



AGENDA FOR THE TOWN MEETING

April 27, 2015

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

CONSENT AGENDA

- Town Minutes
 - [April 2nd – Public Hearing](#)
 - [April 13th – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- [Ordinance No. 15-04-02 – Zoning Text Amendments Residential Zoning Districts](#)
- [Fencing Bids – Wiles Branch Park Dog Park](#)
- FY 2016 Budget Workshop – General Fund
 - [Operating Budget](#)
 - [Capital Improvement Program \(CIP\)](#)

NEW BUSINESS:

- [Request for 5K Race – The Arc of Frederick County](#)
- [Budget Amendments for FY 2015](#)
 - [Purchase of Meter Technician Vehicle](#)
 - [Refurbishment of Memorial Park Signs](#)
 - [Upgrade to the Meeting Room Sound System](#)
- [Introduction of Amendments to the Floodplain Ordinance & Schedule Public Hearing](#)
- [Planning Commission 2014 Annual Report](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

ADJOURNMENT

Red Indicates – Action Item
Green Indicates – Ordinance Introduction
Blue Indicates – Link to Additional Information

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

PUBLIC HEARING

April 2, 2015

The Public Hearing of the Burgess and Commissioners of Middletown was called to order on April 2, 2015 by Burgess Miller at 7:05 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Richard Dietrick, and Christopher Goodman.

PUBLIC HEARING – Ordinance 15-04-01 – Ordinance to amend Title 17, Chapters 17.16, 17.28 and 17.30 of the Middletown Municipal Code to revise the types of uses permitted and uses permitted by special exception in the R-1, R-2, and R-3 residential zoning districts and open space district; to revise and restate the purpose intended for the regulation of uses in the R-2 and R-3 residential zoning districts; to make other stylistic changes in the chapters regulating land use in the residential and open space districts.

With no further comment, the public hearing adjourned at 7:10pm.

Respectfully submitted,

Ann Griffin
Office Manager

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

April 13, 2015

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on April 13, 2015, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Larry Bussard, Rick Dietrick, Tony Ventre and Christopher Goodman.

CONSENT AGENDA

Financial Statements

Town Minutes – March 9 and 23, 2015 regular meeting

Commissioner Bussard motioned to accept this consent agenda as presented, seconded by Commissioner Goodman and passed unanimously.

PERSONAL REQUESTS FOR AGENDA:

Budget Requests for Community Groups for FY 2016

- *Middletown Arts & Activities Committee - \$6,445*
- *Lions Club - \$2,305*
- *JR Deputy - \$1,000*
- *Middletown Rec. Council - \$7,500*
- *Heritage Festival - \$5,000*
- *Main Street Middletown - \$10,000*
- *Historical Society - \$5,000*

Unfinished Business:

Ordinance 15-04-01 – Zoning Text Amendments – Burgess Miller explained that he would like to approve each different section separately. The first section discussed was Section 17.16 Residential Districts. Bob Smart, 7525 Coblenz Road brought up a concern with the table and side notes. The Board agreed to have this go back to the Planner for review before approving.

Section 17.28 Open Space – Motion by Commissioner Falcinelli to approve Section 17.28 Open Space as presented, seconded by Commissioner Goodman. Motion carried 6-0.

Section 17.30 Agricultural (AG) District – Motion by Commissioner Falcinelli to approve Section 17.30 Agricultural District as presented, seconded by Commissioner Goodman. Motion carried 6-0.

Wet Field Closure Policy – Drew stated the MVAA came to him asking to come up with a wet field closure policy to save the fields from getting destroyed. MVAA submitted “Fit for use procedures” for the Town Board to review. Commissioner Ventre stated that instead of having individual names listed, identify the position as that will not change. It was also discussed that after our normal business hours it would be up to MVAA to put of the signs and not the Town.

Motion by Commissioner Ventre to approve the Wet field procedures as amended with identifying the positions and that the MVAA will put up the signs after normal business hours, seconded by Commissioner Goodman. Motion carried 6-0.

Review of Fees for Permitting Services - Burgess Miller stated that Cindy has broken down which fees pertain to Residential and Commercial. Bob Smart, 7525 Coblenz Road, had a concern with labeling certain things Residential. This item was tabled until the next meeting for input from the Staff Planner.

RFP from Davenport & Company for Loan Preparation Services – Drew stated that included in the packet is the scope of services explaining what the fee will include. After some discussion, the Board is not in favor of engaging Davenport for these services due to the cost involved

POS Projects for FY 2016 – The Board agreed to submit for POS funding for #1) picnic tables for Remsberg Park and #2) pavilion for Wiles Branch Park with picnic tables.

REPORTS OF COMMITTEES –

WATER & SEWER – Commissioner Falcinelli reported:

Spring flow – 133,000 gals. Per day, EWWTP treated 318,000 gals. And the WWTP treated 365,000 gals. Well #15 filter to be on line by Fall 2015.

Rain Barrels for sale at the Municipal Center \$40 each.

PUBLIC WORKS – Commissioner Bussard reported:

Snow removal expense including salaries totaled \$100,616.

Parks are opened, the maintenance guys repaired a leaking water fountain at one of the parks.

Green Street meeting with the residents earlier this month went well.

Commissioner Bussard thanked the maintenance guys for a great job they do with snow plowing.

PLANNING COMMISSION – Commissioner Goodman reported:

Jiffas Duplex – architectural plan approved

Putman – 6 month extension on site and improvement plans.

PARKS & RECREATION – Commissioner Ventre reported:

Waiting to get the final word from Dept. of Public Works to move forward with projects.

FINANCE – no report.

PUBLIC INFORMATION – no report.

NEW BUSINESS:

Water/Sewer Tap Agreement – Coblenz Property – Drew stated that the current agreement with Middletown Commons Holdings LLC (Coblenz Property along Green Street) allows the owner the right of first refusal. The purpose of this was if MDE ever granted all of the necessary taps (81) for this development the owner could submit a right of first refusal to the town and purchase the 81 taps at the prevailing tap rate. This agreement replaces the previous agreement and includes all 81 lots for water and sewer taps at prevailing rates.

Motion by Commissioner Falcinelli to approve the Multi-Year Tap Agreement as presented, seconded by Commissioner Bussard. Motion carried 6-0.

Introduction of Zoning Amendments to the Commercial & Industrial Code – Schedule of Public Hearing – Public Hearing scheduled for May 7th at 7pm.

FY 2016 Budget Workshop – General Fund – Burgess Miller presented the Board with the general fund operating fund budget.

PUBLIC COMMENT: None

ANNOUNCEMENTS:

ADJOURNMENT

Meeting adjourned at 8:52pm.

Respectfully submitted,

Ann Griffin
Office Manager

ORDINANCE NO. _____15-04-02

AN ORDINANCE TO AMEND TITLE 17, CHAPTERS 17.16, 17.28 AND 17.30 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE TYPES OF USES PERMITTED AND USES PERMITTED BY SPECIAL EXCEPTION IN THE R-1, R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS; TO REVISE AND RESTATE THE PURPOSE INTENDED FOR THE REGULATION OF USES IN THE R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS; TO MAKE OTHER STYLISTIC CHANGES IN THE CHAPTERS REGULATING LAND USE IN THE RESIDENTIAL DISTRICTS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.16, Sections 17.16.010, 17.16.020, 17.16.030, 17.16.040, 17.16.060, 17.16.070 and 17.16.080 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being ~~in brackets and stricken through.~~ New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS:**

TITLE 17 - ZONING

Chapter 17.16 Residential Districts

17.16.010 - R-20 district.

A. Purpose. The R-20 district is intended to encourage and promote the development of single-family residential neighborhoods on large lots free from land usage which might adversely affect such development.

B. Uses Permitted in the R-20 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Single-family dwellings;

2. ~~{Churches, public schools, libraries and parks}~~ **PARKS**, playgrounds, family day care homes;

3. Accessory buildings and uses;

4. Home occupations.

C. Special Exceptions in the R-20 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

1. Community centers, **PLACES OF WORSHIP, LIBRARIES;**

2. Medical ~~{centers}~~ **CARE FACILITIES;**

3. Nursery schools, child care ~~{center;}~~ **CENTERS, PUBLIC SCHOOLS;**

4. Public utility building;

5. Active adult community;

6. Public safety services, subject to site development plan approval.

17.16.020 - R-1 district.

A. Purpose. The R-1 district is intended to encourage and promote the development of single-family residential neighborhoods free from land usage which might adversely affect such development.

B. Uses Permitted in the R-1 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses

~~{1. Single family dwellings;~~

~~2. Churches, schools, libraries, museums and parks, playgrounds, family day care homes;~~

- ~~3. Planned unit developments;~~
- ~~4. Accessory buildings and uses;~~
- ~~5. Home occupations.]~~

- 1. ANY USE PERMITTED IN THE R-20 DISTRICT;**
- 2. PLANNED UNIT DEVELOPMENTS.**

C. Special Exception in the R-1 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

~~1. Barber shops, beauty parlors;~~

~~2. Medical centers;~~

~~3. Nursery schools, child care center;~~

~~4. Professional office (physician, dentist, architect, engineer, attorney or similar profession);~~

~~5. Public utility building;~~

~~6. Public safety services, subject to site development plan approval;~~

~~7. Community centers.]~~

- 1. ANY SPECIAL EXCEPTION USE IN THE R-20 DISTRICT EXCEPT ACTIVE ADULT COMMUNITIES;**
- 2. BARBER SHOPS, BEAUTY PARLORS;**
- 3. PROFESSIONAL OFFICE (PHYSICIAN, DENTIST, ARCHITECT, ENGINEER, ATTORNEY OR SIMILAR PROFESSION).**

17.16.030 - R-2 medium residential district.

