

COUNTY COUNCIL OF CECIL COUNTY, MARYLAND  
LEGISLATIVE SESSION DAY 13-09

BILL NO. 2013-04

**Title of Bill:** Amendment - Zoning Ordinance – Floodplain District

**Synopsis:** An act to amend the Cecil County Zoning Ordinance, Article XI, Part III, Floodplain District.

Introduced and ordered posted on: May 7, 2013

Public hearing scheduled on: June 4, 2013 at: 7:00 p.m.

Scheduled for consideration: June 18, 2013

**PUBLIC HEARING**

Notice of time and place of public hearing and title of Bill having been posted by May 10, 2013 at the County Administration Building, 200 Chesapeake Blvd., Elkton and having been published according to the Charter on May 15 and 22, 2013, a public hearing was held on June 4, 2013, and concluded on June 4, 2013.

By: James Massey  
Council Manager

**Explanation:** CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates language added to a Bill by amendment.  
~~Strike through~~ indicates language stricken out of a Bill by amendment.

1           **WHEREAS**, Article 25A of the Annotated Code of Maryland empowers the County to have a zoning  
2 ordinance and provides for the administration, enforcement, and amendment of same; and

3           **WHEREAS**, the Maryland Department of the Environment requires the floodplain district standards  
4 in said ordinance to meet the minimum standards prescribed by the Maryland Model Floodplain  
5 Management Ordinance; and

6           **WHEREAS**, an amendment to the Zoning Ordinance has been proposed and on  
7 April 15, 2013, the Planning Commission recommended approval of the proposed amendment.  
8

9           **NOW, THEREFORE, BE IT HEREBY RESOLVED** by the County Council of Cecil County, Maryland, that  
10 the proposed amendments to Article II, Part II, Zoning Maps and Article XI, Part III Floodplain  
11 District of the Zoning Ordinance are hereby adopted as follows:

12           **Section 16. Official Floodplain Maps**

13           2. The delineation of the Floodplain District may be revised, amended, and modified by the County Council  
14 in compliance with the National Flood Insurance Program and the [Maryland Department of Natural  
15 Resources] MARYLAND DEPARTMENT OF THE ENVIRONMENT when:

- 16           a. There are changes through natural or other causes;  
17           b. Changes are indicated by future detailed hydrologic and hydraulic studies;  
18           c. All such changes to the delineation of the District shall be subject to the review and approval of  
19 the Federal Insurance Administrator.

20           **Section 224. General Provisions and Purpose**

- 21           1. No changes.  
22           2. Cecil County, by resolution, agreed to meet the requirements of the National Flood Insurance Program  
23 and [has been] WAS accepted for participation in the program ON APRIL 4, 1983. As of that date [of  
24 acceptance], OR AS OF APRIL 4, 1983, THE INITIAL EFFECTIVE DATE OF THE CECIL COUNTY FLOOD  
25 INSURANCE RATE MAP, all development and new construction as defined herein, shall comply with  
26 these regulations.  
27           3. The Maryland General Assembly, in Article 25A, Section 5(x), General Development Regulations AND  
28 ZONING (Annotated Code of Maryland), has established as policy of the State that the orderly  
29 development and use of land and structures requires comprehensive regulation through the  
30 implementation of planning and zoning control, and that planning and zoning controls shall be

31 implemented by the County in order to, among other purposes, secure the public safety, promote health  
32 and general welfare, and promote the conservation of natural resources.

33 (A) through (M) – No changes.

34 (N) Meet community participation requirements of the National Flood Insurance Program as set forth in  
35 the Code of Federal Regulations at 44 C.F.R Section [59.21] 59.22.

36 **Section 225. Applicability and Basis for Establishing Special Flood Hazard Areas and Base Flood**  
37 **Elevations**

38 1. These regulations shall apply to all special flood hazard areas within Cecil County and identified herein.

39 (A) For the purposes of this Part, [the following] THE MINIMUM BASIS FOR ESTABLISHING SPECIAL  
40 FLOOD HAZARD AREAS AND BASE FLOOD ELEVATIONS IS THE FLOOD INSURANCE STUDY FOR CECIL  
41 COUNTY, MARYLAND AND INCORPORATED AREAS DATED JULY 8, 2013, OR THE MOST RECENT  
42 REVISION THEREOF, AND THE ACCOMPANYING FLOOD INSURANCE RATE MAPS AND ALL  
43 SUBSEQUENT AMENDMENTS AND REVISIONS TO THE FIRMS. THE FIS AND FIRMS are retained on  
44 file and available to the public at the Cecil County Office of Planning and Zoning, County  
45 Administration Building, Suite 2300, 200 Chesapeake Boulevard, Elkton, Maryland 21921. [, are  
46 adopted by reference as a part of this Ordinance, and serve as the minimum basis for establishing  
47 special flood hazard areas and base flood elevations:

48 (1) Flood Insurance Study for Cecil County, dated 1988, or the most recent revision thereof.

49 (2) Flood Insurance Rate Map for Cecil County, Maryland (Unincorporated Areas) panels listed in  
50 Table 1, and all subsequent amendments and revisions to the FIRMs.

