

First Reading 6-15-15

Second Reading 7-6-15

ORDINANCE 2015- 12

AN ORDINANCE TO REPEAL AND REENACT
WITH AMENDMENT ARTICLE II, ENTITLED FLOOD
DAMAGE PREVENTION, OF CHAPTER 38 OF THE CODE OF
THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE
MAYOR AND CITY COUNCIL OF OCEAN CITY THAT ARTICLE II,
ENTITLED FLOOD DAMAGE PREVENTION, OF CHAPTER 38 OF THE
CODE OF THE TOWN OF OCEAN CITY, MARYLAND, BY, AND THAT
SAME IS HEREBY, REPEALED AND IT IS HEREBY REENACTED WITH
AMENDMENT, AS FOLLOWS:

ARTICLE II. - FLOOD DAMAGE PREVENTION

DIVISION 1. - GENERALLY

Sec. 38-31. - Definitions and rules of construction.

(a) For the purposes of this article, the following definitions shall apply in the interpretation, enforcement and intent of this article. When not inconsistent with the context, words used in the present tense include the future, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

(b) As used in this article, the following terms shall have the meanings indicated:

Accessory structure. A subordinate building or structure on the same lot with, and of a nature customarily incidental to, the main or principal building (e.g., sheds, detached garages). For the purposes of these regulations, an accessory structure shall be used solely for parking of vehicles and limited storage.

Base flood. The flood having a one-percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the 1-percent annual chance (100-year) flood.

Base flood elevation. The elevation of the flood having a one percent chance of being equaled or exceeded in any given year (the level of the 100-year flood).

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall. A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Building limit line. The oceanfront construction limit line created and described in chapter 106, article IV of the Code of the Town of Ocean City.

Building permit. The permit as required by the Code of Ocean City, Maryland.

Coastal high-hazard area. The portion of the coastal floodplain having special flood hazards, that is subject to velocity waters, including hurricane wave wash and tidal waves, and which is designated as a V zone on the applicable flood maps.

Critical foundation area. For the purposes of this article, the following two areas:

- (1) That area east of the easterly right-of-way line of Baltimore Avenue lying north of 26th Street and south of 33rd Street.
- (2) That area lying east of a point 250 feet west of the beach replenishment project line, lying north of 33rd Street and south of the division line between the State of Maryland and the State of Delaware.

Critical and Essential Facilities. Buildings and other structures that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow or earthquakes. Critical and essential facilities typically include hospitals, fire stations, police stations, storage of critical records, facilities that handle or store hazardous materials, and similar facilities.

Declaration of land restriction (nonconversion agreement). A form signed by the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures.

Department. The Department of Planning and Community Development of Ocean City, Maryland.

Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, placement of manufactured homes, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials, and other land disturbance activities.

Dune setback line. A line located 75 feet westward of the beach replenishment project line. The purpose of the "dune setback line" is to protect the integrity of any naturally occurring or manmade dunes.

Elevations. Wherever used, plus (+) or minus (-) shall refer to the mean level (NAVD 1988) of the Atlantic Ocean datum, United States Coast and Geodetic Survey of Atlantic Ocean, Ocean City, Maryland.

Elevation certificate. FEMA form on which surveyed elevations and other data pertinent to a property and a building are identified and which shall be completed by a licensed professional land surveyor or a licensed professional engineer, as specified by the Floodplain Administrator. When used to document the height above grade of buildings in special flood hazard areas for which base flood elevation data are not available, the Elevation Certificate shall be completed in accordance with the instructions issued by FEMA.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from abnormally high tidal water or rising coastal waters resulting from severe storms, hurricanes or tidal waves.

Flood maps or flood insurance rate maps. An official map on which the Federal Emergency Management Agency has delineated special flood hazard areas to indicate the magnitude and nature of flood hazards, to designate applicable flood zones, and to delineate floodways, if applicable. FIRMs that have been prepared in digital format or converted to digital format are referred to as Digital FIRMs (DFIRM).

Flood insurance study. The official report in which the Federal Emergency Management Agency has provided flood profiles, floodway information, and the water surface elevations.

Floodproof or floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodproofing certificate. FEMA form that is to be completed, signed and sealed by a licensed professional engineer or licensed architect to certify that the design of floodproofing and proposed methods of construction are in accordance with the applicable requirements of these regulations.

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

Free-of-Obstruction. A term that describes open foundations (pilings, columns, or piers) without attached elements or foundation components that would obstruct the free passage of floodwaters and waves beneath structures that are elevated on such foundations.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Grade, highest adjacent. The highest natural elevation of the ground surface prior to construction next to the proposed foundation of a structure.

Grade, post-construction. The final elevations of the ground surface next to the walls of a structure after construction.

Habitable space. Any area usable for living purposes, which includes sleeping, eating or cooking, or a combination thereof.

