

**CITY OF BALTIMORE
COUNCIL BILL 14-0409
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Introduced and read first time: June 23, 2014
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Board of Municipal and Zoning Appeals, Department of Housing and Community Development, Commission on Sustainability

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Floodplain Management Code – Corrective**

3 FOR the purpose of correcting, as mandated by the Federal Emergency Management Agency, the
4 definition of “historic structure”, clarifying an exclusion from the definition of “substantial
5 improvement”, and correcting a misleading conjunction; providing for a special effective
6 date; and generally relating to the protection, maintenance, and enhancement of the public
7 health, safety, and welfare through floodplain management.

8 BY repealing and reordaining

9 Article 7 - Natural Resources
10 Section(s) 1-3(g) and (u)(3) and 3-35(b)(2)
11 Baltimore City Code
12 (Edition 2000)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
14 Laws of Baltimore City read as follows:

15 **Baltimore City Code**

16 **Article 7. Natural Resources**

17 **Subtitle 1. Definitions; General Provisions**

18 **§ 1-3. Definitions – “Floodproofing” to “Wet floodproofing”.**

19 (g) *Historic structure.*

20 “Historic structure” means a structure that is:

21 (1) individually listed in the National Register of Historic Places or certified or
22 preliminarily determined by the Secretary of the Interior as meeting the
23 requirements for individual listing in the Register;

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 14-0409

1 (2) individually listed in the Maryland [Inventory] REGISTER of Historic Properties
2 [or certified or preliminarily determined by the Maryland Historical Trust as
3 meeting the requirements for individual listing in the Inventory];

4 (3) individually listed in the Baltimore City Landmark List; OR

5 (4) certified or preliminarily determined by the Secretary of the Interior as
6 contributing to the historic significance of an historic district registered with the
7 Secretary[]; or

8 (5) certified or preliminarily determined by the Baltimore City Commission for
9 Historical and Architectural Preservation as contributing to the significance of an
10 Historical and Architectural Preservation District].

11 (u) *Substantial improvement.*

12 (3) *Exclusions.*

13 “Substantial improvement” does not include either:

14 (i) an improvement [of a structure] that is [needed] REQUIRED BY A
15 CONDEMNATION OR VIOLATION NOTICE, ORDER, OR CITATION to secure safe
16 living conditions in compliance with State or City health, sanitary, or safety
17 code specifications; or

18 (ii) an alteration of an historic structure, as long as the alteration will not preclude
19 the structure's continued designation as an historic structure.

20 **§ 3-35. Coastal High Hazard Area.**

21 (b) *Land below base flood level.*

22 No land below the level of the base flood may be developed unless the new construction
23 or substantial improvement:

24 . . .

25 (2) is elevated on adequately anchored pilings or columns to resist flotation, collapse,
26 [or] AND lateral movement due to the effects of base-flood wind and water loads
27 acting simultaneously on all building components, and the bottom of the lowest
28 horizontal structural members of the lowest floor (excluding the pilings or
29 columns) is elevated to at least the flood-protection elevation;

30

31 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
32 are not law and may not be considered to have been enacted as a part of this or any prior
33 Ordinance.

34 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
35 is enacted.