51 **Table 1. Cecil County FIRM Panel Numbers**

240019 0001-0005	240019 0001-0007	240019 0001-0008	240019 0001-0010
240019 0001-0015	240019 0001-0017	240019 0001-0019	240019 0001-0020
240019 0001-0021	240019 0001-0022	240019 0001-0023	240019 0001-0024
240019 0001-0026	240019 0001-0027	240019 0001-0028	240019 0001-0029
240019 0001-0031	240019 0001-0032	240019 0001-0033	240019 0001-0034
240019 0001-0037	240019 0001-0041	240019 0001-0042	240019 0001-0043
240019 0001-0044	240019 0001-0046	240019 0001-0047	240019 0001-0048
240019 0001-0049	240019 0001-0052	240019 0001-0054	240019 0001-0056

240019 0001-0057	240019 0001-0058	240019 0001-0059	240019 0001-0065
240019 0001-0071	240019 0001-0072	240019 0001-0080	

52 ]

53 (B) and (C) – No changes.

54 2. No changes.

55 3. In the interpretation and application of these regulations, all provisions shall be:

56 (A) and (B) – No changes

57 (C) Deemed neither to limit nor repeal any other powers granted under State statutes. [; where a  
58 provision of these regulations may be in conflict with a State or Federal law, such State or Federal  
59 law shall take precedence.]

60 Notes referencing publications of the Federal Emergency Management Agency refer to the most recent  
61 edition of those publications, are intended only as guidance, and do not bind or alter the authority of the  
62 Floodplain Administrator to interpret and apply these regulations.

63 **Section 226 and Section 227** – No changes.

64 **Section 228. Definitions**

65 *Building Code(s)*: The effective Maryland Building Performance Standards (COMAR [05.12.07] 05.02.07),  
66 including the existing building code and residential code.

67 [Floodway Map: Map which depicts floodway and special flood hazard areas to be regulated by this  
68 Ordinance.]

69 *National Flood Insurance Program (NFIP)*: The program authorized by the U.S. Congress in 42 U.S.C.  
70 §§4001-41 [8] 9. The NFIP makes flood insurance coverage available in communities that agree to adopt  
71 and enforce minimum regulatory requirements for development in areas prone to flooding (see definition  
72 of “Special Flood Hazard Area”).

73 *NAVD: North American Vertical Datum of 1988 (NAVD 88)*: Vertical, or elevation, reference points set by  
74 the National Geodetic Survey (NGS) Vertical Network Branch (VNB). [Note: See NGVD.]

75 [NGVD: National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic  
76 Survey based on mean sea level. [See NAVD.]

77 **Section 229. Administration and Procedures**

78 1. Designation of the Floodplain Administrator.

79 (A) No changes.

80 (B) Enter into a written agreement or written contract with another Maryland community or private  
81 sector entity to administer specific provisions of these regulations. Administration of any part of  
82 these regulations by another entity shall not relieve the County of its responsibilities pursuant to  
83 the participation requirements of the National Flood Insurance Program as set forth in the Code  
84 of Federal Regulations at 44 C.F.R. Section 59.2 [1] 2.

85 2. Duties and Responsibilities of the Floodplain Administrator.

86 (A) through (I) – No changes.

87 (J) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to  
88 maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the  
89 County, [corrections to labeling or planimetric details, and similar corrections] WITHIN SIX MONTHS  
90 AFTER SUCH DATA AND INFORMATION BECOMES AVAILABLE IF THE ANALYSES INDICATE CHANGES  
91 IN BASE FLOOD ELEVATIONS.

92 (K) through (Q) – No changes.

93 3. No changes.

94 4. Permits Required and Expiration.

95 (A) and (B) – No changes.

96 (C) A permit is valid provided the actual start of work is within one hundred eighty (180) days of the  
97 date of permit issuance. Requests for extensions shall be submitted in writing AND JUSTIFICABLE  
98 CAUSE DEMONSTRATED. The Floodplain Administrator may grant, in writing, one or more  
99 extensions of time, for ADDITIONAL periods not [more than one hundred eighty (180) days each]  
100 EXCEEDING NINETY (90) DAYS EACH AND PROVIDED THERE HAS BEEN NO AMENDMENT OR  
101 REVISION TO THE BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS AND BFE'S SET FORTH IN  
102 SECTION 225.

103 5. Application Required

104 (A)(1) through (A)(11) – No changes.

105 (12) For proposed work on existing buildings, structures, and manufactured homes, including any  
106 improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information

107 to determine if the work constitutes substantial improvement or repair of substantial damage,  
108 including but not limited to:

109 (a) If the existing building or structure was constructed after [adoption of this Ordinance] APRIL  
110 4, 1983, evidence that the work will not alter any aspect of the building or structure that was  
111 required for compliance with the floodplain management requirements in effect at the time  
112 the building or structure was permitted.

113 (A)(13) through (A)(15) – No changes.

114 (B) – No changes.

115 6. through 7. – No changes

116 8. Submission Required Prior to Final Inspection.