Historic structure. Any structure that is:

(1) Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(3) Individually listed on the Maryland Register of Historic Places.

Level of 100-year flood. The highest level of flooding that, on the average, is likely to occur once every 100 years (or has a one percent chance of occurring each year), as shown on the flood insurance rate map (the base flood elevation).

Limit of Moderate Wave Action (LiMWA). Inland limit of the area affected by waves greater than 1.5 feet during the base flood. Base flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

Lowest floor. The lowest floor of the lowest enclosed area, including basements. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or limited storage in an area other than a basement area, is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this article.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle" as defined herein.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

Maryland Department of the Environment (MDE). A principal department of the State of Maryland that is charged with, among other responsibilities, the coordination of the National Flood Insurance Program in Maryland (NFIP State Coordinator) and the administration of regulatory programs for development and construction that occur within the waters of the State, including nontidal wetlands, nontidal waters and floodplains, and State and private tidal wetlands (Tidal Wetlands). Unless otherwise specified, "MDE" refers to the Department's Wetlands and Waterways Program.

New construction/structure. For floodplain management purposes, structures, including additions and improvements, and the placement of manufactured homes, for which the start of construction commenced on or after December 19, 1975, the initial effective date of the Town of Ocean City Flood Insurance Rate Map, including any subsequent improvements, alterations, modifications, and additions to such structures.

100-year storm. The level of flooding, water loads, wind speeds, duration, direction and forces which, when acting simultaneously, result in severe beach erosion and overwash and have a one percent chance of occurring each year.

Recreational vehicle. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Special flood hazard area. The land in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AH, AO, A1 30, and A99, and Zones VE and V1-30. The term includes areas shown on other flood maps that are identified in Section 38-33.

Start of construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does

it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. That which is built or constructed; such as, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Also used as "substantially damaged" structures.

Substantial improvement. Any combination of reconstruction, rehabilitation, addition or other improvement of a structure taking place during a ten year period, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. "Substantial improvement" is commenced when the first alteration of any structural part of the building is begun; costs of incremental improvements to a building or structure shall accumulate with respect to the 50 percent criterion which defines substantial improvement.

Temporary structure. A structure installed, used, or erected for a period of less than 180 days.

Variance. A grant of relief from the strict application of one or more requirements of these regulations.

Violation. Any construction or development in a special flood hazard area that is being performed without an issued permit. The failure of a building, structure, or other development for which a permit is issued to be fully compliant with these regulations and the conditions of the issued permit.

Watercourse. The channel, including channel banks and bed, of nontidal waters of the State.

Sec. 38-32. - Violations and penalties.

(a) Compliance required.

- (1) No building, structure or development shall hereafter be located, erected, constructed, reconstructed, improved, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations.
- (2) Failure to obtain a permit shall be a violation of these regulations and shall be subject to penalties in accordance with this Section
- (3) Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that are contrary to that authorization shall be deemed a violation of these regulations.

(b) Notice of violation and stop work order.

If the Floodplain Administrator determines that there has been a violation of any provision of these regulations, the Floodplain Administrator shall give notice of such violation to the owner, the owner's authorized agent, and the person responsible for such violation, and may issue a stop work order. The notice of violation or stop work order shall be in writing and shall:

- (1) Include a list of violations, referring to the section or sections of these regulations that have been violated;
 - (2) Order remedial action which, if taken, will effect compliance with the provisions of these regulations;
 - (3) Specify a reasonable period of time to correct the violation;
 - (4) Advise the recipients of the right to appeal; and
 - (5) Be served in person; or
 - (6) Be posted in a conspicuous place in or on the property and sent by registered or certified mail to the last known mailing address, residence, or place of business of the recipients.
- (c) Any person, partnership, joint venture, corporation or other entity violating this article shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500.00. Each day that this article is violated shall be deemed a separate offense.
- (d) In addition to the fines and penalties herein described, the Mayor and City Council of Ocean City may avail itself of any and all civil and equitable remedies for the purpose of stopping continuing violation of this article.

Sec. 38-33. - Purpose and intent; adoption of maps.

- (a) The purpose of this article is to provide for adequate minimum standards and procedures for the construction of new residential and nonresidential structures, including manufactured homes, and for such structures that are substantially improved so that such structures can be eligible for insurance under the National Flood Insurance Program and so that the construction of such structures will be in conformity with recognized construction techniques designed to offer flood protection. Any change in the delineation of floodplain districts shall be subject to the review and approval of the Federal Emergency Management Agency (in this article referred to as "FEMA").
- (b) The flood insurance rate maps, including the zone designations on said maps and all explanatory material noted thereon, are hereby incorporated into this article by reference in their entirety. Said maps shall be kept in the custody of the Department of Planning and Community Development, which is the department delegated the administrative responsibility by the Mayor and City Council of Ocean City, Maryland, for the approval and issuance of building permits. Said maps shall be referred to for a determination of the floodprone and specified hazard areas and the 100-year base flood elevation line for a calculation of construction requirements for any structure within the incorporated areas of Ocean City, Maryland, under the provisions of this article.
- (c) The Town of Ocean City, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on June 18, 1971. As of that date, or as of December 19, 1975, the initial effective date of the Town of Ocean City Flood Insurance Rate Map, all development and new construction as defined herein, are to be compliant with these regulations.