A. Purpose. The R-2 district is intended to ~~[provide an attractive, pleasant living environment at a sufficient density to maintain a high standard of physical maintenance and community service. The district encourages the compact development and the optimum utilization of land appropriate for residential use by encouraging higher density green space communities and planned unit developments while simultaneously leaving sloping areas, floodplains and other unbuildable areas open and available for recreational and athletic purposes.]~~ **ENCOURAGE AND PROMOTE COMPACT DEVELOPMENT AND THE OPTIMUM UTILIZATION OF LAND APPROPRIATE FOR RESIDENTIAL USE BY ENCOURAGING HIGHER-DENSITY COMMUNITIES FREE FROM LAND USAGE WHICH MIGHT ADVERSELY AFFECT SUCH DEVELOPMENT.**

B. Uses Permitted in the R-2 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Any use permitted in the R-1 district (Chapter 17.16);
2. Two-family dwellings;
3. Duplexes;
4. Leasing of rooms by not more than two persons not members of the family

residing in the dwelling[;] .

- ~~5. Planned unit development;~~
- ~~6. Accessory buildings and uses;~~
- ~~7. Home occupations.]~~

C. Special Exceptions in the R-2 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060:

1. ~~[Barber shops, beauty parlor]~~ **ANY SPECIAL EXCEPTION USE IN THE R-1 DISTRICT EXCEPT ACTIVE ADULT COMMUNITIES;**

2. Convalescent or nursing home;

3. Bed and breakfast;

~~4. Medical centers;~~

~~5. Nursery schools, child care center;~~

~~6. Professional office (physician, dentist, architect, engineer, attorney or similar profession);~~

~~7. Public utility building];~~

~~{8}~~ 4. Multifamily dwellings, **SUCH AS APARTMENTS** ~~{condominiums}~~ containing no more than twelve (12) individual residential units ~~[-, and townhouses;]~~ **WITHIN A SINGLE BUILDING;**

~~{9. Public safety services, subject to site development plan approval;~~

~~10. Community centers.]~~

5. TOWNHOUSES.

~~{11}~~ 6. Parking lots.

17.16.040 - R-3 high density residential district.

A. Purpose. The R-3 district is intended to ~~[make the development of land, having natural and locational advantages, economically feasible by the variety of housing types, while~~

~~continuing to encourage the provision of the basic amenities of an attractive and safe residential environment. This district encourages green space communities and planned unit development and the increased density of all such developments, making their location at the edge of residential neighborhoods, and with good access to major highways, central shopping areas, schools, and other public facilities most essential.]~~ **ENCOURAGE AND PROMOTE INCREASED**

DENSITY OF RESIDENTIAL COMMUNITIES HAVING NATURAL AND LOCATIONAL ADVANTAGES, WITH ECONOMICALLY FEASIBLE HOUSING TYPES, WHILE CONTINUING TO ENCOURAGE THE PROVISION OF BASIC AMENITIES IN AN ATTRACTIVE AND SAFE RESIDENTIAL ENVIRONMENT.

B. Uses Permitted in the R-3 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Any use permitted in the R-2 district (Section 17.16.030(B));
2. Townhouses;
3. Multifamily dwellings such as apartments ~~{and condominiums}~~ containing

no more than twelve (12) individual residential units **WITHIN A SINGLE BUILDING.** ~~{;}~~

- ~~4. Planned unit development;~~
- ~~5. Accessory uses and building;~~
- ~~6. Home occupations.]~~

C. Special Exceptions in the R-3 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

1. ~~{Barber shops, beauty parlors}~~ **ANY SPECIAL EXCEPTION USE IN THE R-2 DISTRICT EXCEPT ACTIVE ADULT COMMUNITIES AND PARKING LOTS;**

- ~~2. Boarding house, lodging house;~~
- ~~3. Clubs, lodges, fraternal organizations;~~
- ~~4. Convalescent or nursing home;~~
- ~~5. Bed and breakfast;~~
- ~~6. Hospital, sanitarium;~~
- ~~7. Medical centers;~~
- ~~8. Nursery schools, child care center;~~
- ~~9. Professional office (physician, dentist, architect, engineer, attorney, or similar profession);~~
- ~~10. Public utility building;~~
- ~~11. Public safety services, subject to site development plan approval;~~
- ~~12. Business and warehouse facilities;~~
- ~~13. Community centers.]~~
- 2. CLUBS, LODGES, FRATERNAL ORGANIZATIONS;**
- 3. BUSINESS WITH WAREHOUSE FACILITIES.**

17.16.060 - Off-street parking and loading.

A. There shall be provided in the residential district off-street parking and loading in accordance with the schedule in Chapter 17.32

B. The parking and storage of not more than one **UNREGISTERED** ~~[unlicensed]~~ or inoperative motor vehicle is permitted provided that such a vehicle is effectively screened from adjoining properties.

17.16.070 - Required lot area, lot width and yards.

The following table shows lot area, lot width and yard requirements:

REQUIRED LOT AREA, LOT WIDTH AND YARDS¹ IN RESIDENTIAL DISTRICTS

	Min. Lot Area per Family or Rental Unit (sq. ft.)	Min. Lot Width per Structure (feet)	One Front Yard Depth ³ (feet)	Each Side Yard ² (feet)	One Rear Yard (feet)
R-20 District					
Single-family dwelling	20,000 ⁴	100 ⁵	35	12	40
R-1 District					
Single-family dwelling	10,000	75	35	12	40
R-2 District					
Single-family dwelling	6,000	60	35	12	40
Two-family dwelling	4,000 ⁶	60	35	12	40
Duplex {and condominiums}	6,000	60	35	12	40
R-3 District					
Single-family dwelling	6,000	60	35	12	40
Two-family dwelling	4,000 ⁷	60	35	12	40
Duplex {and condominiums}	6,000	60	35	12	40
Multifamily dwelling {other than condominiums}	4,000 ⁸	—	35	12	40
Townhouses	(See Section 17.16.080)				
Other Uses					
Schools, PLACES OF WORSHIP, LIBRARIES	—	—	40	100	100
{Churches}	—	—	{40}	{100}	{100}
{Other permitted uses having structures}	{6,000}	{75}	{35}	{12}	{25}

1 Exceptions to yard requirements are allowed for certain uses (Section 17.24.030).

2 Side yard is measured from closest point of structure to side lot line.

3 Does not include street right-of-way. Corner lots shall provide two front yards; the front yard setbacks for single-family dwellings, and multi-family dwellings shall be equal to the height of the dwelling but in no case shall the front yard setback be less than thirty-five (35) feet measured from the curb line.

4 In the R-20 residential district, developments of more than ten (10) lots may have no more than twenty-five (25) percent of the total number of lots from fifteen thousand (15,000) to twenty thousand (20,000) square feet in area provided the average lot size of the development exceeds twenty thousand (20,000) square feet only upon approval of the planning commission.

5 In the R-20 residential district, developments of more than ten (10) lots may have no more than twenty-five (25) percent of the total number of lots with the lot width of eighty (80) to one hundred (100) feet, only upon approval of the planning commission.

~~6 In the R-2 residential district, two-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.~~

~~7 In the R-3 residential district, two-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.~~

68 In the R-3 residential district, multi-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.

The design requirements for ~~{duplexes and}~~ townhouses would be as follows in Section 17.16.080.

17.16.080 - Townhouse development.

A. *{Unchanged}*

B. *{Unchanged}*

C. Lot Width and Setbacks. The minimum lot width for individual townhouse units is eighteen (18) feet. End units shall provide a minimum side yard setback of ~~{twenty-two (22)}~~

TWELVE (12) feet. All units shall have a front yard setback of twenty (20) feet and a rear setback of thirty (30) feet. When adjacent to a street external to the development, the side yard setback shall be twenty-five (25) feet.

D. Row Lengths and Design. There shall be no more than eight townhouse units nor less than three townhouse units in a row. Rows shall be designed so that no more than two attached townhouse units shall have the same front building line. The offset in building lines shall be no less than eighteen (18) inches unless waived by the planning commission. There shall be a minimum ~~{twelve (12)}~~ **TWENTY-FOUR (24)** foot open space ~~{connection}~~ between all end units and townhouse lots. A minimum twelve (12) foot open space ~~{connection}~~ shall be provided for behind the rear yards of all units for access to rear of townhouse lots.

E. *{Unchanged}*

F. Maintenance of Common Areas. If the townhouse development provides for common area, properties or facilities, they shall be conveyed to an incorporated private nonprofit homeowners' association through which each lot owner is automatically a member subject to a charge of a proportionate share of common property maintenance. Such homeowners' association agreements shall be reviewed by the town. Where the extent of the common areas ~~{are}~~ **IS** limited in size, they may be conveyed to the town subject to agreement of the town. A minimum ten (10) foot open space connection shall be provided for behind the rear yards of all units.

