

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 9

Bill No. 42-15

Mrs. Cathy Bevins, Chair
By Request of County Executive

By the County Council, May 4, 2015

A BILL
ENTITLED

AN ACT concerning

Flood Insurance Rate Maps – Conforming Legislation

FOR the purpose of adopting the current effective Flood Insurance Rate Maps individually as requested by the Federal Emergency Management Agency (FEMA); clarifying the definition of historic structures for floodplain regulation purposes as requested by FEMA; adopting into the County Code a regulation requiring additional vertical freeboard under certain circumstances; making certain technical changes; defining certain terms; providing for the effective date of this act; and generally relating to the Flood Insurance Rate Maps.

By repealing and reenacting, without amendments

Section 32-8-101(a)
Article 32. Planning, Zoning and Subdivision Control
Baltimore County Code, 2003

By repealing and reenacting, with amendments

Sections 32-8-101(r), 32-8-201, 32-8-202(a), and 32-8-302
Article 32. Planning, Zoning and Subdivision Control
Baltimore County Code, 2003

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.

By adding

Sections 32-8-401 through 32-4-404

Subtitle Flood Insurance Rate Maps

Article 32. Planning, Zoning and Subdivision Control

Baltimore County Code, 2003

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

3
4 Article 32. Planning, Zoning and Subdivision Control

5
6 § 32-8-101.

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

9 (r) "Historic structure" means [a] ANY structure THAT IS:

10 (1) Listed individually [on] IN the National Register of Historic Places (A
11 LISTING MAINTAINED BY THE DEPARTMENT OF INTERIOR) OR PRELIMINARILY
12 DETERMINED BY THE SECRETARY OF THE INTERIOR AS MEETING THE
13 REQUIREMENTS FOR INDIVIDUAL LISTINGS ON THE NATIONAL REGISTER; [, the
14 Maryland Inventory of Historic Properties, or a local inventory of historic places certified by the
15 Maryland Historic Trust or the Secretary of the Interior;]

16 (2) CERTIFIED OR PRELIMINARILY DETERMINED BY THE
17 SECRETARY OF THE INTERIOR AS CONTRIBUTING TO THE HISTORICAL
18 SIGNIFICANCE OF A REGISTERED HISTORIC DISTRICT OR A DISTRICT
19 PRELIMINARILY DETERMINED BY THE SECRETARY TO QUALIFY AS A
20 REGISTERED HISTORIC DISTRICT; [Preliminarily determined as meeting the requirements
21 for listing by the Maryland Historic Trust or the Secretary of the Interior; or]

22 (3) INDIVIDUALLY LISTED ON THE MARYLAND REGISTER OF
23 HISTORIC PLACES; OR [Determined as contributing to the historic significance of a historic
24 district registered with the Secretary of the Interior.]

25 (4) INDIVIDUALLY LISTED ON THE INVENTORY OF HISTORIC
26 PLACES MAINTAINED BY BALTIMORE COUNTY WHOSE HISTORIC PRESERVATION
27 PROGRAM HAS BEEN CERTIFIED BY THE MARYLAND HISTORICAL TRUST OR THE
28 SECRETARY OF THE INTERIOR.

29
30 § 32-8-201.

31 [(1)] (A) The United States, through the Federal Emergency Management Agency,
32 and the State of Maryland have established the 100-year frequency flood as the event defining
33 the area of peril.

34 [(2)] (B) Desiring to secure to its citizens the benefits of the national flood
35 insurance program and desiring to protect the health, safety, welfare, property, and life of its
36 citizens, the county establishes, in accordance with state and federal programs, policies, laws and
37 regulations, this floodplain management program.

38
39 § 32-8-202.

1 (a) IN ACCORDANCE WITH SUBTITLE 4 OF THIS TITLE:

2 (1) The floodplain area shall include at a minimum those areas of Baltimore
3 County that are subject to the 100-year frequency flood, delineated on the most recent revision of
4 the floodway maps and flood insurance rate maps and described in the Flood Insurance Study
5 prepared for the county by the Federal Emergency Management [Agency.] AGENCY; AND

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

9
10 § 32-8-302.

11 [(1)] (A) Substantial improvements to historic structures which do not comply fully
12 with the elevation and construction requirements must receive an approved waiver before
13 issuance of a building permit.

14 [(2)] (B) The structure must retain historic structure designation as a condition of a
15 waiver.

16
17 SUBTITLE 4. FLOOR INSURANCE RATE MAPS.

18 § 32-8-401.

