



Bill No. 23-08

Concerning: Amending Chapter 1-19 of the County Code (Zoning Ordinance) to Update the Floodplain District Regulations, including updates and additions to the Certain Definitions.

Introduced April 18, 2023

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: July 17, 2023

Frederick County Code, Chapter 1-19

Section(s) 1-19-9.100, 1-19-9.110 and 1-19-11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Brad W. Young on behalf of County Executive Jessica Fitzwater

AN ACT to: Amending Chapter 1-19 of the County Code (Zoning Ordinance) to Update the Floodplain District Regulations, including updates and additions to Certain Definitions.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, Chapter 1-19 Section(s) 1-19-9.100, 1-19-9.110, and 1-19-11.100

Other: _____

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
***	<i>Existing law unaffected by bill.</i>

1 Bill No. 23-08

2 The County Council of Frederick County, Maryland, finds it necessary and appropriate to
3 amend the Frederick County Code to update the Floodplain District Regulations, including updates
4 and additions to the definitions, to comply with Section 1361 of the National Flood Insurance Act
5 of 1968, as amended.

6
7 NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF
8 FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby,
9 amended as shown on the attached Exhibit 1.

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Brad W. Young, President
15 County Council of Frederick County,
16 Maryland
17

§ 1-19-9.100. FLOODPLAIN DISTRICT.

[Subsections (A) and (B) are unchanged]

(C) Administration. The Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(1) The Floodplain Administrator may delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

(2) The Floodplain Administrator will review permits to assure sites are reasonably safe from flooding for new construction and substantial improvements in flood prone areas. Where BFE data are utilized, the Floodplain Administrator will obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements.

(3) The County may enter into written agreements or contracts with other political subdivisions of the State of Maryland or a private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity will not relieve the County of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR).

(D) Disclaimers. The degree of flood protection required by these regulations are considered reasonable for regulatory purposes and based on scientific and engineering considerations.

(1) Larger floods can and will occur, and flood heights may be increased by man-made or natural causes. Compliance with these regulations does not mean 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.

(2) These floodplain regulations do not create liability on the part of Frederick 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 floodplain regulations or any administrative decision lawfully made hereunder.

(E) FIS and FIRMs. For the purposes of these regulations, the minimum basis for establishing special flood hazard areas and base flood elevations is the Flood Insurance Study (FIS) for Frederick County, Maryland dated 8/1/23, or the most recent revision thereof, and the accompanying Flood Insurance Rate Map(s) (FIRMs) and all subsequent amendments and revisions to the FIRMs. The FIS and FIRMs are retained on file and available to the public at the Offices of the Zoning Administrator at 30 N. Market Street, Frederick MD 21701.

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2
3 **§ 1-19-9.110. ACTIVITIES WITHIN FLOODPLAIN DISTRICT.**
4

5 [Subsection (A) is unchanged.]
6

7 (B) Land development.

8 (1) FEMA Floodplain and Wetlands. Within the FEMA floodplain and wetlands, no
9 new development, including agricultural structures, residential or nonresidential
10 buildings, parking lots impervious to water, or fill, or excavation operations in
11 conjunction with development will be permitted. Substantial improvements, substantial
12 improvements due to existing structures substantial damage, replacement or relocated
13 dwelling units (including manufactured homes), the addition of accessory buildings, the
14 expansion or replacement of an existing nonconforming use, or development of an
15 existing parcel of record lying totally within the FEMA floodplain shall be permitted only
16 with approval by the Board of Appeals. Open shelters, pole-type structures (open on all
17 sides and without walls), open fences and recreational uses, and recreational
18 equipment which are not contained in a building, are exempt from the requirements of
19 this section upon obtaining a zoning certificate in order to ensure the type of
20 construction will not alter the flood elevation, except as outlined in § 1-19-9.110(D).

21 (2) Watershed Management Plans. All substantial improvements, replacements or
22 other developments within the FEMA floodplain shall be consistent with watershed
23 management plans where such plans exist. Structures slated for acquisition under
24 future flood hazard management projects may not be improved or replaced.