G. *{Unchanged}*

H. *{Unchanged}*

I. *{Unchanged}*

SECTION IV. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance

shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2015

PASSED ON THE _____ DAY OF _____, 2015

EFFECTIVE DATE: _____, 2015

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess



**Burgess and Commissioners
Middletown, Maryland**

Wiles Branch Park - Dog Park Fencing Bid

1,190 LF fencing; 4 small gates & 1 large gate

Contractor	Quote
Frederick Fence Company	\$ 30,700.00
Long Fence Company, Inc.	\$ 18,617.00
Quality Fence & Deck Company	\$ 15,640.53
Project Budget	\$ 47,872.00
Town Share	\$ 11,968.00
CP&P Share	\$ 35,904.00



New Access Gate for Maintenance

New 6' Fence

Gate Locations

Existing Fence

Small Dog Field

Large Dog Field

Existing Access Gate for Maintenance

Approximately 1,190 LF new fence
Four (4) - 4' wide Access Gates
One (1) - 10' wide Access Gate

Proposed Dog Park Location
Wiles Branch Park
Town of Middletown - Frederick County

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2016**

	AUDIT FY2014	Budget FY 2015	YTD 2/28/2015	Forecast FY2015	Preliminary Budget FY 2016
REVENUE					
LOCAL TAXES					
Real Property	1,111,313	1,110,666	1,065,541	1,107,737	1,154,966
Tangible Personal Property	35,392	34,505	36,140	34,505	35,540
Public Utilities	10,664	9,907	-	10,055	10,356
Franchise (Cable)	45,419	48,231	34,527	48,231	48,062
Discounts	(13,585)	(14,438)	(13,438)	(14,438)	(15,011)
Penalties & Interest	1,652	9,241	6,853	9,241	9,607
	1,190,855	1,198,111	1,129,622	1,195,330	1,243,521
STATE SHARED TAXES					
Amusement Taxes	33,016	40,926	19,673	33,725	16,500
Highway User Taxes	132,049	95,043	107,016	107,016	154,758
	165,065	135,969	126,689	140,741	171,258
COUNTY SHARED TAXES					
Income Taxes	774,117	778,572	447,100	707,318	721,465
Tax Equity	584,765	581,111	581,061	581,111	555,964
	1,358,882	1,359,683	1,028,161	1,288,429	1,277,429
LICENSES, PERMITS & FEES					
Filing/Permit Fees	7,688	4,000	3,975	6,814	6,500
Beer, Wine & Liquor	-	1,950	-	1,950	1,950
Traders	6,898	4,900	27	4,900	4,900
Planning & Zoning	31,995	5,500	33,231	35,000	13,106
	46,581	16,350	37,233	48,664	26,456
PARKS & RECREATION					
Pavillion Fees	1,860	1,900	1,050	1,900	1,900
POLICE PROTECTION					
State Grant	24,236	25,835	12,918	25,835	25,835
MISC INCOME					
Other (Bank Grant, Animal, Citations)	2,016	2,500	1,491	2,500	2,500
LGIT Health Insurance Rebate	13,531	-	19,477	-	-
FredCo Municipal Recycling Reimbursement	-	5,000	10,759	5,000	5,000
Community Events	13,386	-	-	-	-
MISC	28,933	7,500	31,727	7,500	7,500
OPERATING REVENUE	2,816,412	2,745,347	2,367,400	2,708,400	2,753,899
EXPENSES					
LEGISLATIVE					
Commissioner's Fees	12,000	12,000	8,000	12,000	12,300
Communications	3,394	3,480	2,032	3,480	3,480
Dues & Subscriptions	7,420	7,370	7,325	7,370	7,370
Office Supplies/Expenses	2,731	3,600	2,064	3,600	3,600
Advertising	513	750	231	750	750
Meetings & Conventions	4,633	9,000	2,187	9,000	9,000
	30,691	36,200	21,839	36,200	36,500
EXECUTIVE					
Burgess	6,000	6,000	3,500	6,000	6,667
ELECTION EXPENSES					
Clerk Fees	350	-	-	-	450
Printing, Supplies, Advertising	59	-	-	-	250
	409	-	-	-	700
GENERAL/ADMINISTRATIVE SERVICES					
Capital Outlay	14,075	-	-	-	-
Administration Salary	199,118	196,663	143,072	196,663	227,019
Postage & Printing	74	200	17	200	200
Communications	7,824	10,167	3,745	10,167	10,471
Computer Expenses	26,983	22,400	20,687	25,349	22,600
Supplies & Expense	23,750	30,401	14,130	24,223	27,200
Maintenance & Repairs	42,395	47,262	18,344	47,262	52,680
Professional Services	6,809	3,600	2,325	4,155	3,600
Dues & Subscriptions	111	150	-	150	150
Meetings & Seminars	26	100	132	100	100

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2016**

	AUDIT FY2014	Budget FY 2015	YTD 2/28/2015	Forecast FY2015	Preliminary Budget FY 2016
Water and Sewer Grant	100,000	102,740	203,219	203,219	80,000
	421,165	413,683	405,671	511,488	424,020
OPERATIONS/MAINTENANCE					
Maintenance - Capital Outlay			95,654		
Director Salary	86,659	91,107	59,336	91,107	93,227
Maintenance Salary	40,297	45,417	28,108	48,185	35,015
Communications	6,878	6,797	5,279	9,050	9,000
Supplies	6,540	13,334	9,195	13,334	13,000
Dues/Training/Certifications	1,509	1,545	124	1,545	1,500
Landscaping / Beautification		-		-	-
Maintenance & Repairs	13,900	7,849	7,827	5,365	14,317
Mowing	10,646	11,780	7,228	11,780	12,133
Tools & Equipment	3,256	3,069	1,199	2,055	3,161
	169,685	180,898	213,950	182,422	181,354
PROFESSIONAL SERVICES					
Independent Accounting	13,000	12,500	28,100	12,500	12,500
Legal - Development & Ordinance	8,892	7,500	1,596	7,500	7,500
	21,892	20,000	29,696	20,000	20,000
PLANNING & ZONING					
Salaries	39,200	42,382	26,556	42,382	41,146
Bd Members Compensation	7,800	7,800	4,200	7,800	7,800
Zoning Expenses	2,593	1,300	1,726	2,959	3,109
	49,593	51,482	32,482	53,140	52,055
MAIN STREETS MANAGER					
Mainstreet - Capital Outlay					
Salary	41,190	43,577	29,282	43,125	43,522
Town Contribution	9,523	8,800	8,761	8,800	10,000
Wayfinding Signs Grant Contribution					8,000
	50,713	52,377	38,043	51,925	61,522
PUBLIC SAFETY					
Fire Department Donation	15,000	20,000	20,000	20,000	20,000
School Crossing Guards	13,747	17,121	8,849	17,121	17,408
Deputy Contract Services	316,375	326,657	163,152	326,657	365,101
	345,122	363,778	192,001	363,778	402,509
SANITATION & WASTE REMOVAL					
Trash Collection & Disposal					
Recycling Pickup Station	7,201	5,000	4,669	5,000	5,000
Regular Pick-up	132,025	130,862	97,146	130,862	132,026
Landfill - Tipping Fees	79,575	93,226	49,676	85,158	91,350
Yard Waste (April - Dec)	30,024	30,024	19,703	33,024	30,024
Eco-Bags	18,011	18,501	9,846	18,501	18,501
	266,836	277,613	181,041	272,545	276,901
RECREATION & CULTURE					
Park Capital Outlay	234,263				
Park Interest	20,968	17,847	13,683	17,847	14,632
Park Loan Payments	102,582	105,702	79,000	105,702	108,917
Park Salary	49,802	45,754	27,507	45,754	46,911
Park Electric	1,807	1,800	1,600	2,327	1,800
Park Supplies/Equipment	3,832	5,000	4,231	4,561	5,000
Park Mowing Contract	22,113	25,451	14,742	25,451	26,215
Park Repairs & Maintenance	28,316	34,795	7,635	34,795	39,100
	463,683	236,349	148,398	236,437	242,575
HIGHWAYS & STREETS					
Streets Capital Outlay	398,137	-		-	-
Vehicle/Equipment Capital Outlay		-		-	-
Salaries - Regular	90,310	83,562	53,441	83,562	93,356
Street Lighting	160,240	152,400	95,578	163,848	165,600
Storm Water Management	7,688	7,050	857	7,050	4,670
Snow Removal	80,759	63,000	35,397	67,115	70,000
Mowing (SWM & Streets)	27,648	31,744	18,432	31,744	32,696
Repairs & Resurfacing	34,504	90,000	361,574	361,574	53,800
Signs	5,367	4,500	3,509	4,500	3,500
Truck Repair & Maintenance	40,460	25,000	16,771	25,000	50,700
Equipment Repairs & Maintenance	2,281	10,000	3,693	10,000	10,000
Street Loan - Principal	11,000	11,500	-	11,500	12,000

**TOWN OF MIDDLETOWN
GENERAL FUND
BUDGET FY 2016**

	AUDIT FY2014	Budget FY 2015	YTD 2/28/2015	Forecast FY2015	Preliminary Budget FY 2016
Street Loan - Interest	9,016	7,418	4,429	7,418	6,941
Case Loader -Principal & Interest	14,555	15,158	13,973	15,158	15,158
	881,965	501,332	607,654	788,468	518,421
MISCELLANEOUS					
MT Historical Society	5,000	5,000	5,000	5,000	5,000
Donations	-	100	-	100	100
Mileage - Travel	2,698	2,500	2,227	2,500	2,783
Web Page / Directory / Public Information	4,445	4,000	2,875	4,000	3,721
Community Events	36,268	38,129	33,213	38,129	19,750
Payroll Taxes	41,414	52,753	29,327	52,753	54,257
Insurance					
Property	12,559	11,500	8,210	12,250	12,618
Health	98,119	102,879	86,638	118,522	107,234
Worker's Compensation	14,784	11,944	9,435	11,944	11,605
Professional	-	1,248		1,248	1,248
Pension	49,131	67,363	52,288	67,363	65,725
Real Estate Taxes	2,356	712	712	712	1,242
Miscellaneous	10,116	3,500	2,775	3,500	3,500
	316,890	301,628	232,700	318,021	288,782
TOTAL OPERATING EXPENSES	2,373,169	2,441,340	2,106,974	2,840,425	2,512,005
TOTAL OPERATING SURPLUS	443,243	304,008	260,426	(132,025)	241,894