- (d) The Maryland General Assembly, in Md. Code Ann., Land Use Article, Title 4, has established as policy of the State that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and that planning and zoning controls shall be implemented by local government in order to, among other purposes, secure the public safety, promote health and general welfare, and promote the conservation of natural resources. Therefore, the Mayor and Council of Ocean City does hereby adopt the following floodplain management regulations.
- (e) It is the purpose of these regulations to promote the public health, safety and general welfare, and to:
- (1) Protect human life, health and welfare
 - (2) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
 - (3) Minimize flooding of water supply and sanitary sewage disposal systems;
 - (4) Maintain natural drainage
 - (5) Reduce financial burdens imposed on the community, its governmental units and its residents, by discouraging unwise design and construction of development in areas subject to flooding;
 - (6) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (7) Minimize prolonged business interruptions
 - (8) Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
 - (9) Reinforce that those who build in and occupy special flood hazard areas should assume responsibility for their actions
 - (10) Minimize the impact of development on adjacent properties within and near flood-prone areas
 - (11) Provide that the flood storage and conveyance functions of floodplains are maintained;
 - (12) Minimize the impact of development on the natural and beneficial functions of floodplains
 - (13) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
 - (14) Meet community participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22
- (f) These regulations shall apply to all special flood hazard areas within the jurisdiction of the Town of Ocean City, and identified in this section.
- (g) For the purposes of these regulations, the minimum basis for establishing special flood hazard areas and base flood elevations is the Flood Insurance Study for Worcester County, Maryland And Incorporated Areas dated July 16, 2015, or the most recent revision thereof, and the accompanying Flood Insurance Rate Maps and all subsequent amendments and revisions to the FIRMs.

(h)

Sec. 38-34. - Conflicting regulations.

In the event that any provision of this article, other than the provisions of section 38-54, conflicts with any provision of any other ordinance or if any two provisions of this article conflict with each other, that provision or ordinance requiring the greatest elevation or most substantial building requirement shall control. The intention of this section is to give this article, or section therein, precedence over any other ordinance whose provisions are less severe. However, provisions of all other codes, ordinances, resolutions and regulations shall be applicable insofar as they are consistent with the provisions of this article and Ocean City's need to minimize the hazardous conditions and property damage resulting from flood conditions.

Sec. 38-35. - Abrogation and greater restrictions.

These regulations are not intended to repeal or abrogate any existing regulations and ordinances, including subdivision regulations, zoning ordinances, building codes, or any existing easements, covenants, or deed restrictions. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

Sec. 38-36. - Warning and disclaimer of liability.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and flood heights may be increased by man made or natural causes. These regulations do not imply 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.

These regulations shall not create liability on the part of the Town of Ocean City, 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 regulations or any administrative decision lawfully made hereunder.

Secs. 38-37—38-50. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 38-51. - Designation of the floodplain administrator.

The Chief Building Official and or his designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (1) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (2) Enter into a written agreement or written contract with another Maryland community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22.

Sec. 38-52. - Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (a) Review applications for permits to determine whether proposed activities will be located in flood hazard areas.
- (b) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (d) Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required.
- (e) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Ocean City, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations or boundaries
- (f) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
- (g) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations
- (h) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Ocean City have been modified and:
 - (1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - (2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place within six months of the date of annexation and a copy of the amended regulations shall be provided to MDE (NFIP State Coordinator) and FEMA.

Sec. 38-54. - Permits required and expiration.

- (a) It shall be unlawful for any person to begin any development or construction which is wholly within, partially within, or in contact with any flood hazard area established in Section 38.33, including but not limited to: filling; grading; construction of new structures; the substantial improvement of buildings or

structures, including repair of substantial damage; placement or replacement of manufactured homes, including substantial improvement or repair of substantial damage of manufactured homes; erecting or installing a temporary structure, or alteration of a watercourse, until a permit is obtained from the Town of Ocean City. No such permit shall be issued until the requirements of these regulations have been met.

- (b) A permit is valid provided the actual start of work is within 180 days of the date of permit issuance. Requests for extensions shall be submitted in writing and justifiable cause demonstrated. The Floodplain Administrator may grant, in writing, one or more extensions of time, for additional periods not exceeding 90 days each and provided there has been no amendment or revision to the basis for establishing special flood hazard areas and BFEs set forth in Section 38-33.

