

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 3

Bill No. 9-15

Introduced by Mr. Walker, Chairman
(by request of the County Executive)

By the County Council, February 2, 2015

Introduced and first read on February 2, 2015
Public Hearing set for and held on February 17, 2015
Bill Expires May 8, 2015

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

- 1 AN EMERGENCY ORDINANCE concerning: Floodplain Management, Erosion and
2 Sediment Control, and Stormwater Management – Floodplain Management
3
4 FOR the purpose of amending certain definitions as required by the Federal Emergency
5 Management Agency; incorporating the Flood Insurance Study for Anne Arundel
6 County, Maryland and Incorporated Areas revised February 18, 2015; updating
7 existing floodplain districts to remain in compliance with the National Flood
8 Insurance Program; amending the process for floodplain district revisions in certain
9 instances; modifying the notice requirements for development in floodplain districts;
10 making this Ordinance an emergency measure; and generally relating to floodplain
11 management.
12
13 BY repealing and reenacting, with amendments: §§ 16-1-101(22), (52), (56) and (60);
14 16-2-103(a) and (c); and 16-2-204(b)
15 Anne Arundel County Code (2005, as amended)
16
17 BY repealing: § 16-2-103(b)
18 Anne Arundel County Code (2005, as amended)
19
20 BY adding: § 16-2-103(b)
21 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
2 *Maryland,* That § 16-2-103(b) of the Anne Arundel County Code (2005, as amended) is
3 hereby repealed.

4
5 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
6 Code (2005, as amended) read as follows:

7
8 **ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT**
9 **CONTROL, AND STORMWATER MANAGEMENT**

10
11 **TITLE 1. DEFINITIONS AND GENERAL PROVISIONS**

12
13 **16-1-101. Definitions.**

14
15 In this article, the following words have the meanings indicated.

16
17 (22) "Development" has the meaning stated in Article 17 of this Code, EXCEPT
18 THAT AS USED IN TITLE 1 AND TITLE 2 OF THIS ARTICLE, "DEVELOPMENT" ALSO
19 INCLUDES FARMING, GARDENING, YARD MAINTENANCE, AND STORAGE OF EQUIPMENT
20 OR MATERIALS.

21
22 (52) "Historic structure" means a structure that is listed on the Maryland
23 Inventory of Historic Properties, the National Register of Historic Places, or the National
24 Historic Landmarks, EXCEPT THAT AS USED IN TITLE 1 AND TITLE 2 OF THIS ARTICLE,
25 "HISTORIC STRUCTURE" MEANS A STRUCTURE THAT IS LISTED ON THE MARYLAND
26 REGISTER OF HISTORIC PROPERTIES, THE NATIONAL REGISTER OF HISTORIC PLACES, OR
27 THE NATIONAL HISTORIC LANDMARKS.

28
29 (56) "Lowest floor" means the lowest floor of the lowest enclosed area
30 including basements, except that an unfinished or flood-resistant enclosure used solely
31 for parking, building access, or storage may not be considered the lowest floor,
32 PROVIDED THAT SUCH ENCLOSURE IS NOT BUILT SO AS TO RENDER THE STRUCTURE IN
33 VIOLATION OF THE APPLICABLE NON-ELEVATION DESIGN REQUIREMENTS.

34
35 (60) "New construction" means structures for which construction commenced on
36 or after [July 25, 1988] MAY 2, 1983.

37
38 **TITLE 2. FLOODPLAIN MANAGEMENT**

39
40 **16-2-103. Establishment of floodplain district and subdistricts.**

41
42 (a) **Establishment of floodplain district.** A floodplain district is established. It
43 includes the areas in the County subject to inundation by the waters of the 100-year flood
44 as determined and delineated by:

45
46 (1) [the Flood Insurance Study and Wave Height Study for Anne Arundel County,
47 Maryland (Unincorporated Areas), dated November 2, 1982, and the Flood Insurance
48 Study and Wave Height Study for the Town of Highland Beach, Maryland (Incorporated
49 Area), dated April 15, 1982,] THE FLOOD INSURANCE STUDY FOR ANNE ARUNDEL

1 COUNTY, MARYLAND AND INCORPORATED AREAS REVISED FEBRUARY 18, 2015, with
2 accompanying flood insurance rate and floodway maps by FEMA and all subsequent
3 revisions; or

4
5 (2) more restrictive floodplain studies or data approved in connection
6 with application for a building or grading permit or for subdivision.