BURGESS AND COMMISSIONERS OF MIDDLE

GENERAL CAPITAL IMPROVEMENT BUDGET

FY 2016 - FY 2020

	FY '16	FY '17	FY '18	FY '19	FY '20
INCOME					
CASH RESERVES	1,186,719	1,117,767	776,610	713,358	129,776
INTEREST INCOME	2,967	2,794	1,942	1,783	324
OPERATING INCOME From Previous Years	304,008	241,894	300,000	350,000	400,000
PROGRAM OPEN SPACE and Community Parks & Playground	144,205		6,000		
Loan - West Green Street	1,000,000	700,000			
OTHER					
SUB-TOTAL	2,637,899	2,062,455	1,084,552	1,065,142	530,100
PROJECTS					
Highways & Streets					
WEST GREEN STREET IMPROVEMENTS					
Broad St. - Franklin Street (Inlets and Road Reconstruction)	1,000,000	700,000	104,366	104,366	104,366
Manda Drive - Mill & Overlay	20,000	250,000			
Lombardy Court - Selective Patching, Mill & Overlay		78,000	125,000		
Broad St. - Main to Locust Alley (Road Reconstruction)		200,000			
Manda Court - Mill & Overlay			68,000		
Franklin St. to Walnut Pond - Selective Patching, Mill & Overlay	60,000				
Linden Blvd. (Broad Street to Pine Street)					25,000
Linden Blvd. Culvert Replacement			20,000	100,000	
Locust Blvd. & Court (Road Reconstruction)				275,000	140,000
Prospect St. (Road Reconstruction)			35,000	315,000	
Young Branch Drive - Mill & Overlay					95,000
SWM Fence Replacements	21,984	32,045			
Recreation & Culture					
Walking Trail Land Acquisition - East Main Street to Linden Blvd (100% POS Grant - Town Share \$0)	25,750				
Middletown Park - Skatespot (75% Grant POS; 25% Skateboard Group - Town Share \$0)			8,028		
Remsburg Park - Bleachers (90% Grant POS; 10% Town \$1,215)	12,150				
Remsburg Park - Walking Trail and Bridge over Cone Branch Creek (90% Grant; POS 10% Town \$4,5k)	45,000				
Remsburg Park - Totlot (90% Grant POS; 10% Town \$2,508)	25,076				
Wiles Branch Park - Dog Park (75% Grant CP&P 25% Town Share \$11,968)	47,872				
Wiles Branch Park - Shingle Replacements	3,100				
Foxfield Walking Path & Booster Station Overlay	24,100				
Middletown Valley Historical Society (Recurring Annual Donation - Operating Expenses \$5,000)	5,000	5,000	5,000	5,000	5,000
General Services Administration & Operations					
Municipal Center - HVAC Replacement	90,000				
Municipal Center - Carpet Replacement 2nd Floor	20,000				
Municipal Center - Boiler Replacement to Natural Gas	30,000				
Maintenance Facility HVAC Mini-Split System	4,500				
Truck Replacements and New Trucks	65,000				
Backhoe Replacement Lease (4 years)	15,200	15,200		130,000	
Computer Replacements (3 Computers/Year)	5,400	5,600	5,800	6,000	6,200
SUB-TOTAL	1,520,132	1,285,845	371,194	935,366	375,566
SURPLUS/(DEFICIT)	\$1,117,767	\$776,610	\$713,358	\$129,776	\$154,535

**Registration
Attached**



Save the Date!

May 25, 2015

**Memorial Day 5K Fun Run for
The Arc of Frederick County
and Epilepsy Research**



Please join us!! The Middletown High School Track and Field Team along with families in Middletown and The Arc of Frederick County are joining together for a fundraising event on Memorial Day!

50% of the proceeds will help support the Arc of Frederick County's new facility on Market Street near the Keys Stadium.

50% will be donated to CURE, a non-profit which supports epilepsy research.

Let's Run or Walk to help people with developmental disabilities to reach their goals and lead the lives of their choosing.

Runners: 5K terrains are both grass and pavement

Walkers: 1 mile walk is fully accessible

**The Arc of
Frederick County
supports people
with
developmental
disabilities to live
inclusively and as
independently as
possible in their
community.**



**Citizens United
for Research in
Epilepsy funds
scientific
cutting edge
research to
cure epilepsy.**



**Burgess and Commissioners
Middletown, Maryland**

Proposed Budget Amendments

Water & Sewer Operating Budget FY 2015

For Purchase of Meter Technician Vehicle

Estimated Cost of Outfitted Vehicle **\$ 45,000.00**

Expense Category	Budget	Actual	Budget Amendment	New Funds Available
Water Meters	\$ 66,250.00	\$ 9,903.00	\$ 21,000.00	\$ 45,250.00
Health Insurance	\$ 45,836.00	\$ 21,732.00	\$ 38,542.00	\$ 7,294.00
			Total	\$ 52,544.00

General Fund Operating Budget FY 2015

*For Refurbishment of Memorial Signs
For Upgrade to the Meeting Room Sound System*

Estimated Cost of Sign Refurbishment **\$ 1,296.00**
Estimated Cost of New Sound System **\$ 6,500.00**

Revenue Category	Budget	Actual	Budget Amendment	New Funds Available
Planning/Zoning Fees	\$ 9,500.00	\$ 38,516.00	\$ 39,000.00	\$ 29,500.00
			Total	\$ 29,500.00

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RE-ENACT, WITH AMENDMENTS, TITLE 15, CHAPTER 15.20 OF THE MIDDLETOWN MUNICIPAL CODE PERTAINING TO REGULATIONS AND STANDARDS FOR DEVELOPMENT AND CONSTRUCTION WITHIN DESIGNATED FLOOD PLAIN ZONES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 15, Chapter 15.20 of the Middletown Municipal Code be, and hereby is, repealed and re-enacted as follows:

Title 15 BUILDINGS AND CONSTRUCTION

CHAPTER 15.20 FLOODPLAIN MANAGEMENT

ARTICLE I. GENERAL PROVISIONS

15.20.010 Findings

The Federal Emergency Management Agency has identified *special flood hazard areas* within the boundaries of the Town of Middletown. *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. *Structures* that are inadequately elevated, improperly *floodproofed*, or otherwise unprotected from flood damage also contribute to flood losses.

The Town of Middletown, by resolution, agreed to meet the requirements of the National Flood Insurance Program and was accepted for participation in the program on October 23, 1981. As of that date, the initial effective date of the Town of Middletown *Flood Insurance Rate Map*, all *development* and *new construction* as defined herein, are to be compliant with these regulations.

15.20.020 Statutory Authorization

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 Burgess and Commissioners of Middletown do hereby adopt the following floodplain management regulations.

15.20.030 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (A) Protect human life, health and welfare;
- (B) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- (C) Minimize *flooding* of water supply and sanitary sewage disposal systems;
- (D) Maintain natural drainage;
- (E) 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*;
- (F) Minimize the need for rescue and relief efforts associated with *flooding* and generally undertaken at the expense of the general public;
- (G) Minimize prolonged business interruptions;
- (H) Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- (I) Reinforce that those who build in and occupy *special flood hazard areas* should assume responsibility for their actions;

- (J) Minimize the impact of *development* on adjacent properties within and near *flood-prone areas*;
- (K) Provide that the *flood* storage and conveyance functions of *floodplains* are maintained;
- (L) Minimize the impact of *development* on the natural and beneficial functions of *floodplains*;
- (M) Prevent *floodplain* uses that are either hazardous or environmentally incompatible; and
- (N) 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.

15.20.040 Areas to Which These Regulations Apply

These regulations shall apply to all *special flood hazard areas* within the jurisdiction of the Town of Middletown, and identified in Section 15.20.050.

15.20.050 Basis for Establishing Special Flood Hazard Areas and BFEs

- (A) 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 Frederick County, Maryland And Incorporated Areas dated September 19, 2007, or the most recent revision thereof, and the accompanying *Flood Insurance Rate Map(s)* and all subsequent amendments and revisions to the *FIRMs*. The *FIS* and *FIRMs* are retained on file and available to the public at the Middletown Municipal Center.
- (B) Where field surveyed topography or digital topography indicates that ground elevations are below the closest applicable *base flood elevation*, even in areas not delineated as a special flood hazard on the *FIRM*, the area shall be considered as *special flood hazard area*.
- (C) To establish *base flood elevations* in *special flood hazard areas* that do not have such elevations shown on the *FIRM*, the Floodplain Administrator may provide the best available data for *base flood elevations*, may require the applicant to obtain available information from Federal, State or other sources, or may require the applicant to

establish *special flood hazard areas* and *base flood elevations* as set forth in Section 15.20.120, Section 15.20.130, and Section 15.20.140 of these regulations.

15.20.060 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.

15.20.070 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and,
- (C) Deemed neither to limit nor repeal any other powers granted under State statutes.

Notes referencing publications of the Federal Emergency Management Agency refer to the most recent edition of those publications, are intended only as guidance, and do not bind or alter the authority of the Floodplain Administrator to interpret and apply these regulations.

15.20.080 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 Middletown, 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.

15.20.090 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE II. DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to have the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure: A building or *structure* on the same lot with, and of a nature customarily incidental and subordinate to, the principal *structure*. For the purposes of these regulations, an accessory structure shall be used solely for parking of vehicles and limited storage.

Agreement to Submit an Elevation Certificate: A form on which the applicant for a permit to construct a building or *structure*, to construct certain horizontal additions, to place or replace a *manufactured home*, to substantially improve a building, *structure*, or *manufactured home*, agrees to have an *Elevation Certificate* prepared by a *licensed* professional engineer or *licensed* professional surveyor, as specified by the Floodplain Administrator, and to submit the certificate:

- (1) Upon placement of the *lowest floor* and prior to further vertical construction; and
- (2) Prior to the final inspection and issuance of the Certificate of Occupancy.

Alteration of a Watercourse: For the purpose of these regulations, alteration of a watercourse includes, but is not limited to widening, deepening or relocating the channel, including excavation or filling of the channel. Alteration of a watercourse does not include construction of a road, bridge, culvert, dam, or in-stream pond unless the channel is proposed to be realigned or relocated as part of such construction.