117 Pursuant to the Agreement to [Supply] SUBMIT an Elevation Certificate submitted with the  
118 application as required in Section 229.5(A), the permittee shall have an Elevation Certificate  
119 prepared and submitted prior to final inspection and issuance of the Certificate of Occupancy for  
120 elevated structures and manufactured homes, including new structures and manufactured homes,  
121 substantially-improved structures and manufactured homes, and additions to structures and  
122 manufactured homes.

123 **Section 230. Requirements in All Flood Hazard Areas**

124 1. through 6. – No changes.

125 7. (A) and (B) – No changes.

126 7. (C) (1) and (2) – No changes.

127 (3) Have enclosures below the lowest floor of the elevated manufactured home, if any, including  
128 enclosures that are surrounded by rigid skirting or other material that is attached to the frame or  
129 foundation, that comply with the requirements of Section 230, 231, or 232 as applicable to the flood  
130 zone. [Note: See “Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard  
131 Foundation and Installation Guide” (FEMA 85)] [, 2010 2<sup>nd</sup> edition)]

132 8. through 12. – No changes.

133 **Section 231. Requirements in Flood Hazard Areas (A Zones) That Are Not Coastal High Hazard Areas or**  
134 **Coastal A Zones**

135 1. General Requirements. In addition to the general requirements of Section 230, the requirements of this  
136 section shall:

137 (A) APPLY IN FLOOD HAZARD AREAS THAT ARE NOT IDENTIFIED AS COASTAL HIGH HAZARD AREAS  
138 (V ZONES) AND COASTAL A ZONES. THESE FLOOD HAZARD AREAS, REFERRED TO COLLECTIVELY AS  
139 "A ZONES," INCLUDE SPECIAL FLOOD HAZARD AREAS ALONG NONTIDAL WATERS OF THE STATE,  
140 LANDWARD OF COASTAL HIGH HAZARD AREAS (V ZONES), AND LANDWARD OF COASTAL A ZONES  
141 (IF DELINEATED).

142 (B) APPLY TO ALL DEVELOPMENT, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS  
143 (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE), AND PLACEMENT, REPLACEMENT, AND  
144 SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE) OF MANUFACTURED  
145 HOMES.

146 [apply to all new construction; substantial improvements (including repair of substantial damage);  
147 placement, replacement, and substantial improvement (including repair of substantial damage) of  
148 manufactured homes; and development proposed in flood hazard areas that are not identified as  
149 coastal high hazard areas (V Zones) or Coastal A Zones. These flood hazard areas, referred to  
150 collectively as "A Zones," include special flood hazard areas along nontidal waters of the State and  
151 special flood hazard areas that are landward tidal shorelines without V Zones and landward of  
152 Coastal A Zones (if delineated). [Note: See Section 231.7 for requirements for horizontal addition.

153 2. Coastal A Zones.

154 In Coastal A Zones:

155 (A) New construction and the placement of new manufactured homes shall comply with the  
156 requirements of Section 232.

157 (B) Substantial improvements (including repair of substantial damage) and replacement  
158 manufactured homes shall comply with the requirements of Section 231.]

159 3. through 8. – No changes.

160 **Section 232.** – No changes.

161 **Section 233. Variances**

162 1. (A) and (B) – No changes.

163 (C) The Board of Appeals shall notify IN WRITING, any applicant to whom a variance is granted to  
164 construct or substantially improve a building or structure with its lowest floor below the elevation  
165 required by these regulations that the variance is to the floodplain management requirements of these  
166 regulations only, and that the cost of Federal flood insurance will be commensurate with the increased  
167 risk, with rates up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage.

168 (D) – No changes.

169 2. through 4. – No changes.

170 **Section 234 through Section 236 – No changes.**

171


172 **EFFECTIVE DATE:** All provisions of Bill 2013-04 shall be in full force and effect on and after

173

174 August 19, 2013.

**CERTIFICATION**

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

  
BY: Council Manager



CECIL COUNTY BILL NO: 2013-04

Bill Title: Amendment – Zoning Ordinance – Floodplain District

hereby submitted to the County Council of Cecil County, Maryland for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

James Massey  
Council Manager

Date: 6-18-13

ENROLLED

Phil Hodge  
Council President

Date: 6/18/13

BY THE COUNCIL

Read the third time.

Passed - LSD 13-12

Passage Failed - LSD \_\_\_\_\_

BY: James Massey  
Council Manager

SEALED WITH THE COUNTY SEAL AND PRESENTED TO THE COUNTY EXECUTIVE for approval this 19 day of JUNE, 20 13 at 12:00 p.m.  
(10 business days from adoption §306)

BY: James Massey  
Council Manager



BY THE EXECUTIVE:

Jari Moon  
Cecil County Executive

APPROVED Date: 6/19/13

VETOED Date: \_\_\_\_\_  
(10 business days from presentation §306)

BY THE COUNCIL

This Bill No. 2013-04 having been approved by the Executive and returned to the Council becomes law on June 19, 2013 with an effective date of August 19, 2013.

BY: James Massey  
Council Manager