~~(W)~~ (X) *FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)*. “FEDERAL
8 EMERGENCY MANAGEMENT AGENCY (FEMA)” MEANS THE FEDERAL AGENCY
9 WITH THE OVERALL RESPONSIBILITY FOR ADMINISTERING THE NATIONAL
10 FLOOD INSURANCE PROGRAM.

11 ~~(X)~~ (Y) *FLOOD OR FLOODING*. “FLOOD OR FLOODING” MEANS A GENERAL
12 AND TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF
13 NORMALLY DRY LAND AREAS FROM:

14 (1) THE OVERFLOW OF INLAND OR TIDAL WATERS, AND/OR

15 (2) THE UNUSUAL AND RAPID ACCUMULATION OR RUNOFF OF SURFACE
16 WATERS FROM ANY SOURCE.

17 ~~(Y)~~ (Z) *FLOOD DAMAGE-RESISTANT MATERIALS*. “FLOOD DAMAGE-RESISTANT
18 MATERIALS” MEANS ANY CONSTRUCTION MATERIAL THAT IS CAPABLE OF
19 WITHSTANDING DIRECT AND PROLONGED CONTACT WITH FLOODWATERS
20 WITHOUT SUSTAINING ANY DAMAGE THAT REQUIRES MORE THAN COSMETIC
21 REPAIR.

22 ~~(Z)~~ (AA) *FLOOD INSURANCE RATE MAP (FIRM)*. “FLOOD INSURANCE RATE MAP
23 (FIRM)” MEANS AN OFFICIAL MAP ON WHICH THE FEDERAL EMERGENCY

MANAGEMENT AGENCY HAS DELINEATED SPECIAL FLOOD HAZARD AREAS TO INDICATE THE POSSIBILITY OF THE MAGNITUDE AND NATURE OF FLOOD HAZARDS, TO DESIGNATE APPLICABLE FLOOD ZONES, AND TO DELINEATE FLOODWAYS, IF APPLICABLE. FIRMS THAT HAVE BEEN PREPARED IN DIGITAL FORMAT OR CONVERTED TO DIGITAL FORMAT ARE REFERRED TO AS DIGITAL FIRMS (DFIRM).

~~(AA)~~ (BB) *FLOOD INSURANCE STUDY (FIS)*. “FLOOD INSURANCE STUDY (FIS)” MEANS THE OFFICIAL REPORT IN WHICH THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS PROVIDED FLOOD PROFILES, FLOODWAY INFORMATION, AND THE WATER SURFACE ELEVATIONS.

~~(BB)~~ (CC) *FLOOD OPENING*. A “FLOOD OPENING (NON-ENGINEERED)” MEANS AN OPENING THAT IS USED TO MEET THE PRESCRIPTIVE REQUIREMENT OF 1 SQUARE INCH OF NET OPEN AREA FOR EVERY SQUARE FOOT OF ENCLOSED AREA. AN ENGINEERED FLOOD OPENING IS AN OPENING THAT IS DESIGNED AND CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER OR LICENSED ARCHITECT AS MEETING CERTAIN PERFORMANCE CHARACTERISTICS, INCLUDING PROVIDING AUTOMATIC ENTRY AND EXIT OF FLOODWATERS; THIS CERTIFICATION REQUIREMENT MAY BE SATISFIED BY AN INDIVIDUAL CERTIFICATION FOR A SPECIFIC STRUCTURE OR ISSUANCE OF AN EVALUATION REPORT BY THE ICC EVALUATION SERVICE, INC.

~~(CC)~~ (DD) *FLOOD PROTECTION ELEVATION*. “FLOOD PROTECTION ELEVATION” MEANS THE BASE FLOOD ELEVATION PLUS TWO (2) FEET OF FREEBOARD. FREEBOARD IS A FACTOR OF SAFETY THAT COMPENSATES FOR UNCERTAINTY

IN FACTORS THAT COULD CONTRIBUTE TO FLOOD HEIGHTS GREATER THAN THE
HEIGHT CALCULATED FOR A SELECTED SIZE FLOOD AND FLOODWAY
CONDITIONS, SUCH AS WAVE ACTION, OBSTRUCTED BRIDGE OPENINGS, DEBRIS
AND ICE JAMS, CLIMATE CHANGE, AND THE HYDROLOGIC EFFECT OF
URBANIZATION IN A WATERSHED.

~~(DD)~~ (EE) *FLOOD PROTECTION SETBACK*. ALONG NONTIDAL WATERS OF THE
STATE WITH NO DESIGNATED BASE FLOOD ELEVATION, “FLOOD PROTECTION
SETBACK” MEANS A DISTANCE MEASURED PERPENDICULAR TO THE TOP OF
BANK OF A WATERCOURSE THAT DELINEATES AN AREA TO BE LEFT
UNDISTURBED TO MINIMIZE FUTURE FLOOD DAMAGE AND TO RECOGNIZE THE
POTENTIAL FOR BANK EROSION. THE FLOOD PROTECTION SETBACK IS:

- (1) ONE HUNDRED (100) FEET IF THE WATERCOURSE HAS SPECIAL
FLOOD HAZARD AREAS SHOWN ON THE FIRM OR TWENTY (20) FEET
FROM THE EDGE OF THE SPECIAL FLOOD HAZARD AREAS,
WHICHEVER IS GREATER; OR
- (2) FIFTY (50) FEET FOR A WATERCOURSE THAT DOES NOT HAVE
SPECIAL FLOOD HAZARD AREAS SHOWN ON THE FIRM OR TEN (10)
VERTICAL FEET FROM THE STREAM BANK, WHICHEVER IS GREATER
WITH A HYDROLOGIC AND HYDRAULIC ANALYSIS SHOWING ULTIMATE
LAND USE A SMALLER SETBACK MAY BE APPROVED BY THE FLOODPLAIN
ADMINISTRATOR.

~~(EE)~~ (FF) *FLOOD ZONE*. “FLOOD ZONE” MEANS A DESIGNATION FOR AREAS
THAT ARE SHOWN ON FLOOD INSURANCE RATE MAPS:

- (1) ZONE A: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD; BASE FLOOD ELEVATIONS ARE NOT DETERMINED.
- (2) ZONE AE AND ZONE A1-30: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD; BASE FLOOD ELEVATIONS ARE DETERMINED; FLOODWAYS MAY OR MAY NOT BE DETERMINED. IN AREAS SUBJECT TO TIDAL FLOODING, THE LIMIT OF MODERATE WAVE ACTION MAY OR MAY NOT BE DELINEATED.
- (3) ZONE AH AND ZONE AO: AREAS OF SHALLOW FLOODING, WITH FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING OR SHEET FLOW ON SLOPING TERRAIN), WITH OR WITHOUT BFES OR DESIGNATED FLOOD DEPTHS.
- (4) ZONE B AND ZONE X (SHADED): AREAS SUBJECT TO INUNDATION BY THE 0.2-PERCENT ANNUAL CHANCE (500-YEAR) FLOOD; AREAS SUBJECT TO THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH CONTRIBUTING DRAINAGE AREA LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED FROM THE BASE FLOOD BY LEVEES.
- (5) ZONE C AND ZONE X (UNSHADED): AREAS OUTSIDE OF ZONES DESIGNATED A, AE, A1-30, AO, VE, V1-30, B, AND X (SHADED).
- (6) ZONE VE AND ZONE V1-30: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1-PERCENT ANNUAL CHANCE (100-YEAR)

FLOOD AND SUBJECT TO HIGH VELOCITY WAVE ACTION (ALSO SEE
DEFINITION OF “COASTAL HIGH HAZARD AREA”).

~~(FF)~~ (GG) *FLOODPLAIN*. “FLOODPLAIN” MEANS ANY LAND AREA SUSCEPTIBLE
TO BEING INUNDATED BY WATER FROM ANY SOURCE (SEE DEFINITION OF
“FLOOD” OR “FLOODING”).

~~(GG)~~ (HH) *FLOODPROOFING OR FLOODPROOFED*. “FLOODPROOFING OR
FLOODPROOFED” MEANS ANY COMBINATION OF STRUCTURAL AND
NONSTRUCTURAL ADDITIONS, CHANGES, OR ADJUSTMENTS TO BUILDINGS OR
STRUCTURES WHICH REDUCE OR ELIMINATE FLOOD DAMAGE TO REAL ESTATE
OR IMPROVED REAL PROPERTY, WATER AND SANITARY FACILITIES,
STRUCTURES AND THEIR CONTENTS, SUCH THAT THE BUILDINGS OR
STRUCTURES ARE WATERTIGHT WITH WALLS SUBSTANTIALLY IMPERMEABLE
TO THE PASSAGE OF WATER AND WITH STRUCTURAL COMPONENTS HAVING
THE CAPABILITY OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS
AND EFFECTS OF BUOYANCY.

~~(HH)~~ (II) *FLOODPROOFING CERTIFICATE*. “FLOODPROOFING CERTIFICATE”
MEANS FEMA FORM THAT IS TO BE COMPLETED, SIGNED AND SEALED BY A
LICENSED PROFESSIONAL ENGINEER OR LICENSED ARCHITECT TO CERTIFY
THAT THE DESIGN OF FLOODPROOFING AND PROPOSED METHODS OF
CONSTRUCTION ARE IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS
OF SECTION 32-8-505(B) OF THESE FLOODPLAIN MANAGEMENT PROVISIONS.

~~(H)~~ (JJ) *FLOODWAY*. “FLOODWAY” MEANS THE CHANNEL OF A RIVER OR
OTHER WATERCOURSE AND THE ADJACENT LAND AREAS THAT MUST BE

RESERVED IN ORDER TO PASS THE BASE FLOOD DISCHARGE SUCH THAT THE CUMULATIVE INCREASE IN THE WATER SURFACE ELEVATION OF THE BASE FLOOD DISCHARGE IS NO MORE THAN A DESIGNATED HEIGHT. WHEN SHOWN ON A FIRM, THE FLOODWAY IS REFERRED TO AS THE “DESIGNATED FLOODWAY.” NO CONSTRUCTION IS ALLOWED IN THE FLOODWAY.

~~(JJ)~~ (KK) *FLOODWAY FRINGE*. “FLOODWAY FRINGE” MEANS THAT PORTION OF THE RIVERINE FLOODPLAIN OUTSIDE THE FLOODWAY.

~~(KK)~~ (LL) *FLOODWAY MAP*. “FLOODWAY MAP” MEANS A MAP THAT DEPICTS FLOODWAYS AND SPECIAL FLOOD HAZARD AREAS.

~~(LL)~~ (MM) *FREEBOARD*. “FREEBOARD” MEANS AN INCREMENT OF ELEVATION ADDED TO THE BASE FLOOD ELEVATION TO PROVIDE A FACTOR OF SAFETY FOR UNCERTAINTIES IN CALCULATIONS, WAVE ACTIONS, SUBSIDENCE OR OTHER UNPREDICTABLE EFFECTS.

~~(MM)~~ (NN) *FREE-OF-OBSTRUCTION*. “FREE-OF-OBSTRUCTION” DESCRIBES OPEN FOUNDATIONS (PILINGS, COLUMNS, OR PIERS) WITHOUT ATTACHED ELEMENTS OR FOUNDATION COMPONENTS THAT WOULD OBSTRUCT THE FREE PASSAGE OF FLOODWATERS AND WAVES BENEATH STRUCTURES THAT ARE ELEVATED ON SUCH FOUNDATIONS.

~~(NN)~~ (OO) *FUNCTIONALLY DEPENDENT USE*. “FUNCTIONALLY DEPENDENT USE” MEANS A USE WHICH CANNOT PERFORM ITS INTENDED PURPOSE UNLESS IT IS LOCATED OR CARRIED OUT IN CLOSE PROXIMITY TO WATER; THE TERM INCLUDES ONLY DOCKING FACILITIES, PORT FACILITIES THAT ARE NECESSARY FOR THE LOADING AND UNLOADING OF CARGO OR PASSENGERS, AND SHIP

BUILDING AND SHIP REPAIR FACILITIES, BUT DOES NOT INCLUDE LONG-TERM STORAGE OR RELATED MANUFACTURING FACILITIES.

~~(PP)~~ (PP) *HIGHEST ADJACENT GRADE.* “HIGHEST ADJACENT GRADE” MEANS THE HIGHEST NATURAL ELEVATION OF THE GROUND SURFACE, PRIOR TO CONSTRUCTION, NEXT TO THE PROPOSED FOUNDATION OF A STRUCTURE.

~~(PP)~~ (QQ) *HISTORIC STRUCTURE.* “HISTORIC STRUCTURE” MEANS ANY STRUCTURE THAT IS:

(1) LISTED OR CERTIFIED AS ELIGIBLE FOR LISTING, BY THE STATE HISTORIC PRESERVATION OFFICER OR THE KEEPER OF THE NATIONAL REGISTER OF HISTORIC PLACES IN THE NATIONAL REGISTER OF HISTORIC PLACES;

(2) CERTIFIED AS A CONTRIBUTING RESOURCE WITHIN A NATIONAL REGISTER, STATE DESIGNATED OR LOCALLY DESIGNATED HISTORIC DISTRICT;

(3) DESIGNATED AS HISTORIC UNDER APPLICABLE STATE OR LOCAL LAW IN BALTIMORE COUNTY;

(4) LISTED ON THE PRELIMINARY AND FINAL LANDMARKS LIST; OR

(5) A CONTRIBUTING RESOURCE LOCATED IN A BALTIMORE COUNTY HISTORIC DISTRICT.

~~(QQ)~~ (RR) *HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES.*

“HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES” MEANS ANALYSES PERFORMED BY A LICENSED PROFESSIONAL ENGINEER, IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICES THAT ARE ACCEPTED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (NONTIDAL WETLANDS & WATERWAYS) AND FEMA, USED TO DETERMINE THE BASE FLOOD, OTHER FREQUENCY FLOODS,

FLOOD ELEVATIONS, FLOODWAY INFORMATION AND BOUNDARIES, AND FLOOD
PROFILES.

~~(RR)~~ (SS) *LETTER OF MAP CHANGE (LOMC)*. “LETTER OF MAP CHANGE (LOMC)”
MEANS AN OFFICIAL FEMA DETERMINATION, BY LETTER, THAT AMENDS OR
REVISES AN EFFECTIVE FLOOD INSURANCE RATE MAP OR FLOOD INSURANCE
STUDY. ANY DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA THAT
REQUIRES A LETTER OF MAP CHANGE, MUST HAVE THE LETTER OF MAP
CHANGE BEFORE ANY RIGHT-OF-WAY OR UTILITY AGREEMENT FUNDS WILL BE
RELEASED. LETTERS OF MAP CHANGE INCLUDE:

(1) LETTER OF MAP AMENDMENT (LOMA): AN AMENDMENT BASED ON
TECHNICAL DATA SHOWING THAT A PROPERTY WAS INCORRECTLY INCLUDED
IN A DESIGNATED SPECIAL FLOOD HAZARD AREA. A LOMA AMENDS THE
CURRENT EFFECTIVE FLOOD INSURANCE RATE MAP AND ESTABLISHES THAT A
SPECIFIC PROPERTY OR STRUCTURE IS NOT LOCATED IN A SPECIAL FLOOD
HAZARD AREA.

(2) LETTER OF MAP REVISION (LOMR): A REVISION BASED ON
TECHNICAL DATA THAT MAY SHOW CHANGES TO FLOOD ZONES, FLOOD
ELEVATIONS, FLOODPLAIN AND FLOODWAY DELINEATIONS, AND PLANIMETRIC
FEATURES. A LETTER OF MAP REVISION BASED ON FILL (LOMR-F), IS A
DETERMINATION THAT A STRUCTURE OR PARCEL OF LAND HAS BEEN
ELEVATED BY FILL ABOVE THE BASE FLOOD ELEVATION AND IS, THEREFORE,
NO LONGER EXPOSED TO FLOODING ASSOCIATED WITH THE BASE FLOOD. IN
ORDER TO QUALIFY FOR THIS DETERMINATION, THE FILL MUST HAVE BEEN

PERMITTED AND PLACED IN ACCORDANCE WITH THE COMMUNITY'S
FLOODPLAIN MANAGEMENT PROVISIONS.

(3) CONDITIONAL LETTER OF MAP REVISION (CLOMR): A FORMAL
REVIEW AND COMMENT AS TO WHETHER A PROPOSED FLOOD PROTECTION
PROJECT OR OTHER PROJECT COMPLIES WITH THE MINIMUM NFIP
REQUIREMENTS FOR SUCH PROJECTS WITH RESPECT TO DELINEATION OF
SPECIAL FLOOD HAZARD AREAS. A CONDITIONAL LETTER OF MAP REVISION
BASED ON FILL (CLOMR-F) IS A DETERMINATION THAT A PARCEL OF LAND OR
PROPOSED STRUCTURE THAT WILL BE ELEVATED BY FILL WOULD NOT BE
INUNDATED BY THE BASE FLOOD IF FILL IS PLACED ON THE PARCEL AS
PROPOSED OR THE STRUCTURE IS BUILT AS PROPOSED. A CLOMR DOES NOT
REVISE THE EFFECTIVE FLOOD INSURANCE RATE MAP OR FLOOD INSURANCE
STUDY; UPON SUBMISSION AND APPROVAL OF CERTIFIED AS-BUILT
DOCUMENTATION, A LETTER OF MAP REVISION MAY BE ISSUED BY FEMA, TO
REVISE THE EFFECTIVE FIRM.

~~(SS)~~ (TT) *LICENSED*. AS USED IN THESE FLOODPLAIN MANAGEMENT
PROVISIONS, "LICENSED" REFERS TO PROFESSIONALS WHO ARE AUTHORIZED TO
PRACTICE IN THE STATE OF MARYLAND BY ISSUANCE OF LICENSES BY THE
MARYLAND BOARD OF ARCHITECTS, MARYLAND BOARD OF PROFESSIONAL
ENGINEERS, MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS, AND THE
MARYLAND REAL ESTATE APPRAISERS AND HOME INSPECTORS COMMISSION.

~~(TT)~~ (UU) *LIMIT OF MODERATE WAVE ACTION (LIMWA)*. "LIMIT OF MODERATE
WAVE ACTION (LIMWA)" MEANS THE INLAND LIMIT OF THE AREA AFFECTED BY

1 WAVES GREATER THAN 1.5 FEET DURING THE BASE FLOOD. BASE FLOOD
2 CONDITIONS BETWEEN THE VE ZONE AND THE LIMWA WILL BE SIMILAR TO, BUT
3 LESS SEVERE THAN THOSE IN THE VE ZONE.

4 ~~(UU)~~ (VV) *LOWEST FLOOR*. “LOWEST FLOOR” MEANS THE LOWEST ENCLOSED
5 AREA (INCLUDING BASEMENT) OF A BUILDING OR STRUCTURE; THE FLOOR OF
6 AN ENCLOSURE BELOW THE LOWEST FLOOR IS NOT THE LOWEST FLOOR
7 PROVIDED THE ENCLOSURE IS CONSTRUCTED IN ACCORDANCE WITH THESE
8 FLOODPLAIN MANAGEMENT PROVISIONS. THE LOWEST FLOOR OF A
9 MANUFACTURED HOME IS THE BOTTOM OF THE LOWEST HORIZONTAL
10 SUPPORTING MEMBER (LONGITUDINAL CHASSIS FRAME BEAM)

11 ~~(VV)~~ (WW) *MANUFACTURED HOME*. “MANUFACTURED HOME” MEANS A
12 STRUCTURE, TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH IS BUILT ON
13 A PERMANENT CHASSIS AND IS DESIGNED FOR USE WITH OR WITHOUT A
14 PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES. THE
15 TERM MANUFACTURED HOME DOES NOT INCLUDE A RECREATIONAL VEHICLE.

16 ~~(WW)~~ (XX) *MARKET VALUE*. “MARKET VALUE” MEANS THE PRICE AT WHICH A
17 PROPERTY WILL CHANGE HANDS BETWEEN A WILLING BUYER AND A WILLING
18 SELLER, NEITHER PARTY BEING UNDER COMPULSION TO BUY OR SELL AND
19 BOTH HAVING REASONABLE KNOWLEDGE OF RELEVANT FACTS. FOR THE
20 PURPOSES OF THESE FLOODPLAIN MANAGEMENT PROVISIONS, THE MARKET
21 VALUE OF A BUILDING IS DETERMINED BY A LICENSED REAL ESTATE
22 APPRAISER OR THE MOST RECENT, FULL PHASED-IN ASSESSMENT VALUE OF THE

BUILDING (IMPROVEMENT) DETERMINED BY THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION.