Area of Shallow Flooding: A designated Zone AO on the *Flood Insurance Rate Map* with a 1-percent annual chance or greater of *flooding* to an average depth of one to three feet where a

clearly defined channel does not exist, where the path of *flooding* is unpredictable, and where velocity flow may be evident; such *flooding* is characterized by ponding or sheet flow.

Base Building: The building to which an addition is being added. This term is used in provisions relating to additions.

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 water surface elevation of the *base flood* in relation to the datum specified on the *community's Flood Insurance Rate Map*. In *areas of shallow flooding*, the base flood elevation is the highest adjacent natural grade elevation plus the depth number specified in feet on the *Flood Insurance Rate Map*, or at least four (4) feet if the depth number is not specified.

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

Building Code(s): The effective Maryland Building Performance Standards (COMAR 05.02.07), including the building code, residential code, and existing building code.

Community: A political subdivision of the State of Maryland (county, city or town) that has authority to adopt and enforce floodplain management regulations within its jurisdictional boundaries.

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. [Note: See Maryland Building Performance Standards, Sec. 1602 and Table 1604.5.] 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. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

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.

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. [Note: FEMA Form 086-0-33 and instructions are available online at <http://www.fema.gov/library/viewRecord.do?id=1383>.]

Enclosure Below the Lowest Floor: An unfinished or *flood*-resistant enclosure that is located below an elevated building, is surrounded by walls on all sides, and is usable solely for parking of vehicles, building access or storage, in an area other than a *basement* area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations. Also see “Lowest Floor.”

Federal Emergency Management Agency (FEMA): The Federal agency with the overall responsibility for administering the National Flood Insurance Program.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Damage-Resistant Materials: Any construction material that is capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Note: See NFIP Technical Bulletin #2, “Flood Damage-Resistant Materials Requirements.”]

Flood Insurance Rate Map (FIRM): 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 (FIS): The official report in which the Federal Emergency Management Agency has provided *flood profiles*, *floodway* information, and the water surface elevations.

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. [Note: See NFIP Technical Bulletin #1, "Openings in Foundation Walls and Walls of Enclosures."]

Flood Protection Elevation: The *base flood elevation* plus two (2) feet of freeboard. Freeboard is a factor of safety that compensates for uncertainty in factors that could contribute to *flood* heights greater than the height calculated for a selected size *flood* and *floodway* conditions, such as wave action, obstructed bridge openings, debris and ice jams, climate change, and the hydrologic effect of urbanization in a watershed.

Flood Protection Setback: A distance measured perpendicular to the top of bank of a *watercourse* that delineates an area to be left undisturbed to minimize future *flood* damage and to recognize the potential for bank erosion. Along *nontidal waters of the State*, the flood protection setback is:

- (1) 100 feet, if the *watercourse* has *special flood hazard areas* shown on the *FIRM*, except where the setback extends beyond the boundary of the flood hazard area; or

(2) 50 feet, if the *watercourse* does not have *special flood hazard areas* shown on the *FIRM*.

Flood Zone: A designation for areas that are shown on *Flood Insurance Rate Maps*:

- (1) **Zone A:** *Special flood hazard areas* subject to inundation by the 1-percent annual chance (100-year) *flood*; *base flood elevations* are not determined.
- (2) **Zone AE and Zone A1-30:** *Special flood hazard areas* subject to inundation by the 1-percent annual chance (100-year) *flood*; *base flood elevations* are determined; *floodways* may or may not be determined.
- (3) **Zone AH and Zone AO:** *Areas of shallow flooding*, with *flood* depths of 1 to 3 feet (usually areas of ponding or sheet flow on sloping terrain), with or without BFEs or designated *flood* depths.
- (4) **Zone B and Zone X (shaded):** Areas subject to inundation by the 0.2-percent annual chance (500-year) *flood*; areas subject to the 1-percent annual chance (100-year) *flood* with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected from the *base flood* by levees.
- (5) **Zone C and Zone X (unshaded):** Areas outside of Zones designated A, AE, A1-30, AO, VE, V1-30, B, and X (shaded).
- (6) **Zone VE and Zone V1-30:** *Special flood hazard areas* subject to inundation by the 1-percent annual chance (100-year) *flood* and subject to high velocity wave action.

Floodplain: Any land area susceptible to being inundated by water from any source (see definition of “Flood” or “Flooding”).

Floodproofing or Floodproofed: Any combination of structural and nonstructural additions, changes, or adjustments to buildings or *structures* which reduce or eliminate *flood* damage to real estate or improved real property, water and sanitary facilities, *structures* and their contents, such that the buildings or *structures* are 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. [Note: State regulations at COMAR 26.17.04.11(B)(7) do not allow new nonresidential buildings in *nontidal waters of the State* to be floodproofed.]

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 Section 15.20.340(B) of these regulations. [Note: FEMA Form 086-0-34 is available online at <http://www.fema.gov/library/viewRecord.do?id=1600>.]

Floodway: The channel of a river or other *watercourse* and the adjacent land areas that must be reserved in order to pass the *base flood* discharge such that the cumulative increase in the water surface elevation of the *base flood* discharge is no more than a designated height. When shown on a *FIRM*, the floodway is referred to as the “designated floodway.”

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.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a *structure*.

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.

Hydrologic and Hydraulic Engineering Analyses: Analyses performed by a *licensed* professional engineer, in accordance with standard engineering practices that are accepted by the Maryland Department of the Environment (Nontidal Wetlands & Waterways) and FEMA, used to determine the *base flood*, other frequency floods, *flood* elevations, *floodway* information and boundaries, and *flood* profiles.

Letter of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a specific property or *structure* is not located in a *special flood hazard area*.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones*, *flood* elevations, *floodplain* and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A Conditional Letter of Map Revision Based on Fill (CLOMR-F) is a determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective *FIRM*.

Licensed: As used in these regulations, licensed refers to professionals who are authorized to practice in the State of Maryland by issuance of licenses by the Maryland Board of Architects, Maryland Board of Professional Engineers, Maryland Board of Professional Land Surveyors, and the Maryland Real Estate Appraisers and Home Inspectors Commission.

Lowest Floor: The lowest floor of the lowest enclosed area (including *basement*) of a building or *structure*; the floor of an *enclosure below the lowest floor* is not the lowest floor provided the enclosure is constructed in accordance with these regulations. The lowest floor of a *manufactured home* is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).

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*.

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.

Mixed-use Structure: Any *structure* that is used or intended for use for a mixture of nonresidential and residential uses in the same structure.

National Flood Insurance Program (NFIP): The program authorized by the U.S. Congress in 42 U.S.C. §§4001 - 4129. The NFIP makes flood insurance coverage available in communities that agree to adopt and enforce minimum regulatory requirements for *development* in areas prone to *flooding* (see definition of “Special Flood Hazard Area”).

New Construction: *Structures*, including additions and improvements, and the placement of *manufactured homes*, for which the *start of construction* commenced on or after October 23, 1981, the initial effective date of the Town of Middletown *Flood Insurance Rate Map*, including any subsequent improvements, alterations, modifications, and additions to such *structures*.

NFIP State Coordinator: See *Maryland Department of the Environment (MDE)*.

Nontidal Waters of the State: See “Waters of the State.” As used in these regulations, “nontidal waters of the State” refers to any stream or body of water within the State that is subject to State regulation, including the “100-year frequency *floodplain* of free-flowing waters.” COMAR 26.17.04.01 states that “the landward boundaries of any tidal waters shall be deemed coterminous with the wetlands boundary maps adopted pursuant to Environment Article, §16-301, Annotated Code of Maryland.” Therefore, the boundary between the tidal and nontidal waters of the State is the tidal wetlands boundary.

Person: An individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Recreational Vehicle: A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive Loss: Flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

Special Flood Hazard Area (SFHA): 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 1.5.

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; specifically, 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 building or *structure* whereby the cost of restoring the building or *structure* to its before damaged condition would equal or exceed 50 percent of the *market value* of the building or *structure* before the damage occurred. Also used as “substantially damaged” structures. [Note: See “Substantial Improvement/Substantial Damage Desk Reference” (FEMA P-758).]

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a building or *structure*, the cost of which equals or exceeds 50 percent of the *market value* of the building or *structure* before the *start of construction* of the improvement. The term includes

structures which have incurred *substantial damage*, regardless of the actual repair work performed. The term also includes structures which have incurred *repetitive loss* or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building or *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 prior to submission of an application for a permit and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a *historic structure*, provided that the alteration will not preclude the *structure's* continued designation as a *historic structure*.

[Note: See "Substantial Improvement/Substantial Damage Desk Reference" (FEMA P-758).]

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. A building, *structure*, or other *development* without the required design certifications, the *Elevation Certificate*, or other evidence of compliance required is presumed to be a *violation* until such time as the required documentation is provided.

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

Waters of the State: [See Environment Article, Title 5, Subtitle 1, Annotated Code of Maryland.] Waters of the State include:

- (1) Both surface and underground waters within the boundaries of the State subject to its jurisdiction;
- (2) That portion of the Atlantic Ocean within the boundaries of the State;

- (3) The Chesapeake Bay and its tributaries;
- (4) All ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
- (5) The *floodplain* of free-flowing waters determined by MDE on the basis of the 100-year *flood* frequency.

ARTICLE III. ADMINISTRATION

15.20.100 Designation of the Floodplain Administrator

The Staff Planner is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- (A) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (B) 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.