Sec. 38-55. - Application required.

Application for a permit shall be made by the owner of the property or the owner's authorized agent (herein referred to as the applicant) prior to the start of any work. The application shall be on a form furnished for that purpose.

- (a) Application contents.

At a minimum, applications shall include:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and existing and proposed topography of the area in question, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, and other proposed activities.
- (2) Elevation of the existing natural ground where buildings or structures are proposed, referenced to the datum on the FIRM.
- (3) Delineation of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks. Base flood elevations shall be used to delineate the boundary of flood hazard areas and such delineations shall prevail over the boundary of SFHAs shown on FIRMs.
- (4) If fill is proposed to be placed for a purpose other than to elevate structures, the applicant shall indicate the intended purpose for the fill.
- (5) For proposed buildings and structures, including substantial improvement and repair of substantial damage, and placement and replacement of manufactured homes, including substantial improvement and repair of substantial damage:
 - a. The proposed elevation of the lowest floor, including basement, referenced to the datum on the FIRM and a signed Agreement to Submit an Elevation Certificate.
 - b. The signed Declaration of Land Restriction (Nonconversion Agreement) that shall be submitted to the Chief Building official prior to issuance of the Certificate of Occupancy, if the application includes an enclosure below the lowest floor or a crawl/underfloor space that is more than four (4) feet in height.
- (6) For accessory structures that are 300 square feet or larger in area (footprint) and that are below the base flood elevation, a variance is required as set forth in Section 38-62 and 38-63. If a variance is granted, a signed Declaration of Land

Restriction (Nonconversion Agreement) shall be submitted to the Chief Building Official prior to issuance of the Certificate of Occupancy.

- (7) For temporary structures and temporary storage, specification of the duration of the temporary use.
 - (8) For proposed work on existing buildings, structure, and manufactured homes, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes substantial improvement or repair of substantial damage, including but not limited to:
 - a. If the existing building or structure was constructed after June 18, 1971, evidence that the work will not alter any aspect of the building or structure that was required for compliance with the floodplain management requirements in effect at the time the building or structure was permitted.
 - b. If the proposed work is a horizontal addition, a description of the addition and whether it will be independently supported or structurally connected to the base building and the nature of all other modifications to the base building, if any.
 - c. Documentation of the market value of the building or structure before the improvement or, if the work is repair of damage, before the damage occurred.
 - d. Documentation of the actual cash value of all proposed work, including the actual cash value of all work necessary to repair and restore damage to the before-damaged condition, regardless of the amount of work that will be performed. The value of work performed by the owner or volunteers shall be valued at market labor rates; the value of donated or discounted materials shall be valued at market rates.
 - (9) Certifications and/or technical analyses prepared or conducted by a licensed professional engineer or licensed architect, as appropriate, including:
 - a. The determination of the base flood elevations or hydrologic and hydraulic engineering analyses prepared by a licensed professional engineer that are required by the Floodplain Administrator or are required by these regulations.
 - b. The Floodproofing Certificate for nonresidential structures that are floodproofed as required in Section 38-73(a).
 - c. Certification that engineered flood openings are designed to meet the minimum requirements of Section 38-72(c) to automatically equalize hydrostatic flood forces.
 - d. Certification that the proposed elevation, structural design, specifications and plans, and the methods of construction to be used for structures in coastal high hazard areas (V Zones) and Coastal A Zones, are in accordance with accepted standards of practice and meet the requirements of Section 38-74.
 - (10) For nonresidential structures that are proposed with floodproofing, an operations and maintenance plan as specified in Section 38-73(a).
 - (11) Such other material and information as may be requested by the Floodplain Administrator and necessary to determine conformance with these regulations.
- (b) New technical data.
- (1) The applicant may seek a Letter of Map Change by submitting new technical data to FEMA, such as base maps, topography, and engineering analyses to support revision of floodplain and floodway boundaries and/or base flood

elevations. Such submissions shall be prepared in a format acceptable to FEMA and any fees shall be the sole responsibility of the applicant. A copy of the submittal shall be attached to the application for a permit.

- (2) If the applicant submits new technical data to support any change in floodplain and designated floodway boundaries and/or base flood elevations but has not sought a Letter of Map Change from FEMA, the applicant shall submit such data to FEMA as soon as practicable, but not later than six months after the date such information becomes available. Such submissions shall be prepared in a format acceptable to FEMA and any fees shall be the sole responsibility of the applicant

Sec. 38-56. - Review of application.

The Floodplain Administrator shall:

- (a) Review applications for development in special flood hazard areas to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information that is required to support the application.
- (b) Notify applicants that permits from MDE and the U.S. Army Corps of Engineers, and other State and Federal authorities may be required.
- (c) Review all permit applications to assure that all necessary permits have been received from the Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits.
- (d) Review applications for compliance with these regulations after all information required in Section 38-55 of these regulations or identified and required by the Floodplain Administrator has been received.

