



St. Mary's County
Department of Land Use and Growth Management
Customer Assistance Guide

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Construction in a Floodplain

FLOODPLAIN CONSTRUCTION

The regulatory floodplain is defined as those areas of St. Mary's County which are subject to the 100-year flood as shown on the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps (FIRM'S; dated November 19, 2014); maintained by the Department of Land Use and Growth Management.

Areas along non-tidal streams may not be shown on floodplain maps; however, they may still be subject to these regulations by the County and the State.

THREE PRINCIPAL TYPES OF FLOODPLAINS

Non-tidal Floodplains consist of the floodway and the floodway fringe. Non-tidal floodplains may have detailed engineering study data, profiles, and water surface elevations, or may have approximate delineations only.

Floodway information for the following watercourses is provided in the Flood Insurance Study (FIS) prepared for St. Mary's County: Chaptico Creek, Coffee Hill Run, Hayden Run, Forrest Hall Branch, Eastern Branch, Hilton Run, McIntosh Run, Jarboesville Run and the St. Mary's River.

The Zoning Ordinance requires that the floodway be permanently preserved to carry the discharge of the 100-year flood. Non-tidal floodplains are subject to the greatest degree of federal, state and local regulation.

Tidal Floodplains consist of areas subject to coastal or tidal flooding by the 100-year flood. These areas are flooded due to high tides, hurricanes, tropical storms, and steady on-shore winds. These areas are landward of the National Geodetic Vertical Datum (NGVD) Designation on the FIRM.

Coastal High Hazard Areas consist of areas subject to coastal or tidal flooding with the addition of high velocity water and wind action. These areas are designated as V-Zones on the Flood Insurance Rate Map and construction within V-Zones is subject to stringent architectural and engineering design standards. See Customer Assistance Guide #14.

IMPORTANT PERMIT INFORMATION

1. The Elevation Certificate is a form supplied by FEMA to certify as-built elevations of structures above mean sea level (NGVD). An Elevation Certificate must be submitted before the issuance of a Certificate of Occupancy is issued. Work undertaken prior to submission of the certificate is at the applicant's risk. For enclosed areas below the flood protection elevation, a non-conversion agreement may be required. This agreement states that you are in compliance with elevation requirements outlined in Section 76 of the CZO.

Prior to the issuance of the permit, the applicant must agree to secure all other required permits, an elevation certificate, flood-proofing certificate, engineering analysis or other required verifications deemed appropriate by a Certified Floodplain Manager (CFM).

An Elevation Certificate must be completed by a licensed surveyor and submitted to LUGM for review and approval prior to the framing and final inspections.

2. Substantial Improvement is 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 other 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.

GENERAL REGULATIONS FOR TIDAL AND NON-TIDAL FLOODPLAINS

1. Development may not occur in any floodplain where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the floodplain and that encroachments into the floodplain are minimized.

2. In Non-tidal Floodplains, horizontal expansions which increase the footprint and that are “less than substantial” shall also have the lowest floor elevated to or above the Flood Protection Elevation (i.e. the 100-year flood elevation plus three feet). The elevation of the lowest floor shall be certified by a registered surveyor or professional engineer on the Elevation Certificate, after the lowest floor is in place. A Waterway Construction Permit may be required from the Maryland Department of Environment. If required, the Waterway Construction Permit must be provided to the Department of Land Use and Growth Management before a County Building Permit can be issued.

3. No limit on quantity of fill per ordinance.

NOTE: A complete description of the floodplain management regulations for St. Mary’s County is provided in Chapter 76 of the Zoning Ordinance. For further information regarding construction in the 100-year floodplain, please contact a Certified Floodplain Manager.