25 (3) Floodplain and stream setbacks. A minimum setback of 25 feet shall be
26 provided from all Floodplain district boundaries, except as otherwise approved through
27 the mitigation process described in § 1-19-9.110(B)(7), or a minimum setback of 50 feet
28 shall be provided from the bank of any perennial or intermittent stream, whichever is
29 greater. In any area designated as a special flood hazard area, the setback must be 100
30 feet from the top of bank of a watercourse. All setback areas shall be maintained or
31 planted with natural vegetation.

32 (4) Subdivisions and site plans. All new subdivisions or site plans shall have
33 stream setbacks as well as the 100-year floodplain and floodway delineations and
34 elevations, as reflected on Frederick County's Flood Insurance Study and Digital FIRM
35 published by FEMA clearly shown and certified by a registered professional engineer,
36 registered professional land surveyor, or registered property line surveyor. The plan
37 shall demonstrate that development will avoid the FEMA floodplain. No new lots shall be
38 created unless they have adequate buildable area outside of designated FEMA
39 floodplain areas.

40 (5) Approximate FEMA floodplain. For development proposed in the approximate
41 floodplain Zone A (no water surface elevations or floodway data provided), the applicant
42 must use the best available information to determine the elevation of the 100-year flood
43 and the extent of the floodway, and must delineate these on the site plan submitted for
44 approval. For new subdivisions, the applicant must have the 100-year flood elevations

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1 certified by a registered professional engineer based on hydrologic and hydraulic
2 analyses which include a floodway analysis. For individual lot development if no data
3 are available, methods described in FEMA Publication #265 "Managing Floodplain
4 Development in Approximate Zone A Areas" should be used to determine the 100-year
5 flood elevation at the site.

6 (6) Floodway restrictions. No new development shall be permitted in the floodway
7 except as provided in § 1-19-9.110(D).

8 (7) Flooding soils. No new development shall be permitted in areas of flooding soils
9 unless approved through a mitigation process including the following:

10 (a) Submission by the applicant of a geotechnical report and soils report
11 prepared by a registered professional engineer in the State of Maryland and a soil
12 scientist with full membership in a State Soils Professional Organization or that meets
13 certification requirements. The report shall address soil characteristics to include
14 flooding frequency, duration, and surface water depth.

15 (b) Determination of buildable areas by the Community Development Division.

16 (c) Submission by the applicant of a mitigation plan for approval by the
17 Community Development Division. The mitigation plan shall include such factors as:

18 1. Retention pond releasing at predevelopment rates to include capacity for
19 temporary inundation as determined in § 1-19-9.110 (B)(7)(a).

20 2. Use of techniques to reduce off-site runoff and ensure adequate
21 groundwater recharge.

22
23 (C) *Building standards*. Development within the FEMA floodplain shall meet the
24 standards as provided in subsection 1 through ~~5~~⁴ below. Replacement or relocated
25 dwelling units (including manufactured homes) or substantial improvements due to
26 existing structures substantial damage or addition of accessory buildings will not be
27 permitted without the approval of the Board of Appeals, and then only if the lowest floor
28 is elevated 1 foot above the elevation of the 100 year flood and the dwelling or
29 improvement is placed on a permanent foundation or securely anchored to an
30 adequately anchored foundation system to resist flotation, collapse or lateral movement.

31 (1) Elevation.

32 (a) The elevation of the lowest floor (see definition of "lowest floor") of all
33 substantially improved or replaced structures shall be at least 1 foot above the elevation
34 of the 100 year flood. Basements are prohibited.

35 (b) All applicants shall agree in writing to provide an elevation certificate
36 completed by a registered professional engineer or surveyor to certify the lowest floor
37 (as built) of any structure is elevated above the 100-year flood. An Elevation Certificate
38 must be submitted before a Zoning Certificate may be approved.

39 (2) Enclosures below lowest floor. The relocation or substantial improvements to
40 existing structures or the addition of accessory structures containing fully enclosed
41 areas below the lowest floor (including, but not limited to crawl spaces, solid footings
42 and continuous foundations) shall be designed to meet or exceed the following
43 minimum criteria:

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1 (a) A minimum of 2 openings having a total net area of not less than 1 square
2 inch for every square foot of enclosed area subject to flooding shall be provided.