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) "AE" MEANS 1% ANNUAL CHANCE FLOODPLAIN WITH ELEVATIONS
22 DETERMINED AS DELINEATED IN THE FIRM.

23 (C) "BFE" MEANS BASE FLOOD ELEVATION AS SHOWN IN THE FIRM OR IN
24 THE FIS ASSOCIATED WITH THE FIRM PANEL UPON WHICH IT IS SHOWN.

25 (D) "FIRM" MEANS FLOOD INSURANCE RATE MAP.

26 (E) "FIS" MEANS FOOD INSURANCE STUDY.

27 (F) "LIMWA" MEANS LIMIT OF MODERATE WAVE ACTION AS DELINEATED
28 ON THE FIRM.

29 (G) "LOMA" MEANS LETTER OF MAP AMENDMENT.

30 (H)(1) "LOMC" MEANS LETTER OF MAP CHANGE.

31 (2) "LOMC" INCLUDES LOMA AND LOMR.

32 (I) "LOMR" MEANS LETTER OF MAP REVISION.

33 (J) "NFIP" MEANS NATIONAL FLOOD INSURANCE PROGRAM.

34 (K) "RIVERINE" MEANS FLOODPLAIN INUNDATED STORMWATER RUNOFF.

35 (L) "TIDAL" MEANS FLOODPLAIN INUNDATED DUE TO HIGH TIDES,
36 HURRICANES, TROPICAL STORMS AND STEADY ON-SHORE WINDS.

37
38 § 32-8-402.

39 BALTIMORE COUNTY ADOPTS AND SHALL ENFORCE THE MOST RECENT
40 REVISION OF THE FLOOD INSURANCE RATE MAPS AND FLOOD INSURANCE
41 STUDY, INCLUDING:

42 FIRM MAP PANEL 2400100010F EFFECTIVE SEPTEMBER 26, 2008

43 FIRM MAP PANEL 2400100015F EFFECTIVE SEPTEMBER 26, 2008

44 FIRM MAP PANEL 2400100020F EFFECTIVE SEPTEMBER 26, 2008

45 FIRM MAP PANEL 2400100030F EFFECTIVE SEPTEMBER 26, 2008

46 FIRM MAP PANEL 2400100035F EFFECTIVE SEPTEMBER 26, 2008

1 FIRM MAP PANEL 2400100040F EFFECTIVE SEPTEMBER 26, 2008
2 FIRM MAP PANEL 2400100045F EFFECTIVE SEPTEMBER 26, 2008
3 FIRM MAP PANEL 2400100055F EFFECTIVE SEPTEMBER 26, 2008
4 FIRM MAP PANEL 2400100065F EFFECTIVE SEPTEMBER 26, 2008
5 FIRM MAP PANEL 2400100080F EFFECTIVE SEPTEMBER 26, 2008
6 FIRM MAP PANEL 2400100085F EFFECTIVE SEPTEMBER 26, 2008
7 FIRM MAP PANEL 2400100090F EFFECTIVE SEPTEMBER 26, 2008
8 FIRM MAP PANEL 2400100095F EFFECTIVE SEPTEMBER 26, 2008
9 FIRM MAP PANEL 2400100105F EFFECTIVE SEPTEMBER 26, 2008
10 FIRM MAP PANEL 2400100110F EFFECTIVE SEPTEMBER 26, 2008
11 FIRM MAP PANEL 2400100115F EFFECTIVE SEPTEMBER 26, 2008
12 FIRM MAP PANEL 2400100120F EFFECTIVE SEPTEMBER 26, 2008
13 FIRM MAP PANEL 2400100130F EFFECTIVE SEPTEMBER 26, 2008
14 FIRM MAP PANEL 2400100135F EFFECTIVE SEPTEMBER 26, 2008
15 FIRM MAP PANEL 2400100140F EFFECTIVE SEPTEMBER 26, 2008
16 FIRM MAP PANEL 2400100145F EFFECTIVE SEPTEMBER 26, 2008
17 FIRM MAP PANEL 2400100165F EFFECTIVE SEPTEMBER 26, 2008
18 FIRM MAP PANEL 2400100185F EFFECTIVE SEPTEMBER 26, 2008
19 FIRM MAP PANEL 2400100205F EFFECTIVE SEPTEMBER 26, 2008
20 FIRM MAP PANEL 2400100210F EFFECTIVE SEPTEMBER 26, 2008
21 FIRM MAP PANEL 2400100215F EFFECTIVE SEPTEMBER 26, 2008
22 FIRM MAP PANEL 2400100220D EFFECTIVE AUGUST 2, 2011
23 FIRM MAP PANEL 2400100230F EFFECTIVE SEPTEMBER 26, 2008
24 FIRM MAP PANEL 2400100235F EFFECTIVE SEPTEMBER 26, 2008
25 FIRM MAP PANEL 2400100240F EFFECTIVE SEPTEMBER 26, 2008
26 FIRM MAP PANEL 2400100245F EFFECTIVE AUGUST 2, 2011
27 FIRM MAP PANEL 2400100255F EFFECTIVE SEPTEMBER 26, 2008
28 FIRM MAP PANEL 2400100260F EFFECTIVE SEPTEMBER 26, 2008
29 FIRM MAP PANEL 2400100265F EFFECTIVE SEPTEMBER 26, 2008
30 FIRM MAP PANEL 2400100270F EFFECTIVE SEPTEMBER 26, 2008
31 FIRM MAP PANEL 2400100280F EFFECTIVE SEPTEMBER 26, 2008
32 FIRM MAP PANEL 2400100285F EFFECTIVE SEPTEMBER 26, 2008
33 FIRM MAP PANEL 2400100290F EFFECTIVE SEPTEMBER 26, 2008
34 FIRM MAP PANEL 2400100295G EFFECTIVE MAY 5, 2014
35 FIRM MAP PANEL 2400100315G EFFECTIVE MAY 5, 2014
36 FIRM MAP PANEL 2400100335F EFFECTIVE SEPTEMBER 26, 2008
37 FIRM MAP PANEL 2400100355F EFFECTIVE SEPTEMBER 26, 2008
38 FIRM MAP PANEL 2400100359F EFFECTIVE SEPTEMBER 26, 2008
39 FIRM MAP PANEL 2400100360F EFFECTIVE SEPTEMBER 26, 2008
40 FIRM MAP PANEL 2400100370F EFFECTIVE SEPTEMBER 26, 2008
41 FIRM MAP PANEL 2400100378F EFFECTIVE SEPTEMBER 26, 2008
42 FIRM MAP PANEL 2400100380F EFFECTIVE SEPTEMBER 26, 2008
43 FIRM MAP PANEL 2400100385F EFFECTIVE SEPTEMBER 26, 2008
44 FIRM MAP PANEL 2400100386F EFFECTIVE SEPTEMBER 26, 2008
45 FIRM MAP PANEL 2400100387F EFFECTIVE SEPTEMBER 26, 2008
46 FIRM MAP PANEL 2400100388F EFFECTIVE SEPTEMBER 26, 2008

1 FIRM MAP PANEL 2400100389F EFFECTIVE SEPTEMBER 26, 2008
2 FIRM MAP PANEL 2400100395F EFFECTIVE SEPTEMBER 26, 2008
3 FIRM MAP PANEL 2400100405F EFFECTIVE SEPTEMBER 26, 2008
4 FIRM MAP PANEL 2400100410F EFFECTIVE SEPTEMBER 26, 2008
5 FIRM MAP PANEL 2400100420G EFFECTIVE MAY 5, 2014
6 FIRM MAP PANEL 2400100430G EFFECTIVE MAY 5, 2014
7 FIRM MAP PANEL 2400100435G EFFECTIVE MAY 5, 2014
8 FIRM MAP PANEL 2400100440G EFFECTIVE MAY 5, 2014
9 FIRM MAP PANEL 2400100445G EFFECTIVE MAY 5, 2014
10 FIRM MAP PANEL 2400100455G EFFECTIVE MAY 5, 2014
11 FIRM MAP PANEL 2400100465G EFFECTIVE MAY 5, 2014
12 FIRM MAP PANEL 2400100485F EFFECTIVE SEPTEMBER 26, 2008
13 FIRM MAP PANEL 2400100502F EFFECTIVE SEPTEMBER 26, 2008
14 FIRM MAP PANEL 2400100505F EFFECTIVE SEPTEMBER 26, 2008
15 FIRM MAP PANEL 2400100510G EFFECTIVE MAY 5, 2014
16 FIRM MAP PANEL 2400100530G EFFECTIVE MAY 5, 2014
17 FIRM MAP PANEL 2400100535G EFFECTIVE MAY 5, 2014
18 FIRM MAP PANEL 2400100555G EFFECTIVE MAY 5, 2014
19 FIRM MAP PANEL 2400100560G EFFECTIVE MAY 5, 2014
20 FIRM MAP PANEL 2400100580G EFFECTIVE MAY 5, 2014
21 FLOOD INSURANCE STUDY BALTIMORE COUNTY, MARYLAND REVISED MAY 5,
22 2014

23
24 § 32-8-403.