15.20.110 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; in particular, permits from MDE for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, *structures*), any *alteration of a watercourse*, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency *floodplain* of free-flowing *nontidal waters of the State*.
- (E) Verify that applicants proposing an *alteration of a watercourse* have notified adjacent communities and MDE (NFIP State Coordinator), and have submitted copies of such notifications to FEMA.
- (F) Approve applications and issue permits to develop in *flood* hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (G) Inspect or cause to be inspected, buildings, *structures*, and other *development* for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or *violations* have been committed.
- (H) Review *Elevation Certificates* and require incomplete or deficient certificates to be corrected.
- (I) 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 Middletown, within six months after such data and information becomes available if the analyses indicate changes in *base flood elevations* or boundaries.

- (J) 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
 - (2) 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.
- (K) Enforce the provisions of these regulations, investigate *violations*, issue notices of *violations* or stop work orders, and require permit holders to take corrective action.
- (L) Advise the Middletown Board of Appeals regarding the intent of these regulations and, for each application for a *variance*, prepare a staff report and recommendation.
- (M) Administer the requirements related to proposed work on existing buildings:
- (1) Make determinations as to whether buildings and *structures* that are located in *flood hazard areas* and that are damaged by any cause have been *substantially damaged*.
 - (2) Make reasonable efforts to notify owners of *substantially damaged structures* of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of *substantially damaged* buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or *structure* to prevent additional damage.
- (N) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged *structures*; coordinating with other Federal,

State, and local agencies to assist with substantial damage determinations; providing owners of damaged *structures* information related to the proper repair of damaged *structures* in *special flood hazard areas*; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance (ICC) coverage under NFIP flood insurance policies.

(O) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Middletown 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.

(P) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for *development* in the SFHA, and number of *variances* issued for *development* in the SFHA.

15.20.120 Use and Interpretation of FIRMs

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of *special flood hazard areas*, *floodplain* boundaries, and *floodway* boundaries. The following shall apply to the use and interpretation of *FIRMs* and data:

(A) Where field surveyed topography indicates that ground elevations:

- (1) Are below the *base flood elevation*, even in areas not delineated as a *special flood hazard area* on a *FIRM*, the area shall be considered as *special flood hazard area* and subject to the requirements of these regulations;
 - (2) Are above the *base flood elevation*, the area shall be regulated as *special flood hazard area* unless the applicant obtains a *Letter of Map Change* that removes the area from the *special flood hazard area*.
- (B) In FEMA-identified *special flood hazard areas* where *base flood elevation* and *floodway* data have not been identified and in areas where FEMA has not identified *special flood hazard areas*, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
- (C) *Base flood elevations* and designated *floodway* boundaries on *FIRMs* and in *FISs* shall take precedence over *base flood elevations* and *floodway* boundaries by any other sources if such sources show reduced *floodway* widths and/or lower *base flood elevations*.
- (D) Other sources of data shall be reasonably used if such sources show increased *base flood elevations* and/or larger *floodway* areas than are shown on *FIRMs* and in *FISs*.
- (E) If a *Preliminary Flood Insurance Rate Map* and/or a *Preliminary Flood Insurance Study* has been provided by FEMA:
- (1) Upon the issuance of a *Letter of Final Determination* by FEMA, if the preliminary flood hazard data is more restrictive than the effective data, it shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - (2) Prior to the issuance of a *Letter of Final Determination* by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 15.20.050(C) and used where no *base flood elevations* and/or *floodway* areas are provided on the effective *FIRM*.

- (3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary *base flood elevations, floodplain or floodway* boundaries exceed the *base flood elevations* and/or designated *floodway* widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

15.20.130 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 15.20.050, 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 Middletown. No such permit shall be issued until the requirements of these regulations have been met.
- (B) In addition to the permits required in paragraph (A), applicants for permits in *nontidal waters of the State* are advised to contact MDE. Unless waived by MDE, pursuant to Code of Maryland Regulations 26.17.04, Construction on Nontidal Waters and Floodplains, MDE regulates the “100-year frequency floodplain of free-flowing waters,” also referred to as *nontidal waters of the State*. To determine the 100-year frequency floodplain, hydrologic calculations are based on the ultimate *development* of the watershed, assuming existing zoning. The resulting flood hazard areas delineated using the results of such calculations may be different than the *special flood hazard areas* established in Section 15.20.050 of these regulations. A permit from the Town of Middletown is still required in addition to any State requirements.
- (C) 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 15.20.050.

15.20.140 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) Where floodways are not delineated or *base flood elevations* are not shown on the *FIRMs*, the Floodplain Administrator has the authority to require the applicant to use information provided by the Floodplain Administrator, information that is available from Federal, State, or other sources, or to determine such information using accepted engineering practices or methods approved by the Floodplain Administrator. [Note: See "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base (100-Year) Flood Elevations" (FEMA 265).]

- (5) Determination of the *base flood elevations*, for *development* proposals and subdivision proposals, each with at least 5 lots or at least 5 acres, whichever is the lesser, in *special flood hazard areas* where *base flood elevations* are not shown on the *FIRM*; if *hydrologic and hydraulic engineering analyses* are submitted, such analyses shall be performed in accordance with the requirements and specifications of MDE and FEMA.
- (6) *Hydrologic and hydraulic engineering analyses* for proposals in *special flood hazard areas* where FEMA has provided *base flood elevations* but has not delineated a *floodway*; such analyses shall demonstrate that the cumulative effect of proposed *development*, when combined with all other existing and anticipated development will not increase the water surface elevation of the *base flood* by more than one foot, or a lower increase if required by MDE.
- (7) For encroachments in *floodways*, an evaluation of alternatives to such encroachments, including different uses of the site or portion of the site within the *floodway*, and minimization of such encroachment.
- (8) 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.
- (9) 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 recorded on the property deed 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.

- (c) A written evaluation of alternative methods considered to elevate *structures* and *manufactured homes*, if the location is in *nontidal waters of the State* and fill is proposed to achieve the elevation required in Section 15.20.330(A) or Section 15.20.340(A).
- (10) 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 Article VII. If a variance is granted, a signed *Declaration of Land Restriction (Nonconversion Agreement)* shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
 - (11) For *temporary structures* and temporary storage, specification of the duration of the temporary use.
 - (12) 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 October 23, 1981, 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.
- (13) 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 in: Section 15.20.190 for certain subdivisions and *development*; Section 15.20.320(A) for *development* in designated *floodways*; Section 15.20.320(C) for *development* in flood hazard areas with *base flood elevations* but no designated *floodways*; and Section 15.20.320(E) for deliberate alteration or relocation of *watercourses*.
 - (b) The *Floodproofing Certificate* for nonresidential *structures* that are *floodproofed* as required in Section 15.20.340(B).
 - (c) Certification that engineered *flood openings* are designed to meet the minimum requirements of Section 15.20.330(C)(3) to automatically equalize hydrostatic flood forces.
- (14) For nonresidential *structures* that are proposed with *floodproofing*, an operations and maintenance plan as specified in Section 15.20.340 (B)(3).
- (15) 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.

15.20.150 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, including permits issued by:
 - (1) The U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act;

(2) MDE pursuant to COMAR 26.23 (Nontidal Wetlands) and Section 401 of the Clean Water Act;

(3) MDE for construction on *nontidal waters of the State* pursuant to COMAR 26.17.04.

(D) Review applications for compliance with these regulations after all information required in Section 15.20.140 of these regulations or identified and required by the Floodplain Administrator has been received.

15.20.160 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) Stake-out inspection, to determine location on the site relative to the flood hazard area and designated *floodway*.

(B) 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*.

(C) Inspection of *enclosures below the lowest floor*, including crawl/underfloor spaces, to determine compliance with applicable provisions.

(D) Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the *base flood elevation*.

(E) Final inspection prior to issuance of the Certificate of Occupancy.

15.20.170 Submissions Required Prior to Final Inspection

Pursuant to the *Agreement to Submit an Elevation Certificate* submitted with the application as required in Section 15.20.140(A)(9), 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*.

ARTICLE IV. REQUIREMENTS IN ALL FLOOD HAZARD AREAS

15.20.180 Application of Requirements

The general requirements of this section apply to all *development* proposed within all *special flood hazard areas* identified in Section 15.20.050.

15.20.190 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) Subdivision proposals and *development* proposals containing at least 5 lots or at least 5 acres, whichever is the lesser, that are wholly or partially in flood hazard areas where *base flood elevation* data are not provided by the Floodplain Administrator or available from other sources, shall be supported by determinations of *base flood elevations* as required in Section 15.20.140 of these regulations.
- (5) Subdivision access roads shall have the driving surface at or above the *base flood elevation*.

(B) In *special flood hazard areas of nontidal waters of the State*:

- (1) Subdivision proposals shall be laid out such that proposed building pads are located outside of the *special flood hazard area* and any portion of platted lots that include land areas that are below the *base flood elevation* shall be used for other purposes, deed restricted, or otherwise protected to preserve it as open space.
- (2) Subdivision access roads shall have the driving surface at or above the *base flood elevation*.

15.20.200 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*.

15.20.210 Buildings and Structures

New buildings and *structures* (including the placement and replacement of *manufactured homes*) and *substantial improvement* of existing *structures* (including *manufactured homes*) that are located, in whole or in part, in any *special flood hazard area* shall:

- (A) Be designed (or modified) and constructed to safely support flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. *Structures* shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses, including hydrodynamic and hydrostatic loads and the effects of buoyancy, from *flooding* equal to the *flood protection elevation* or the elevation required by these regulations or the *building code*, whichever is higher.

- (B) Be constructed by methods and practices that minimize flood damage.
- (C) Use *flood damage-resistant materials* below the elevation of the *lowest floor* required in Section 15.20.330(A) or Section 15.20.340(A).
- (D) Have electrical systems, equipment and components, and mechanical, heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the elevation of the *lowest floor* required in Section 15.20.330(A) or Section 15.20.340(A). Electrical wiring systems are permitted to be located below elevation of the *lowest floor* provided they conform to the provisions of the electrical part of the *building code* for wet locations. If replaced as part of a *substantial improvement*, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section.
- (E) As an alternative to paragraph (D), electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the elevation of the *lowest floor* provided they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to that elevation.
- (F) Have the electric panelboard elevated at least three (3) feet above the BFE.
- (G) Comply with the specific requirements of Article V.
- (H) Comply with the requirements of the most restrictive designation if located on a site that has more than one *flood zone* designation (A Zone, designated *floodway*).