3 (b) The bottom of all openings shall be no higher than 1 foot above grade.

4 (c) Openings may be equipped with screens, louvers, valves, or other coverings
5 or devices provided that they permit the automatic entry and exit of floodwaters.

6 (3) Anchoring. All structures shall be firmly anchored in accordance with
7 acceptable engineering practices to prevent flotation, collapse, and lateral movement
8 during flooding. All large pipes and storage tanks located below the Flood Protection
9 Elevation shall be firmly anchored to prevent flotation.

10 (4) Utilities.

11 (a) Electric: All electric utilities to the building side of the meter, both interior and
12 exterior to the building, must comply with all requirements of this chapter. Distribution
13 panel boxes must be at least 2 feet above the Flood Protection Elevation. All outlets and
14 electrical installations, such as heat pumps, air conditioners, water heaters, furnaces,
15 generators, distribution systems, including duct work, must be installed at or above the
16 Flood Protection Elevation. Replacement HVAC equipment shall be elevated to the
17 Flood Protection Elevation unless proven to be impractical.

18 (b) Plumbing: Toilets, sinks, showers, water heaters, pressure tanks, furnaces,
19 and other permanent plumbing installations must be installed at or above the Flood
20 Protection Elevation.

21 (c) Gas: Gas meters and gas appliances must be installed at or above the Flood
22 Protection Elevation.

23 (d) Fuel tanks: All gas (propane) tanks installed in the floodplain are required to
24 be anchored to prevent flotation in accordance with the National Fire Protection
25 Association Code 58. All tanks installed in floodplain areas shall be either elevated or
26 adequately anchored to prevent flotation up to the Flood Protection Elevation. All fuel oil
27 storage tanks installed in the floodplain must be either elevated or securely anchored to
28 prevent flotation up to the Flood Protection Elevation. Vent pipes must extend to or
29 above the Flood Protection Elevation and fill caps below the Flood Protection Elevation
30 must be screw type with a tight fitting gasket to prevent mixing of water with oil.

31 (e) Water supply and sanitary facilities: Water supply distribution and sanitary
32 disposal collection systems must be designed to minimize or eliminate the infiltration of
33 flood waters into the systems or discharges from the systems into flood waters and shall
34 be located and constructed so as to minimize or eliminate flood damage. On-site
35 sewage disposal systems shall meet these same standards.

36
37 (5) Floodproofing.

38 (a) Floodproofing for substantial improvement of existing nonresidential
39 buildings may be allowed in nontidal waters of the State.

40 (b) If floodproofing is proposed, structures shall:

41 (i) Be designed to be dry floodproofed such that the building or
42 structure is watertight with walls and floors substantially impermeable to the passage of
43 water to the level of the Flood Protection Elevation plus 1.0 foot, or

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1 (ii) If located in an area of shallow flooding (Zone AO), be dry
2 floodproofed at least as high above the highest adjacent grade as the depth number
3 specified on the FIRM plus three (3) feet, or at least five (5) feet if a depth number is not
4 specified; and

5 (iii) Have structural components capable of resisting hydrostatic and
6 hydrodynamic loads and effects of buoyancy.

7 (iv) Have floodproofing measures that are designed taking into
8 consideration the nature of flood-related hazards; frequency, depth and duration of
9 flooding; rate of rise and fall of floodwater; soil characteristics; flood-borne debris; at
10 least 12 hours of flood warning time from a credible source; and time necessary to
11 implement any measures that require human intervention.

12 (v) Have at least one door above the applicable flood elevation that
13 allows human ingress and egress during conditions of flooding.

14 (vi) Have an operations and maintenance plan that is filed with local
15 emergency management officials and that specifies the owner/occupant's
16 responsibilities to monitor flood potential; the location of any shields, doors, closures,
17 tools, or other goods that are required for implementation; maintenance of such goods;
18 methods of installation; and periodic inspection; and

19 (vii) Be certified by a licensed professional engineer or licensed
20 architect, through execution of a Floodproofing Certificate that states that the design
21 and methods of construction meet the requirements of this section. The Floodproofing
22 Certificate shall be submitted with the construction drawings as required in Section
23 3.5(A)(13).