Sec. 38-57. – Inspections.

The Floodplain Administrator shall make periodic inspections of development permitted in special flood hazard areas, at appropriate times throughout the period of construction in order to monitor compliance. Such inspections may include:

- (a) Foundation inspection, upon placement of the lowest floor and prior to further vertical construction, to collect information or certification of the elevation of the lowest floor.
- (b) Inspection of enclosures below the lowest floor, including crawl/underfloor spaces, to determine compliance with applicable provisions.
- (c) Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the base flood elevation.
- (d) Final inspection prior to issuance of the Certificate of Occupancy.

Sec. 38-58. - Submissions required prior to final inspection.

Pursuant to the Agreement to Submit an Elevation Certificate submitted with the application as required in Section 38-55(a), the permittee shall have an Elevation Certificate prepared and submitted prior to final inspection and issuance of a Certificate of Occupancy for elevated structures and manufactured homes, including new structures

and manufactured homes, substantially-improved structures and manufactured homes, and additions to structures and manufactured homes.

Sec. 38-59. - Nonconforming uses in coastal high-hazard areas (V zones).

Within those areas designated as V zones by the flood maps, all nonconforming uses on land below the 100-year flood level shall only be expanded or substantially improved if such expansions or improvements comply with the provisions of this article.

Sec. 38-60. - Review of building permit applications.

Within those incorporated areas of Ocean City, Maryland, designated as special flood hazard areas by the flood maps, all building permit applications for new construction or substantial improvement of residential and nonresidential structures, including manufactured homes, shall be reviewed to assure that all necessary permits have been obtained from agencies as required by federal, state and local law. In addition, applications shall be reviewed to assure that the proposed construction shall:

- (1) Be protected against flood damage.
- (2) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure.
- (3) Use construction materials and utility equipment that are resistant to flood damage.
- (4) Use construction methods and practices that will minimize flood damage.
- (5) Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. This requirement shall be mandatory for all replacement of any service facilities. All new and replaced service facilities or equipment shall be elevated in accordance with section 38-71 titled minimum elevation requirements, with the exception that the bottom of all duct work shall be a minimum of one foot above FEMA Flood Elevation Requirement.

(
Sec. 38-61. - Certifications of elevation and floodproofing.

- (a) Within those incorporated areas of Ocean City, Maryland, , all building permit applications for the construction or substantial improvement of residential and nonresidential structures, including manufactured homes, shall have indicated thereon the lowest floor elevation or floodproofing elevation in reference to mean sea level (NAVD). Such elevation shall also be shown on the building permit and must be approved as meeting the requirements of this article by the department prior to the issuance of a building permit. Before a certificate of occupancy is issued for the structure, the department shall inspect the premises to assure that the requirements of this article have been met. Before a certificate of occupancy is issued for the structure, the owner shall submit to the department an elevation certificate, prepared by a registered surveyor, to certify that the requirements of this article have been met.
- (b) Before a certificate of occupancy is issued for a nonresidential structure that has been floodproofed in accordance with section 38-73(a), a certification of floodproofing completed by a registered engineer or architect must be submitted to the department.

Sec. 38-62. - Variances generally.

The Board of Adjustments and Appeals of Ocean City shall have the power to consider and authorize or deny variances from the strict application of the requirements of these regulations. A variance shall be approved only if it is determined to not be contrary to the public interest and where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations, an unnecessary hardship would result.

Upon consideration of the purposes of these regulations, the individual circumstances, and the considerations and limitations of this section, the Board of Adjustments and Appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

The Board of Adjustments and Appeals shall notify, in writing, any applicant to whom a variance is granted to construct or substantially improve a building or structure with its lowest floor below the elevation required by these regulations that the variance is to the floodplain management requirements of these regulations only, and that the cost of Federal flood insurance will be commensurate with the increased risk.

A record of all variance actions, including justification for issuance shall be maintained pursuant to Section 38.52(k) of these regulations.

- (a) An owner of property, or his representative, may seek a variance from the requirements of this article by application to the Board of Adjustments and Appeals of Ocean City. In no instance may a variance to minimum elevation requirement be granted which would permit a lowest floor (including basement) to be below the base flood elevation.
- (b) In deciding on requests for variances, the Board of Adjustments and Appeals shall be guided by the following provisions:
 - (1) The effect of the variance on preexisting structures in the area.
 - (2) That the applicant demonstrates good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulate standards other than health and public safety.
 - (3) That failure to grant the variance would result in exceptional noneconomic hardship to the applicant due to the physical characteristics of the property.
 - (4) That the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense and will not create nuisances or cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (5) That the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (6) That the building, structure or other development is protected by methods to minimize flood damages.
- (c) In the event a variance is granted, the board shall provide that the building permit issued shall, in writing, indicate:
 - (1) That the proposed structure or proposed addition or proposed improvement is located in a floodprone area.