~~(XX)~~ (YY) *MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE)*. “MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE)” MEANS A PRINCIPAL DEPARTMENT OF THE STATE OF MARYLAND THAT IS CHARGED WITH, AMONG OTHER RESPONSIBILITIES, THE COORDINATION OF THE NATIONAL FLOOD INSURANCE PROGRAM IN MARYLAND (NFIP STATE COORDINATOR) AND THE ADMINISTRATION OF REGULATORY PROGRAMS FOR DEVELOPMENT AND CONSTRUCTION THAT OCCUR WITHIN THE WATERS OF THE STATE, INCLUDING NONTIDAL WETLANDS, NONTIDAL WATERS AND FLOODPLAINS, AND STATE AND PRIVATE TIDAL WETLANDS (TIDAL WETLANDS). UNLESS OTHERWISE SPECIFIED, “MDE” REFERS TO THE DEPARTMENT’S WETLANDS AND WATERWAYS PROGRAM.

~~(YY)~~ (ZZ) *MIXED-USE STRUCTURE*. “MIXED-USE STRUCTURE” MEANS ANY STRUCTURE THAT IS USED OR INTENDED FOR USE FOR A MIXTURE OF NONRESIDENTIAL AND RESIDENTIAL USES IN THE SAME STRUCTURE.

~~(ZZ)~~ (AAA) *NATIONAL FLOOD INSURANCE PROGRAM (NFIP)*. “NATIONAL FLOOD INSURANCE PROGRAM (NFIP)” MEANS THE PROGRAM AUTHORIZED BY THE U.S. CONGRESS IN 42 U.S.C. §§ 4001 - 4129. THE NFIP MAKES FLOOD INSURANCE COVERAGE AVAILABLE IN COMMUNITIES THAT AGREE TO ADOPT AND ENFORCE MINIMUM REGULATORY REQUIREMENTS FOR DEVELOPMENT IN AREAS PRONE TO FLOODING (SEE DEFINITION OF “SPECIAL FLOOD HAZARD AREA”).

1 ~~(AAA)~~ (BBB) *NEW CONSTRUCTION*. “NEW CONSTRUCTION” MEANS STRUCTURES,
2 INCLUDING ADDITIONS AND IMPROVEMENTS, AND THE PLACEMENT OF
3 MANUFACTURED HOMES, FOR WHICH THE START OF CONSTRUCTION
4 COMMENCED ON OR AFTER MARCH 2, 1981, THE INITIAL EFFECTIVE DATE OF THE
5 BALTIMORE COUNTY FLOOD INSURANCE RATE MAP, INCLUDING ANY
6 SUBSEQUENT IMPROVEMENTS, ALTERATIONS, MODIFICATIONS, AND ADDITIONS
7 TO SUCH STRUCTURES.

8 ~~(BBB)~~ (CCC) *NFIP STATE COORDINATOR*. SEE “MARYLAND DEPARTMENT OF THE
9 ENVIRONMENT (MDE)” DEFINITION.

10 ~~(CCC)~~ (DDD) *NONTIDAL WATERS OF THE STATE*. SEE “WATERS OF THE STATE.” AS
11 USED IN THESE FLOODPLAIN MANAGEMENT PROVISIONS, “NONTIDAL WATERS
12 OF THE STATE” REFERS TO ANY STREAM OR BODY OF WATER WITHIN THE
13 STATE THAT IS SUBJECT TO STATE REGULATION, INCLUDING THE “100-YEAR
14 FREQUENCY FLOODPLAIN OF FREE-FLOWING WATERS.” COMAR 26.17.04.01
15 STATES THAT “THE LANDWARD BOUNDARIES OF ANY TIDAL WATERS SHALL BE
16 DEEMED COTERMINOUS WITH THE WETLANDS BOUNDARY MAPS ADOPTED
17 PURSUANT TO ENVIRONMENT ARTICLE, §16-301, ANNOTATED CODE OF
18 MARYLAND.” THEREFORE, THE BOUNDARY BETWEEN THE TIDAL AND
19 NONTIDAL WATERS OF THE STATE IS THE TIDAL WETLANDS BOUNDARY.

20 ~~(DDD)~~ (EEE) *NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)*. “NORTH
21 AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)” MEANS AN ELEVATION
22 REFERENCE SYSTEM SET BY THE NATIONAL GEODETIC SURVEY AND USED BY
23 FIRM MAPS EFFECTIVE ON MARCH 2, 1981.

~~(EEE)~~ (FFF) *100-YEAR FREQUENCY FLOOD*. “100-YEAR FREQUENCY FLOOD”

MEANS THE BASE FLOOD, HAVING ONE CHANCE IN ONE HUNDRED (1%) OF
BEING EQUALED OR EXCEEDED IN ANY YEAR.

~~(FFF)~~ (GGG) *PERMANENT CONSTRUCTION*. “PERMANENT CONSTRUCTION”

MEANS ANY STRUCTURE OCCUPYING A SITE FOR MORE THAN 180 DAYS PER
YEAR.

~~(GGG)~~ (HHH) *PERSON*. “PERSON” MEANS AN INDIVIDUAL OR GROUP OF

INDIVIDUALS, CORPORATION, PARTNERSHIP, ASSOCIATION, OR ANY OTHER
ENTITY, INCLUDING STATE AND LOCAL GOVERNMENTS AND AGENCIES.

~~(HHH)~~ (III) *RECREATIONAL VEHICLE*. FOR THE PURPOSES OF THESE

FLOODPLAIN MANAGEMENT PROVISIONS, “RECREATIONAL VEHICLE” MEANS A
VEHICLE THAT IS BUILT ON A SINGLE CHASSIS, 400 SQUARE FEET OR LESS WHEN
MEASURED AT THE LARGEST HORIZONTAL PROJECTION, DESIGNED TO BE SELF-
PROPELLED OR PERMANENTLY TOWABLE BY A LIGHT DUTY TRUCK, AND
DESIGNED PRIMARILY NOT FOR USE AS A PERMANENT DWELLING, BUT AS
TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL, OR
SEASONAL USE.

(JJJ) REPETITIVE LOSS - FLOOD RELATED DAMAGE SUSTAINED BY A

STRUCTURE ON TWO SEPARATE OCCASIONS DURING A 10-YEAR PERIOD FOR

WHICH THE COST OF REPAIRS AT THE TIME OF EACH SUCH FLOOD EVENT, ON

THE AVERAGE, EQUALS OR EXCEEDS 25% OF THE MARKET VALUE OF THE

STRUCTURE BEFORE THE DAMAGE OCCURRED.

~~(HH)~~ (KKK) *RIVERINE*. “RIVERINE” MEANS FLOODPLAIN INUNDATED
STORMWATER RUNOFF.

(JJJ) (LLL) *SPECIAL FLOOD HAZARD AREA (SFHA)*. “SPECIAL FLOOD HAZARD
AREA (SFHA)” MEANS THE LAND IN THE FLOODPLAIN SUBJECT TO A ONE-
PERCENT OR GREATER CHANCE OF FLOODING IN ANY GIVEN YEAR. SPECIAL
FLOOD HAZARD AREAS ARE DESIGNATED BY THE FEDERAL EMERGENCY
MANAGEMENT AGENCY IN FLOOD INSURANCE STUDIES AND ON FLOOD
INSURANCE RATE MAPS AS ZONES A, AE, AH, AO, A130, AND A99, AND ZONES VE
AND V1-30. THE TERM INCLUDES AREAS SHOWN ON OTHER FLOOD MAPS THAT
ARE IDENTIFIED IN SECTION 32-8-105.

~~(KKK)~~ (MMM) *START OF CONSTRUCTION*. “START OF CONSTRUCTION”
MEANS THE DATE THE BUILDING PERMIT WAS ISSUED, PROVIDED THE ACTUAL
START OF CONSTRUCTION, REPAIR, RECONSTRUCTION, REHABILITATION,
ADDITION PLACEMENT, OR OTHER IMPROVEMENT WAS WITHIN 180 DAYS OF
THE PERMIT DATE. THE ACTUAL START MEANS EITHER THE FIRST PLACEMENT
OF PERMANENT CONSTRUCTION OF A STRUCTURE ON A SITE, SUCH AS THE
POURING OF SLAB OR FOOTINGS, THE INSTALLATION OF PILES, THE
CONSTRUCTION OF COLUMNS, OR ANY WORK BEYOND THE STAGE OF
EXCAVATION; OR THE PLACEMENT OF A MANUFACTURED HOME ON A
FOUNDATION. PERMANENT CONSTRUCTION DOES NOT INCLUDE LAND
PREPARATION, SUCH AS CLEARING, GRADING AND FILLING; NOR DOES IT
INCLUDE THE INSTALLATION OF STREETS AND/OR WALKWAYS; NOR DOES IT
INCLUDE EXCAVATION FOR A BASEMENT, FOOTINGS, PIERS, OR FOUNDATIONS

OR THE ERECTION OF TEMPORARY FORMS; NOR DOES IT INCLUDE THE
INSTALLATION ON THE PROPERTY OF ACCESSORY STRUCTURES, SUCH AS
GARAGES OR SHEDS NOT OCCUPIED AS DWELLING UNITS OR NOT PART OF THE
MAIN STRUCTURE. FOR SUBSTANTIAL IMPROVEMENTS, THE ACTUAL START OF
CONSTRUCTION MEANS THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR,
OR OTHER STRUCTURAL PART OF A BUILDING, WHETHER OR NOT THAT
ALTERATION AFFECTS THE EXTERNAL DIMENSIONS OF THE BUILDING.

~~(LLL)~~ (NNN) *STRUCTURE*. “STRUCTURE” MEANS THAT WHICH IS BUILT OR
CONSTRUCTED; SPECIFICALLY, A WALLED AND ROOFED BUILDING, INCLUDING
A GAS OR LIQUID STORAGE TANK THAT IS PRINCIPALLY ABOVE GROUND,
GARAGES, BARNs, SHEDS AS WELL AS A MANUFACTURED HOME.

~~(MMM)~~ (OOO) *SUBSTANTIAL DAMAGE*. “SUBSTANTIAL DAMAGE” MEANS
DAMAGE OF ANY ORIGIN SUSTAINED BY A BUILDING OR STRUCTURE WHEREBY
THE COST OF RESTORING THE BUILDING OR STRUCTURE TO ITS BEFORE-
DAMAGED CONDITION WOULD EQUAL OR EXCEED 50 PERCENT OF THE MARKET
VALUE OF THE BUILDING OR STRUCTURE BEFORE THE DAMAGE OCCURRED.
ALSO USED AS “SUBSTANTIALLY DAMAGED” STRUCTURES.

~~(NNN)~~ (PPP) *SUBSTANTIAL IMPROVEMENT*. “SUBSTANTIAL IMPROVEMENT”
MEANS ANY RECONSTRUCTION, REHABILITATION, ADDITION, OR OTHER
IMPROVEMENT OF A BUILDING OR STRUCTURE, THE COST OF WHICH EQUALS OR
EXCEEDS 50 PERCENT OF THE MARKET VALUE OF THE BUILDING OR STRUCTURE
BEFORE THE START OF CONSTRUCTION OF THE IMPROVEMENT. THE TERM
INCLUDES STRUCTURES WHICH HAVE INCURRED SUBSTANTIAL DAMAGE,

REGARDLESS OF THE ACTUAL REPAIR WORK PERFORMED. THE TERM DOES NOT,
HOWEVER, INCLUDE EITHER:

(1) ANY PROJECT FOR IMPROVEMENT OF A BUILDING OR STRUCTURE
TO CORRECT EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH, SANITARY,
OR SAFETY CODE SPECIFICATIONS WHICH HAVE BEEN IDENTIFIED BY THE
LOCAL CODE ENFORCEMENT OFFICIAL PRIOR TO SUBMISSION OF AN
APPLICATION FOR A PERMIT AND WHICH ARE THE MINIMUM NECESSARY TO
ASSURE SAFE LIVING CONDITIONS; OR

(2) ANY ALTERATION OF A HISTORIC STRUCTURE, PROVIDED THAT THE
ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED
DESIGNATION AS A HISTORIC STRUCTURE.

~~(QQQ)~~ (QQQ) *TEMPORARY STRUCTURE*. "TEMPORARY STRUCTURE" MEANS
A STRUCTURE INSTALLED, USED, OR ERECTED FOR A PERIOD OF LESS THAN 180
DAYS AFTER ISSUANCE OF THE PERMIT.

~~(PPP)~~ (RRR) *TIDAL FLOODPLAIN*. "TIDAL FLOODPLAIN" MEANS THE AREA
SUBJECT TO INUNDATION BY TIDEWATERS AS A RESULT OF A 100-YEAR
FREQUENCY FLOOD EVENT AS ESTABLISHED BY THE U.S. ARMY CORPS OF
ENGINEERS OR THE FEDERAL FLOOD INSURANCE STUDY BASE FLOOD
ELEVATION, WHICHEVER IS THE MORE RESTRICTIVE.

~~(QQQ)~~ (SSS) *VARIANCE*. "VARIANCE" MEANS, FOR THE PURPOSE OF THESE
FLOODPLAIN MANAGEMENT PROVISIONS, A GRANT OF RELIEF FROM THE STRICT
APPLICATION OF ONE OR MORE REQUIREMENTS OF THESE PROVISIONS.

~~(RRR)~~ (TTT) *VIOLATION*. “VIOLATION” MEANS ANY CONSTRUCTION OR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA THAT IS BEING PERFORMED WITHOUT AN ISSUED PERMIT. THE FAILURE OF A BUILDING, STRUCTURE, OR OTHER DEVELOPMENT FOR WHICH A PERMIT IS ISSUED TO BE FULLY COMPLIANT WITH THESE FLOODPLAIN MANAGEMENT PROVISIONS AND THE CONDITIONS OF THE ISSUED PERMIT. A BUILDING, STRUCTURE, OR OTHER DEVELOPMENT WITHOUT THE REQUIRED DESIGN CERTIFICATIONS, THE ELEVATION CERTIFICATE, OR OTHER EVIDENCE OF COMPLIANCE REQUIRED IS PRESUMED TO BE A VIOLATION UNTIL SUCH TIME AS THE REQUIRED DOCUMENTATION IS PROVIDED.

~~(SSS)~~ (UUU) *WATERCOURSE*. “WATERCOURSE” MEANS THE CHANNEL, INCLUDING CHANNEL BANKS AND BED, OF NONTIDAL WATERS OF THE STATE.

~~(TTT)~~ (VVV) *WATERS OF THE STATE*. “WATERS OF THE STATE” INCLUDES:

- (1) BOTH SURFACE AND UNDERGROUND WATERS WITHIN THE BOUNDARIES OF THE STATE SUBJECT TO ITS JURISDICTION;
- (2) THAT PORTION OF THE ATLANTIC OCEAN WITHIN THE BOUNDARIES OF THE STATE;
- (3) THE CHESAPEAKE BAY AND ITS TRIBUTARIES;
- (4) ALL PONDS, LAKES, RIVERS, STREAMS, PUBLIC DITCHES, TAX DITCHES, AND PUBLIC DRAINAGE SYSTEMS WITHIN THE STATE, OTHER THAN THOSE DESIGNED AND USED TO COLLECT, CONVEY, OR DISPOSE OF SANITARY SEWAGE; AND

(5) THE FLOODPLAIN OF FREE-FLOWING WATERS DETERMINED BY MDE
ON THE BASIS OF THE 100-YEAR FLOOD FREQUENCY.

Article 32 – Planning, Zoning, and Subdivision Control

Title 8 – Floodplain Management

Subtitle 3 – Waivers

[§ 32-8-301. Authorized.

(a) *In general.* As provided in § 32-4-107 of this article, waivers of the provisions of § 32-4-414 of this article or Subtitle 2 of this title and any regulations or codes adopted in accordance with § 32-4-414 of this article or Subtitle 2 of this title may be granted as specified in this subtitle.

(b) *Hearing Officer.* The Hearing Officer, as defined in § 32-4-101 of this article, shall hear and decide requests for waivers under this subtitle.

(c) *General standards.* Waiver actions shall be consistent with sound floodplain management and the number of waiver actions shall be kept to a minimum.

(d) *Specific requirements.* For any waiver issued in a riverine floodplain or tidal floodplain, all applicable conditions of § 32-8-207 of this title and the Building Code shall be met.

§ 32-8-302. Historic Structures.

(a) *Approved waiver.* Substantial improvements to historic structures which do not comply fully with the elevation and construction requirements must receive an approved waiver before issuance of a building permit.

(b) *Retain historic structure designation.* The structure must retain historic structure designation as a condition of a waiver.

1 **§ 32-8-303. Reasons for Granting a Waiver.**

2 (a) *In general.* Waivers may only be issued upon:

3 (1) A showing of good and sufficient cause;

4 (2) A determination that failure to grant a waiver would result in exceptional hardship,
5 other than economic hardship, to the applicant; and

6 (3) A determination that the granting of a waiver will not increase flood heights, impact
7 public safety, incur extraordinary public expense, create nuisances, cause fraud or
8 victimization of the public, or conflict with existing local and state laws and
9 ordinances.

10 (b) *Minimum necessary.* The waiver action shall be the minimum necessary, considering the
11 flood hazard, to afford relief.

12 (c) *Comments.* In considering a waiver action, comments from the state coordinating office and
13 the County Department of Public Works and Transportation shall be taken into account and
14 maintained with the permit file.

15 **§ 32-8-304. Waivers Prohibited.**

16 Waivers may not be granted for the following:

17 (1) Placement of fill or any development in the floodway if any increase in flood levels
18 would result; or

19 (2) New buildings in the riverine floodplain.

20 **§ 32-8-305. Conditions.**

21 (a) *Authorized.* Conditions may be attached to the waiver action.

(b) *Required notification.* For any waiver issued, a letter shall be sent to the applicant indicating the terms and conditions of the waiver, the increased risk to life and property in granting the waiver, and the increased premium rates for national flood insurance coverage.

(c) *Requirement for recordation.*

(1) The applicant shall be notified in writing of the requirement:

(i) For recordation of the conditions of a waiver on the deed or memorandum of land restriction before obtaining a permit; and

(ii) To secure all necessary permits as a condition for granting a waiver.

(2) The memorandum is described in §§ 3-102 and 3-103 of the Real Property Article of the Annotated Code of Maryland.

§ 32-8-306. County to Maintain Certain Records.

(a) *In general.* The county shall maintain a record of:

(1) All waiver actions;

(2) The justification for their issuance; and

(3) All related correspondence.

(b) *Report and review.* The records required under this section shall be:

(1) Submitted as a part of the biennial report to the Federal Emergency Management Agency; and

(2) Available for periodic review.

1 **§ 32-8-307. Functionally Dependent Uses.**

2 (a) *Application.*

3 (1) This section applies to a waiver issued for a functionally dependent use, which is a use
4 that cannot perform its intended purpose unless it is located or carried out in close
5 proximity to water, including only:

6 (i) Docking facilities;

7 (ii) Port facilities that are necessary for the loading and unloading of cargo or
8 passengers; and

9 (iii) Ship building and ship repair facilities.

10 (2) Long-term storage or related manufacturing facilities are not a functionally dependent
11 use.

12 (b) *Waiver authorized.* Waivers may be issued for new construction and substantial
13 improvements for the conduct of a functionally dependent use.

14 (c) *Standard.* The waiver may be issued only on sufficient proof of the functional dependence.

15 (d) *Conditions.*

16 (1) The provisions of this subtitle shall be met and the structure:

17 (i) Shall be protected by methods that minimize flood damage up to the flood
18 protection elevation; and

19 (ii) May not create additional threats to public safety.

20 (2) (i) This may require methods of "wet floodproofing" that allow the structure to flood
21 without significant damage.

(ii) Methods of floodproofing may not require human intervention.]

Article 32 – Planning, Zoning, and Subdivision Control

Title 8 – Floodplain Management

Subtitle 3 – ADMINISTRATION

32-8-301. - DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

THE DIRECTOR OF THE DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS (PAI) AND THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION (DPWT) ARE HEREBY APPOINTED TO ADMINISTER AND IMPLEMENT THESE FLOODPLAIN MANAGEMENT PROVISIONS AND ARE REFERRED TO HEREIN AS THE FLOODPLAIN ADMINISTRATOR. THE FLOODPLAIN ADMINISTRATOR MAY:

(A) DELEGATE DUTIES AND RESPONSIBILITIES SET FORTH IN THESE FLOODPLAIN MANAGEMENT PROVISIONS TO QUALIFIED TECHNICAL PERSONNEL, PLAN EXAMINERS, INSPECTORS, AND OTHER EMPLOYEES.

