

Environmental Protection-Flood Plains

- A. Purposes: This Section is intended to safeguard and promote the public health, safety and general welfare by:
1. Regulating development in areas known to possess characteristics indicative of flooding and/or chronic wetness.
 2. Maintaining adequate natural drainage-ways to carry abnormal water flows during periods of heavy precipitation and snow melt.
 3. Restricting the construction of improvements in locations where they would likely be damaged by floods or where they could be washed away and cause damage to downstream properties.
 4. Preventing encroachments on floodways which would cause damage to other properties along the watercourse by increasing the height and the velocity of floods.
 5. Preventing health and safety hazards along drainage ways during floods by preventing the placing or storing in the floodway of unsanitary or dangerous substances.
 6. Reducing the financial burden imposed on the Town and its residents by frequent and periodic floods, overflows on land and erosion.
 7. Assuring the eligibility of the Town so that residents in endangered areas may obtain reasonable surety for their homes through the National Flood Insurance Act of 1968 or any amendments or successor statutes thereto.
 8. Permitting and encouraging the retention of open land uses located and designed to constitute an appropriate part of the physical development of the Town as provided in the adopted Comprehensive Development Plan.
- B. Flood Plains Defined: The provisions of this Section shall apply to all flood plain areas which are hereby designated to include:
1. All areas delineated as "100-year flood plains" in studies published by the U.S. Army Corps of Engineers or by the Maryland Department of Natural Resources, except that:
 2. In the absence of such delineation of the 100-year flood plain along any drainageway, stream or body of water, the provisions of this Section shall apply to all lands containing alluvial soils or high water table soils as identified in and delineated upon the maps of the Garrett County Soil

Survey, and to all land lying within twenty-five feet measured horizontally from the center line of any stream, drainageway or body of water. Specifically, these provisions shall apply to the following named soil types:

An	Alluvial land
Ao	Alluvial land, very stony
Ar	Armagh silt loam
At	Atkins silt loam
BrA	Brinkerton and Andover silt barns, 0 to 3
BrB	Brinkerton and Andover silt barns, 3 to 8 percent slopes
BsC	Brinkerton and Andover, very stony silt barns 0 to 15 percent slopes
Ek	Elkins silt loam
Lc	Lickdale silt loam
Ls	Lickdale very stony silt loam
NoB	Nob silt loam, 0 to 8 percent slope
Pe	Peat
Ph	Phibo silt loam
Ps	Pope silt loam
PuC2	Purdy silt loam, 0 to 15 percent slope, moderately eroded

- C. Review Procedure: All land lying in, or within a distance of one hundred feet from, areas of alluvial and high water table soils as shown, for reference only, on the Zoning Map shall be subject to the following procedure:
1. Where an application for use of such land involves or includes permanent structures or facilities, including but not limited to buildings, septic systems and wells, the Zoning Administrator shall transmit a copy of such application and supplementary information to the Garrett Soil Conservation District, the Garrett County Health Department, the Garrett County Stormwater Management Office, and a copy to the Maryland Water Resources Administration, requesting the written comments of each such reviewing agency regarding the proposed use. The Zoning Administrator may also request the written comments of all other County, State or Federal agencies with a relevant interest.
 2. In addition to the information ordinarily required for a zoning permit, the Zoning Administrator shall require the applicant to supply any or all of the following supplementary information to assist in the thorough and equitable evaluation of the proposed use:
 - a. The existing and proposed contours at a contour interval of two feet;

- b. The existing and proposed elevations of the levels of the land involved at the corners of the foundation of any buildings and utility facilities and at the intersection of any street;
 - c. The lowest elevation of the lowest proposed floor level and the main floor elevation within all proposed buildings and for all proposed utility facilities;
 - d. The layout of existing and proposed streets and the nature, extent and location of existing and proposed utilities; and
 - e. A detailed on-site soil survey prepared by a qualified soil scientist and/or a detailed engineering investigation by a registered professional engineer in accordance with survey techniques approved by the Garrett Soil Conservation District.
3. The Zoning Administrator shall delay action on such application for a period of sixty (60) days from the date of transmittal to the agencies listed above. If no written request is received, or if no request for a reasonable extension of the review time is received from said agencies within said thirty days, the presumption shall be that the agency has no objections to the proposed use.
4. If the application complies with all other relevant provisions of this Ordinance, the Zoning Administrator, after the expiration of said thirty (30) days or of such reasonable additional review time as may have been granted, shall either disapprove the application, or shall approve the application and issue a zoning permit or shall approve the application subject to such additional requirements as may seem necessary, reasonable and proper to protect the public interest in reducing flood hazards or to protect the public health, safety or welfare, based upon the written comments of the reviewing agencies. Such additional requirements may include, and the reviewing agencies may suggest that such additional requirements include, without being limited to, prohibiting or restricting one or more of the following uses and activities:
 - a. All buildings, including residential, commercial, industrial and other buildings intended for human occupancy or employment.
 - b. All refuse sites, excavation sites, dumps, junkyards, storage or animal waste materials, or the storage of inflammable liquids such as petroleum.
 - c. The filling of wetlands, the removal of topsoil, the damming, changing, or relocation of any watercourse.

- d. The installation or use of any sewage disposal facilities or portable water supply facilities.

D. Minimum Construction Standards

The following minimum construction standards shall apply to all uses which may in the future be permitted in 100-year flood plains delineated pursuant to subsection B.1 above, and the standards may be specified by the Zoning Administrator as additional requirements in granting approval pursuant to subsection C-4 above.

1. No building shall be erected or located in any flood plain unless the main floor elevation of said building shall be not less than three feet above the design flood plain water elevation.
2. Any structure placed in the flood plain shall be firmly anchored to prevent flood waters from carrying it downstream. Such anchoring shall be sufficient to withstand a flood velocity of ten feet per second; this requirement shall apply to all portions of the structure up to an elevation of not less than three feet above the design flood elevation. The Zoning Administrator shall require the applicant to submit the written opinion of a registered professional engineer that the proposed structural design meets this standard.
3. All materials and equipment located or stored below the main floor elevation of any building located in a flood plain shall be protected from flood damage. The Zoning Administrator may require the applicant to install a water pump in any such building. No living accommodations shall be located below the main floor elevation of any such building.
4. No building within a flood plain shall be located less than fifty feet from the outer limits of encroachment lines of any river, stream, creek, watercourse or water body or drainageway.
5. Not with standing other provisions of this Ordinance, the total area of all buildings and impervious surfaces located in a flood plain shall not cover more than thirty-five percent of the total lot or land area, in order that the remaining land will be open and allow for the unobstructed passage of water; the remaining open land, however, may be used for parking and loading areas, landscaping, required access drives, required yards, and similarly permitted open uses.
6. No building or improvement located in a flood plain shall be located or designed so as to impede unreasonably the movement or flow of surface water or debris.

E. Effect of Approval

The granting of approval of a site development plan or the issuance of a zoning permit for any building or use located in or within one hundred feet of a flood plain shall not constitute a representation, guarantee or warranty of any kind or nature by the Zoning Administrator or by any other public body or official, as to the practicability or safety of any structure or use proposed or erected and shall create no liability upon or cause action against such public body or official for any flood, chronic wetness, or pollution damage that may result pursuant thereto. Nothing herein shall be construed to relieve any person from full compliance with any County, State or Federal law or the requirements thereof.