- (2) That flood insurance rates will increase commensurate with the distance between the lowest floor or floodproofed level elevation and the base flood elevation.
- (3) That the conditions of the variance shall be particularized in an agreement by and between the property owner and the Mayor and City Council of Ocean City. Said agreement shall be recorded in the land records of Worcester County and shall be deemed to be a restriction which runs with the land.
- (d) The department shall maintain a record of all variances granted by the board, including the justification for their issuance. A record of all variances granted shall be provided to the federal insurance administrator annually.

Sec. 38-63. - Variances for accessory structures.

- (a) Within all areas except those located in a V Zone, a newly proposed accessory structure is hereby granted a variance to allow its lowest floor elevation to be below that of the base flood elevation if all of the following stipulations are met:
 - (1) A statement shall be placed on the building plans which shall read as follows: "No conversion of this area to habitable space is to occur unless the lowest floor is elevated to a point above the base flood elevation. At this site the base flood elevation is _____."
 - (2) The floor elevation of the accessory structure shall not qualify as a basement and must be constructed on grade.
 - (3) The accessory structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - (4) The accessory structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (5) The accessory structure shall be designed to have low flood damage potential.
 - (6) The service facilities, such as electrical and heating equipment, shall be elevated one foot above applicable base flood elevation or be flood-proofed.
 - (7) The accessory structure shall be comprised of no more than 300 square feet and no more than one story.
 - (8) The accessory structures shall be designed to meet or exceed the following minimum criteria:
 - a. A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all flood openings shall be no higher than one foot above grade.
 - c. Flood openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (b) The applicant shall be made aware that, if the accessory structure is built below the base flood elevation, the aforesaid structure may be susceptible to higher insurance premium rates for the structure and its contents.

Sec. 38-64. - Considerations for Variances

The Floodplain Administrator may request comments on variance applications from MDE (NFIP State Coordinator) and shall provide such comments to the Board of Adjustments and Appeals.

In considering variance applications, the Board of Adjustments and Appeals shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and should consider the following factors:

- (a) The danger that materials may be swept onto other lands to the injury of others.
- (b) The danger to life and property due to flooding or erosion damage.
- (c) The susceptibility of the proposed development and its contents (if applicable) to flood damage.
- (d) The importance of the services to the community provided by the proposed development.
- (e) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, flooding or erosion damage.
- (f) The necessity to the facility of a waterfront location, where applicable, or if the facility is a functionally dependent use.
- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that area.
- (i) The safety of access to the property in times of flood for passenger vehicles and emergency vehicles.
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (k) The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (l) Any comments provided by MDE (NFIP State Coordinator).

Secs. 38-65—38-70. - Reserved.

DIVISION 3. - FLOOD HAZARD REDUCTION

Sec. 38-71. - Minimum elevation requirements.

- (a) Notwithstanding the requirements of any other section of the Code or any lesser requirements of the Federal Emergency Management Agency, the elevation of the lowest floor, including basement, of any residential building, structure or manufactured home, or any elevated nonresidential structure, within Ocean City, Maryland, shall be as follows:
 - (1) In any V zone, Structures prohibited
 - (2) East of the dune setback line, a minimum of 15.7 feet above mean sea level (NAVD 1988)
 - (3) In the critical foundation area, as defined in this article and in chapter 10, article IV, division 2 (foundation requirements), and west of the dune setback line, a minimum of three feet above the base flood elevation as shown on the flood insurance rate map or if located in an x zone or other area without a mapped base flood elevation a minimum of 3' above the highest adjacent grade.
 - (4) In an area east of the easterly right-of-way of Coastal Highway or Philadelphia Avenue and not in the critical foundation area or a V zone, a minimum of three feet

above the base flood elevation or if located in an x zone or other area without a mapped base flood elevation, a minimum of two feet above highest adjacent grade.

- (5) In the area west of the westerly right-of-way of Coastal Highway or Philadelphia Avenue, a minimum of three feet above the base flood elevation or if located in an x zone or other area without a mapped base flood elevation, a minimum of two feet above highest adjacent grade.
 - (6) In all blocks south of Third Street, except the westerly 150 feet of block 29 and all of block 41 of the Sinepuxent Beach Company plat, the elevation shall be at or above the base flood elevation as established by the flood insurance rate map, or if no established base flood elevation, at or above highest adjacent grade. Property owners elevating buildings only to the base flood elevation shall be advised of the increased risk of flood damage and potential higher flood insurance costs.
 - (7) In the area fronting Atlantic Ave from the inlet to 27 Street, in no case shall the lowest floor be below the elevation of the top of the boardwalk adjacent to the property.
- (b) In all cases, the elevations of the post-construction grades of any site shall be such that surface water drainage shall be to the existing or proposed streets or alleys.