(B) ENTER INTO A WRITTEN AGREEMENT OR WRITTEN CONTRACT WITH ANOTHER MARYLAND COMMUNITY OR PRIVATE SECTOR ENTITY TO ADMINISTER SPECIFIC PROVISIONS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS. ADMINISTRATION OF ANY PART OF THESE FLOODPLAIN MANAGEMENT PROVISIONS BY ANOTHER ENTITY SHALL NOT RELIEVE THE COMMUNITY OF ITS RESPONSIBILITIES PURSUANT TO THE PARTICIPATION REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AS SET FORTH IN THE CODE OF FEDERAL REGULATIONS (CFR) AT 44 CFR SECTION 59.22.

32-8-302. - DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN

ADMINISTRATOR

THE DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

SHALL INCLUDE BUT ARE NOT LIMITED TO:

(A) REVIEW APPLICATIONS FOR PERMITS TO DETERMINE WHETHER

PROPOSED ACTIVITIES WILL BE LOCATED IN FLOOD HAZARD AREAS.

(B) INTERPRET FLOODPLAIN BOUNDARIES AND PROVIDE AVAILABLE BASE

FLOOD ELEVATION AND FLOOD HAZARD INFORMATION.

(C) REVIEW APPLICATIONS TO DETERMINE WHETHER PROPOSED ACTIVITIES

WILL BE REASONABLY SAFE FROM FLOODING AND REQUIRE NEW

CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS TO MEET THE

REQUIREMENTS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS.

(D) REVIEW APPLICATIONS TO DETERMINE WHETHER ALL NECESSARY

PERMITS HAVE BEEN OBTAINED FROM THE FEDERAL, STATE OR LOCAL

AGENCIES FROM WHICH PRIOR OR CONCURRENT APPROVAL IS REQUIRED; IN

PARTICULAR, PERMITS FROM MDE FOR ANY CONSTRUCTION, RECONSTRUCTION,

REPAIR, OR ALTERATION OF A DAM, RESERVOIR, OR WATERWAY OBSTRUCTION

(INCLUDING BRIDGES, CULVERTS, STRUCTURES), ANY ALTERATION OF A

WATERCOURSE, OR ANY CHANGE OF THE COURSE, CURRENT, OR CROSS

SECTION OF A STREAM OR BODY OF WATER, INCLUDING ANY CHANGE TO THE

100-YEAR FREQUENCY FLOODPLAIN OF FREE-FLOWING NONTIDAL WATERS OF

THE STATE.

1 (E) VERIFY THAT APPLICANTS PROPOSING AN ALTERATION OF A
2 WATERCOURSE HAVE NOTIFIED ADJACENT COMMUNITIES AND MDE (NFIP
3 STATE COORDINATOR), AND HAVE SUBMITTED COPIES OF SUCH NOTIFICATIONS
4 TO FEMA.

5 (F) ADVISE APPLICANTS FOR NEW CONSTRUCTION OR SUBSTANTIAL
6 IMPROVEMENT OF STRUCTURES THAT ARE LOCATED WITHIN AN AREA OF THE
7 COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED BY THE COASTAL
8 BARRIER RESOURCES ACT THAT FEDERAL FLOOD INSURANCE IS NOT
9 AVAILABLE ON SUCH STRUCTURES; AREAS SUBJECT TO THIS LIMITATION ARE
10 SHOWN ON FLOOD INSURANCE RATE MAPS AS COASTAL BARRIER RESOURCE
11 SYSTEM AREAS (CBRS) OR OTHERWISE PROTECTED AREAS (OPA).

12 (G) APPROVE APPLICATIONS AND ISSUE PERMITS TO DEVELOP IN FLOOD
13 HAZARD AREAS IF THE REQUIREMENTS OF THESE FLOODPLAIN MANAGEMENT
14 PROVISIONS HAVE BEEN MET, OR DISAPPROVE APPLICATIONS IF THE
15 REQUIREMENTS OF THESE PROVISIONS HAVE NOT BEEN MET.

16 (H) INSPECT OR CAUSE TO BE INSPECTED, BUILDINGS, STRUCTURES, AND
17 OTHER DEVELOPMENT FOR WHICH PERMITS HAVE BEEN ISSUED TO DETERMINE
18 COMPLIANCE WITH THESE FLOODPLAIN MANAGEMENT PROVISIONS OR TO
19 DETERMINE IF NON-COMPLIANCE HAS OCCURRED OR VIOLATIONS HAVE BEEN
20 COMMITTED.

21 (I) REVIEW ELEVATION CERTIFICATES AND REQUIRE INCOMPLETE OR
22 DEFICIENT CERTIFICATES TO BE CORRECTED.

(J) SUBMIT TO FEMA, OR REQUIRE APPLICANTS TO SUBMIT TO FEMA, DATA AND INFORMATION NECESSARY TO MAINTAIN FIRMS, INCLUDING HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES PREPARED BY OR FOR BALTIMORE COUNTY, WITHIN SIX MONTHS AFTER SUCH DATA AND INFORMATION BECOMES AVAILABLE IF THE ANALYSES INDICATE CHANGES IN BASE FLOOD ELEVATIONS OR BOUNDARIES.

(K) MAINTAIN AND PERMANENTLY KEEP RECORDS THAT ARE NECESSARY FOR THE ADMINISTRATION OF THESE FLOODPLAIN MANAGEMENT PROVISIONS, INCLUDING:

- (1) FLOOD INSURANCE STUDIES, FLOOD INSURANCE RATE MAPS (INCLUDING HISTORIC STUDIES AND MAPS AND CURRENT EFFECTIVE STUDIES AND MAPS) AND LETTERS OF MAP CHANGE; AND
- (2) DOCUMENTATION SUPPORTING ISSUANCE AND DENIAL OF PERMITS, ELEVATION CERTIFICATES, DOCUMENTATION OF THE ELEVATION (IN RELATION TO THE DATUM ON THE FIRM) TO WHICH STRUCTURES HAVE BEEN FLOODPROOFED, OTHER REQUIRED DESIGN CERTIFICATIONS, VARIANCES , AND RECORDS OF ENFORCEMENT ACTIONS TAKEN TO CORRECT VIOLATIONS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS.

(L) ENFORCE THE PROVISIONS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS, INVESTIGATE VIOLATIONS, ISSUE NOTICES OF VIOLATIONS OR

1 STOP WORK ORDERS, AND REQUIRE PERMIT HOLDERS TO TAKE CORRECTIVE
2 ACTION.

3 (M) ADVISE THE-ADMINISTRATIVE LAW JUDGE REGARDING THE INTENT OF
4 THESE FLOODPLAIN MANAGEMENT PROVISIONS AND, FOR EACH APPLICATION
5 FOR A VARIANCE, PREPARE A STAFF REPORT AND RECOMMENDATION.

6 (N) ADMINISTER THE REQUIREMENTS RELATED TO PROPOSED WORK ON
7 EXISTING BUILDINGS:

8 (1) MAKE DETERMINATIONS AS TO WHETHER BUILDINGS AND
9 STRUCTURES THAT ARE LOCATED IN FLOOD HAZARD AREAS AND
10 THAT ARE DAMAGED BY ANY CAUSE HAVE BEEN SUBSTANTIALLY
11 DAMAGED.

12 (2) MAKE REASONABLE EFFORTS TO NOTIFY OWNERS OF
13 SUBSTANTIALLY DAMAGED STRUCTURES OF THE NEED TO OBTAIN
14 A PERMIT TO REPAIR, REHABILITATE, OR RECONSTRUCT, AND
15 PROHIBIT THE NON-COMPLIANT REPAIR OF SUBSTANTIALLY
16 DAMAGED BUILDINGS EXCEPT FOR TEMPORARY EMERGENCY
17 PROTECTIVE MEASURES NECESSARY TO SECURE A PROPERTY OR
18 STABILIZE A BUILDING OR STRUCTURE TO PREVENT ADDITIONAL
19 DAMAGE.

20 (O) UNDERTAKE, AS DETERMINED APPROPRIATE BY THE FLOODPLAIN
21 ADMINISTRATOR DUE TO THE CIRCUMSTANCES, OTHER ACTIONS WHICH MAY
22 INCLUDE BUT ARE NOT LIMITED TO: ISSUING PRESS RELEASES, PUBLIC SERVICE
23 ANNOUNCEMENTS, AND OTHER PUBLIC INFORMATION MATERIALS RELATED TO

1 PERMIT REQUESTS AND REPAIR OF DAMAGED STRUCTURES; COORDINATING
2 WITH OTHER FEDERAL, STATE, AND LOCAL AGENCIES TO ASSIST WITH
3 SUBSTANTIAL DAMAGE DETERMINATIONS; PROVIDING OWNERS OF DAMAGED
4 STRUCTURES INFORMATION RELATED TO THE PROPER REPAIR OF DAMAGED
5 STRUCTURES IN SPECIAL FLOOD HAZARD AREAS; AND ASSISTING PROPERTY
6 OWNERS WITH DOCUMENTATION NECESSARY TO FILE CLAIMS FOR INCREASED
7 COST OF COMPLIANCE (ICC) COVERAGE UNDER NFIP FLOOD INSURANCE
8 POLICIES.

9 (P) NOTIFY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WHEN THE
10 CORPORATE BOUNDARIES OF BALTIMORE COUNTY HAVE BEEN MODIFIED AND:

11 (1) PROVIDE A MAP THAT CLEARLY DELINEATES THE NEW CORPORATE
12 BOUNDARIES OR THE NEW AREA FOR WHICH THE AUTHORITY TO
13 REGULATE PURSUANT TO THESE FLOODPLAIN MANAGEMENT
14 PROVISIONS HAS EITHER BEEN ASSUMED OR RELINQUISHED
15 THROUGH ANNEXATION; AND

16 (2) IF THE FIRM FOR ANY ANNEXED AREA INCLUDES SPECIAL FLOOD
17 HAZARD AREAS THAT HAVE FLOOD ZONES THAT HAVE
18 REGULATORY REQUIREMENTS THAT ARE NOT SET FORTH IN THESE
19 FLOODPLAIN MANAGEMENT PROVISIONS, PREPARE AMENDMENTS
20 TO THESE PROVISIONS TO ADOPT THE FIRM AND APPROPRIATE
21 REQUIREMENTS, AND SUBMIT THE AMENDMENTS TO THE
22 GOVERNING BODY FOR ADOPTION; SUCH ADOPTION SHALL TAKE
23 PLACE WITHIN SIX MONTHS OF THE DATE OF ANNEXATION AND A

COPY OF THE AMENDED PROVISIONS SHALL BE PROVIDED TO MDE
(NFIP STATE COORDINATOR) AND FEMA.

(Q) UPON THE REQUEST OF FEMA, COMPLETE AND SUBMIT A REPORT
CONCERNING PARTICIPATION IN THE NFIP WHICH MAY REQUEST INFORMATION
REGARDING THE NUMBER OF BUILDINGS IN THE SFHA, NUMBER OF PERMITS
ISSUED FOR DEVELOPMENT IN THE SFHA, AND NUMBER OF VARIANCES ISSUED
FOR DEVELOPMENT IN THE SFHA.

SECTION 32-8-303. - USE AND INTERPRETATION OF FIRMS

THE FLOODPLAIN ADMINISTRATOR SHALL MAKE INTERPRETATIONS, WHERE
NEEDED, AS TO THE EXACT LOCATION OF SPECIAL FLOOD HAZARD AREAS,
FLOODPLAIN BOUNDARIES, AND FLOODWAY BOUNDARIES. THE FOLLOWING
SHALL APPLY TO THE USE AND INTERPRETATION OF FIRMS AND DATA:

(A) WHERE FIELD SURVEYED TOPOGRAPHY INDICATES THAT GROUND
ELEVATIONS:

(1) ARE BELOW THE BASE FLOOD ELEVATION, EVEN IN AREAS NOT
DELINEATED AS A SPECIAL FLOOD HAZARD AREA ON A FIRM, THE
AREA SHALL BE CONSIDERED AS SPECIAL FLOOD HAZARD AREA
AND SUBJECT TO THE REQUIREMENTS OF THESE FLOODPLAIN
MANAGEMENT PROVISIONS;

(2) ARE ABOVE THE BASE FLOOD ELEVATION, THE AREA SHALL BE
REGULATED AS SPECIAL FLOOD HAZARD AREA UNLESS THE
APPLICANT OBTAINS A LETTER OF MAP CHANGE THAT REMOVES
THE AREA FROM THE SPECIAL FLOOD HAZARD AREA.

1 (B) IN FEMA-IDENTIFIED SPECIAL FLOOD HAZARD AREAS WHERE BASE FLOOD
2 ELEVATION AND FLOODWAY DATA HAVE NOT BEEN IDENTIFIED AND IN AREAS
3 WHERE FEMA HAS NOT IDENTIFIED SPECIAL FLOOD HAZARD AREAS, ANY
4 OTHER FLOOD HAZARD DATA AVAILABLE FROM A FEDERAL, STATE, OR OTHER
5 SOURCE SHALL BE REVIEWED AND REASONABLY USED.

6 (C) BASE FLOOD ELEVATIONS AND DESIGNATED FLOODWAY BOUNDARIES ON
7 FIRMS AND IN FISS SHALL TAKE PRECEDENCE OVER BASE FLOOD ELEVATIONS
8 AND FLOODWAY BOUNDARIES BY ANY OTHER SOURCES IF SUCH SOURCES
9 SHOW REDUCED FLOODWAY WIDTHS AND/OR LOWER BASE FLOOD
10 ELEVATIONS.

11 (D) OTHER SOURCES OF DATA SHALL BE REASONABLY USED IF SUCH
12 SOURCES SHOW INCREASED BASE FLOOD ELEVATIONS AND/OR LARGER
13 FLOODWAY AREAS THAN ARE SHOWN ON FIRMS AND IN FISS.

14 (E) IF A PRELIMINARY FLOOD INSURANCE RATE MAP AND/OR A PRELIMINARY
15 FLOOD INSURANCE STUDY HAS BEEN PROVIDED BY FEMA:

16 (1) UPON THE ISSUANCE OF A LETTER OF FINAL DETERMINATION BY
17 FEMA, IF THE PRELIMINARY FLOOD HAZARD DATA IS MORE
18 RESTRICTIVE THAN THE EFFECTIVE DATA, IT SHALL BE USED AND
19 SHALL REPLACE THE FLOOD HAZARD DATA PREVIOUSLY PROVIDED
20 FROM FEMA FOR THE PURPOSES OF ADMINISTERING THESE
21 FLOODPLAIN MANAGEMENT PROVISIONS.

22 (2) PRIOR TO THE ISSUANCE OF A LETTER OF FINAL DETERMINATION
23 BY FEMA, THE USE OF PRELIMINARY FLOOD HAZARD DATA SHALL

1 BE DEEMED THE BEST AVAILABLE DATA PURSUANT TO SECTION 32-
2 8-105(C) AND USED WHERE NO BASE FLOOD ELEVATIONS AND/OR
3 FLOODWAY AREAS ARE PROVIDED ON THE EFFECTIVE FIRM.

- 4 (3) PRIOR TO ISSUANCE OF A LETTER OF FINAL DETERMINATION BY
5 FEMA, THE USE OF PRELIMINARY FLOOD HAZARD DATA IS
6 PERMITTED WHERE THE PRELIMINARY BASE FLOOD ELEVATIONS,
7 FLOODPLAIN OR FLOODWAY BOUNDARIES EXCEED THE BASE
8 FLOOD ELEVATIONS AND/OR DESIGNATED FLOODWAY WIDTHS IN
9 EXISTING FLOOD HAZARD DATA PROVIDED BY FEMA. SUCH
10 PRELIMINARY DATA MAY BE SUBJECT TO CHANGE AND/OR APPEAL
11 TO FEMA.

12 **32-8-304. - PERMITS REQUIRED AND EXPIRATION**

13 (A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO BEGIN ANY DEVELOPMENT
14 OR CONSTRUCTION WHICH IS WHOLLY WITHIN, PARTIALLY WITHIN, OR IN
15 CONTACT WITH ANY FLOOD HAZARD AREA ESTABLISHED IN SECTION 32-8-105,
16 INCLUDING BUT NOT LIMITED TO: FILLING; GRADING; CONSTRUCTION OF NEW
17 STRUCTURES; THE SUBSTANTIAL IMPROVEMENT OF BUILDINGS OR
18 STRUCTURES, INCLUDING REPAIR OF SUBSTANTIAL DAMAGE; PLACEMENT OR
19 REPLACEMENT OF MANUFACTURED HOMES, INCLUDING SUBSTANTIAL
20 IMPROVEMENT OR REPAIR OF SUBSTANTIAL DAMAGE OF MANUFACTURED
21 HOMES; ERECTING OR INSTALLING A TEMPORARY STRUCTURE, OR ALTERATION
22 OF A WATERCOURSE, UNTIL A PERMIT IS OBTAINED FROM BALTIMORE COUNTY.

1 NO SUCH PERMIT SHALL BE ISSUED UNTIL THE REQUIREMENTS OF THESE
2 FLOODPLAIN MANAGEMENT PROVISIONS HAVE BEEN MET.

3 (B) IN ADDITION TO THE PERMITS REQUIRED IN PARAGRAPH (A), APPLICANTS
4 FOR PERMITS IN NONTIDAL WATERS OF THE STATE ARE ADVISED TO CONTACT
5 MDE. UNLESS WAIVED BY MDE, PURSUANT TO CODE OF MARYLAND
6 REGULATIONS 26.17.04, CONSTRUCTION ON NONTIDAL WATERS AND
7 FLOODPLAINS, MDE REGULATES THE “100-YEAR FREQUENCY FLOODPLAIN OF
8 FREE-FLOWING WATERS,” ALSO REFERRED TO AS NONTIDAL WATERS OF THE
9 STATE. TO DETERMINE THE 100-YEAR FREQUENCY FLOODPLAIN, HYDROLOGIC
10 CALCULATIONS ARE BASED ON THE ULTIMATE DEVELOPMENT OF THE
11 WATERSHED, ASSUMING EXISTING ZONING. THE RESULTING FLOOD HAZARD
12 AREAS DELINEATED USING THE RESULTS OF SUCH CALCULATIONS MAY BE
13 DIFFERENT THAN THE SPECIAL FLOOD HAZARD AREAS ESTABLISHED IN
14 SECTION 32-8-105 OF THESE FLOODPLAIN MANAGEMENT PROVISIONS. A PERMIT
15 FROM BALTIMORE COUNTY IS STILL REQUIRED IN ADDITION TO ANY STATE
16 REQUIREMENTS.

17 (C) A PERMIT IS VALID PROVIDED THE ACTUAL START OF WORK IS WITHIN 180
18 DAYS OF THE DATE OF PERMIT ISSUANCE. REQUESTS FOR EXTENSIONS SHALL
19 BE SUBMITTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED. THE
20 FLOODPLAIN ADMINISTRATOR MAY GRANT, IN WRITING, ONE OR MORE
21 EXTENSIONS OF TIME, FOR ADDITIONAL PERIODS NOT EXCEEDING 90 DAYS
22 EACH AND PROVIDED THERE HAS BEEN NO AMENDMENT OR REVISION TO THE

BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS AND BFES SET FORTH
IN SECTION 32-8-105.

32-8-305. - APPLICATION REQUIRED

APPLICATION FOR A PERMIT SHALL BE MADE BY THE OWNER OF THE PROPERTY
OR THE OWNER'S AUTHORIZED AGENT (HEREIN REFERRED TO AS THE
APPLICANT) PRIOR TO THE START OF ANY WORK. THE APPLICATION SHALL BE
ON A FORM FURNISHED FOR THAT PURPOSE.

(A) APPLICATION CONTENTS. AT A MINIMUM, APPLICATIONS SHALL
INCLUDE:

- (1) SITE PLANS DRAWN TO SCALE SHOWING THE NATURE, LOCATION,
DIMENSIONS, AND EXISTING AND PROPOSED TOPOGRAPHY OF THE
AREA IN QUESTION, AND THE LOCATION OF EXISTING AND
PROPOSED STRUCTURES, EXCAVATION, FILLING, STORAGE OF
MATERIALS, DRAINAGE FACILITIES, AND OTHER PROPOSED
ACTIVITIES.
- (2) ELEVATION OF THE EXISTING NATURAL GROUND WHERE
BUILDINGS OR STRUCTURES ARE PROPOSED, REFERENCED TO THE
DATUM ON THE FIRM.
- (3) DELINEATION OF FLOOD HAZARD AREAS, DESIGNATED FLOODWAY
BOUNDARIES, FLOOD ZONES, BASE FLOOD ELEVATIONS, AND
FLOOD PROTECTION SETBACKS. BASE FLOOD ELEVATIONS SHALL
BE USED TO DELINEATE THE BOUNDARY OF FLOOD HAZARD AREAS

1 AND SUCH DELINEATIONS SHALL PREVAIL OVER THE BOUNDARY
2 OF SFHAS SHOWN ON FIRMS.

3 (4) WHERE FLOODWAYS ARE NOT DELINEATED OR BASE FLOOD
4 ELEVATIONS ARE NOT SHOWN ON THE FIRMS, THE FLOODPLAIN
5 ADMINISTRATOR HAS THE AUTHORITY TO REQUIRE THE APPLICANT
6 TO USE INFORMATION PROVIDED BY THE FLOODPLAIN
7 ADMINISTRATOR, INFORMATION THAT IS AVAILABLE FROM
8 FEDERAL, STATE, OR OTHER SOURCES, OR TO DETERMINE SUCH
9 INFORMATION USING ACCEPTED ENGINEERING PRACTICES OR
10 METHODS APPROVED BY THE FLOODPLAIN ADMINISTRATOR.