24
25 (D) *Exemptions.* This section does not prohibit the placement or repair of road
26 crossings; water impoundments for stormwater management; retention areas;
27 agricultural activities not requiring zoning certificate approval; public utility lines;
28 environmental mitigation projects; or other minor wetland fill activities (less than 5,000
29 square feet of wetland impact) within designated FEMA floodplain, flooding soils, or
30 wetlands. These floodplain activities must obtain all federal, state and local permits
31 required and for minor wetland fills receipt of a letter of no significant impact from the
32 responsible federal or state agency.

33
34 (E) *Inspections.* The Floodplain Administrator shall make periodic inspections of
35 development permitted in special flood hazard areas, at appropriate times throughout the
36 period of construction in order to monitor compliance. Such inspections may include:

37 (1) Stake-out inspection, to determine location on the site relative to the flood
38 hazard area and designated floodway.

39 (2) Foundation inspection, upon placement of the lowest floor and prior to further
40 vertical construction, to collect information or certification of the elevation of the lowest
41 floor.

42 (3) Inspection of enclosures below the lowest floor, including crawl/underfloor
43 spaces, to determine compliance with applicable provisions.

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1 (4) Utility inspection, upon installation of specified equipment and appliances, to
2 determine appropriate location with respect to the base flood elevation.

3 (5) Final inspection prior to issuance of the Certificate of Occupancy.
4

5 *****

6 **§ 1-19-11.100. DEFINITIONS.**

7 *****

8 **AGRICULTURAL STRUCTURE.** A structure used solely for the production,
9 harvesting, storage, raising or drying of agricultural commodities and livestock; and
10 specifically excludes any structures for human habitation. Includes barns, silos, storage
11 buildings, garages and other structures associated with an agricultural use.

12 *****

13 **ALTERATION OF A WATERCOURSE.** For the purpose of these regulations,
14 alteration of a watercourse includes, but is not limited to widening, deepening or relocating
15 the channel, including excavation or filling of the channel. Alteration of a watercourse
16 does not include construction of a road, bridge, culvert, dam, or in-stream pond unless
17 the channel is proposed to be realigned or relocated as part of such construction.

18 *****

19 **AREA OF SHALLOW FLOODING.** A designated Zone AO on the Flood
20 Insurance Rate Map (FIRM) with a 1-percent annual chance or greater of flooding to an
21 average depth of one to three feet where a clearly defined channel does not exist, where
22 the path of flooding is unpredictable, and where velocity flow may be evident; such
23 flooding is characterized by ponding or sheet flow.

24 *****

25 **BASE FLOOD ELEVATION.** The water surface elevation of the base flood in
26 relation to the datum specified on the county's Flood Insurance Rate Map (FIRM). In
27 areas of shallow flooding, the base flood elevation is the highest adjacent natural grade
28 elevation plus the depth number specified in feet on the Flood Insurance Rate Map, or at
29 least four (4) feet if the depth number is not specified.

30 *****

31 **CONDITIONAL LETTER OF MAP REVISION (CLOMR).** A formal review and
32 comment as to whether a proposed flood protection project or other project complies with
33 the minimum NFIP requirements for such projects with respect to delineation of special
34 flood hazard areas. A **Conditional Letter of Map Revision Based on Fill (CLOMR-F)** is
35 a determination that a parcel of land or proposed structure that will be elevated by fill
36 would not be inundated by the base flood if fill is placed on the parcel as proposed or the
37 structure is built as proposed. A CLOMR does not revise the effective Flood Insurance
38 Rate Map or Flood Insurance Study; upon submission and approval of certified as-built

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1 documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective
2 FIRM.

3 *****

4 **CRITICAL AND ESSENTIAL FACILITIES.** Buildings and other structures that are
5 intended to remain operational in the event of extreme environmental loading from flood,
6 wind, snow or earthquakes. [Note: See Maryland Building Performance Standards, Sec.
7 1602 and Table 1604.5.] Critical and essential facilities typically include hospitals, fire
8 stations, police stations, storage of critical records, facilities that handle or store
9 hazardous materials, and similar facilities.