Sec. 38-72. - Requirements for residential construction.

- (a) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated according to the requirements of section 38-71 of this article.
- (b) All new construction and substantial improvements of residential structures within an AO zone shall have the lowest floor (including basement) elevated to the highest of the following:
 - (1) The requirements of section 38-71 of this article;
 - (2) Three feet above the highest post-construction grade; or
 - (3) Three feet above the highest adjacent grade.
- (c) For all new construction and substantial improvements, fully enclosed areas below the lowest floor used solely for parking of vehicles, building access or limited storage in an area other than a basement, that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all flood openings shall be no higher than one foot above grade.
 - (3) Flood openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (d)

Sec. 38-73. - Requirements for nonresidential construction.

- (a) All new construction and substantial improvements of nonresidential structures shall have the lowest floor, including basement, elevated according to the requirements of section 38-71 or, together with attendant utility and sanitary facilities, shall be floodproofed so that below minimum elevation requirements specified in section 38-

71, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting, hydrostatic and hydrodynamic loads and effects of buoyancy.

- (1) When the floodproofing option is selected, a registered professional engineer or architect shall develop and/or review structural design specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these requirements. In addition, structures shall:
 - a. Be designed to be dry floodproofed such that the building or structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the flood protection elevation as specified in Section 38-71, or
 - b. If located in an area of shallow flooding (Zone AO), be dry floodproofed at least as high above the highest adjacent grade as the depth number specified on the FIRM plus three (3) feet, or at least five (5) feet if a depth number is not specified; and
 - c. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - d. Have floodproofing measures that are designed taking into consideration the nature of flood-related hazards; frequency, depth and duration of flooding; rate of rise and fall of floodwater; soil characteristics; flood-borne debris; at least 12 hours of flood warning time from a credible source; and time necessary to implement any measures that require human intervention;
 - e. Have at least one door above the applicable flood elevation that allows human ingress and egress during conditions of flooding;
 - f. Have an operations and maintenance plan that is filed with local officials and that specifies the owner/occupant's responsibilities to monitor flood potential; the location of any shields, doors, closures, tools, or other goods that are required for implementation; maintenance of such goods; methods of installation; and periodic inspection; and
 - g. Be certified by a licensed professional engineer or licensed architect, through execution of a Floodproofing Certificate that states that the design and methods of construction meet the requirements of this section. The Floodproofing Certificate shall be submitted with the construction drawings as required in Section 38-55(a)(13).
 - (2) A floodproofing design which requires human intervention may only be used for additions, including substantial improvements, to existing nonresidential structures. Human intervention may not be part of a floodproofing design for new structures as defined in section 38-31.
 - (3) Floodproofing of new nonresidential buildings is not allowed in Coastal V Zones.
- (b) Elevation.
- (1) All new construction and substantial improvements of nonresidential structures within any AO zone shall have the lowest floor (including basement) elevated to the highest of the following:
 - a. The requirements of section 38-71 of this article;
 - b. Three feet above the highest post-construction grade; or
 - c. Three feet above the highest adjacent grade.

- (2) In lieu of elevation, a nonresidential structure, together with attendant utility and sanitary facilities, may be completely floodproofed to the appropriate elevation level as determined above to meet the floodproofing standard specified in section 38-73(a).
- (c) For all new construction and substantial improvements of elevated nonresidential structures, fully enclosed areas below the lowest floor used solely for parking of vehicles, building access or limited storage in an area other than a basement that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (1) A minimum of two flood openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all flood openings shall be no higher than one foot above grade.
 - (3) Flood openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (d)

Sec. 38-74. - Development east of the dune setback line.

- (a) Within those areas east of the dune setback line as defined herein, land below the level of the 100-year flood shall only be developed if the new construction or substantial improvement complies with all of the following:
 - (1) The structure is located landward of the reach of the mean high tide.
 - (2) The structure is elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated in accordance with section 38-71; and the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the 100-year flood. Wind loading values used shall be those required by the Standard Building Code. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions contained in this subsection.
 - (3) The space below the lowest floor is either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