15.20.220 Placement of Fill

- (A) Disposal of fill, including but not limited to earthen soils, rock, rubble, construction debris, woody debris, and trash, shall not be permitted in *special flood hazard areas*.

- (B) Fill proposed to be placed to elevate *structures* in flood hazard areas shall comply with the *floodways* requirements in Section 15.20.320(A), Section 15.20.320(B), and Section 15.20.320(C) and the limitations of Section 15.20.330(B).

15.20.230 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*.

15.20.240 Manufactured Homes

- (A) New *manufactured homes* shall not be placed or installed in *floodways*.
- (B) For the purpose of these regulations, the *lowest floor* of a *manufactured home* is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).
- (C) New *manufactured homes* located outside of *floodways*, replacement *manufactured homes* in any flood hazard areas, and *substantial improvement* (including repair of *substantial damage*) of existing *manufactured homes* in all flood hazard area, shall:
- (1) Be elevated on a permanent, reinforced foundation in accordance with Article V;
 - (2) Be installed in accordance with the anchor and tie-down requirements of the *building code* or the manufacturer's written installation instructions and specifications; and
 - (3) Have *enclosures below the lowest floor* of the elevated *manufactured home*, if any, including enclosures that are surrounded by rigid skirting or other material that is attached to the frame or foundation, that comply with the requirements of Article V.

[Note: See “Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard Foundation and Installation Guide” (FEMA P-85).]

15.20.250 Recreational Vehicles

Recreational vehicles shall:

- (A) Meet the requirements for *manufactured homes* in Section 15.20.240; or
- (B) Be fully licensed and ready for highway use; or
- (C) Be on a site for less than 180 consecutive days.

15.20.260 Critical and Essential Facilities

Critical and essential facilities shall:

- (A) Not be located in *floodways*; or
- (B) If located in flood hazard areas other than *floodways*, be elevated to the higher of elevation required by these regulations plus one (1) foot, the elevation required by the *building code*, or the elevation of the 0.2 percent chance (500-year) flood.

15.20.270 Temporary Structures and Temporary Storage

In addition to the application requirements of Section 15.20.140, 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. *Temporary structures* and temporary storage in *floodways* shall meet the limitations of Section 15.20.320(A) of these regulations. In addition:

(A) *Temporary structures* shall:

- (1) Be designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic loads and hydrostatic loads during conditions of the *base flood*;
- (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.

15.20.280 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*.

15.20.290 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 Article VII. 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.

ARTICLE V. REQUIREMENTS IN FLOOD HAZARD AREAS

15.20.300 General Requirements

In addition to the general requirements of Section 4.0, the requirements of this section shall:

- (A) Apply in flood hazard areas, including *special flood hazard areas* along *nontidal waters of the State*.
- (B) Apply to all *development, new construction, substantial improvements* (including repair of *substantial damage*), and placement, replacement, and *substantial improvement* (including repair of *substantial damage*) of *manufactured homes*.

15.20.310 Flood Protection Setbacks

Within areas defined by *flood protection setbacks* along *nontidal waters of the State*:

- (A) No new buildings, *structures*, or other *development* shall be permitted unless the applicant demonstrates that the site cannot be developed without such encroachment into the *flood protection setback* and the encroachment is the minimum necessary after consideration of varying other siting standards such as side, front, and back lot line setbacks.
- (B) Disturbance of natural vegetation shall be minimized and any disturbance allowed shall be vegetatively stabilized.
- (C) Public works and temporary construction may be permitted.

15.20.320 Development that Affects Flood-Carrying Capacity of Nontidal Waters of the State

(A) Development in Designated Floodways

For proposed *development* that will encroach into a designated *floodway*, Section 15.20.140(A)(7) requires the applicant to submit an evaluation of alternatives to such encroachment, including different uses of the site or the portion of the site within the

floodway, and minimization of such encroachment. This requirement does not apply to fences that do not block the flow of floodwaters or trap debris.

Proposed *development* in a designated *floodway* may be permitted only if:

- (1) The applicant has been issued a permit by MDE; and
- (2) The applicant has developed *hydrologic and hydraulic engineering analyses* and technical data prepared by a *licensed* professional engineer reflecting such changes, and the analyses, which shall be submitted to the Floodplain Administrator, demonstrate that the proposed activity will not result in any increase in the *base flood elevation*; or
- (3) If the analyses demonstrate that the proposed activities will result in an increase in the *base flood elevation*, the applicant has obtained a Conditional Letter of Map Revision and a Letter of Map Revision from FEMA upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

(B) Development that Includes the Placement of Fill in Nontidal Waters of the State

For proposed *development* that includes the placement of fill in *nontidal waters of the State*, other than *development* that is subject to paragraph (D), a hydraulically-equivalent volume of excavation is required. Such excavations shall be designed to drain freely.

(C) Development in Areas with Base Flood Elevations but No Designated Floodways

For *development* in *special flood hazard areas* of *nontidal waters of the State* with *base flood elevations* but no designated *floodways*:

- (1) The applicant shall develop *hydrologic and hydraulic engineering analyses* and technical data reflecting the proposed activity and shall submit such technical data to the Floodplain Administrator as required in Section 15.20.140(A)(6). The analyses shall be prepared by a *licensed* professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and a Letter of

Map Revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

- (2) The proposed *development* may be permitted if the applicant has received a permit by MDE and if the analyses demonstrate that the cumulative effect of the proposed *development*, when combined with all other existing and potential flood hazard area encroachments will not increase the *base flood elevation* more than 1.0 foot at any point.

(D) Construction of Roads, Bridges, Culverts, Dams and In-Stream Ponds

Construction of roads, bridges, culverts, dams, and in-stream ponds in *nontidal waters of the State* shall not be approved unless they comply with this section and the applicant has received a permit from MDE.

(E) Alteration of a Watercourse

For any proposed *development* that involves *alteration of a watercourse* not subject to paragraph (C), unless waived by MDE, the applicant shall develop *hydrologic and hydraulic engineering analyses* and technical data reflecting such changes, including the *floodway* analysis required in Section 15.20.140(A), and submit such technical data to the Floodplain Administrator and to FEMA. The analyses shall be prepared by a *licensed* professional engineer in a format required by MDE and by FEMA for a Conditional Letter of Map Revision and a Letter of Map Revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

Alteration of a watercourse may be permitted only upon submission, by the applicant, of the following:

- (1) A description of the extent to which the *watercourse* will be altered or relocated;
- (2) A certification by a *licensed* professional engineer that the flood-carrying capacity of the *watercourse* will not be diminished;

- (3) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and MDE have been notified of the proposal, and evidence that such notifications have been submitted to FEMA; and
- (4) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the *watercourse* so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the applicant to enter into an agreement with the Town of Middletown specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

15.20.330 Residential Structures and Residential Portions of Mixed Use Structures

New residential *structures* and residential portions of mixed use *structures*, and *substantial improvement* (including repair of *substantial damage*) of existing residential *structures* and residential portions of mixed use *structures* shall comply with the applicable requirements of Article IV and this section. See Section 15.20.350 for requirements for horizontal additions.

(A) Elevation Requirements

- (1) *Lowest floors* shall be elevated to or above the *flood protection elevation*.
- (2) In *areas of shallow flooding* (Zone AO), the *lowest floor* (including *basement*) shall be elevated at least as high above the *highest adjacent grade* as the depth number specified in feet on the *FIRM* plus two (2) feet, or at least four (4) feet if a depth number is not specified.
- (3) *Enclosures below the lowest floor* shall meet the requirements of paragraph (C).

(B) Limitations on Use of Fill to Elevate Structures

Unless otherwise restricted by these regulations, especially by the limitations in Section 15.20.320(A), Section 15.20.320(B), and Section 15.20.320(C), fill placed for the purpose of raising the ground level to support a building or *structure* shall:

- (1) Consist of earthen soil or rock materials only.
- (2) Extend laterally from the building footprint to provide for adequate access as a function of use; the Floodplain Administrator may seek advice from the State Fire Marshal's Office and/or the local fire services agency;
- (3) Comply with the requirements of the *building code* and be placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling;
- (4) Be sloped no steeper than one (1) vertical to two (2) horizontal, unless approved by the Floodplain Administrator;
- (5) Be protected from erosion associated with expected velocities during the occurrence of the *base flood*; unless approved by the Floodplain Administrator, fill slopes shall be protected by vegetation if the expected velocity is less than five feet per second, and by other means if the expected velocity is five feet per second or more; and
- (6) Be designed with provisions for adequate drainage and no adverse effect on adjacent properties.

(C) Enclosures Below the Lowest Floor

- (1) *Enclosures below the lowest floor* shall be used solely for parking of vehicles, building access, crawl/underfloor spaces, or limited storage.
 - (2) *Enclosures below the lowest floor* shall be constructed using *flood damage-resistant materials*.
-

- (3) *Enclosures below the lowest floor* shall be provided with *flood openings* which shall meet the following criteria: [Note: See NFIP Technical Bulletin #1, “Openings in Foundation Walls and Walls of Enclosures Below Elevated Buildings.”]
- (a) There shall be a minimum of two *flood openings* on different sides of each enclosed area; if a building has more than one *enclosure below the lowest floor*, each such enclosure shall have *flood openings* on exterior walls.
 - (b) The total net area of all *flood openings* shall be at least 1 square inch for each square foot of enclosed area (non-engineered *flood openings*), or the *flood openings* shall be engineered *flood openings* that are designed and certified by a *licensed* professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
 - (c) The bottom of each *flood opening* shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
 - (d) Any louvers, screens or other covers for the *flood openings* shall allow the automatic flow of floodwaters into and out of the enclosed area.
 - (e) If installed in doors, *flood openings* that meet requirements of paragraphs (a) through (d), are acceptable; however, doors without installed *flood openings* do not meet the requirements of this section.