11 (5) DETERMINATION OF THE BASE FLOOD ELEVATIONS, FOR
12 DEVELOPMENT PROPOSALS AND SUBDIVISION PROPOSALS, EACH
13 WITH AT LEAST 5 LOTS OR AT LEAST 5 ACRES, WHICHEVER IS THE
14 LESSER, IN SPECIAL FLOOD HAZARD AREAS WHERE BASE FLOOD
15 ELEVATIONS ARE NOT SHOWN ON THE FIRM; IF HYDROLOGIC AND
16 HYDRAULIC ENGINEERING ANALYSES ARE SUBMITTED, SUCH
17 ANALYSES SHALL BE PERFORMED IN ACCORDANCE WITH THE
18 REQUIREMENTS AND SPECIFICATIONS OF BALTIMORE COUNTY,
19 MDE AND FEMA.

20 (6) HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES FOR
21 PROPOSALS IN SPECIAL FLOOD HAZARD AREAS WHERE FEMA HAS
22 PROVIDED BASE FLOOD ELEVATIONS BUT HAS NOT DELINEATED A
23 FLOODWAY; SUCH ANALYSES SHALL DEMONSTRATE THAT THE

CUMULATIVE EFFECT OF PROPOSED DEVELOPMENT, WHEN
COMBINED WITH ALL OTHER EXISTING AND ANTICIPATED
DEVELOPMENT WILL NOT INCREASE THE WATER SURFACE
ELEVATION OF THE BASE FLOOD BY MORE THAN ONE FOOT, OR A
LOWER INCREASE IF REQUIRED BY MDE.

(7) FOR ENCROACHMENTS IN FLOODWAYS, AN EVALUATION OF
ALTERNATIVES TO SUCH ENCROACHMENTS, INCLUDING DIFFERENT
USES OF THE SITE OR PORTION OF THE SITE WITHIN THE
FLOODWAY, AND MINIMIZATION OF SUCH ENCROACHMENT.

(8) IF FILL IS PROPOSED TO BE PLACED FOR A PURPOSE OTHER THAN
TO ELEVATE STRUCTURES, THE APPLICANT SHALL INDICATE THE
INTENDED PURPOSE FOR THE FILL.

(9) FOR PROPOSED BUILDINGS AND STRUCTURES, INCLUDING
SUBSTANTIAL IMPROVEMENT AND REPAIR OF SUBSTANTIAL
DAMAGE, AND PLACEMENT AND REPLACEMENT OF
MANUFACTURED HOMES, INCLUDING SUBSTANTIAL IMPROVEMENT
AND REPAIR OF SUBSTANTIAL DAMAGE:

(I) THE PROPOSED ELEVATION OF THE LOWEST FLOOR,
INCLUDING BASEMENT, REFERENCED TO THE DATUM ON THE FIRM
AND A SIGNED AGREEMENT TO SUBMIT AN ELEVATION
CERTIFICATE.

(II) THE SIGNED DECLARATION OF LAND RESTRICTION (NON-
CONVERSION AGREEMENT) THAT SHALL BE RECORDED ON THE

1 PROPERTY DEED PRIOR TO ISSUANCE OF THE CERTIFICATE OF
2 OCCUPANCY, IF THE APPLICATION INCLUDES AN ENCLOSURE
3 BELOW THE LOWEST FLOOR OR A CRAWL/UNDERFLOOR SPACE
4 THAT IS MORE THAN FOUR (4) FEET IN HEIGHT.

5 (III) A WRITTEN EVALUATION OF ALTERNATIVE METHODS
6 CONSIDERED TO ELEVATE STRUCTURES AND MANUFACTURED
7 HOMES, IF THE LOCATION IS IN NONTIDAL WATERS OF THE STATE
8 AND FILL IS PROPOSED TO ACHIEVE THE ELEVATION REQUIRED IN
9 SECTION 32-8-504(A) OR SECTION 32-8-505(A).

10 (10) FOR ACCESSORY STRUCTURES THAT ARE 300 SQUARE FEET OR
11 LARGER IN AREA (FOOTPRINT) BUT NO LARGER THAN 600 SQUARE
12 FEET IN AREA (FOOTPRINT) AND THAT ARE BELOW THE BASE
13 FLOOD ELEVATION, A VARIANCE IS REQUIRED AS SET FORTH IN
14 SUBTITLE 7. IF A VARIANCE IS GRANTED, A SIGNED DECLARATION
15 OF LAND RESTRICTION (NON-CONVERSION AGREEMENT) SHALL BE
16 RECORDED ON THE PROPERTY DEED PRIOR TO ISSUANCE OF THE
17 CERTIFICATE OF OCCUPANCY.

18 (11) FOR TEMPORARY STRUCTURES AND TEMPORARY STORAGE,
19 SPECIFICATION OF THE DURATION OF THE TEMPORARY USE.

20 (12) FOR PROPOSED WORK ON EXISTING BUILDINGS, STRUCTURES, AND
21 MANUFACTURED HOMES, INCLUDING ANY IMPROVEMENT,
22 ADDITION, REPAIRS, ALTERATIONS, REHABILITATION, OR
23 RECONSTRUCTION, SUFFICIENT INFORMATION TO DETERMINE IF

1 THE WORK CONSTITUTES SUBSTANTIAL IMPROVEMENT OR REPAIR
2 OF SUBSTANTIAL DAMAGE, INCLUDING BUT NOT LIMITED TO:

3 (I) IF THE EXISTING BUILDING OR STRUCTURE WAS
4 CONSTRUCTED AFTER ON MARCH 2, 1981, EVIDENCE THAT THE
5 WORK WILL NOT ALTER ANY ASPECT OF THE BUILDING OR
6 STRUCTURE THAT WAS REQUIRED FOR COMPLIANCE WITH THE
7 FLOODPLAIN MANAGEMENT REQUIREMENTS IN EFFECT AT THE
8 TIME THE BUILDING OR STRUCTURE WAS PERMITTED.

9 (II) IF THE PROPOSED WORK IS A HORIZONTAL ADDITION, A
10 DESCRIPTION OF THE ADDITION AND WHETHER IT WILL BE
11 INDEPENDENTLY SUPPORTED OR STRUCTURALLY CONNECTED TO
12 THE BASE BUILDING AND THE NATURE OF ALL OTHER
13 MODIFICATIONS TO THE BASE BUILDING, IF ANY.

14 (III) DOCUMENTATION OF THE MARKET VALUE OF THE BUILDING
15 OR STRUCTURE BEFORE THE IMPROVEMENT OR, IF THE WORK IS
16 REPAIR OF DAMAGE, BEFORE THE DAMAGE OCCURRED.

17 (IV) DOCUMENTATION OF THE ACTUAL CASH VALUE OF ALL
18 PROPOSED WORK, INCLUDING THE ACTUAL CASH VALUE OF ALL
19 WORK NECESSARY TO REPAIR AND RESTORE DAMAGE TO THE
20 BEFORE-DAMAGED CONDITION, REGARDLESS OF THE AMOUNT OF
21 WORK THAT WILL BE PERFORMED. THE VALUE OF WORK
22 PERFORMED BY THE OWNER OR VOLUNTEERS SHALL BE VALUED

1 AT MARKET LABOR RATES; THE VALUE OF DONATED OR
2 DISCOUNTED MATERIALS SHALL BE VALUED AT MARKET RATES.

3 (13) CERTIFICATIONS AND/OR TECHNICAL ANALYSES PREPARED OR
4 CONDUCTED BY A LICENSED PROFESSIONAL ENGINEER OR
5 LICENSED ARCHITECT, AS APPROPRIATE, INCLUDING:

6 (I) THE DETERMINATION OF THE BASE FLOOD ELEVATIONS OR
7 HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES
8 PREPARED BY A LICENSED PROFESSIONAL ENGINEER THAT ARE
9 REQUIRED BY THE FLOODPLAIN ADMINISTRATOR OR ARE
10 REQUIRED BY THESE FLOODPLAIN MANAGEMENT PROVISIONS IN:
11 SECTION 32-8-402 FOR CERTAIN SUBDIVISIONS AND DEVELOPMENT;
12 SECTION 32-8-503(A) FOR DEVELOPMENT IN DESIGNATED
13 FLOODWAYS; SECTION 32-8-503(C) FOR DEVELOPMENT IN FLOOD
14 HAZARD AREAS WITH BASE FLOOD ELEVATIONS BUT NO
15 DESIGNATED FLOODWAYS; AND SECTION 32-8-503(E) FOR
16 DELIBERATE ALTERATION OR RELOCATION OF WATERCOURSES.

17 (II) THE FLOODPROOFING CERTIFICATE FOR NONRESIDENTIAL
18 STRUCTURES THAT ARE FLOODPROOFED AS REQUIRED IN SECTION
19 32-8-505(b).

20 (III) CERTIFICATION THAT ENGINEERED FLOOD OPENINGS ARE
21 DESIGNED TO MEET THE MINIMUM REQUIREMENTS OF SECTION 32-
22 8-504(c)(3) TO AUTOMATICALLY EQUALIZE HYDROSTATIC FLOOD
23 FORCES.

(IV) CERTIFICATION THAT THE PROPOSED ELEVATION, STRUCTURAL DESIGN, SPECIFICATIONS AND PLANS, AND THE METHODS OF CONSTRUCTION TO BE USED FOR STRUCTURES IN COASTAL HIGH HAZARD AREAS (V ZONES) AND COASTAL A ZONES, ARE IN ACCORDANCE WITH ACCEPTED STANDARDS OF PRACTICE AND MEET THE REQUIREMENTS OF SECTION 32-8-603(c).

(14) FOR NONRESIDENTIAL STRUCTURES THAT ARE PROPOSED WITH FLOODPROOFING, AN OPERATIONS AND MAINTENANCE PLAN AS SPECIFIED IN SECTION 32-8-505(B)(3).

(15) SUCH OTHER MATERIAL AND INFORMATION AS MAY BE REQUESTED BY THE FLOODPLAIN ADMINISTRATOR AND NECESSARY TO DETERMINE CONFORMANCE WITH THESE FLOODPLAIN MANAGEMENT PROVISIONS.

(B) NEW TECHNICAL DATA.

(1) THE APPLICANT MAY SEEK A LETTER OF MAP CHANGE BY SUBMITTING NEW TECHNICAL DATA TO FEMA, SUCH AS BASE MAPS, TOPOGRAPHY, AND ENGINEERING ANALYSES TO SUPPORT REVISION OF FLOODPLAIN AND FLOODWAY BOUNDARIES AND/OR BASE FLOOD ELEVATIONS. SUCH SUBMISSIONS SHALL BE PREPARED IN A FORMAT ACCEPTABLE TO FEMA AND ANY FEES SHALL BE THE SOLE RESPONSIBILITY OF THE APPLICANT. A COPY OF THE SUBMITTAL SHALL BE ATTACHED TO THE APPLICATION FOR A PERMIT.

(2) IF THE APPLICANT SUBMITS NEW TECHNICAL DATA TO SUPPORT ANY CHANGE IN FLOODPLAIN AND DESIGNATED FLOODWAY BOUNDARIES AND/OR BASE FLOOD ELEVATIONS BUT HAS NOT SOUGHT A LETTER OF MAP CHANGE FROM FEMA, THE APPLICANT SHALL SUBMIT SUCH DATA TO FEMA AS SOON AS PRACTICABLE, BUT NOT LATER THAN SIX MONTHS AFTER THE DATE SUCH INFORMATION BECOMES AVAILABLE. SUCH SUBMISSIONS SHALL BE PREPARED IN A FORMAT ACCEPTABLE TO FEMA AND ANY FEES SHALL BE THE SOLE RESPONSIBILITY OF THE APPLICANT. ANY DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA THAT REQUIRES A LETTER OF MAP CHANGE, MUST HAVE THE LETTER OF MAP CHANGE BEFORE ANY RIGHT-OF-WAY OR UTILITY AGREEMENT FUNDS WILL BE RELEASED.

32-8-306. - REVIEW OF APPLICATION

THE FLOODPLAIN ADMINISTRATOR SHALL:

(A) REVIEW APPLICATIONS FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS TO DETERMINE THE COMPLETENESS OF INFORMATION SUBMITTED. THE APPLICANT SHALL BE NOTIFIED OF INCOMPLETENESS OR ADDITIONAL INFORMATION THAT IS REQUIRED TO SUPPORT THE APPLICATION.

(B) NOTIFY APPLICANTS THAT PERMITS FROM MDE AND THE U.S. ARMY CORPS OF ENGINEERS, AND OTHER STATE AND FEDERAL AUTHORITIES MAY BE REQUIRED.

1 (C) REVIEW ALL PERMIT APPLICATIONS TO ASSURE THAT ALL NECESSARY
2 PERMITS HAVE BEEN RECEIVED FROM THE FEDERAL, STATE OR LOCAL
3 GOVERNMENTAL AGENCIES FROM WHICH PRIOR APPROVAL IS REQUIRED. THE
4 APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING SUCH PERMITS, INCLUDING
5 PERMITS ISSUED BY:

6 (1) THE U.S. ARMY CORPS OF ENGINEERS UNDER SECTION 10 OF THE
7 RIVERS AND HARBORS ACT AND SECTION 404 OF THE CLEAN WATER ACT;

8 (2) MDE PURSUANT TO COMAR 26.23 (NONTIDAL WETLANDS) AND
9 SECTION 401 OF THE CLEAN WATER ACT;

10 (3) MDE FOR CONSTRUCTION ON NONTIDAL WATERS OF THE STATE
11 PURSUANT TO COMAR 26.17.04; AND

12 (4) MDE PURSUANT TO COMAR 26.24 (TIDAL WETLANDS).

13 (D) REVIEW APPLICATIONS FOR COMPLIANCE WITH THESE FLOODPLAIN
14 MANAGEMENT PROVISIONS AFTER ALL INFORMATION REQUIRED IN SECTION 32-
15 8-305 OF THESE PROVISIONS OR IDENTIFIED AND REQUIRED BY THE FLOODPLAIN
16 ADMINISTRATOR HAS BEEN RECEIVED.

17 **32-8-307. - INSPECTIONS**

18 THE FLOODPLAIN ADMINISTRATOR SHALL MAKE PERIODIC INSPECTIONS OF
19 DEVELOPMENT PERMITTED IN SPECIAL FLOOD HAZARD AREAS, AT
20 APPROPRIATE TIMES THROUGHOUT THE PERIOD OF CONSTRUCTION IN ORDER
21 TO MONITOR COMPLIANCE. SUCH INSPECTIONS MAY INCLUDE:

22 (A) STAKE-OUT INSPECTION, TO DETERMINE LOCATION ON THE SITE
23 RELATIVE TO THE FLOOD HAZARD AREA AND DESIGNATED FLOODWAY.

(B) FOUNDATION INSPECTION, UPON PLACEMENT OF THE LOWEST FLOOR AND PRIOR TO FURTHER VERTICAL CONSTRUCTION, TO COLLECT INFORMATION OR CERTIFICATION OF THE ELEVATION OF THE LOWEST FLOOR.

(C) INSPECTION OF ENCLOSURES BELOW THE LOWEST FLOOR, INCLUDING CRAWL/UNDERFLOOR SPACES, TO DETERMINE COMPLIANCE WITH APPLICABLE PROVISIONS.

(D) UTILITY INSPECTION, UPON INSTALLATION OF SPECIFIED EQUIPMENT AND APPLIANCES, TO DETERMINE APPROPRIATE LOCATION WITH RESPECT TO THE BASE FLOOD ELEVATION.

(E) FINAL INSPECTION PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

32-8-308. - SUBMISSIONS REQUIRED PRIOR TO FINAL INSPECTION

PURSUANT TO THE AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE SUBMITTED WITH THE APPLICATION AS REQUIRED IN SECTION 32-8-305(A)(9), THE PERMITTEE SHALL HAVE AN ELEVATION CERTIFICATE PREPARED AND SUBMITTED PRIOR TO FINAL INSPECTION AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ELEVATED STRUCTURES AND MANUFACTURED HOMES, INCLUDING NEW STRUCTURES AND MANUFACTURED HOMES, SUBSTANTIALLY-IMPROVED STRUCTURES AND MANUFACTURED HOMES, AND ADDITIONS TO STRUCTURES AND MANUFACTURED HOMES.

Article 32 – Planning, Zoning, and Subdivision Control

Title 8 – Floodplain Management

Subtitle 4 – Flood Insurance Rate Maps

[§ 32-8-401. Definitions.

(a) *In general.* In this subtitle the following words have the meanings indicated.

(b) *AE.* "AE" means 1% Annual Chance Floodplain with elevations determined as delineated in the FIRM.

(c) *BFE.* "BFE" means base flood elevation as shown in the FIRM or in the FIS associated with the FIRM panel upon which it is shown.

(d) *FIRM.* "FIRM" means Flood Insurance Rate Map.

(e) *FIS.* "FIS" means Food Insurance Study.

(f) *LIMWA.* "LIMWA" means limit of moderate wave action as delineated on the FIRM.

(g) *LOMA.* "LOMA" means letter of map amendment.

(h) *LOMC.*

(1) "LOMC" means letter of map change.

(2) "LOMC" includes LOMA and LOMR.

(i) *LOMR.* "LOMR" means letter of map revision.

(j) *NFIP.* "NFIP" means National Flood Insurance Program.

(k) *Riverine.* "Riverine" means floodplain inundated stormwater runoff.

(l) *Tidal.* "Tidal" means floodplain inundated due to high tides, hurricanes, tropical storms and steady on-shore winds.

§ 32-8-402. Revision of Flood Insurance Rate Maps and Flood Insurance Study.

This section shall apply to all special flood hazard areas within the jurisdiction of Baltimore County. Baltimore County adopts and shall enforce the most recent revision of the Flood Insurance Rate Maps and Flood Insurance Study, including FIRM Map Panel Numbers:

2400100010G	2400100015G	2400100020G	2400100030G
2400100035G	2400100040G	2400100045G	2400100055G
2400100065G	2400100080G	2400100085G	2400100090G
2400100095G	2400100105G	2400100110G	2400100115G
2400100120G	2400100130G	2400100135G	2400100140G
2400100145G	2400100165G	2400100170G	2400100185G
2400100195G	2400100205G	2400100210G	2400100215G
2400100220E	2400100230G	2400100235G	2400100240G
2400100245G	2400100255G	2400100260G	2400100265G
2400100270G	2400100280G	2400100285G	2400100290G
2400100295H	2400100315H	2400100335G	2400100355G
2400100359G	2400100360G	2400100365G	2400100370G
2400100378G	2400100380G	2400100385G	2400100386G
2400100387G	2400100388G	2400100389G	2400100395G
2400100405G	2400100410G	2400100420H	2400100430H
2400100435H	2400100440H	2400100485G	2400100502G

1 2400100505G 2400100510H 2400100530H 240010IND0E
2 240010V001E 240010V002E 240010V003E
3 240010_2023-11-02

4 **§ 32-8-403. Floodplain Information.**

5 (a) *Effective date; FIRM maps.* This section applies to building permits applied for on or after
6 the May 5, 2014 effective date of FIS 240010V000D and the FIRM maps with suffix G
7 listed below:

8 2400100295G

9 2400100315G

10 2400100420G

11 2400100430G

12 2400100435G

13 2400100440G

14 2400100445G

15 2400100455G

16 2400100465G

17 2400100510G

18 2400100530G

19 2400100535G

20 2400100555G

1 2400100560G

2 2400100580G

3 (b) *Riverine floodplains.* This section does not apply to riverine floodplains.

4 (c) *Flood insurance.*

5 (1) For purposes of determining flood insurance premiums, the zones shown on the latest
6 effective FIRM map or as amended by an approved letter of map change shall govern.

7 (2) Floodplain information for flood insurance purposes under the NFIP shall be
8 determined only by the latest effective FIRM.

9 (d) *Tidal base flood elevations.*

10 (1) Tidal base flood elevations (BFEs) shall be no less than as shown on the most recent
11 FIRM, suffix letter G (listed in subsection (a) of this section) or later, or most recent
12 FIS.