10 *****

11 **ELEVATION CERTIFICATE.** ~~[Form supplied by the Federal Emergency~~
12 ~~Management Agency (FEMA) to certify as-built elevations of structures above mean sea~~
13 ~~level (NGVD)] FEMA form on which surveyed elevations and other data pertinent to a~~
14 ~~property and a building are identified and which must be completed by a licensed~~
15 ~~professional land surveyor or a licensed professional engineer, as specified by the~~
16 ~~Floodplain Administrator. When used to document the height above grade of buildings in~~
17 ~~special flood hazard areas for which base flood elevation data are not available, the~~
18 ~~Elevation Certificate shall be completed in accordance with the instructions issued by~~
19 ~~FEMA.~~

20 *****

21 **ENCLOSURE BELOW THE LOWEST FLOOR.** An unfinished or flood-resistant
22 enclosure that is located below an elevated building, is surrounded by walls on all sides,
23 and is usable solely for parking of vehicles, building access or storage, in an area other
24 than a basement area.

25 *****

26 **FLOOD DAMAGE-RESISTANT MATERIALS.** Any construction material that is
27 capable of withstanding direct and prolonged contact with floodwaters without sustaining
28 any damage that requires more than cosmetic repair. [Note: See NFIP Technical Bulletin
29 #2, "Flood Damage-Resistant Materials Requirements."]

30 *****

31 **FLOOD INSURANCE RATE MAP (FIRM).** ~~[Map which depicts the minimum~~
32 ~~special flood hazard area to be regulated by this chapter (unless a floodway map is~~
33 ~~available)] An official map -on which the Federal Emergency Management Agency has
34 delineated special flood hazard areas to indicate the magnitude and nature of flood
35 hazards, to designate applicable flood zones, and to delineate floodways, if applicable.
36 FIRMs that have been prepared in digital format or converted to digital format are referred
37 to as Digital FIRMs (DFIRM).~~

38

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1 **FLOOD INSURANCE STUDY (FIS).** The official report in which the Federal
2 Emergency Management Agency has provided flood profiles, floodway information, and
3 the water surface elevations.

4
5 **FLOOD OPENING.** A flood opening (non-engineered) is an opening that is used
6 to meet the prescriptive requirement of 1 square inch of net open area for every square
7 foot of enclosed area. An engineered flood opening is an opening that is designed and
8 certified by a licensed professional engineer or licensed architect as meeting certain
9 performance characteristics, including providing automatic entry and exit of floodwaters;
10 this certification requirement may be satisfied by an individual certification for a specific
11 structure or issuance of an Evaluation Report by the ICC Evaluation Service Inc.

12 *****

13 **FLOODPLAIN VIOLATION.** Any construction or development in a special flood
14 hazard area that is being performed without an issued permit. The failure of a building,
15 structure, or other development for which a permit is issued to be fully compliant with
16 these regulations and the conditions of the issued permit. A building, structure, or other
17 development without the required design certifications, the Elevation Certificate, or other
18 evidence of compliance required is presumed to be a violation until such time as the
19 required documentation is provided.

20
21 ~~**FLOODPROOFING CERTIFICATE.** [Form supplied by FEMA to certify that a~~
22 ~~building has been designed and constructed to be structurally dry floodproofed to the~~
23 ~~Flood Protection Elevation (FPE)] FEMA form that must be completed, signed and sealed~~
24 ~~by a licensed professional engineer or licensed architect to certify that the design of~~
25 ~~floodproofing and proposed methods of construction are in accordance with the~~
26 ~~applicable requirements of Section 5.5(B) of these regulations.~~

27 *****

28 **FLOOD PROTECTION SETBACK.** A distance measured perpendicular to the top
29 of bank of a watercourse that delineates an area to be left undisturbed to minimize future
30 flood damage and to recognize the potential for bank erosion. Along nontidal waters of
31 the State, the flood protection setback is:

32 (a) 100 feet, if the watercourse has special flood hazard areas shown on the
33 FIRM, except where the setback extends beyond the boundary of the flood hazard area;
34 or

35 (b) 50 feet, if the watercourse does not have special flood hazard areas shown
36 on the FIRM.