25
26 (A) THIS SECTION APPLIES TO BUILDING PERMITS APPLIED FOR ON OR
27 AFTER THE MAY 5, 2014 EFFECTIVE DATE OF FIS 240010V000D AND THE FIRM
28 MAPS WITH SUFFIX G LISTED BELOW:

29
30 2400100295G
31 2400100315G
32 2400100420G
33 2400100430G
34 2400100435G
35 2400100440G
36 2400100445G
37 2400100455G
38 2400100465G
39 2400100510G
40 2400100530G
41 2400100535G
42 2400100555G
43 2400100560G
44 2400100580G

45 (B) THIS SECTION DOES NOT APPLY TO RIVERINE FLOODPLAINS.

1 (C)(1) FOR PURPOSES OF DETERMINING FLOOD INSURANCE PREMIUMS,
2 THE ZONES SHOWN ON THE LATEST EFFECTIVE FIRM MAP OR AS AMENDED BY
3 AN APPROVED LETTER OF MAP CHANGE SHALL GOVERN.

4 (2) FLOODPLAIN INFORMATION FOR FLOOD INSURANCE PURPOSES
5 UNDER THE NFIP SHALL BE DETERMINED ONLY BY THE LATEST EFFECTIVE
6 FIRM.

7 (D)(1) TIDAL BASE FLOOD ELEVATIONS (BFES) SHALL BE NO LESS THAN AS
8 SHOWN ON THE MOST RECENT FIRM, SUFFIX LETTER G (LISTED IN SUBSECITON
9 (A) OF THIS SECTION) OR LATER, OR MOST RECENT FIS.

10 (2) TIDAL BASE FLOOD ELEVATIONS (BFES) SHALL BE NO LESS THAN
11 THE BFES AS SHOWN ON FIRM OR FIS, SUFFIX LETTER F WITH EFFECTIVE DATE
12 SEPTEMBER 26, 2008.

13 (3) TIDAL BASE FLOOD ELEVATIONS (BFES) SHALL BE NO LESS THAN
14 ANY TIDAL FLOOD ELEVATIONS APPROVED BY THE DIRECTOR OF DEPARTMENT
15 OF PUBLIC WORKS.

16 (E)(1) THE BUILDING CODE IMPOSES SPECIFIC REQUIREMENTS ON
17 CONSTRUCTION IN THE VE ZONE AND IN THE AREA OF THE AE ZONE ON THE
18 SIDE OF THE LIMWA AWAY FROM LAND (ALSO KNOWN AS THE COASTAL AE
19 ZONE).

20 (2) SUBSECTION (D) OF THIS SECTION MAY IMPOSE HIGHER BFES IN
21 THESE AREAS THAN SHOWN ON THE LATEST EFFECTIVE FIRM.

22 (3) BUILDING CODE REQUIREMENTS SPECIFIC TO THE VE AND
23 COASTAL AE ZONES SHALL APPLY EVEN THOUGH THE HIGHER BFE MAY HAVE
24 BEEN BASED ON AN EARLIER MAP THAT DID NOT TAKE WAVE ACTION INTO
25 CONSIDERATION.

26 § 32-8-404.

27 EXCEPT AS OTHERWISE PROVIDED BY LAW, IF A SECTION, PARAGRAPH,
28 SENTENCE, CLAUSE, PHRASE, OR WORD OF THIS SUBTITLE IS DECLARED
29 INVALID OR UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION,
30 THE INVALIDITY OR UNCONSTITUTIONALITY MAY NOT AFFECT ANY OF THE
31 REMAINING WORDS, PHRASES, CLAUSES, SENTENCES, PARAGRAPHS, OR
32 SECTIONS OF THIS SUBTITLE UNLESS:

33 (1) THE SECTION, PARAGRAPH, SENTENCE, CLAUSE, PHRASE, OR WORD
34 IS SUBJECT TO A PROVISION THAT PROHIBITS SEVERABILITY UNDER THIS
35 SECTION; OR

36 (2) THE COURT FINDS THAT THE REMAINING VALID PROVISIONS ALONE
37 ARE INCOMPLETE AND INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH
38 THE LEGISLATIVE INTENT.
39

40
41 SECTION 2. AND BE IT FURTHER ENACTED, this Act having passed by the
42 affirmative vote of five members of County Council shall take effect July 1, 2015 retroactive to
43 May 5, 2014, the effective date of county regulations originally adopted in the Code of Baltimore
44 County Regulations, Title 4, Subtitle 2, Chapters 1 and 2.