



General Floodplain Regulations

1. A county building permit is required for all development in any 100 year floodplain. This development is governed by Chapter 76 of the St. Mary's County Zoning Ordinance. Any activity falling within the 100-year *non-tidal* floodplain may require a Waterway Construction Permit from the Maryland Department of The Environment. If the structure is in more than one floodplain zone, the more stringent provisions shall apply to the entire structure.
2. A substantial improvement of a structure is defined as any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either: (a) before the improvement or repair is started; or (b) if the structure has incurred substantial damage and been restored, before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or their structural part of the building commences. 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 are not considered substantial improvements.
3. New or improved non-residential structures located within the 100 year floodplain require the completion of a Flood-proofing Certificate or the structure must be elevated in the same manner as residential structures. State regulations do not allow basements or the flood-proofing option for new nonresidential structures in the non-tidal floodplains. Flood-proofing designs must be certified by a professional architect or engineer who must insure that areas below the Flood Protection Elevation are watertight and are constructed with structurally acceptable building components.
4. After issuance of a permit, no changes of any kind shall be made to the application, permit, or any of the plans, specifications, or other documents submitted with the application without the written approval of the Department of Land Use and Growth Management. A copy of the permit or other verification must be displayed at the construction site during construction activity.

INFORMATION REQUIRED FOR A PERMIT APPLICATION

In addition to standard building permit application requirements, applications for a Building Permit within the regulatory floodplain must clearly indicate the following on a scaled plot plan drawing:

1. Proposed uses for the site
2. Site characteristics and improvements
3. Elevation contours in mean sea level (NGVD)
4. Delineation of the 100-year flood elevation and boundary

5. Proposed elevation of the lowest floor and method of elevation, if applicable

SPECIFIC CONSTRUCTION REQUIREMENTS

ENCLOSURES BELOW THE LOWEST FLOOR

For enclosed areas below the Flood Protection Elevation, a Non-conversion Agreement may be required. It includes an agreement by the applicant to install water equalizing vents and record a Memorandum of Land Restriction for the property. The Memorandum of Land Restriction states that the conversion to habitable space below the Flood Protection Elevation shall not occur unless the enclosed area is brought into compliance with county floodplain management regulations.

1. Fully enclosed areas below the Flood Protection Elevation shall be used solely for parking of vehicles, access to the building, or storage. If such areas are enclosed, a Non-conversion Agreement must be signed by the applicant.
2. Buildings which have been elevated and have fully enclosed areas below the Flood Protection Elevation, as well as garages and accessory structures which are not elevated shall be constructed with water equalizing vents which meet or exceed the following standards:
 - A minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area in the floodplain;
 - The bottom of all openings shall be within one foot of the finished grade; and
 - Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters to equalize hydrostatic forces on the walls.

ACCESSORY STRUCTURES AND GARAGES

Where feasible, accessory structures and garages should be located out of the floodplain or elevated to or above the Flood Protection Elevation. When these measures are not feasible the following apply:

1. The floor of the structure must be at or above grade;
2. The structure meets the prescribed venting requirements described above;
3. The structure must be located, oriented, and constructed so as to minimize flood damage; and
4. The structure must be firmly anchored to prevent flotation.

FOR AE ZONES:

A garage attached to the main structure shall be elevated to the greatest extent possible, but may be exempted from the strict elevation requirement if it is used solely for parking, storage, or building access, is no more than 600 square feet and must meet venting requirements. All interior walls, ceilings, and floors below the Flood Protection Elevation must be unfinished and no machinery or electric devices or appliances may be located below the Flood Protection Elevation.

A Non-Conversion Agreement must be signed by the property owner stating the garage cannot be used for human habitation without first complying with flood elevation requirements.

FOR V ZONE OR COASTAL A:

An accessory structure or detached garage may be exempted from the elevation requirement if it is less than 300 square feet in size, is used solely for parking of vehicles and limited storage and meets the prescribed venting requirements. All interior wall, ceiling, and floor elements below the Flood Protection Elevation must be unfinished and have no machinery, electric devices or appliances located below the Flood Protection elevation. A Non-Conversion Agreement must be signed by the property owner.

An accessory structure or a detached garage between 300 square feet and 600 square feet may be permitted below the Flood Protection elevation only by a conditioned permit. A structure larger than 600 square feet in area must be elevated properly or the applicant must apply for a variance.

Conditioned Permits for Accessory Structures and Garages: A conditioned permit may be issued at the discretion of the local permitting official when the accessory structure is between 300 and 600 square feet. The structure's use must be incidental to the primary structure, and it can only be used for storage and parking. A conditioned permit is subject to an executed Non-conversion Agreement and the installation of water equalizing vents. In addition, a Declaration of Land Restriction which states that the permitted structure may not be used for human habitation without first complying with the ordinary requirements must be recorded in land records.