- b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the 100-year flood. Wind loading values used shall be those required by the Standard Building Code.
 - c. Such enclosed space shall be usable solely for parking of vehicles, building access or limited storage.
 - e. Walls and partitions are permitted below the elevated floor, provided that such walls and partitions are designed to break away under flood loads and are not part of the structural support of the building or structure.
 - f. Electrical, mechanical, and plumbing system components shall not be mounted on or penetrate through walls that are designed to break away under flood loads.
- (4) Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of structures and their foundations to prevent transfer of flood loads to the structures during conditions of flooding, scour, or erosion from wave-velocity flow conditions, and shall be designed to minimize debris impacts to adjacent properties and public infrastructure.
- (b) In V zones or east of the dune setback line, fill may not be used for structural support of buildings.
 - (c) In V zones or east of the dune setback line where fill material is permitted for landscaping or parking lot foundations, such fill material shall be similar in characteristics and composition to the soil existing on site.
 - (d) No manufactured homes or recreational vehicles shall be placed in V zones or within the critical foundation area.
 - (e) Permanent manmade alterations of sand dunes which would increase potential flood damage are prohibited.
 - (f) Where temporary dune alterations are permitted to allow foundation construction, the flood mitigation properties of such dunes shall be fully restored and maintained.

Sec. 38-75. - Manufactured homes and recreational vehicles.

- (a) Manufactured homes/buildings and recreational vehicles are prohibited from any V zone or within the critical foundation area.
- (b) Recreational vehicles placed in any location within Ocean City shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use or meet the permit requirements of section 38-52 and the elevation and anchoring requirements for manufactured homes in section 38-75(c). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.
- (c) Manufactured homes that are placed or substantially improved in any location within Ocean City shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the minimum requirements of section 38-71 and shall be securely anchored to an adequately anchored foundation system

in accordance with the minimum standards of The Town of Ocean City Building Department.

Sec. 38-76. - Subdivision proposals and development proposals.

- (a) In all flood zones:
- (1) Subdivision proposals and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
 - (2) Subdivision proposals and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - (3) Subdivision proposals and development proposals shall have adequate drainage paths provided to reduce exposure to flood hazards and to guide floodwaters around and away from proposed structures.
 - (4) .
 - (5) .

Sec. 38-77. - Protection of water supply and sanitary sewage systems.

- (a) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.
- (c) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of flooding. (note that these systems are not allowed per 94-64)

Sec. 38-78. - Historic Structures

Repair, alteration, addition, rehabilitation, or other improvement of historic structures shall be subject to the requirements of these regulations if the proposed work is determined to be a substantial improvement, unless a determination is made that the proposed work will not preclude the structure's continued designation as a historic structure. The Floodplain Administrator may require documentation of a structure's continued eligibility and designation as a historic structure.

Sec. 38-79. - Critical and essential facilities.

Critical and essential facilities shall:

- (a) Not be located in coastal high hazard areas (V Zones).
- (b) If located in flood hazard areas other than coastal high hazard areas, , be elevated to the elevation required by these regulations.

Sec. 38-80. - Temporary structures and temporary storage

In addition to the application requirements of Section 38-55, applications for the placement or erection of temporary structures and the temporary storage of any goods, materials, and equipment, shall specify the duration of the temporary use. In addition:

- (a) Temporary structures shall:
- (1) Be designed and constructed to prevent flotation, collapse or lateral movement.
 - (2) Have electric service installed in compliance with the electric code; and

(3) Comply with all other requirements of the applicable State and local permit authorities.

(b) Temporary storage shall not include hazardous materials.

Sec. 38-81. Gas or liquid storage tanks.

(a) Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(b) Above-ground tanks in flood hazard areas shall be anchored to a supporting structure and elevated to or above the base flood elevation, or shall be anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(c) In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:

(1) At or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

Sec. 38-82. Functionally dependent uses.

Applications for functionally dependent uses that do not conform to the requirements of these regulations shall be approved only by variances issued pursuant to Section 38-62. If approved, functionally dependent uses shall be protected by methods that minimize flood damage during the base flood, including measures to allow floodwaters to enter and exit, use of flood damage-resistant materials, and elevation of electric service and equipment to the extent practical given the use of the building.

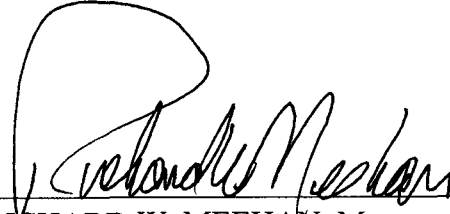
INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on June 15, 2015.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on July 6, 2015.

ATTEST:

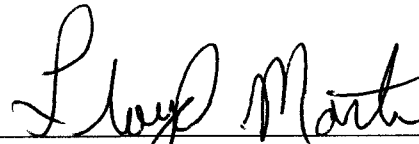


DIANA CHAVIS, Clerk



RICHARD W. MEEHAN, Mayor

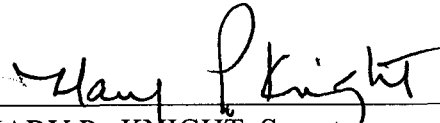
Approved as to Form:



LLOYD MARTIN, President



GUY R. AYRES III, Solicitor



MARY P. KNIGHT, Secretary