7
8 (B) **Subdistricts.** THE FLOODPLAIN DISTRICT CONSISTS OF THE FOLLOWING
9 SUBDISTRICTS:

10
11 (1) ZONE A: SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1-
12 PERCENT ANNUAL CHANCE (100-YEAR) FLOOD; BASE FLOOD ELEVATIONS ARE NOT
13 DETERMINED.

14
15 (2) ZONE AE AND ZONE A1-30: SPECIAL FLOOD HAZARD AREAS SUBJECT TO
16 INUNDATION BY THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD; BASE FLOOD
17 ELEVATIONS ARE DETERMINED; FLOODWAYS MAY OR MAY NOT BE DETERMINED. IN
18 AREAS SUBJECT TO TIDAL FLOODING, THE LIMIT OF MODERATE WAVE ACTION MAY OR
19 MAY NOT BE DELINEATED.

20
21 (3) ZONE AH AND ZONE AO: AREAS OF SHALLOW FLOODING, WITH FLOOD
22 DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING OR SHEET FLOW ON SLOPING
23 TERRAIN), WITH OR WITHOUT BASE FLOOD ELEVATIONS OR DESIGNATED FLOOD
24 DEPTHS.

25
26 (4) ZONE B AND ZONE X (SHADED): AREAS SUBJECT TO INUNDATION BY THE 0.2-
27 PERCENT ANNUAL CHANCE (500-YEAR) FLOOD; AREAS SUBJECT TO THE 1-PERCENT
28 ANNUAL CHANCE (100-YEAR) FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR
29 WITH CONTRIBUTING DRAINAGE AREA LESS THAN 1 SQUARE MILE; AND AREAS
30 PROTECTED FROM THE BASE FLOOD BY LEVEES.

31
32 (5) ZONE C AND ZONE X (UNSHADED): AREAS OUTSIDE OF ZONES DESIGNATED A,
33 AE, A1-30, AO, VE, V1-30, B, AND X (SHADED).

34
35 (6) ZONE VE AND ZONE V1-30: SPECIAL FLOOD HAZARD AREAS SUBJECT TO
36 INUNDATION BY THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD AND SUBJECT TO
37 HIGH VELOCITY WAVE ACTION (ALSO SEE COASTAL HIGH HAZARD AREA).

38
39 (c) **Revisions to floodplain district.** The floodplain district boundaries may vary
40 periodically as revisions to the flood insurance study and flood insurance rate maps are
41 made and, upon receipt of changes by the Office of the County Executive, the changes
42 automatically constitute changes to the boundaries of the floodplain district. The Office
43 of Planning and Zoning may revise the delineation of the floodplain district only in
44 compliance with the National Flood Insurance Program (NFIP) and the requirements of
45 the State and only when there are changes through natural or other causes as indicated by
46 ANALYSES OF detailed hydrologic and hydraulic studies. Changes to the delineation of
47 the floodplain district SHALL BE SUBMITTED TO FEMA WITHIN SIX MONTHS AFTER SUCH
48 DATA AND INFORMATION BECOMES AVAILABLE IF THE ANALYSES INDICATE CHANGES
49 IN BASE FLOOD ELEVATIONS OR BOUNDARIES AND shall be subject to the review and
50 approval of FEMA and the State, except that approval is not required and elevations shall
51 be used if there is a conflict between map boundaries and elevations plotted on a
52 topographic map.

1 **16-2-204. Relocation, alteration, or modification of a watercourse or stream.**

2
3 (b) **Notice.** If a modification granted under this title allows development that
4 includes the relocation, alteration, restoration, or modification of a watercourse or stream,
5 the developer shall maintain the flood carrying capacity of the altered, relocated, or
6 restored watercourse. The developer shall provide notice of the relocation, alteration,
7 restoration, or modification by certified mail to the Federal Emergency Management
8 Agency, to the State, and to all [lot owners within 175 feet of the portion of]
9 COMMUNITIES ADJACENT TO the watercourse or stream to be relocated or altered.


10
11 SECTION 3. *And be it further enacted,* That this Ordinance is hereby declared to be
12 an emergency ordinance and necessary for the immediate preservation of the public
13 peace, health, safety, welfare, and property and being passed by the affirmative vote of
14 five members of the County Council, the same shall take effect from the date it becomes
15 law.

READ AND PASSED this 17th day of February, 2015

By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 18th day of February, 2015


Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 18 day of February, 2015


Steven R. Schuh
County Executive

EFFECTIVE DATE: February 18, 2015

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
9-15. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer