

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

ORDINANCE #2015-1

PUBLIC HEARING: MARCH 10, 2015; BEGINNING AT 9:00 AM
COURTHOUSE, 109 MARKET STREET, ROOM 106,
DENTON, MARYLAND

ENACTED: MARCH 17, 2015

EFFECTIVE: MARCH 20, 2015

Chapter 108 – Floodplain Management – Accessory Structures
AN Act concerning the regulation of properties in or near certain floodplain areas;
FOR the purpose of providing for certain restrictions regarding
Accessory Structures in or near those floodplain areas;
BY amending §108-15.A.(10) of the Code of Public Local Laws of Caroline County, Maryland.

Short Title

This Act may be referred to as Chapter 108 – Floodplain Management – Accessory Structures.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under the Land Use Article, Title 4 of the Annotated Code of Maryland to enact and administer zoning and land use ordinances; and

WHEREAS, the United States Federal Emergency Management Agency (FEMA) has identified special flood hazard areas within the boundaries of Caroline County, which special flood hazard areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, FEMA is further requiring the County Commissioners to limit the size of un-elevated accessory structures that can be located in the floodplain as a condition of remaining in the FEMA Flood Insurance Program; and

WHEREAS, this Ordinance may also be known by its short title the "Chapter 108 – Floodplain Management – Accessory Structures."

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline County, Maryland, that:

SECTION 1. Chapter 108 – Floodplain Management of the Code of Public Local Laws of Caroline County, Maryland is hereby amended as follows:

CHAPTER 108
FLOODPLAIN MANAGEMENT

§ 108-15. Permit applications.

...

A. Application contents. At a minimum, applications shall include:

...

(10) For accessory structures that are 300 square feet or larger in area (footprint) and that are below the base flood elevation, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the certificate of occupancy. **ACCESSORY STRUCTURES LARGER THAN 300 SQUARE FEET IN AREA (FOOTPRINT) ARE NOT PERMITTED UNLESS BUILT IN ACCORDANCE WITH ELEVATION REQUIREMENTS FOUND IN SECTION § 108-34 AND § 108-35.**

SECTION 2. Matter added is noted by **BOLD CAPITALIZATION**.

SECTION 3. The Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 4. The provisions of this Ordinance are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Ordinance, it being the intent of the County that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

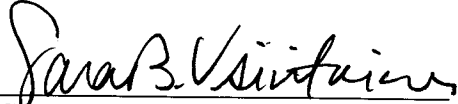
SECTION 5. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code") in consultation with and subject to the approval of the County shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 7. This Ordinance shall take effect on March 20, 2015.

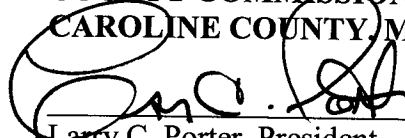
Enacted this 17th day of March, 2015.

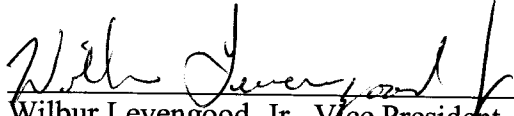
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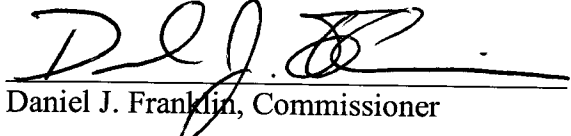

Sara B. Visintainer, Chief of Staff



COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND


Larry C. Porter, President


Wilbur Levengood, Jr., Vice President


Daniel J. Franklin, Commissioner