13 (2) Tidal base flood elevations (BFEs) shall be no less than the BFEs as shown on FIRM
14 or FIS, suffix letter F with effective date September 26, 2008.

15 (3) Tidal base flood elevations (BFEs) shall be no less than any tidal flood elevations
16 approved by the Director of Department of Public Works and Transportation.

17 (e) *Building Code requirements.*

18 (1) The Building Code imposes specific requirements on construction in the VE zone and
19 in the area of the AE zone on the side of the LIMWA away from land (also known as
20 the Coastal AE zone).

(2) Subsection (d) of this section may impose higher BFEs in these areas than shown on the latest effective FIRM.

(3) Building Code requirements specific to the VE and Coastal AE zones shall apply even though the higher BFE may have been based on an earlier map that did not take wave action into consideration.

§ 32-8-404. Severability.

Except as otherwise provided by law, if a section, paragraph, sentence, clause, phrase, or word of this subtitle is declared invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality may not affect any of the remaining words, phrases, clauses, sentences, paragraphs, or sections of this subtitle unless:

(1) The section, paragraph, sentence, clause, phrase, or word is subject to a provision that prohibits severability under this section; or

(2) The court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent.]

Article 32 – Planning, Zoning, and Subdivision Control

Title 8 – Floodplain Management

Subtitle 4 – REQUIREMENTS IN ALL FLOOD HAZARD AREAS

32-8-401. - APPLICATION OF REQUIREMENTS

THE GENERAL REQUIREMENTS OF THIS SECTION APPLY TO ALL DEVELOPMENT PROPOSED WITHIN ALL SPECIAL FLOOD HAZARD AREAS IDENTIFIED IN SECTION 32-8-105.

1 **32-8-402. - SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS**

2 (a) IN ALL FLOOD ZONES:

3 (1) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS IN TIDAL
4 FLOOD ZONES SHALL BE CONSISTENT WITH THE NEED TO MINIMIZE
5 FLOOD DAMAGE AND ARE SUBJECT TO ALL APPLICABLE STANDARDS
6 IN THESE FLOODPLAIN MANAGEMENT PROVISIONS.

7 (2) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS SHALL
8 HAVE UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL,
9 WATER SYSTEMS, PONDS, CULVERTS, BRIDGES, STREETS, DRAINAGE
10 FACILITIES, LOCATED AND CONSTRUCTED TO MINIMIZE FLOOD
11 DAMAGE.

12 (3) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS SHALL
13 HAVE ADEQUATE DRAINAGE PATHS PROVIDED TO REDUCE EXPOSURE
14 TO FLOOD HAZARDS AND TO GUIDE FLOODWATERS AROUND AND
15 AWAY FROM PROPOSED STRUCTURES. PROVISIONS MUST BE MADE
16 FOR SAFE PASSAGE OF OVERLAND FLOW FOR THE 1% ANNUAL
17 CHANCE STORM EVENT WITHOUT DISTURBANCE TO DOWNSTREAM
18 AND NEIGHBORING PROPERTIES.

19 (4) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS SHALL BE
20 SUPPORTED BY DETERMINATIONS OF BASE FLOOD ELEVATIONS AS
21 REQUIRED IN SECTION 32-8-305 OF THESE FLOODPLAIN MANAGEMENT
22 PROVISIONS IF THEY CONTAIN:

(i) A WATER COURSE WITH A DRAINAGE AREA GREATER THAN 30
ACRES,

(ii) AT LEAST 5 LOTS OR AT LEAST 5 ACRES, WHICHEVER IS THE
LESSER

(iii) AREAS THAT ARE WHOLLY OR PARTIALLY IN FLOOD HAZARD
AREAS WHERE BASE FLOOD ELEVATION DATA ARE NOT
PROVIDED BY THE FLOODPLAIN ADMINISTRATOR OR
AVAILABLE FROM OTHER SOURCES,

(5) SUBDIVISION ACCESS ROADS SHALL HAVE THE DRIVING SURFACE
ABOVE THE BASE FLOOD ELEVATION.

(B) IN SPECIAL FLOOD HAZARD AREAS OF NONTIDAL WATERS OF THE STATE:

(1) SUBDIVISION PROPOSALS SHALL BE LAID OUT SUCH THAT
PROPOSED BUILDING PADS ARE LOCATED OUTSIDE OF THE SPECIAL FLOOD
HAZARD AREA AND ANY PORTION OF PLATTED LOTS THAT INCLUDE LAND
AREAS THAT ARE BELOW THE BASE FLOOD ELEVATION SHALL BE USED FOR
OTHER PURPOSES, DEED RESTRICTED, OR OTHERWISE PROTECTED TO PRESERVE
IT AS OPEN SPACE.

(2) SUBDIVISION ACCESS ROADS SHALL HAVE THE DRIVING SURFACE
ABOVE THE BASE FLOOD ELEVATION.

32-8-403. - PROTECTION OF WATER SUPPLY AND SANITARY SEWAGE SYSTEMS

(A) NEW AND REPLACEMENT WATER SUPPLY SYSTEMS SHALL BE DESIGNED
TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOODWATERS INTO THE
SYSTEMS.

(B) NEW AND REPLACEMENT SANITARY SEWAGE SYSTEMS SHALL BE DESIGNED TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOODWATERS INTO SYSTEMS AND DISCHARGES FROM SYSTEMS INTO FLOODWATERS.

(C) ON-SITE WASTE DISPOSAL SYSTEMS SHALL BE LOCATED TO AVOID IMPAIRMENT TO OR CONTAMINATION FROM THEM DURING CONDITIONS OF FLOODING.

32-8-404. - BUILDINGS AND STRUCTURES

NEW BUILDINGS AND STRUCTURES (INCLUDING THE PLACEMENT AND REPLACEMENT OF MANUFACTURED HOMES) AND SUBSTANTIAL IMPROVEMENT OF EXISTING STRUCTURES (INCLUDING MANUFACTURED HOMES) THAT ARE LOCATED, IN WHOLE OR IN PART, IN ANY SPECIAL FLOOD HAZARD AREA SHALL:

(A) BE DESIGNED (OR MODIFIED) AND CONSTRUCTED TO SAFELY SUPPORT FLOOD LOADS. THE CONSTRUCTION SHALL PROVIDE A COMPLETE LOAD PATH CAPABLE OF TRANSFERRING ALL LOADS FROM THEIR POINT OF ORIGIN THROUGH THE LOAD-RESISTING ELEMENTS TO THE FOUNDATION. STRUCTURES SHALL BE DESIGNED, CONNECTED AND ANCHORED TO RESIST FLOTATION, COLLAPSE OR PERMANENT LATERAL MOVEMENT DUE TO STRUCTURAL LOADS AND STRESSES, INCLUDING HYDRODYNAMIC AND HYDROSTATIC LOADS AND THE EFFECTS OF BUOYANCY, FROM FLOODING EQUAL TO THE FLOOD PROTECTION ELEVATION OR THE ELEVATION REQUIRED BY THESE FLOODPLAIN MANAGEMENT PROVISIONS OR THE BUILDING CODE, WHICHEVER IS HIGHER.

(B) BE CONSTRUCTED BY METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGE.

1 (C) USE FLOOD DAMAGE-RESISTANT MATERIALS BELOW THE ELEVATION OF
2 THE LOWEST FLOOR REQUIRED IN SECTION 32-8-504(A) OR SECTION 32-8-505(A)
3 (FOR A ZONES) OR SECTION 32-8-603(B) (FOR V ZONES AND COASTAL A ZONES).

4 (D) HAVE ELECTRICAL SYSTEMS, EQUIPMENT AND COMPONENTS, AND
5 MECHANICAL, HEATING, VENTILATING, AIR CONDITIONING, AND PLUMBING
6 APPLIANCES, PLUMBING FIXTURES, DUCT SYSTEMS, AND OTHER SERVICE
7 EQUIPMENT LOCATED AT OR ABOVE THE ELEVATION OF THE LOWEST FLOOR
8 REQUIRED IN SECTION 32-8-504(A) OR SECTION 32-8-505(A) (A ZONES) OR SECTION
9 32-8-603(B) (V ZONES AND COASTAL A ZONES). ELECTRICAL WIRING SYSTEMS
10 ARE PERMITTED TO BE LOCATED BELOW ELEVATION OF THE LOWEST FLOOR
11 PROVIDED THEY CONFORM TO THE PROVISIONS OF THE ELECTRICAL PART OF
12 THE BUILDING CODE FOR WET LOCATIONS. IF REPLACED AS PART OF A
13 SUBSTANTIAL IMPROVEMENT, ELECTRICAL SYSTEMS, EQUIPMENT AND
14 COMPONENTS, AND HEATING, VENTILATION, AIR CONDITIONING, AND
15 PLUMBING APPLIANCES, PLUMBING FIXTURES, DUCT SYSTEMS, AND OTHER
16 SERVICE EQUIPMENT SHALL MEET THE REQUIREMENTS OF THIS SECTION.

17 (E) AS AN ALTERNATIVE TO PARAGRAPH (D), ELECTRICAL SYSTEMS,
18 EQUIPMENT AND COMPONENTS, AND HEATING, VENTILATING, AIR
19 CONDITIONING, AND PLUMBING APPLIANCES, PLUMBING FIXTURES, DUCT
20 SYSTEMS, AND OTHER SERVICE EQUIPMENT ARE PERMITTED TO BE LOCATED
21 BELOW THE ELEVATION OF THE LOWEST FLOOR PROVIDED THEY ARE DESIGNED
22 AND INSTALLED TO PREVENT WATER FROM ENTERING OR ACCUMULATING
23 WITHIN THE COMPONENTS AND TO RESIST HYDROSTATIC AND HYDRODYNAMIC

LOADS AND STRESSES, INCLUDING THE EFFECTS OF BUOYANCY, DURING THE
OCCURRENCE OF FLOODING TO THAT ELEVATION.

(F) HAVE THE ELECTRIC PANELBOARD ELEVATED AT LEAST THREE (3) FEET
ABOVE THE BFE.

(G) IF LOCATED IN FLOOD HAZARD AREAS (A ZONES) THAT ARE NOT
IDENTIFIED AS COASTAL A ZONES AND COASTAL HIGH HAZARD AREAS (V
ZONES), COMPLY WITH THE SPECIFIC REQUIREMENTS OF SECTION 32-8-501.

(H) IF LOCATED IN COASTAL A ZONE, COMPLY WITH THE SPECIFIC
REQUIREMENTS OF:

(1) SUBTITLE 6 (NEW CONSTRUCTION AND PLACEMENT OF NEW
MANUFACTURED HOMES); OR

(2) SUBTITLE 5 ((SUBSTANTIAL IMPROVEMENTS (INCLUDING REPAIR OF
SUBSTANTIAL DAMAGE) AND REPLACEMENT MANUFACTURED
HOMES)).

(I) IF LOCATED IN COASTAL HIGH HAZARD AREAS (V ZONES), COMPLY WITH
THE SPECIFIC REQUIREMENTS OF SUBTITLE 6.

(J) COMPLY WITH THE REQUIREMENTS OF THE MOST RESTRICTIVE
DESIGNATION IF LOCATED ON A SITE THAT HAS MORE THAN ONE FLOOD ZONE
DESIGNATION (A ZONE, DESIGNATED FLOODWAY, COASTAL A ZONE, V ZONE).

32-8-405. - PLACEMENT OF FILL

(A) DISPOSAL OF FILL, INCLUDING BUT NOT LIMITED TO EARTHEN SOILS,
ROCK, RUBBLE, CONSTRUCTION DEBRIS, WOODY DEBRIS, AND TRASH, SHALL
NOT BE PERMITTED IN SPECIAL FLOOD HAZARD AREAS.

(B) FILL SHALL NOT BE PLACED IN COASTAL A ZONES OR COASTAL HIGH HAZARD AREAS (V ZONES) EXCEPT AS PROVIDED IN SECTION 32-8-602.

(C) FILL PROPOSED TO BE PLACED TO ELEVATE STRUCTURES IN FLOOD HAZARD AREAS (A ZONES) THAT ARE NOT COASTAL A ZONES OR COASTAL HIGH HAZARD AREAS (V ZONES) SHALL COMPLY WITH THE FLOODWAYS REQUIREMENTS IN SECTION 32-8-503(A), SECTION 32-8-503(B), AND SECTION 32-8-503(C) AND THE LIMITATIONS OF SECTION 32-8-504(B). BEFORE THE FILL IS TO BE PLACED A PLAN COMPLETELY SHOWING HOW AND WHERE THE TIDAL WATERS WILL BE DISTRIBUTED MUST BE SUBMITTED AND REVIEWED BY BALTIMORE COUNTY. A ZONING HEARING WILL BE REQUIRED FOR APPROVAL AND PLACEMENT OF FILL.

32-8-406. - HISTORIC STRUCTURES

REPAIR, ALTERATION, ADDITION, REHABILITATION, OR OTHER IMPROVEMENT OF HISTORIC STRUCTURES SHALL BE SUBJECT TO THE REQUIREMENTS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS IF THE PROPOSED WORK IS DETERMINED TO BE A SUBSTANTIAL IMPROVEMENT, UNLESS A DETERMINATION IS MADE THAT THE PROPOSED WORK WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED DESIGNATION AS A HISTORIC STRUCTURE. THE FLOODPLAIN ADMINISTRATOR MAY REQUIRE DOCUMENTATION OF A STRUCTURE'S CONTINUED ELIGIBILITY AND DESIGNATION AS A HISTORIC STRUCTURE.

32-8-407. - MANUFACTURED HOMES

(A) NEW MANUFACTURED HOMES SHALL NOT BE PLACED OR INSTALLED IN FLOODWAYS OR COASTAL HIGH HAZARD AREAS (V ZONES).

(B) FOR THE PURPOSE OF THESE FLOODPLAIN MANAGEMENT PROVISIONS, THE LOWEST FLOOR OF A MANUFACTURED HOME IS THE BOTTOM OF THE LOWEST HORIZONTAL SUPPORTING MEMBER (LONGITUDINAL CHASSIS FRAME BEAM).

(C) NEW MANUFACTURED HOMES LOCATED OUTSIDE OF FLOODWAYS AND COASTAL HIGH HAZARD AREAS (V ZONES), REPLACEMENT MANUFACTURED HOMES IN ANY FLOOD HAZARD AREAS, AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE) OF EXISTING MANUFACTURED HOMES IN ALL FLOOD HAZARD AREA, SHALL:

(1) BE ELEVATED ON A PERMANENT, REINFORCED FOUNDATION IN ACCORDANCE WITH SUBTITLE 5 OR SUBTITLE 6, AS APPLICABLE TO THE FLOOD ZONE;

(2) BE INSTALLED IN ACCORDANCE WITH THE ANCHOR AND TIE-DOWN REQUIREMENTS OF THE BUILDING CODE OR THE MANUFACTURER'S WRITTEN INSTALLATION INSTRUCTIONS AND SPECIFICATIONS; AND

(3) HAVE ENCLOSURES BELOW THE LOWEST FLOOR OF THE ELEVATED MANUFACTURED HOME, IF ANY, INCLUDING ENCLOSURES THAT ARE SURROUNDED BY RIGID SKIRTING OR OTHER MATERIAL THAT IS ATTACHED TO THE FRAME OR FOUNDATION, THAT COMPLY WITH THE REQUIREMENTS OF SUBTITLE 5 OR SUBTITLE 6, AS APPLICABLE TO THE FLOOD ZONE.

32-8-408. - RECREATIONAL VEHICLES

RECREATIONAL VEHICLES SHALL:

(A) MEET THE REQUIREMENTS FOR MANUFACTURED HOMES IN SECTION 32-8-407; OR

(B) BE FULLY LICENSED AND READY FOR HIGHWAY USE; OR

(C) BE ON A SITE FOR LESS THAN 180 CONSECUTIVE DAYS AND CANNOT BE PLACED IN A PUBLIC RIGHT-OF-WAY, RESERVATION, OR EASEMENT.

32-8-409. - CRITICAL AND ESSENTIAL FACILITIES

CRITICAL AND ESSENTIAL FACILITIES SHALL:

(A) NOT BE LOCATED IN COASTAL HIGH HAZARD AREAS (V ZONES), COASTAL A ZONES OR FLOODWAYS.

(B) IF LOCATED IN FLOOD HAZARD AREAS OTHER THAN COASTAL HIGH HAZARD AREAS, COASTAL A ZONES AND FLOODWAYS, BE ELEVATED TO THE HIGHER OF ELEVATION REQUIRED BY THESE FLOODPLAIN MANAGEMENT PROVISIONS PLUS ONE (1) FOOT, THE ELEVATION REQUIRED BY THE BUILDING CODE, OR THE ELEVATION OF THE 0.2 PERCENT CHANCE (500-YEAR) FLOOD.

32-8-410. - TEMPORARY STRUCTURES AND TEMPORARY STORAGE

IN ADDITION TO THE APPLICATION REQUIREMENTS OF SECTION 32-8-305, APPLICATIONS FOR THE PLACEMENT OR ERECTION OF TEMPORARY STRUCTURES AND THE TEMPORARY STORAGE OF ANY GOODS, MATERIALS, AND EQUIPMENT, SHALL SPECIFY THE DURATION OF THE TEMPORARY USE. TEMPORARY STRUCTURES AND TEMPORARY STORAGE IN FLOODWAYS SHALL

MEET THE LIMITATIONS OF SECTION 32-8-503(A) OF THESE FLOODPLAIN
MANAGEMENT PROVISIONS. IN ADDITION:

(A) TEMPORARY STRUCTURES SHALL:

(1) BE DESIGNED AND CONSTRUCTED TO PREVENT FLOTATION,
COLLAPSE OR LATERAL MOVEMENT RESULTING FROM
HYDRODYNAMIC LOADS AND HYDROSTATIC LOADS DURING
CONDITIONS OF THE BASE FLOOD;

(2) HAVE ELECTRIC SERVICE INSTALLED IN COMPLIANCE WITH THE
ELECTRIC CODE; AND

(3) COMPLY WITH ALL OTHER REQUIREMENTS OF THE APPLICABLE
STATE AND LOCAL PERMIT AUTHORITIES.

(B) TEMPORARY STORAGE SHALL NOT INCLUDE HAZARDOUS MATERIALS.

32-8-411. - GAS OR LIQUID STORAGE TANKS

(A) UNDERGROUND TANKS IN FLOOD HAZARD AREAS SHALL BE ANCHORED
TO PREVENT FLOTATION, COLLAPSE OR LATERAL MOVEMENT RESULTING FROM
HYDROSTATIC LOADS, INCLUDING THE EFFECTS OF BUOYANCY, DURING
CONDITIONS OF THE BASE FLOOD.

(B) ABOVE-GROUND TANKS IN FLOOD HAZARD AREAS SHALL BE ANCHORED
TO A SUPPORTING STRUCTURE AND ELEVATED TO OR ABOVE THE BASE FLOOD
ELEVATION, OR SHALL BE ANCHORED OR OTHERWISE DESIGNED AND
CONSTRUCTED TO PREVENT FLOTATION, COLLAPSE, OR LATERAL MOVEMENT
RESULTING FROM HYDRODYNAMIC AND HYDROSTATIC LOADS, INCLUDING THE
EFFECTS OF BUOYANCY, DURING CONDITIONS OF THE BASE FLOOD.

(C) IN FLOOD HAZARD AREAS, TANK INLETS, FILL OPENINGS, OUTLETS AND VENTS SHALL BE:

(1) AT OR ABOVE THE BASE FLOOD ELEVATION OR FITTED WITH COVERS DESIGNED TO PREVENT THE INFLOW OF FLOODWATER OR OUTFLOW OF THE CONTENTS OF THE TANKS DURING CONDITIONS OF THE BASE FLOOD; AND

(2) ANCHORED TO PREVENT LATERAL MOVEMENT RESULTING FROM HYDRODYNAMIC AND HYDROSTATIC LOADS, INCLUDING THE EFFECTS OF BUOYANCY, DURING CONDITIONS OF THE BASE FLOOD.

32-8-412. - FUNCTIONALLY DEPENDENT USES

APPLICATIONS FOR FUNCTIONALLY DEPENDENT USES THAT DO NOT CONFORM TO THE REQUIREMENTS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS SHALL BE APPROVED ONLY BY-VARIANCES ISSUED PURSUANT TO SUBTITLE 7. IF APPROVED, FUNCTIONALLY DEPENDENT USES SHALL BE PROTECTED BY METHODS THAT MINIMIZE FLOOD DAMAGE DURING THE BASE FLOOD, INCLUDING MEASURES TO ALLOW FLOODWATERS TO ENTER AND EXIT, USE OF FLOOD DAMAGE-RESISTANT MATERIALS, AND ELEVATION OF ELECTRIC SERVICE AND EQUIPMENT TO THE EXTENT PRACTICAL GIVEN THE USE OF THE BUILDING.