37
38 **FLOOD ZONE:** A designation for areas that are shown on Flood Insurance Rate
39 Maps:

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1 (a) Zone A: Special flood hazard areas subject to inundation by the 1-percent
2 annual chance (100-year) flood; base flood elevations are not determined.

3 (b) Zone AE and Zone A1-30: Special flood hazard areas subject to inundation
4 by the 1-percent annual chance (100-year) flood; base flood elevations are determined;
5 floodways may or may not be determined.

6 (c) Zone AH and Zone AO: Areas of shallow flooding, with flood depths of 1 to
7 3 feet (usually areas of ponding or sheet flow on sloping terrain), with or without BFEs or
8 designated flood depths.

9 (d) Zone B and Zone X (shaded): Areas subject to inundation by the 0.2-
10 percent annual chance (500-year) flood; areas subject to the 1-percent annual chance
11 (100-year) flood with average depths of less than 1 foot or with contributing drainage area
12 less than 1 square mile; and areas protected from the base flood by levees.

13 (e) Zone C and Zone X (unshaded): Areas outside of Zones designated A, AE,
14 A1-30, AO, VE, V1-30, B, and X (shaded).

15 (f) Zone VE and Zone V1-30: Special flood hazard areas subject to inundation
16 by the 1-percent annual chance (100-year) flood and subject to high velocity wave action.

17 *****

18 **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground
19 surface, prior to construction, next to the proposed foundation of a structure.

20
21 **HISTORIC STRUCTURE.** ~~[A structure listed individually on the National Register~~
22 ~~of Historic Places, the Maryland Inventory of Historic Properties, a local inventory of~~
23 ~~historic places certified by the Maryland Historic Trust or the Secretary of the Interior, or~~
24 ~~preliminarily determined as meeting the requirements for such listing by the Maryland~~
25 ~~Historic Trust or the Secretary of the Interior, or determined as contributing to the historic~~
26 ~~significance of an historic district registered with the Secretary of the Interior.]~~ Any
27 structure that is:

28 (a) Individually listed in the National Register of Historic Places (a listing
29 maintained by the U.S. Department of Interior) or determined to be eligible by the
30 Maryland Historical Trust as meeting the requirements for individual listing on the
31 National Register of Historic Places;

32 (b) Contributing to the historical significance of a National Register Historic
33 District or a district determined to be eligible by the Maryland Historical Trust to qualify
34 as a National Registered Historic District;

35 (c) Individually listed or a contributing resource within a historic district
36 identified on the Maryland Inventory of Historic Properties; or

37 (d) Individually listed or a contributing resource within a historic district
38 identified on the Frederick County Register Inventory of Historic Places maintained by

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1 Frederick County whose Historic Preservation program has been approved by the
2 Maryland Historical Trust and certified by the National Park Service.

3 *****

4 **LETTER OF MAP AMENDMENT (LOMA).** An amendment based on technical
5 data showing that a property was incorrectly included in a designated special flood hazard
6 area. A LOMA amends the current effective Flood Insurance Rate Map and establishes
7 that a specific property or structure is not located in a special flood hazard area.

8
9 **LETTER OF MAP CHANGE (LOMC).** A Letter of Map Change is an official FEMA
10 determination, by letter, that amends or revises an effective Flood Insurance Rate Map
11 or Flood Insurance Study. Letters of Map Change.

12
13 **LETTER OF MAP REVISION (LOMR).** A revision based on technical data that
14 may show changes to flood zones, flood elevations, floodplain and floodway delineations,
15 and planimetric features. A **LETTER OF MAP REVISION BASED ON FILL (LOMR-F)**, is
16 a determination that a structure or parcel of land has been elevated by fill above the base
17 flood elevation and is, therefore, no longer exposed to flooding associated with the base
18 flood. In order to qualify for this determination, the fill must have been permitted and
19 placed in accordance with the community’s floodplain management regulations.

