

# DEPARTMENT OF PLANNING AND ZONING CUSTOMER ASSISTANCE GUIDE

Visit us on the web at: [www.co.cal.md.us](http://www.co.cal.md.us)

---

## PERMIT REQUIREMENTS FOR CONSTRUCTION IN THE FLOODPLAIN

REVISED MAY 2006

---

### TIDAL, NONTIDAL AND COASTAL HIGH HAZARD FLOODPLAINS

Development within floodplain areas in Calvert County is regulated by the Calvert County Floodplain Management Ordinance. This Customer Assistance Guide is a summary of the building permit requirements of the Floodplain Ordinance. For a copy of the entire Ordinance, contact:

Department of Planning and Zoning  
County Services Plaza, Suite 304, 150 Main Street, Prince Frederick, MD 20678  
Phone: (410) 535-2348 or (301) 855-1243, ext. 2356

The floodplains are defined by the Federal Flood Insurance Rate Maps (FIRM), alluvial soils, and/or elevation. Where map boundaries and elevations disagree, elevations prevail. Maps are available from the Department of Planning and Zoning.

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 the encroachments into the floodplain are minimized.
2. All new and/or substantially improved structures must have the lowest floor elevated to or above the Flood Protection Elevation (base elevation plus one foot). Existing structures within the Coastal High Hazard area may not be substantially improved or expanded vertically or horizontally unless the entire foundation system is certified by a Professional Engineer or architect as capable of withstanding the effects of a 100-year storm event.
3. Horizontal expansions must also have the lowest floor of the expansion elevated to or above the Flood Protection Elevation.
4. The placement of more than 600 cubic yards of fill per parcel or lot in the floodplain is prohibited. Methods other than fill, for elevating structures, must be considered even where 600 cubic yards or less are required.

**Note:** Within the Coastal High Hazard Area, the use of fill for elevation and/or structural support is prohibited.

Note: No building, grading, electrical or plumbing permits shall be approved if a zoning violation is pending on the property. See Section 1-7.01.G of the Zoning Ordinance.

## GENERAL REGULATIONS:

1. A County building permit is required for all construction within a 100-year floodplain (Refer to Customer Assistance Guide for Building Permits). The Inspections and Permits office will forward the permit application to the appropriate Planning and Zoning staff for determination of any specific requirements which must be met before a permit for construction can be approved.
2. If a structure is in more than one floodplain zone, the more stringent provisions shall apply to the entire structure.
3. When required, an Elevation Certificate prepared by a Professional Engineer, showing proper elevation of the structure to or above the required Flood Protection Elevation, must be submitted prior to framing of the structure to ensure proper elevation before additional work continues. Work undertaken prior to submission of the certification is at the applicant's risk. A Certificate of Occupancy will not be issued by the Division of Inspections and Permits if an Elevation Certificate is not submitted.

A form entitled, "Agreement to Supply Elevation Certificate for New or Improved Buildings in the Floodplain" must be submitted with the building permit application.

4. 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 (less land value) 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 are not considered substantial improvements.

5. For enclosed areas below the Flood Protection Elevation, a *Nonconversion Agreement* is required, which limits the use of the structure and includes a requirement for the water equalizing vents. Recordation of a Memorandum of Land Restriction is required if the enclosed area exceeds 300 square feet. Enclosures that do not meet elevation requirements may not exceed 600 square feet.
6. Basements and other below-grade enclosures are not allowed in any flood zone.
7. All structures shall be firmly anchored in accordance with acceptable engineering practices to prevent flotation, collapse and lateral movement during flooding. All air ducts, large pipes and storage tanks located below the Flood Protection Elevation shall be firmly anchored to resist flotation.

8. All electric utilities to the building side of the meter, both interior and exterior, are regulated by the Floodplain Management Ordinance. Distribution panel boxes must be at least two (2) feet above the Flood Protection Elevation. All outlets and electrical installations, such as heat pumps, air conditioners, water heaters, furnaces, generators and distribution systems must be installed at or above the Flood Protection Elevation.

Toilets, sinks, showers, water heaters, pressure tanks, furnaces and other permanent plumbing installations must be installed at or above the Flood Protection Elevation.

Gas meters, distribution lines and gas appliances must be installed at or above the Flood Protection Elevation.

Water supply distribution and sanitary disposal collection systems must be designed to minimize or eliminate the infiltration of floodwaters into the systems or discharges from the systems into flood waters and shall be located and constructed so as to minimize or eliminate flood damage. On-site sewage disposal systems shall meet these same standards.

9. 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:

- a. The floor of the structure must be at or above grade;
- b. The structure must be located, oriented and constructed so as to minimize flood damage; and
- c. The structure must be firmly anchored to prevent flotation.

### **Attached Garages**

A garage attached to the main structure shall be elevated as close to the Flood Protection Elevation as possible, but may be exempted from the strict elevation requirements if it is used solely for parking storage, or building access, and is no more than 600 square feet. Attached garages must meet venting requirements, have all interior walls, ceilings and floors below the Flood Protection Elevation unfinished. A Nonconversion Agreement must be signed and recorded by the property owner stating the garage cannot be used for human habitation without first complying with the Floodplain Management Ordinance.

### **Detached Garages and Accessory Structures**

An accessory structure or detached garage may be exempted from the elevation requirement if it is less than 300 square feet, used solely for parking of vehicles and limited storage, meets prescribed venting requirements, has all interior wall, ceiling and floor elements below the Flood Protection Elevation unfinished, and has no machinery, electric devices or appliances located below the Flood Protection Elevation. The property owner must sign a Nonconversion Agreement.

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 conditional permit, while one 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 be used only for storage and parking. A conditioned permit is subject to the applicant's completion of a Nonconversion Agreement and the installation of water equalizing vents. In addition, a Memorandum of Land Restriction must be legally recorded at the Land Records Office which states the permitted structure may not be used for human habitation without first complying with the Floodplain Management Ordinance.

10. 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 Planning and Zoning. A copy of the permit or other verification must be displayed at the construction site.

**INFORMATION REQUIRED FOR A BUILDING PERMIT**

In addition to standard building permit application requirements, applications for a building permit within the regulatory floodplain must clearly indicate the following:

1. Proposed uses for the site;
2. Site characteristics and improvements;
3. Elevation contours in mean sea level (National Geodetic Vertical Datum);
4. Delineation of the 100-year flood elevation and boundary;
5. Proposed elevation of the lowest floor and method of elevation, if applicable.

<p><i>This publication has been approved by:</i></p>  <p>Gregory A. Bowen, Director <b>Planning and Zoning</b></p>	<p><i>Date:</i> 5/3/06</p>  <p>Douglas A. Parran <b>County Administrator</b></p>
---	--