Article 32 – Planning, Zoning, And Subdivision Control

Title 8 – Floodplain Management

SUBTITLE 5 – REQUIREMENTS IN FLOOD HAZARD AREAS (A ZONES) THAT

1 ARE NOT COASTAL

2 HIGH HAZARD AREAS (V ZONES) OR COASTAL A ZONES

3 **32-8-501. - GENERAL REQUIREMENTS**

4 IN ADDITION TO THE GENERAL REQUIREMENTS OF SUBTITLE 4, THE
5 REQUIREMENTS OF THIS SECTION SHALL:

6 (A) APPLY IN FLOOD HAZARD AREAS THAT ARE NOT IDENTIFIED AS COASTAL
7 HIGH HAZARD AREAS (V ZONES) AND COASTAL A ZONES. THESE FLOOD
8 HAZARD AREAS, REFERRED TO COLLECTIVELY AS “A ZONES,” INCLUDE SPECIAL
9 FLOOD HAZARD AREAS ALONG NONTIDAL WATERS OF THE STATE, LANDWARD
10 OF COASTAL HIGH HAZARD AREAS (V ZONES), AND LANDWARD OF COASTAL A
11 ZONES (IF DELINEATED).

12 (B) APPLY TO ALL DEVELOPMENT, NEW CONSTRUCTION, SUBSTANTIAL
13 IMPROVEMENTS (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE), AND
14 PLACEMENT, REPLACEMENT, AND SUBSTANTIAL IMPROVEMENT (INCLUDING
15 REPAIR OF SUBSTANTIAL DAMAGE) OF MANUFACTURED HOMES.

16 **32-8-502. - FLOOD PROTECTION SETBACKS**

17 WITHIN AREAS DEFINED BY FLOOD PROTECTION SETBACKS ALONG NONTIDAL
18 WATERS OF THE STATE:

19 (A) NO NEW BUILDINGS, STRUCTURES, OR OTHER DEVELOPMENT SHALL BE
20 PERMITTED UNLESS THE APPLICANT DEMONSTRATES TO THE ADMINISTRATIVE
21 LAW JUDGE THAT THE SITE CANNOT BE DEVELOPED WITHOUT SUCH
22 ENCROACHMENT INTO THE FLOOD PROTECTION SETBACK AND THE
23 ENCROACHMENT IS THE MINIMUM NECESSARY AFTER CONSIDERATION OF

VARYING OTHER SITING STANDARDS SUCH AS SIDE, FRONT, AND BACK LOT
LINE SETBACKS.

(B) DISTURBANCE OF NATURAL VEGETATION SHALL BE MINIMIZED AND ANY
DISTURBANCE ALLOWED SHALL BE VEGETATIVELY STABILIZED.

(C) PUBLIC WORKS AND TEMPORARY CONSTRUCTION MAY BE PERMITTED.

**32-8-503. DEVELOPMENT THAT AFFECTS FLOOD-CARRYING CAPACITY OF
NONTIDAL WATERS OF THE STATE**

(A) DEVELOPMENT IN DESIGNATED FLOODWAYS. FOR PROPOSED
DEVELOPMENT THAT WILL ENCROACH INTO A DESIGNATED FLOODWAY,
SECTION 32-8-305(A)(7) REQUIRES THE APPLICANT TO SUBMIT AN EVALUATION
OF ALTERNATIVES TO SUCH ENCROACHMENT, INCLUDING DIFFERENT USES OF
THE SITE OR THE PORTION OF THE SITE WITHIN THE FLOODWAY, AND
MINIMIZATION OF SUCH ENCROACHMENT. THIS REQUIREMENT DOES NOT
APPLY TO FENCES THAT DO NOT BLOCK THE FLOW OF FLOODWATERS OR TRAP
DEBRIS. PROPOSED DEVELOPMENT IN A DESIGNATED FLOODWAY MAY BE
PERMITTED ONLY IF:

- (1) THE APPLICANT HAS BEEN ISSUED A PERMIT BY MDE; AND
- (2) THE APPLICANT HAS DEVELOPED HYDROLOGIC AND HYDRAULIC
ENGINEERING ANALYSES AND TECHNICAL DATA PREPARED BY A
LICENSED PROFESSIONAL ENGINEER REFLECTING SUCH CHANGES,
AND THE ANALYSES, WHICH SHALL BE SUBMITTED TO THE
FLOODPLAIN ADMINISTRATOR, DEMONSTRATE THAT THE

1 PROPOSED ACTIVITY WILL NOT RESULT IN ANY INCREASE IN THE
2 BASE FLOOD ELEVATION; OR

3 (3) IF THE ANALYSES DEMONSTRATE THAT THE PROPOSED ACTIVITIES
4 WILL RESULT IN AN INCREASE IN THE BASE FLOOD ELEVATION, THE
5 APPLICANT HAS OBTAINED A CONDITIONAL LETTER OF MAP
6 REVISION AND A LETTER OF MAP REVISION FROM FEMA UPON
7 COMPLETION OF THE PROJECT. SUBMITTAL REQUIREMENTS AND
8 FEES SHALL BE THE RESPONSIBILITY OF THE APPLICANT.

9 (B) DEVELOPMENT THAT INCLUDES THE PLACEMENT OF FILL IN NONTIDAL
10 WATERS OF THE STATE. FOR PROPOSED DEVELOPMENT THAT INCLUDES THE
11 PLACEMENT OF FILL IN NONTIDAL WATERS OF THE STATE, OTHER THAN
12 DEVELOPMENT THAT IS SUBJECT TO SUBSECTION (D) OF THIS SECTION, A
13 HYDRAULICALLY-EQUIVALENT VOLUME OF EXCAVATION IS REQUIRED. SUCH
14 EXCAVATIONS SHALL BE DESIGNED TO DRAIN FREELY. IN ADDITION, THE
15 APPLICANT MUST HAVE DEVELOPED HYDROLOGIC AND HYDRAULIC
16 ENGINEERING ANALYSIS AND TECHNICAL DATA PREPARED BY A LICENSED
17 PROFESSIONAL ENGINEER REFLECTING SUCH CHANGES, AND THE ANALYSES,
18 WHICH SHALL BE SUBMITTED TO THE FLOODPLAIN ADMINISTRATOR, MUST
19 DEMONSTRATE THAT THE PROPOSED ACTIVITY WILL NOT RESULT IN ANY
20 INCREASE IN THE BASE FLOOD ELEVATION; OR

21 (C) DEVELOPMENT IN AREAS WITH BASE FLOOD ELEVATIONS BUT NO
22 DESIGNATED FLOODWAYS. FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD

1 AREAS OF NONTIDAL WATERS OF THE STATE WITH BASE FLOOD ELEVATIONS
2 BUT NO DESIGNATED FLOODWAYS:

3 (1) THE APPLICANT SHALL DEVELOP HYDROLOGIC AND HYDRAULIC
4 ENGINEERING ANALYSES AND TECHNICAL DATA REFLECTING THE
5 PROPOSED ACTIVITY AND SHALL SUBMIT SUCH TECHNICAL DATA
6 TO THE FLOODPLAIN ADMINISTRATOR AS REQUIRED IN SECTION 32-
7 8-305(A)(6). THE ANALYSES SHALL BE PREPARED BY A LICENSED
8 PROFESSIONAL ENGINEER IN A FORMAT REQUIRED BY FEMA FOR A
9 CONDITIONAL LETTER OF MAP REVISION AND A LETTER OF MAP
10 REVISION UPON COMPLETION OF THE PROJECT. SUBMITTAL
11 REQUIREMENTS AND FEES SHALL BE THE RESPONSIBILITY OF THE
12 APPLICANT.

13 (2) THE PROPOSED DEVELOPMENT MAY BE PERMITTED IF THE
14 APPLICANT HAS RECEIVED A PERMIT BY MDE AND IF THE
15 ANALYSES DEMONSTRATE THAT THE CUMULATIVE EFFECT OF THE
16 PROPOSED DEVELOPMENT, WHEN COMBINED WITH ALL OTHER
17 EXISTING AND POTENTIAL FLOOD HAZARD AREA ENCROACHMENTS
18 WILL NOT INCREASE THE BASE FLOOD ELEVATION MORE THAN 1.0
19 FOOT AT ANY POINT.

20 (D) CONSTRUCTION OF ROADS, BRIDGES, CULVERTS, DAMS AND IN-STREAM
21 PONDS. CONSTRUCTION OF ROADS, BRIDGES, CULVERTS, DAMS, AND IN-
22 STREAM PONDS IN NONTIDAL WATERS OF THE STATE SHALL NOT BE APPROVED

1 UNLESS THEY COMPLY WITH THIS SECTION AND THE APPLICANT HAS RECEIVED
2 A PERMIT FROM MDE.

3 (E) ALTERATION OF A WATERCOURSE. FOR ANY PROPOSED DEVELOPMENT
4 THAT INVOLVES ALTERATION OF A WATERCOURSE NOT SUBJECT TO
5 SUBSECTION C OF THIS SECTION, UNLESS WAIVED BY BALTIMORE COUNTY AND
6 MDE, THE APPLICANT SHALL DEVELOP HYDROLOGIC AND HYDRAULIC
7 ENGINEERING ANALYSES AND TECHNICAL DATA REFLECTING SUCH CHANGES,
8 INCLUDING THE FLOODWAY ANALYSIS REQUIRED IN SECTION 32-8-305(A), AND
9 SUBMIT SUCH TECHNICAL DATA TO THE FLOODPLAIN ADMINISTRATOR AND TO
10 FEMA. THE ANALYSES SHALL BE PREPARED BY A LICENSED PROFESSIONAL
11 ENGINEER IN A FORMAT REQUIRED BY MDE AND BY FEMA FOR A CONDITIONAL
12 LETTER OF MAP REVISION AND A LETTER OF MAP REVISION UPON COMPLETION
13 OF THE PROJECT. SUBMITTAL REQUIREMENTS AND FEES SHALL BE THE
14 RESPONSIBILITY OF THE APPLICANT. ALTERATION OF A WATERCOURSE MAY BE
15 PERMITTED ONLY UPON SUBMISSION, BY THE APPLICANT, OF THE FOLLOWING:

16 (1) A DESCRIPTION OF THE EXTENT TO WHICH THE WATERCOURSE
17 WILL BE ALTERED OR RELOCATED;

18 (2) A CERTIFICATION BY A LICENSED PROFESSIONAL ENGINEER THAT
19 THE FLOOD-CARRYING CAPACITY OF THE WATERCOURSE WILL NOT
20 BE DIMINISHED;

21 (3) EVIDENCE THAT ADJACENT COMMUNITIES, THE U.S. ARMY CORPS
22 OF ENGINEERS, AND MDE HAVE BEEN NOTIFIED OF THE PROPOSAL,

1 AND EVIDENCE THAT SUCH NOTIFICATIONS HAVE BEEN SUBMITTED
2 TO FEMA; AND

3 (4) EVIDENCE THAT THE APPLICANT SHALL BE RESPONSIBLE FOR
4 PROVIDING THE NECESSARY MAINTENANCE FOR THE ALTERED OR
5 RELOCATED PORTION OF THE WATERCOURSE SO THAT THE FLOOD
6 CARRYING CAPACITY WILL NOT BE DIMINISHED. THE FLOODPLAIN
7 ADMINISTRATOR MAY REQUIRE THE APPLICANT TO ENTER INTO AN
8 AGREEMENT WITH BALTIMORE COUNTY SPECIFYING THE
9 MAINTENANCE RESPONSIBILITIES; IF AN AGREEMENT IS REQUIRED,
10 THE PERMIT SHALL BE CONDITIONED TO REQUIRE THAT THE
11 AGREEMENT BE RECORDED ON THE DEED OF THE PROPERTY WHICH
12 SHALL BE BINDING ON FUTURE OWNERS.

13 **32-8-504. - RESIDENTIAL STRUCTURES AND RESIDENTIAL PORTIONS OF**
14 **MIXED-USE STRUCTURES**

15 NEW RESIDENTIAL STRUCTURES AND RESIDENTIAL PORTIONS OF MIXED-USE
16 STRUCTURES, AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF
17 SUBSTANTIAL DAMAGE) OF EXISTING RESIDENTIAL STRUCTURES AND
18 RESIDENTIAL PORTIONS OF MIXED-USE STRUCTURES SHALL COMPLY WITH THE
19 APPLICABLE REQUIREMENTS OF SUBTITLE 4 AND THIS SECTION. SEE SECTION
20 32-8-506 FOR REQUIREMENTS FOR HORIZONTAL ADDITIONS.

21 (A) ELEVATION REQUIREMENTS:

22 (1) LOWEST FLOORS SHALL BE ELEVATED TO OR ABOVE THE FLOOD
23 PROTECTION ELEVATION.

(2) IN AREAS OF SHALLOW FLOODING (ZONE AO), THE LOWEST FLOOR (INCLUDING BASEMENT) SHALL BE ELEVATED AT LEAST AS HIGH ABOVE THE HIGHEST ADJACENT GRADE AS THE DEPTH NUMBER SPECIFIED IN FEET ON THE FIRM PLUS TWO (2) FEET, OR AT LEAST FOUR (4) FEET IF A DEPTH NUMBER IS NOT SPECIFIED.

(3) ENCLOSURES BELOW THE LOWEST FLOOR SHALL MEET THE REQUIREMENTS OF SUBSECTION C OF THIS SECTION.

(4) BASEMENT FLOORS THAT ARE BELOW GRADE ON ALL SIDES ARE PROHIBITED.

(B) LIMITATIONS ON USE OF FILL TO ELEVATE STRUCTURES.

UNLESS OTHERWISE RESTRICTED BY THESE FLOODPLAIN MANAGEMENT PROVISIONS, ESPECIALLY BY THE LIMITATIONS IN SECTION 32-8-503(A), SECTION 32-8-503(B), AND SECTION 32-8-503(C), FILL PLACED FOR THE PURPOSE OF RAISING THE GROUND LEVEL TO SUPPORT A BUILDING OR STRUCTURE SHALL:

(1) CONSIST OF EARTHEN SOIL OR ROCK MATERIALS ONLY.

(2) EXTEND Laterally FROM THE BUILDING FOOTPRINT TO PROVIDE FOR ADEQUATE ACCESS AS A FUNCTION OF USE; THE FLOODPLAIN ADMINISTRATOR MAY SEEK ADVICE FROM THE STATE FIRE MARSHAL'S OFFICE AND/OR THE LOCAL FIRE SERVICES AGENCY;

(3) COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE AND BE PLACED AND COMPACTED TO PROVIDE FOR STABILITY UNDER CONDITIONS OF RISING AND FALLING FLOODWATERS AND RESISTANCE TO EROSION, SCOUR, AND SETTLING;

(4) BE SLOPED NO STEEPER THAN ONE (1) VERTICAL TO THREE (3) HORIZONTAL, UNLESS APPROVED BY THE FLOODPLAIN ADMINISTRATOR;

(5) BE PROTECTED FROM EROSION ASSOCIATED WITH EXPECTED VELOCITIES DURING THE OCCURRENCE OF THE BASE FLOOD; UNLESS APPROVED BY THE FLOODPLAIN ADMINISTRATOR, FILL SLOPES SHALL BE PROTECTED BY VEGETATION IF THE EXPECTED VELOCITY IS LESS THAN FIVE FEET PER SECOND, AND BY OTHER MEANS IF THE EXPECTED VELOCITY IS FIVE FEET PER SECOND OR MORE; AND

(6) BE DESIGNED WITH PROVISIONS FOR ADEQUATE DRAINAGE AND NO ADVERSE EFFECT ON ADJACENT PROPERTIES.

(C) ENCLOSURES BELOW THE LOWEST FLOOR.

(1) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE USED SOLELY FOR PARKING OF VEHICLES, BUILDING ACCESS, CRAWL/UNDERFLOOR SPACES, OR LIMITED STORAGE.

(2) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE CONSTRUCTED USING FLOOD DAMAGE-RESISTANT MATERIALS.

(3) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE PROVIDED WITH FLOOD OPENINGS WHICH SHALL MEET THE FOLLOWING CRITERIA:

(i) THERE SHALL BE A MINIMUM OF TWO FLOOD OPENINGS ON DIFFERENT SIDES OF EACH ENCLOSED AREA; IF A

BUILDING HAS MORE THAN ONE ENCLOSURE BELOW THE
LOWEST FLOOR, EACH SUCH ENCLOSURE SHALL HAVE
FLOOD OPENINGS ON EXTERIOR WALLS.

(ii) THE TOTAL NET AREA OF ALL FLOOD OPENINGS SHALL BE
AT LEAST 1 SQUARE INCH FOR EACH SQUARE FOOT OF
ENCLOSED AREA (NON-ENGINEERED FLOOD OPENINGS),
OR THE FLOOD OPENINGS SHALL BE ENGINEERED FLOOD
OPENINGS THAT ARE DESIGNED AND CERTIFIED BY A
LICENSED PROFESSIONAL ENGINEER TO AUTOMATICALLY
ALLOW ENTRY AND EXIT OF FLOODWATERS; THE
CERTIFICATION REQUIREMENT MAY BE SATISFIED BY AN
INDIVIDUAL CERTIFICATION OR AN EVALUATION REPORT
ISSUED BY THE ICC EVALUATION SERVICE, INC.

(iii) THE BOTTOM OF EACH FLOOD OPENING SHALL BE 1 FOOT
OR LESS ABOVE THE HIGHER OF THE INTERIOR FLOOR OR
GRADE, OR THE EXTERIOR GRADE, IMMEDIATELY BELOW
THE OPENING.

(iv) ANY LOUVERS, SCREENS OR OTHER COVERS FOR THE
FLOOD OPENINGS SHALL ALLOW THE AUTOMATIC FLOW
OF FLOODWATERS INTO AND OUT OF THE ENCLOSED
AREA. NOTHING MAY BE STORED IN FRONT OF OR
BLOCKING THE FLOOD OPENINGS.

(v) IF INSTALLED IN DOORS, FLOOD OPENINGS THAT MEET REQUIREMENTS OF PARAGRAPHS (A) THROUGH (D), ARE ACCEPTABLE; HOWEVER, DOORS WITHOUT INSTALLED FLOOD OPENINGS DO NOT MEET THE REQUIREMENTS OF THIS SECTION.

32-8-505. - NONRESIDENTIAL STRUCTURES AND NONRESIDENTIAL PORTIONS OF MIXED-USE STRUCTURES

NEW NONRESIDENTIAL STRUCTURES AND NONRESIDENTIAL PORTIONS OF MIXED-USE STRUCTURES, AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE) OF EXISTING NONRESIDENTIAL STRUCTURES AND NONRESIDENTIAL PORTIONS OF MIXED-USE STRUCTURES SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF SUBTITLE 4 AND THE REQUIREMENTS OF THIS SECTION. SEE SECTION 32-8-506 FOR REQUIREMENTS FOR HORIZONTAL ADDITIONS.

(A) ELEVATION REQUIREMENTS.

ELEVATED STRUCTURES SHALL:

- (1) HAVE THE LOWEST FLOOR (INCLUDING BASEMENT) ELEVATED TO OR ABOVE THE FLOOD PROTECTION ELEVATION; OR
- (2) IN AREAS OF SHALLOW FLOODING (ZONE AO), HAVE THE LOWEST FLOOR (INCLUDING BASEMENT) ELEVATED AT LEAST AS HIGH ABOVE THE HIGHEST ADJACENT GRADE AS THE DEPTH NUMBER SPECIFIED IN FEET ON THE FIRM PLUS TWO (2) FEET, OR AT LEAST FOUR (4) FEET IF A DEPTH NUMBER IS NOT SPECIFIED; AND

- 1 (3) HAVE ENCLOSURES BELOW THE LOWEST FLOOR, IF ANY, THAT
2 COMPLY WITH THE REQUIREMENTS OF SECTION 32-8-504(C); OR
3 (4) IF PROPOSED TO BE ELEVATED ON FILL, MEET THE LIMITATIONS ON
4 FILL IN SECTION 32-8-504(B).
5 (5) BASEMENT FLOORS THAT ARE BELOW GRADE ON ALL SIDES ARE
6 PROHIBITED.

7 (B) FLOODPROOFING REQUIREMENTS

8 (1) FLOODPROOFING OF NEW NONRESIDENTIAL BUILDINGS:

9 (i) IS NOT ALLOWED IN NONTIDAL WATERS OF THE STATE
10 (COMAR 26.17.04.11(B)(7)).

11 (ii) IS NOT ALLOWED IN COASTAL A ZONES.