20 *****

21 **MARKET VALUE.** The price at which a property will change hands between a
22 willing buyer and a willing seller, neither party being under compulsion to buy or sell and
23 both having reasonable knowledge of relevant facts. For the purposes of these
24 regulations, the market value of a building is determined by a licensed real estate
25 appraiser or the most recent, full phased-in assessment value of the building
26 (improvement) determined by the Maryland Department of Assessments and Taxation.

27 *****

28 **NATIONAL FLOOD INSURANCE PROGRAM (NFIP).** The program authorized by
29 the U.S. Congress in 42 U.S.C. §§4001 - 4129. The NFIP makes flood insurance
30 coverage available in communities that agree to adopt and enforce minimum regulatory
31 requirements for development in areas prone to flooding (see definition of “Special Flood
32 Hazard Area”).

33 *****

34 **NEW CONSTRUCTION.** ~~[Within the Floodplain District, a structure for which the~~
35 ~~start of construction commenced on or after June 1, 1978, and includes any subsequent~~
36 ~~improvements.] Structures, including additions and improvements, and the placement of~~
37 ~~manufactured homes, for which the start of construction commenced on or after June 1,~~
38 ~~1978 , the initial effective date of the Frederick County Flood Insurance Rate Map,~~

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1 including any subsequent improvements, alterations, modifications, and additions to such
2 structures.

3 *****

4 **NONCONVERSION AGREEMENT.** A form signed by the owner to agree not to
5 convert or modify in any manner that is inconsistent with the terms of the permit and these
6 regulations, certain enclosures below the lowest floor of elevated buildings and certain
7 accessory structures. The form requires the owner to record it on the property deed to
8 inform future owners of the restrictions.

9 *****

10 **NONTIDAL WATERS OF THE STATE.** See also “Waters of the State.” As used
11 in these regulations, “nontidal waters of the State” refers to any stream or body of water
12 within the State that is subject to State regulation, including the “100-year frequency
13 floodplain of free-flowing waters.” COMAR 26.17.04.01 states that “the landward
14 boundaries of any tidal waters shall be deemed coterminous with the wetlands boundary
15 maps adopted pursuant to Environment Article, §16-301, Annotated Code of Maryland.”
16 Therefore, the boundary between the tidal and nontidal waters of the State is the tidal
17 wetlands boundary.

18 *****

19 **RECREATIONAL VEHICLE.** A vehicle built on a single chassis which is 400
20 square feet or less at the longest horizontal projection, self-propelled or towable, and
21 designed primarily for temporary living while traveling or camping and is only occupied
22 when located in an RV park which is approved by the county. Recreational vehicles must:

- 23 (a) Have a current valid license plate;
24 (b) Be ready for highway use; and
25 (c) Be occupied for less than 14 consecutive days on a single site.

26 *****

27 **SPECIAL FLOOD HAZARD AREA (SFHA).** The land in the floodplain subject to
28 a one-percent or greater chance of flooding in any given year. Special flood hazard areas
29 are designated by the Federal Emergency Management Agency in Flood Insurance
30 Studies and on Flood Insurance Rate Maps as Zones A, AE, AH, AO, A1-30, and A99,
31 and Zones VE and V1-30. The term includes areas shown on other flood maps that are
32 identified in Section 1.5.

33 *****

34 **WATERS OF THE STATE:** Waters of the State include:
35 (a) Both surface and underground waters within the boundaries of the State
36 subject to its jurisdiction;
37 (b) That portion of the Atlantic Ocean within the boundaries of the State;
38 (c) The Chesapeake Bay and its tributaries;

Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

***** - indicates existing law unaffected by bill.

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1 (d) All ponds, lakes, rivers, streams, public ditches, tax ditches, and public
2 drainage systems within the State, other than those designed and used to collect, convey,
3 or dispose of sanitary sewage; and

4 (e) The floodplain of free-flowing waters determined by MDE on the basis of
5 the 100-year flood frequency.

6

7

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[Single boldface brackets] indicates matter deleted from existing law.

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