

Noteworthy Changes to Allegany County's Floodplain Management Ordinance: A Comparison of Current Versus Proposed Regulations based on the MD Model Ordinance

Regulations	Garrett County	Washington County	
Effective	2/1/2019	8/15/2017	
Adopted	1/22/2019	5/16/2017	
DESCRIPTION	CURRENT Allegany County Regulations	PROPOSED MD Model Ordinance	NOTES
<i>Flood Protection Elevation (FPE)</i>	1' above Base Flood Elevation (BFE) (§325-2, definition).	2' above Base Flood Elevation (Sections 2 (definition) and 5.5(A)(1)).	<ul style="list-style-type: none"> The Floodplain Management Ordinance Review Committee was surveyed. The simple majority voted to keep the FPE at 1' above BFE. In keeping the minimum, staff can always encourage property owners to elevate higher for insurance purposes/benefits. <p style="text-align: center;">Neighboring Counties: Garrett County: 2' above base flood elevation (§2.0, Definitions – Flood Protection Elevation) Washington County: 1' above base flood elevation (§151.006, Definitions – Flood Protection Elevation)</p>
<i>Size Limitation of Detached Garages and Accessory Structures without Elevation Requirement</i>	>900sf building not elevated must go through variance procedure (§325-6(F)(3)(c).	300-600sf not elevated must go through variance procedure (Sections 3.5(10), 5.7 and 7.1). If elevated, variance is not required.	<ul style="list-style-type: none"> FEMA is mandating a size limitation on detached garages and accessory structures to be equal to or less than 600sf. Proposed projects exceeding 600sf must be elevated at or above the 100-year floodplain elevation or BFE. This may entail additional costs accrued to the owner which may deter potential development. Such expenses may involve fill to elevate the structure, while the submittal of elevation certificates required to be completed by a MD licensed surveyor.

			<ul style="list-style-type: none"> Note: There is no size limitation for attached garages (residential). However, the additions must be floodproofed and must not exceed more than 50% of current market value of the existing structure, or it may be deemed a substantial improvement, which may require additional updates to the residence to bring it into compliance (presuming structure is not in compliance with current regulations). <p style="text-align: center;">Neighboring Counties:</p> <p style="text-align: center;">Garrett County:</p> <ul style="list-style-type: none"> Conforms to MD Model Ordinance (§151.090(C)(1-3)). <p style="text-align: center;">Washington County:</p> <ul style="list-style-type: none"> Conforms to MD Model Ordinance (§5.6(A, B)), (§7.1).
<p><i>Agricultural Buildings</i></p>	<p>Nothing noted specifically in regulations.</p>	<p>Nothing noted specifically in regulations. However, structure would be classified as nonresidential. Therefore, ag buildings would be required to conform to nonresidential building standards.</p>	<ul style="list-style-type: none"> As currently written in model ordinance, ag buildings would be classified as a non-residential building. Therefore, elevation would be required. <p style="text-align: center;">Proposed Criteria for <i>Agricultural Buildings</i> in the Floodplain</p> <p style="text-align: center;">Definition:</p> <p><u>Agricultural Building:</u> A structure used solely for the production, harvesting, storage, raising or drying of agricultural commodities and livestock; and specifically excludes any structures for human habitation.</p> <p style="text-align: center;">Agricultural Buildings (A) <i>Agricultural buildings</i> shall be permitted on a case-by-case basis and must comply with the following conditions:</p> <p style="text-align: center;">(1) All <i>agricultural buildings</i> exceeding 600 square feet total floor area are subject to the <i>variance procedure</i>. Refer to Section 7.0.</p>

			<p>(2) If possible, always place <i>agricultural buildings</i> out of the SFPHA;</p> <p>(3) The building shall be elevated to the highest extent practicable;</p> <p>(4) All <i>agricultural buildings</i> shall be anchored to the ground to resist floatation, collapse and lateral movement;</p> <p>(5) The structure must be located, oriented and constructed so as to minimize flood damage;</p> <p>(6) Meet requirements of Section 5.7(B)1-6.</p> <p>(7) Conversion of an agricultural building to a change of use shall require the building to conform, at a minimum, to regulations of this chapter;</p> <p>(8) A <i>Declaration of Land Restriction</i> is required to be recorded with the Deed.</p> <p>(B) To qualify for an agricultural building, the following criteria must be adequately met:</p> <p>(1) Demonstrate as being a cooperating partner with the Allegany Soil Conservation District and/or Farm Program; and/or provide a Schedule F for previous tax year(s) (up to three (3) years);</p> <p>(2) Demonstrate through lease agreement(s) and/or ownership of at least two (2) acres of ground which is being farmed; and</p> <p>(3) Demonstrate in writing what the building will be utilized for, provide a floor plan diagram illustrating</p>
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<p><i>Violations and Penalties</i></p>	<p>Nothing noted specifically in regulations.</p>	<p>Community inserts into regs penalties established. Refer to Sections 8.1, 8.2 and 8.3.</p>	<ul style="list-style-type: none"> • A dollar amount has been applied to the statement(s) below, in reference to violations in the floodplain. <p><i>Violations</i> of these regulations or failure to comply with the requirements of these regulations or any conditions attached to a permit or <i>variance</i> shall constitute a misdemeanor. Any <i>person</i> responsible for a <i>violation</i> shall comply with the notice of <i>violation</i> or stop work order. Failure to comply shall be deemed a fine of five hundred US dollars (\$500.00). Each day a <i>violation</i> continues shall be considered a separate offense. The violation must be corrected prior to any further work progressing on the project. Nothing herein contained shall prevent Allegany County from taking such other lawful action as is necessary to prevent or remedy any <i>violation</i>.</p> <p>Neighboring Counties: Garrett County: “Guilty of a misdemeanor and subject to a fine of not more than \$500.00”. Each day a violation continues shall constitute a separate offense (§151.999). Washington County: “...shall not be fined more than \$1,000.00. Each date a violation continues shall be considered a separate offense” (§8.3).</p>