12 (2) FLOODPROOFING FOR SUBSTANTIAL IMPROVEMENT OF
13 NONRESIDENTIAL BUILDINGS:

14 (i) IS-ALLOWED IN NONTIDAL WATERS OF THE STATE-

15 (ii) IS-ALLOWED IN COASTAL A ZONES-

16 (3) IF FLOODPROOFING IS PROPOSED, STRUCTURES SHALL:

17 (i) BE DESIGNED TO BE DRY FLOODPROOFED SUCH THAT THE
18 BUILDING OR STRUCTURE IS WATERTIGHT WITH WALLS
19 AND FLOORS SUBSTANTIALLY IMPERMEABLE TO THE
20 PASSAGE OF WATER TO THE LEVEL OF THE FLOOD
21 PROTECTION ELEVATION PLUS 1.0 FOOT, OR

22 (ii) IF LOCATED IN AN AREA OF SHALLOW FLOODING (ZONE
23 AO), BE DRY FLOODPROOFED AT LEAST AS HIGH ABOVE

1 THE HIGHEST ADJACENT GRADE AS THE DEPTH NUMBER
2 SPECIFIED ON THE FIRM PLUS THREE (3) FEET, OR AT
3 LEAST FIVE (5) FEET IF A DEPTH NUMBER IS NOT
4 SPECIFIED; AND

5 (iii) HAVE STRUCTURAL COMPONENTS CAPABLE OF RESISTING
6 HYDROSTATIC AND HYDRODYNAMIC LOADS AND EFFECTS
7 OF BUOYANCY;

8 (iv) HAVE FLOODPROOFING MEASURES THAT ARE DESIGNED
9 TAKING INTO CONSIDERATION THE NATURE OF FLOOD-
10 RELATED HAZARDS; FREQUENCY, DEPTH AND DURATION
11 OF FLOODING; RATE OF RISE AND FALL OF FLOODWATER;
12 SOIL CHARACTERISTICS; FLOOD-BORNE DEBRIS; AT LEAST
13 12 HOURS OF FLOOD WARNING TIME FROM A CREDIBLE
14 SOURCE; AND TIME NECESSARY TO IMPLEMENT ANY
15 MEASURES THAT REQUIRE HUMAN INTERVENTION;

16 (v) HAVE AT LEAST ONE DOOR ABOVE THE APPLICABLE
17 FLOOD ELEVATION THAT ALLOWS HUMAN INGRESS AND
18 EGRESS DURING CONDITIONS OF FLOODING;

19 (vi) HAVE AN OPERATIONS AND MAINTENANCE PLAN THAT IS
20 FILED WITH LOCAL EMERGENCY MANAGEMENT
21 OFFICIALS AND THAT SPECIFIES THE OWNER/OCCUPANT'S
22 RESPONSIBILITIES TO MONITOR FLOOD POTENTIAL; THE
23 LOCATION OF ANY SHIELDS, DOORS, CLOSURES, TOOLS,

1 OR OTHER GOODS THAT ARE REQUIRED FOR
2 IMPLEMENTATION; MAINTENANCE OF SUCH GOODS;
3 METHODS OF INSTALLATION; AND PERIODIC INSPECTION;
4 AND

5 (vii) BE CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER
6 OR LICENSED ARCHITECT, THROUGH EXECUTION OF A
7 FLOODPROOFING CERTIFICATE THAT STATES THAT THE
8 DESIGN AND METHODS OF CONSTRUCTION MEET THE
9 REQUIREMENTS OF THIS SECTION. THE FLOODPROOFING
10 CERTIFICATE SHALL BE SUBMITTED WITH THE
11 CONSTRUCTION DRAWINGS AS REQUIRED IN SECTION 32-8-
12 305(A)(13).

13 **32-8-506. - HORIZONTAL ADDITIONS**

14 (A) A HORIZONTAL ADDITION PROPOSED FOR A BUILDING OR STRUCTURE
15 THAT WAS CONSTRUCTED AFTER THE DATE SPECIFIED IN SECTION 32-8-101
16 SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF SUBTITLE 4 AND
17 THIS SECTION.

18 (B) IN NONTIDAL WATERS OF THE STATE THAT ARE SUBJECT TO THE
19 REGULATORY AUTHORITY OF MDE, ALL HORIZONTAL ADDITIONS SHALL
20 COMPLY WITH THE APPLICABLE REQUIREMENTS OF SUBTITLE 4 AND THIS
21 SECTION AND:

1 (1) IF THE ADDITION IS STRUCTURALLY CONNECTED TO THE BASE
2 BUILDING, THE REQUIREMENTS OF SUBSECTION C OF THIS SECTION
3 APPLY.

4 (2) IF THE ADDITION HAS AN INDEPENDENT FOUNDATION AND IS NOT
5 STRUCTURALLY CONNECTED TO THE BASE BUILDING AND THE
6 COMMON WALL WITH THE BASE BUILDING IS MODIFIED BY NO
7 MORE THAN A DOORWAY, THE BASE BUILDING IS NOT REQUIRED
8 TO BE BROUGHT INTO COMPLIANCE.

9 (C) FOR HORIZONTAL ADDITIONS THAT ARE STRUCTURALLY CONNECTED TO
10 THE BASE BUILDING:

11 (1) IF THE ADDITION COMBINED WITH OTHER PROPOSED REPAIRS,
12 ALTERATIONS, OR MODIFICATIONS OF THE BASE BUILDING
13 CONSTITUTES SUBSTANTIAL IMPROVEMENT, THE BASE BUILDING
14 AND THE ADDITION SHALL COMPLY WITH THE APPLICABLE
15 REQUIREMENTS OF SUBTITLE 4 AND THIS SECTION.

16 (2) IF THE ADDITION CONSTITUTES SUBSTANTIAL IMPROVEMENT, THE
17 BASE BUILDING AND THE ADDITION SHALL COMPLY WITH ALL OF
18 THE APPLICABLE REQUIREMENTS OF SUBTITLE 4 AND THIS
19 SECTION.

20 (D) FOR HORIZONTAL ADDITIONS WITH INDEPENDENT FOUNDATIONS THAT
21 ARE NOT STRUCTURALLY CONNECTED TO THE BASE BUILDING AND THE
22 COMMON WALL WITH THE BASE BUILDING IS MODIFIED BY NO MORE THAN A

DOORWAY, THE BASE BUILDING IS NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE.

(E) A HORIZONTAL ADDITION TO A BUILDING OR STRUCTURE THAT IS NOT SUBSTANTIAL IMPROVEMENT, AND IS NOT LOCATED IN NONTIDAL WATERS OF THE STATE, IS NOT REQUIRED TO COMPLY WITH THIS SECTION.

32-8-507. - ACCESSORY STRUCTURES

(A) ACCESSORY STRUCTURES SHALL BE LIMITED TO NOT MORE THAN 300 SQUARE FEET IN TOTAL FLOOR AREA.

(B) ACCESSORY STRUCTURES SHALL COMPLY WITH THE ELEVATION REQUIREMENTS AND OTHER REQUIREMENTS OF SECTION 32-8-504, THE FLOODPROOFING REQUIREMENTS OF SECTION 32-8-505(B), OR SHALL:

- (1) BE USEABLE ONLY FOR PARKING OF VEHICLES OR LIMITED STORAGE;
- (2) BE CONSTRUCTED WITH FLOOD DAMAGE-RESISTANT MATERIALS BELOW THE BASE FLOOD ELEVATION;
- (3) BE CONSTRUCTED AND PLACED TO OFFER THE MINIMUM RESISTANCE TO THE FLOW OF FLOODWATERS;
- (4) BE ANCHORED TO PREVENT FLOTATION;
- (5) HAVE ELECTRICAL SERVICE AND MECHANICAL EQUIPMENT ELEVATED TO OR ABOVE THE BASE FLOOD ELEVATION; AND
- (6) HAVE FLOOD OPENINGS THAT MEET THE REQUIREMENTS OF SECTION 32-8-504(C).

Article 32 – Planning, Zoning, And Subdivision Control

Title 8 – Floodplain Management

SUBTITLE 6 – REQUIREMENTS IN COASTAL HIGH HAZARD AREAS (V
ZONES) AND COASTAL A ZONES

32-8-601. - GENERAL REQUIREMENTS

IN ADDITION TO THE GENERAL REQUIREMENTS OF SUBTITLE 4, THE
REQUIREMENTS OF THIS SECTION SHALL:

(A) APPLY IN FLOOD HAZARD AREAS THAT ARE IDENTIFIED AS COASTAL
HIGH HAZARD AREAS (V ZONES) AND COASTAL A ZONES (IF DELINEATED).

(B) APPLY TO ALL DEVELOPMENT, NEW CONSTRUCTION, SUBSTANTIAL
IMPROVEMENTS (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE), AND
PLACEMENT, REPLACEMENT, AND SUBSTANTIAL IMPROVEMENT (INCLUDING
REPAIR OF SUBSTANTIAL DAMAGE) OF MANUFACTURED HOMES. **EXCEPTION:**
IN COASTAL A ZONES, THE REQUIREMENTS OF SUBTITLE 5 SHALL APPLY TO
SUBSTANTIAL IMPROVEMENTS (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE),
AND SUBSTANTIAL IMPROVEMENT OF MANUFACTURED HOMES (INCLUDING
REPAIR OF SUBSTANTIAL DAMAGE) AND REPLACEMENT MANUFACTURED
HOMES.

32-8-602. - LOCATION AND SITE PREPARATION

(A) THE PLACEMENT OF STRUCTURAL FILL FOR THE PURPOSE OF ELEVATING
BUILDINGS IS PROHIBITED.

(B) BUILDINGS SHALL BE LOCATED LANDWARD OF THE REACH OF MEAN
HIGH TIDE.

(C) MINOR GRADING, AND THE PLACEMENT OF MINOR QUANTITIES OF FILL, SHALL BE PERMITTED FOR LANDSCAPING AND FOR DRAINAGE PURPOSES UNDER AND AROUND BUILDINGS AND FOR SUPPORT OF PARKING SLABS, POOL DECKS, PATIOS AND WALKWAYS.

(D) SITE PREPARATIONS SHALL NOT ALTER SAND DUNES UNLESS AN ENGINEERING ANALYSIS DEMONSTRATES THAT THE POTENTIAL FOR FLOOD DAMAGE IS NOT INCREASED.

32-8-603. - RESIDENTIAL AND NONRESIDENTIAL STRUCTURES

NEW STRUCTURES AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE) OF EXISTING STRUCTURES SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF SUBTITLE 4 AND THE REQUIREMENTS OF THIS SECTION.

A. FOUNDATIONS

(1) STRUCTURES SHALL BE SUPPORTED ON PILINGS OR COLUMNS AND SHALL BE ADEQUATELY ANCHORED TO SUCH PILINGS OR COLUMNS. PILINGS SHALL HAVE ADEQUATE SOIL PENETRATIONS TO RESIST THE COMBINED WAVE AND WIND LOADS (LATERAL AND UPLIFT). WATER LOADING VALUES USED SHALL BE THOSE ASSOCIATED WITH THE BASE FLOOD. WIND LOADING VALUES SHALL BE THOSE REQUIRED BY APPLICABLE BUILDING CODES. PILE EMBEDMENT SHALL INCLUDE CONSIDERATION OF DECREASED RESISTANCE CAPACITY CAUSED BY SCOUR OF SOIL STRATA SURROUNDING THE PILING.

1 (2) SLABS, POOLS, POOL DECKS AND WALKWAYS SHALL BE LOCATED
2 AND CONSTRUCTED TO BE STRUCTURALLY INDEPENDENT OF
3 STRUCTURES AND THEIR FOUNDATIONS TO PREVENT TRANSFER OF
4 FLOOD LOADS TO THE STRUCTURES DURING CONDITIONS OF
5 FLOODING, SCOUR, OR EROSION FROM WAVE-VELOCITY FLOW
6 CONDITIONS, AND SHALL BE DESIGNED TO MINIMIZE FLOATATION
7 AND DEBRIS IMPACTS TO ADJACENT PROPERTIES AND PUBLIC
8 INFRASTRUCTURE.

9 (B) ELEVATION REQUIREMENTS

10 (1) THE BOTTOM OF THE LOWEST HORIZONTAL STRUCTURAL MEMBER
11 THAT SUPPORTS THE LOWEST FLOOR SHALL BE LOCATED AT OR
12 ABOVE THE FLOOD PROTECTION ELEVATION.

13 (2) BASEMENT FLOORS THAT ARE BELOW GRADE ON ALL SIDES ARE
14 PROHIBITED.

15 (3) THE SPACE BELOW AN ELEVATED BUILDING SHALL EITHER BE
16 FREE-OF-OBSTRUCTION OR, IF ENCLOSED BY WALLS, SHALL MEET
17 THE REQUIREMENTS OF SUBSECTION D OF THIS SECTION. A
18 DECLARATION OF LAND RESTRICTION IS REQUIRED.

19 (C) CERTIFICATION OF DESIGN

20 AS REQUIRED IN SECTION 32-8-305(A)(13), THE APPLICANT SHALL INCLUDE
21 IN THE APPLICATION A CERTIFICATION PREPARED BY A LICENSED
22 PROFESSIONAL ENGINEER OR A LICENSED ARCHITECT THAT THE DESIGN

1 AND METHODS OF CONSTRUCTION TO BE USED MEET THE REQUIREMENTS
2 OF SUBSECTIONS A, B, AND C OF THIS SECTION, AND THE BUILDING CODE.

3 (D) ENCLOSURES BELOW THE LOWEST FLOOR

4 (1) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE USED SOLELY
5 FOR PARKING OF VEHICLES, BUILDING ACCESS OR LIMITED
6 STORAGE WITH A DECLARATION OF LAND RESTRICTION.

7 (2) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE LESS THAN 299
8 SQUARE FEET IN AREA (EXTERIOR MEASUREMENT).

9 (3) WALLS AND PARTITIONS ARE PERMITTED BELOW THE ELEVATED
10 FLOOR, PROVIDED THAT SUCH WALLS AND PARTITIONS ARE
11 DESIGNED TO BREAK AWAY UNDER FLOOD LOADS AND ARE NOT
12 PART OF THE STRUCTURAL SUPPORT OF THE BUILDING OR
13 STRUCTURE.

14 (4) ELECTRICAL, MECHANICAL, AND PLUMBING SYSTEM COMPONENTS
15 SHALL NOT BE MOUNTED ON OR PENETRATE THROUGH WALLS
16 THAT ARE DESIGNED TO BREAK AWAY UNDER FLOOD LOADS.

17 (5) WALLS INTENDED TO BREAK AWAY UNDER FLOOD LOADS SHALL
18 BE CONSTRUCTED WITH INSECT SCREENING OR OPEN LATTICE, OR
19 SHALL BE DESIGNED TO BREAK AWAY OR COLLAPSE WITHOUT
20 CAUSING COLLAPSE, DISPLACEMENT OR OTHER STRUCTURAL
21 DAMAGE TO THE ELEVATED PORTION OF THE BUILDING OR
22 SUPPORTING FOUNDATION SYSTEM. SUCH WALLS, FRAMING AND
23 CONNECTIONS SHALL HAVE A DESIGN SAFE LOADING RESISTANCE

1 OF NOT LESS THAN 10 POUNDS PER SQUARE FOOT AND NO MORE
2 THAN 20 POUNDS PER SQUARE FOOT; OR

3 (6) WHERE WIND LOADING VALUES OF THE BUILDING CODE EXCEED 20
4 POUNDS PER SQUARE FOOT, THE APPLICANT SHALL SUBMIT A
5 CERTIFICATION PREPARED AND SEALED BY A LICENSED
6 PROFESSIONAL ENGINEER OR LICENSED ARCHITECT THAT:

7 (i) THE WALLS AND PARTITIONS BELOW THE LOWEST FLOOR
8 HAVE BEEN DESIGNED TO COLLAPSE FROM A WATER
9 LOAD LESS THAN THAT WHICH WOULD OCCUR DURING
10 THE BASE FLOOD.

11 (ii) THE ELEVATED PORTION OF THE BUILDING AND
12 SUPPORTING FOUNDATION SYSTEM HAVE BEEN DESIGNED
13 TO WITHSTAND THE EFFECTS OF WIND AND FLOOD LOADS
14 ACTING SIMULTANEOUSLY ON ALL BUILDING
15 COMPONENTS (STRUCTURAL AND NONSTRUCTURAL).
16 WATER LOADING VALUES USED SHALL BE THOSE
17 ASSOCIATED WITH THE BASE FLOOD; WIND LOADING
18 VALUES USED SHALL BE THOSE REQUIRED BY THE
19 BUILDING CODE.

20 (iii) IN COASTAL A ZONES, IN ADDITION TO THE
21 REQUIREMENTS OF THIS SECTION, WALLS BELOW THE
22 LOWEST FLOOR SHALL HAVE FLOOD OPENINGS THAT
23 MEET THE REQUIREMENTS OF SECTION 32-8-504(C)(3).

1 **32-8-604. - HORIZONTAL ADDITIONS TO STRUCTURES**

2 (A) A HORIZONTAL ADDITION PROPOSED FOR A BUILDING OR STRUCTURE
3 THAT WAS CONSTRUCTED AFTER THE DATE SPECIFIED IN SECTION 32-8-101
4 SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF SUBTITLE 4 AND
5 THIS SECTION.

6 (B) FOR HORIZONTAL ADDITIONS, WHETHER STRUCTURALLY CONNECTED OR
7 NOT STRUCTURALLY CONNECTED, TO THE BASE BUILDING:

8 (1) IF THE ADDITION COMBINED WITH OTHER PROPOSED REPAIRS,
9 ALTERATIONS, OR MODIFICATIONS OF THE BASE BUILDING
10 CONSTITUTES SUBSTANTIAL IMPROVEMENT, THE BASE
11 BUILDING AND THE ADDITION SHALL COMPLY WITH THE
12 APPLICABLE REQUIREMENTS OF SUBTITLE 4 AND THIS SECTION.

13 (2) IF THE ADDITION CONSTITUTES SUBSTANTIAL IMPROVEMENT,
14 THE BASE BUILDING AND THE ADDITION SHALL COMPLY WITH
15 ALL OF THE APPLICABLE REQUIREMENTS OF SUBTITLE 4 AND
16 THIS SECTION.

17 (C) A HORIZONTAL ADDITION TO A BUILDING OR STRUCTURE THAT IS NOT
18 SUBSTANTIAL IMPROVEMENT IS NOT REQUIRED TO COMPLY WITH THIS
19 SECTION.

20 **32-8-605. - ACCESSORY STRUCTURES**

21 (A) ACCESSORY STRUCTURES SHALL BE LIMITED TO NOT MORE THAN 300
22 SQUARE FEET IN TOTAL FLOOR AREA.

(B) ACCESSORY STRUCTURES SHALL COMPLY WITH THE ELEVATION REQUIREMENTS AND OTHER REQUIREMENTS OF SECTION 32-8-603 OR, IF NOT ELEVATED, SHALL:

- (1) BE USEABLE ONLY FOR PARKING OF VEHICLES OR LIMITED STORAGE;
- (2) BE CONSTRUCTED WITH FLOOD DAMAGE-RESISTANT MATERIALS BELOW THE BASE FLOOD ELEVATION;
- (3) BE CONSTRUCTED AND PLACED TO OFFER THE MINIMUM RESISTANCE TO THE FLOW OF FLOODWATERS;
- (4) BE ANCHORED TO PREVENT FLOTATION;
- (5) HAVE ELECTRICAL SERVICE AND MECHANICAL EQUIPMENT ELEVATED TO OR ABOVE THE BASE FLOOD ELEVATION; AND
- (6) IF LARGER THAN 100 SQUARE FEET IN SIZE, HAVE WALLS THAT MEET THE REQUIREMENTS OF SECTION 32-8-603(D)(3) THROUGH (6), AS APPLICABLE FOR THE FLOOD ZONE; AND IF LOCATED IN COASTAL A ZONES, WALLS SHALL HAVE FLOOD OPENINGS THAT MEET THE REQUIREMENTS OF SECTION 32-8-504(C)(3).

32-8-606. - OTHER STRUCTURES AND DEVELOPMENT

(A) DECKS AND PATIOS.

IN ADDITION TO THE REQUIREMENTS OF THE BUILDING CODE OR THE RESIDENTIAL CODE, DECKS AND PATIOS SHALL BE LOCATED, DESIGNED, AND CONSTRUCTED IN COMPLIANCE WITH THE FOLLOWING:

1 (1) A DECK THAT IS STRUCTURALLY ATTACHED TO A BUILDING OR
2 STRUCTURE SHALL HAVE THE BOTTOM OF THE LOWEST
3 HORIZONTAL STRUCTURAL MEMBER AT OR ABOVE THE FLOOD
4 PROTECTION ELEVATION AND ANY SUPPORTING MEMBERS THAT
5 EXTEND BELOW THE DESIGN FLOOD ELEVATION SHALL COMPLY
6 WITH THE FOUNDATION REQUIREMENTS THAT APPLY TO THE
7 BUILDING OR STRUCTURE, WHICH SHALL BE DESIGNED TO
8 ACCOMMODATE ANY INCREASED LOADS RESULTING FROM THE
9 ATTACHED DECK.

10 (2) A DECK OR PATIO THAT IS LOCATED BELOW THE FLOOD
11 PROTECTION ELEVATION SHALL BE STRUCTURALLY INDEPENDENT
12 FROM STRUCTURES AND THEIR FOUNDATION SYSTEMS, AND SHALL
13 BE DESIGNED AND CONSTRUCTED EITHER TO REMAIN INTACT AND
14 IN PLACE DURING BASE FLOOD CONDITIONS OR TO BREAK APART
15 INTO SMALL PIECES THAT WILL NOT CAUSE STRUCTURAL DAMAGE
16 TO ADJACENT ELEVATED STRUCTURES.

17 (3) A DECK OR PATIO THAT HAS A VERTICAL THICKNESS OF MORE
18 THAN 12 INCHES OR THAT IS CONSTRUCTED WITH MORE THAN THE
19 MINIMUM AMOUNT OF FILL THAT IS NECESSARY FOR SITE
20 DRAINAGE SHALL NOT BE APPROVED UNLESS AN ANALYSIS
21 DEMONSTRATES NO HARMFUL DIVERSION OF FLOODWATERS OR
22 WAVE RUNUP AND WAVE REFLECTION THAT WOULD INCREASE
23 DAMAGE TO ADJACENT ELEVATED STRUCTURES.

1 (4) A DECK OR PATIO THAT HAS A VERTICAL THICKNESS OF 12 INCHES
2 OR LESS AND THAT IS AT NATURAL GRADE OR ON FILL MATERIAL
3 THAT IS SIMILAR TO AND COMPATIBLE WITH LOCAL SOILS AND IS
4 THE MINIMUM AMOUNT NECESSARY FOR SITE DRAINAGE MAY BE
5 APPROVED WITHOUT REQUIRING ANALYSIS OF THE IMPACT ON
6 DIVERSION OF FLOODWATERS OR WAVE RUNUP AND WAVE
7 REFLECTION.

8 (B) OTHER DEVELOPMENT.

9 OTHER DEVELOPMENT ACTIVITIES SHALL BE PERMITTED ONLY IF LOCATED
10 OUTSIDE THE FOOTPRINT OF, AND NOT STRUCTURALLY ATTACHED TO,
11 STRUCTURES, AND ONLY IF AN ANALYSIS DEMONSTRATES NO HARMFUL
12 DIVERSION OF FLOODWATERS OR WAVE RUNUP AND WAVE REFLECTION ONTO
13 ADJACENT ELEVATED STRUCTURES. OTHER DEVELOPMENT INCLUDES BUT IS
14 NOT LIMITED TO:

15 (1) BULKHEADS, SEAWALLS, RETAINING WALLS, REVETMENTS, AND
16 SIMILAR EROSION CONTROL STRUCTURES;

17 (2) SOLID FENCES, PRIVACY WALLS, AND FENCES PRONE TO TRAPPING
18 DEBRIS, UNLESS DESIGNED AND CONSTRUCTED TO FAIL UNDER
19 BASE FLOOD CONDITIONS. A BUILDING PERMIT IS REQUIRED; AND

20 (3) MOUNDED SEPTIC SYSTEMS.

21
22 Article 32 – Planning, Zoning, And Subdivision Control

23 Title 8 – Floodplain Management

1 SUBTITLE 7 – VARIANCES

2 **32-8-701. - GENERAL**

3 (A) THE ADMINISTRATIVE LAW JUDGE SHALL HAVE THE POWER TO CONSIDER
4 AND AUTHORIZE OR DENY VARIANCES FROM THE STRICT APPLICATION OF THE
5 REQUIREMENTS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS. A
6 VARIANCE SHALL BE APPROVED ONLY IF IT IS DETERMINED TO NOT BE
7 CONTRARY TO THE PUBLIC INTEREST AND WHERE, OWING TO SPECIAL
8 CONDITIONS OF THE LOT OR PARCEL, A LITERAL ENFORCEMENT OF THE
9 REQUIREMENTS OF THESE PROVISIONS, AN UNNECESSARY HARDSHIP WOULD
10 RESULT.

11 (B) UPON CONSIDERATION OF THE PURPOSES OF THESE FLOODPLAIN
12 MANAGEMENT PROVISIONS, THE INDIVIDUAL CIRCUMSTANCES, AND THE
13 CONSIDERATIONS AND LIMITATIONS OF THIS SECTION, THE ADMINISTRATIVE
14 LAW JUDGE MAY ATTACH SUCH CONDITIONS TO VARIANCES AS THEY DEEM
15 NECESSARY TO FURTHER THE PURPOSES OF THESE PROVISIONS.

16 (C) NO VARIANCE SHALL BE GRANTED FOR AN ACCESSORY STRUCTURE
17 EXCEEDING 600 SQUARE FEET. A SIGNED DECLARATION OF LAND RESTRICTION
18 (NON-CONVERSION AGREEMENT) IS REQUIRED AS A CONDITION OF RECEIVING
19 THE VARIANCE. THE AGREEMENT MUST BE RECORDED WITH THE DEED. IF A
20 VARIANCE IS GRANTED AND THE ACCESSORY STRUCTURE IS NOT ELEVATED OR
21 DRY FLOOD PROOFED, THE CONDITIONS IN SECTION 32-8-507 OR SECTION 32-8-
22 605 APPLY.

1 D. THE ADMINISTRATIVE LAW JUDGE SHALL NOTIFY, IN WRITING, ANY
2 APPLICANT TO WHOM A VARIANCE IS GRANTED TO CONSTRUCT OR
3 SUBSTANTIALLY IMPROVE A BUILDING OR STRUCTURE WITH ITS LOWEST
4 FLOOR BELOW THE ELEVATION REQUIRED BY THESE FLOODPLAIN
5 MANAGEMENT PROVISIONS THAT THE VARIANCE IS TO THE FLOODPLAIN
6 MANAGEMENT REQUIREMENTS OF THESE PROVISIONS ONLY, AND THAT THE
7 COST OF FEDERAL FLOOD INSURANCE WILL BE COMMENSURATE WITH THE
8 INCREASED RISK, WITH RATES UP TO \$25 PER \$100 OF INSURANCE COVERAGE.

9 E. A RECORD OF ALL VARIANCE ACTIONS, INCLUDING JUSTIFICATION FOR
10 ISSUANCE SHALL BE MAINTAINED PURSUANT TO SECTION 32-8-302(K) OF THESE
11 FLOODPLAIN MANAGEMENT PROVISIONS.

12 **32-8-702. - APPLICATION FOR A VARIANCE**

13 (A) THE OWNER OF PROPERTY, OR THE OWNER'S AUTHORIZED AGENT, FOR
14 WHICH A VARIANCE IS SOUGHT SHALL SUBMIT AN APPLICATION FOR A
15 VARIANCE TO THE ADMINISTRATIVE LAW JUDGE.

16 (B) AT A MINIMUM, THE APPLICATION SHALL CONTAIN THE FOLLOWING
17 INFORMATION: NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT
18 AND PROPERTY OWNER; LEGAL DESCRIPTION OF THE PROPERTY; PARCEL MAP;
19 DESCRIPTION OF THE EXISTING USE; DESCRIPTION OF THE PROPOSED USE; SITE
20 MAP SHOWING THE LOCATION OF FLOOD HAZARD AREAS, DESIGNATED
21 FLOODWAY BOUNDARIES, FLOOD ZONES, BASE FLOOD ELEVATIONS, AND
22 FLOOD PROTECTION SETBACKS; DESCRIPTION OF THE VARIANCE SOUGHT; AND

REASON FOR THE VARIANCE REQUEST. VARIANCE APPLICATIONS SHALL SPECIFICALLY ADDRESS EACH OF THE CONSIDERATIONS IN SECTION 32-8-703.

(C) IF THE APPLICATION IS FOR A VARIANCE 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 FLOODPLAIN MANAGEMENT PROVISIONS, THE APPLICATION SHALL INCLUDE A STATEMENT SIGNED BY THE OWNER THAT, IF GRANTED, THE CONDITIONS OF THE VARIANCE SHALL BE RECORDED ON THE DEED OF THE PROPERTY.

32-8-703. - CONSIDERATIONS FOR VARIANCES

THE FLOODPLAIN ADMINISTRATOR SHALL REQUEST COMMENTS ON VARIANCE APPLICATIONS FROM MDE (NFIP STATE COORDINATOR) AND SHALL PROVIDE SUCH COMMENTS TO THE ADMINISTRATIVE LAW JUDGE.

IN CONSIDERING-VARIANCE APPLICATIONS, THE ADMINISTRATIVE LAW JUDGE SHALL CONSIDER AND MAKE FINDINGS OF FACT ON ALL EVALUATIONS, ALL RELEVANT FACTORS, REQUIREMENTS SPECIFIED IN OTHER SECTIONS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS, AND THE FOLLOWING FACTORS:

(A) THE DANGER THAT MATERIALS MAY BE SWEEPED ONTO OTHER LANDS TO THE INJURY OF OTHERS.

(B) THE DANGER TO LIFE AND PROPERTY DUE TO FLOODING OR EROSION DAMAGE.

- 1 (C) THE SUSCEPTIBILITY OF THE PROPOSED DEVELOPMENT AND ITS
2 CONTENTS (IF APPLICABLE) TO FLOOD DAMAGE AND THE EFFECT OF SUCH
3 DAMAGE ON THE INDIVIDUAL OWNER.
- 4 (D) THE IMPORTANCE OF THE SERVICES TO THE COMMUNITY PROVIDED BY
5 THE PROPOSED DEVELOPMENT.
- 6 (E) THE AVAILABILITY OF ALTERNATIVE LOCATIONS FOR THE PROPOSED USE
7 WHICH ARE NOT SUBJECT TO, OR ARE SUBJECT TO LESS, FLOODING OR EROSION
8 DAMAGE.
- 9 (F) THE NECESSITY TO THE FACILITY OF A WATERFRONT LOCATION, WHERE
10 APPLICABLE, OR IF THE FACILITY IS A FUNCTIONALLY DEPENDENT USE.
- 11 (G) THE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING AND
12 ANTICIPATED DEVELOPMENT.
- 13 (H) THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE PLAN
14 AND HAZARD MITIGATION PLAN FOR THAT AREA.
- 15 (I) THE SAFETY OF ACCESS TO THE PROPERTY IN TIMES OF FLOOD FOR
16 PASSENGER VEHICLES AND EMERGENCY VEHICLES.
- 17 (J) THE EXPECTED HEIGHTS, VELOCITY, DURATION, RATE OF RISE, AND
18 SEDIMENT TRANSPORT OF THE FLOODWATERS AND THE EFFECTS OF WAVE
19 ACTION, IF APPLICABLE, EXPECTED AT THE SITE.
- 20 (K) THE COSTS OF PROVIDING GOVERNMENT SERVICES DURING AND AFTER
21 FLOOD CONDITIONS, INCLUDING MAINTENANCE AND REPAIR OF PUBLIC
22 UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL, AND WATER
23 SYSTEMS, AND STREETS AND BRIDGES.

(L) THE COMMENTS PROVIDED BY MDE (NFIP STATE COORDINATOR).

32-8-704. - LIMITATIONS FOR GRANTING VARIANCES

THE ADMINISTRATIVE LAW JUDGE SHALL MAKE AN AFFIRMATIVE DECISION ON
A VARIANCE REQUEST ONLY UPON:

(A) A SHOWING OF GOOD AND SUFFICIENT CAUSE. GOOD AND SUFFICIENT
CAUSE DEALS SOLELY WITH THE PHYSICAL CHARACTERISTICS OF THE
PROPERTY AND CANNOT BE BASED ON THE CHARACTER OF THE IMPROVEMENT,
THE PERSONAL CHARACTERISTICS OF THE OWNER/INHABITANTS, OR LOCAL
PROVISION THAT REGULATE STANDARDS OTHER THAN HEALTH AND PUBLIC
SAFETY.

(B) A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD
RESULT IN EXCEPTIONAL HARDSHIP DUE TO THE PHYSICAL CHARACTERISTICS
OF THE PROPERTY. INCREASED COST OR INCONVENIENCE OF MEETING THE
REQUIREMENTS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS DOES NOT
CONSTITUTE AN EXCEPTIONAL HARDSHIP TO THE APPLICANT.

(C) A DETERMINATION THAT THE GRANTING OF A VARIANCE FOR
DEVELOPMENT WITHIN ANY DESIGNATED FLOODWAY, OR FLOOD HAZARD
AREA WITH BASE FLOOD ELEVATIONS BUT NO DESIGNATED FLOODWAY, WILL
NOT RESULT IN INCREASED FLOOD HEIGHTS BEYOND THAT WHICH IS ALLOWED
IN THESE FLOODPLAIN MANAGEMENT PROVISIONS.

(D) A DETERMINATION THAT THE GRANTING OF A VARIANCE WILL NOT
RESULT IN ADDITIONAL THREATS TO PUBLIC SAFETY; EXTRAORDINARY PUBLIC

EXPENSE, NUISANCES, FRAUD OR VICTIMIZATION OF THE PUBLIC, OR CONFLICT
WITH EXISTING LOCAL LAWS.

(E) A DETERMINATION THAT THE BUILDING, STRUCTURE OR OTHER
DEVELOPMENT IS PROTECTED BY METHODS TO MINIMIZE FLOOD DAMAGES.

(F) A DETERMINATION THAT THE VARIANCE IS THE MINIMUM NECESSARY TO
AFFORD RELIEF, CONSIDERING THE FLOOD HAZARD.

Article 32 – Planning, Zoning, And Subdivision Control

Title 8 – Floodplain Management

SUBTITLE 8 – ENFORCEMENT

32-8-801. - COMPLIANCE REQUIRED

(A) NO BUILDING, STRUCTURE OR DEVELOPMENT SHALL HEREAFTER BE
LOCATED, ERECTED, CONSTRUCTED, RECONSTRUCTED, IMPROVED, REPAIRED,
EXTENDED, CONVERTED, ENLARGED OR ALTERED WITHOUT FULL COMPLIANCE
WITH THESE FLOODPLAIN MANAGEMENT PROVISIONS AND ALL OTHER
APPLICABLE REQUIREMENTS OF LAW.

(B) FAILURE TO OBTAIN A PERMIT SHALL BE A VIOLATION OF THESE
FLOODPLAIN MANAGEMENT PROVISIONS AND SHALL BE SUBJECT TO PENALTIES
IN ACCORDANCE WITH SECTION 32-8-803.

(C) PERMITS ISSUED ON THE BASIS OF PLANS AND APPLICATIONS APPROVED
BY THE FLOODPLAIN ADMINISTRATOR AUTHORIZE ONLY THE SPECIFIC
ACTIVITIES SET FORTH IN SUCH APPROVED PLANS AND APPLICATIONS OR
AMENDMENTS THERETO. USE, ARRANGEMENT, OR CONSTRUCTION OF SUCH

SPECIFIC ACTIVITIES THAT ARE CONTRARY TO THAT AUTHORIZATION SHALL BE
DEEMED A VIOLATION OF THESE FLOODPLAIN MANAGEMENT PROVISIONS.

32-8-802. - NOTICE OF VIOLATION AND STOP WORK ORDER

IF THE FLOODPLAIN ADMINISTRATOR DETERMINES THAT THERE HAS BEEN A
VIOLATION OF ANY PROVISION OF THESE FLOODPLAIN MANAGEMENT
PROVISIONS, THE FLOODPLAIN ADMINISTRATOR SHALL GIVE NOTICE OF SUCH
VIOLATION TO THE OWNER, THE OWNER'S AUTHORIZED AGENT, AND THE
PERSON RESPONSIBLE FOR SUCH VIOLATION, AND MAY ISSUE A STOP WORK
ORDER. THE NOTICE OF VIOLATION OR STOP WORK ORDER SHALL BE IN
WRITING AND SHALL:

(A) INCLUDE A LIST OF VIOLATIONS, REFERRING TO THE SECTION OR
SECTIONS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS THAT HAVE BEEN
VIOLATED;

(B) ORDER REMEDIAL ACTION WHICH, IF TAKEN, WILL EFFECT COMPLIANCE
WITH THE PROVISIONS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS;

(C) SPECIFY A REASONABLE PERIOD OF TIME TO CORRECT THE VIOLATION;

(D) ADVISE THE RECIPIENTS OF THE RIGHT TO APPEAL; AND

(E) BE SERVED IN PERSON; OR

(F) BE POSTED IN A CONSPICUOUS PLACE IN OR ON THE PROPERTY AND SENT
BY REGISTERED OR CERTIFIED MAIL TO THE LAST KNOWN MAILING ADDRESS,
RESIDENCE, OR PLACE OF BUSINESS OF THE RECIPIENTS.

32-8-803. - VIOLATIONS AND PENALTIES

1 VIOLATIONS OF THESE FLOODPLAIN MANAGEMENT PROVISIONS OR FAILURE TO
2 COMPLY WITH THE REQUIREMENTS OF THESE PROVISIONS OR ANY CONDITIONS
3 ATTACHED TO A PERMIT OR VARIANCE SHALL CONSTITUTE A MISDEMEANOR.
4 ANY PERSON RESPONSIBLE FOR A VIOLATION SHALL COMPLY WITH THE NOTICE
5 OF VIOLATION OR STOP WORK ORDER AS DESCRIBED IN ARTICLE 3, TITLE 6. -
6 CODE ENFORCEMENT. EACH DAY A VIOLATION CONTINUES SHALL BE
7 CONSIDERED A SEPARATE OFFENSE. NOTHING HEREIN CONTAINED SHALL
8 PREVENT BALTIMORE COUNTY FROM TAKING SUCH OTHER LAWFUL ACTION AS
9 IS NECESSARY TO PREVENT OR REMEDY ANY VIOLATION.

10
11 Article 32 – Planning, Zoning, And Subdivision Control

12 Title 8 – Floodplain Management

13 SUBTITLE 9 – SUBSEQUENT AMENDMENTS

14 **32-8-901. - SUBSEQUENT AMENDMENTS**

15 ALL ORDINANCES OR PARTS OF ORDINANCES THAT ARE INCONSISTENT WITH
16 THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT
17 OF SUCH INCONSISTENCY. THIS ORDINANCE SHALL BE AMENDED AS REQUIRED
18 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, TITLE 44, CODE OF
19 FEDERAL REGULATIONS. ALL SUBSEQUENT AMENDMENTS TO THIS ORDINANCE
20 ARE SUBJECT TO THE APPROVAL OF THE FEDERAL EMERGENCY MANAGEMENT
21 AGENCY AND THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

1 SECTION 2. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Building Code shall read as follows:

3 Part 123.1 Selected Definitions.

4 [(3.) Historic structure: any structure that is: (a) individually listed in the National Register of
5 Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily
6 determined by the Secretary of the Interior as meeting the requirements for individual listings on
7 the national register; (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; (c) Individually listed on
10 the Maryland Register of Historic Places; or (d) Individually listed on the inventory of historic
11 places maintained by Baltimore County whose historic preservation program has been certified
12 by the Maryland Historical Trust or the Secretary of the Interior.]

13
14 SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
15 after its enactment.



LEGISLATION DETAIL

LEGISLATION

DISPOSITION

ENACTED

EFFECTIVE

AMENDMENTS

ROLL CALL - LEGISLATION

ROLL CALL - AMENDMENTS *ADMINISTRATION

MOTION

SECOND

AYE

NAY

☐☐

Councilman Young

☐☐

Councilman Patoka

☐☐

Councilman Kach

☐☐

Councilman Jones

☐☐

Councilman Marks

☐☐

Councilman Ertel

☐ *ABSENT☐

Councilman Crandell

MOTION

SECOND

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NAY

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Councilman Young

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Councilman Patoka

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Councilman Kach

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Councilman Jones

☐☐

Councilman Marks

☐☐

Councilman Ertel

☐ *ABSENT☐

Councilman Crandell

ROLL CALL - AMENDMENTS *KACH

ROLL CALL - AMENDMENTS

MOTION

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Councilman Young

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Councilman Patoka

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Councilman Kach

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Councilman Jones

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Councilman Marks

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Councilman Ertel

☐ *ABSENT☐

Councilman Crandell

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Councilman Young

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Councilman Patoka

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Councilman Kach

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Councilman Jones

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Councilman Marks

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Councilman Ertel

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Councilman Crandell