15.20.340 Nonresidential Structures and Nonresidential Portions of Mixed Use Structures

New nonresidential *structures* and nonresidential portions of mixed use *structures*, and *substantial improvement* (including repair of *substantial damage*) of existing nonresidential *structures* and nonresidential portions of mixed use *structures* shall comply with the applicable

requirements of Article IV and the requirements of this section. See Section 15.20.350 for requirements for horizontal additions.

(A) Elevation Requirements

Elevated *structures* shall:

- (1) Have the *lowest floor* (including *basement*) elevated to or above the *flood protection elevation*; or
- (2) In *areas of shallow flooding* (Zone AO), have the *lowest floor* (including *basement*) elevated at least as high above the *highest adjacent grade* as the depth number specified in feet on the *FIRM* plus two (2) feet, or at least four (4) feet if a depth number is not specified; and
- (3) Have *enclosures below the lowest floor*, if any, that comply with the requirements of Section 15.20.330(C); or
- (4) If proposed to be elevated on fill, meet the limitations on fill in Section 15.20.330(B).

(B) Floodproofing Requirements

- (1) *Floodproofing* of new nonresidential buildings is not allowed in *nontidal waters of the State* (COMAR 26.17.04.11(B)(7)).
- (2) *Floodproofing* for *substantial improvement* of nonresidential buildings is allowed in *nontidal waters of the State*.
- (3) If *floodproofing* is proposed, *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* plus 1.0 foot, 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 emergency management 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 15.20.140(A)(13).

15.20.350 Horizontal Additions

- (A) A horizontal addition proposed for a building or *structure* that was constructed after the date specified in Section 15.20.010 shall comply with the applicable requirements of Article IV and this section.
- (B) In *nontidal waters of the State* that are subject to the regulatory authority of MDE, all horizontal additions shall comply with the applicable requirements of Article IV and this section and:
 - (1) If the addition is structurally connected to the *base building*, the requirements of paragraph (C) apply.
 - (2) If the addition has an independent foundation and is not structurally connected to the *base building* and the common wall with the *base building* is modified by no more than a doorway, the *base building* is not required to be brought into compliance.
- (C) For horizontal additions that are structurally connected to the *base building*:
 - (1) If the addition combined with other proposed repairs, alterations, or modifications of the *base building* constitutes *substantial improvement*, the *base building* and the addition shall comply with the applicable requirements of Article IV and this section.
 - (2) If the addition constitutes *substantial improvement*, the *base building* and the addition shall comply with all of the applicable requirements of Article IV and this section.
- (D) For horizontal additions with independent foundations that are not structurally connected to the *base building* and the common wall with the *base building* is modified by no more than a doorway, the *base building* is not required to be brought into compliance.

- (E) A horizontal addition to a building or *structure* that is not *substantial improvement*, and is not located in *nontidal waters of the State*, is not required to comply with this section.

[Note: See “Substantial Improvement/Substantial Damage Desk Reference” (FEMA P-758).]

15.20.350 Accessory Structures

- (A) *Accessory structures* shall be limited to not more than 300 square feet in total floor area.
- (B) *Accessory structures* shall comply with the elevation requirements and other requirements of Section 15.20.330, the *floodproofing* requirements of Section 15.20.340(B), or shall:
- (1) Be useable only for parking of vehicles or limited storage;
 - (2) Be constructed with *flood damage-resistant materials* below the *base flood elevation*;
 - (3) Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
 - (4) Be anchored to prevent flotation;
 - (5) Have electrical service and mechanical equipment elevated to or above the *base flood elevation*; and
 - (6) Have *flood openings* that meet the requirements of Section 15.20.330(C).

ARTICLE VI. RESERVED

ARTICLE VII. VARIANCES

15.20.360 General

The Middletown Board of Appeals 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 Middletown Board of Appeals may attach such conditions to *variances* as it deems necessary to further the purposes of these regulations.

The Middletown Board of 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, with rates up to \$25 per \$100 of insurance coverage.

A record of all *variance* actions, including justification for issuance shall be maintained pursuant to Section 15.20.110 (J) of these regulations.

15.20.370 Application for a Variance

- (A) The owner of property, or the owner's authorized agent, for which a *variance* is sought shall submit an application for a *variance* to the Floodplain Administrator.
- (B) At a minimum, the application shall contain the following information: name, address, and telephone number of the applicant and property owner; legal description of the property; parcel map; description of the existing use; description of the proposed use; site map showing the location of flood hazard areas, designated *floodway* boundaries, *flood zones*, *base flood elevations*, and *flood protection setbacks*; description of the *variance* sought; and reason for the *variance* request. *Variance* applications shall specifically address each of the considerations in Section 15.20.380.
- (C) If the application is for a *variance* to allow the *lowest floor* of a building or *structure* below the applicable minimum elevation required by these regulations, the application

shall include a statement signed by the owner that, if granted, the conditions of the *variance* shall be recorded on the deed of the property.

15.20.380 Considerations for Variances

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

In considering *variance* applications, the Middletown Board of Appeals shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and 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 and the effect of such damage on the individual owner.
- (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) The comments provided by MDE (NFIP State Coordinator).

15.20.390 Limitations for Granting Variances

The Middletown Board of Appeals shall make an affirmative decision on a *variance* request only upon:

- (A) A showing of 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.
- (B) A determination that failure to grant the *variance* would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- (C) A determination that the granting of a *variance* for *development* within any designated *floodway*, or flood hazard area with *base flood elevations* but no designated *floodway*, will not result in increased flood heights beyond that which is allowed in these regulations.
- (D) A determination that the granting of a *variance* will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing local laws.
- (E) A determination that the building, *structure* or other *development* is protected by methods to minimize flood damages.

- (F) A determination that the *variance* is the minimum necessary to afford relief, considering the flood hazard.

ARTICLE VIII. ENFORCEMENT

15.20.400 Compliance Required

- (A) 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.
- (B) Failure to obtain a permit shall be a *violation* of these regulations and shall be subject to penalties in accordance with Section 15.20.420.
- (C) 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.

15.20.410 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:

- (A) Include a list of *violations*, referring to the section or sections of these regulations that have been violated;
- (B) Order remedial action which, if taken, will effect compliance with the provisions of these regulations;
- (C) Specify a reasonable period of time to correct the *violation*;
- (D) Advise the recipients of the right to appeal; and

(E) Be served in person; or

(F) 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.

15.20.420 Violations and Penalties

Violations of these regulations or failure to comply with the requirements of these regulations or any conditions attached to a permit or *variance* shall constitute a misdemeanor. Any *person* responsible for a *violation* shall comply with the notice of *violation* or stop work order. Failure to comply shall be alternatively or in addition deemed a civil infraction and a fine of up to \$1,000.00 may be imposed, but this does not excuse the violation. Each day a *violation* 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 the Town of Middletown from taking such other lawful action as is necessary to prevent or remedy any *violation*.

ARTICLE IX. SUBSEQUENT AMENDMENTS

15.20.430 Subsequent Amendments

All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. This ordinance shall be amended as required by the Federal Emergency Management Agency, Title 44, Code of Federal Regulations. All subsequent amendments to this ordinance are subject to the approval of the Federal Emergency Management Agency and the Maryland Department of the Environment.

SECTION II: BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2015

PASSED ON THE _____ DAY OF _____, 2015

EFFECTIVE DATE: _____, 2015

ATTEST:

**BURGESS AND COMMISSIONERS OF
MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess



MIDDLETOWN PLANNING COMMISSION

2014

ANNUAL REPORT

Approved April 20, 2015 by Middletown Planning Commission

BURGESS & COMMISSIONERS

John Miller, Burgess (4/2012-4/2016)

Jennifer Falcinelli, Burgess Pro-tem (4/2010-4/2014) (4/2014-4/2018)

Larry Bussard (4/2010-4/2014) (4/2014-4/2018)

Richard Dietrick (4/2010-4/2014) (4/2014-4/2018)

Anthony Ventre (4/2012-4/2016)

Chris Goodman (4/2012-4/2016)

Andrew J. Bowen, Town Administrator

Middletown Planning Commission

Mark Carney, Chairman (12/2011-12/2016)

Robert Smart (12/2011-12/2016)

David Lake (2/2012-2/2017)

Bob Miller (5/2013-5/2018)

Chris Goodman, Comm. Ex-Officio (4/2012-4/2016)

Rich Gallagher, Alt. (2/2011-2/2016)

Ron Forrester, Temp. Alt (6/2012-1/2014)

Dixie Eichelberger, Temp. Alt (2/2014-6/2017)

Middletown Board Of Appeals

Fred Rudy, Chair (6/2013-6/2016)

Thomas Routzahn (2/2011-2/2014) (2/2014-2/2017)

Kenneth Kyler (2/2011-2/2014) (2/2014-2/2017)

Chris Stimac, Alternate (1/2008-2/2014)

Alex Kundrick, Alternate (2/2014-2/2017)

Planning Department Staff

Cynthia K. Unangst

Town Zoning Administrator

Ron Forrester (appointed 2/1/2014)

Engineering Staff

Bruce Carbaugh, Director of Public Works

INTRODUCTION

Section 1-207 of the Land Use Article of the Annotated Code of Maryland requires that the Planning Commissions of non-charter counties and municipalities prepare, adopt and file an annual report with the local legislative body and a copy of the report be mailed to the Director of the Maryland Office of Planning. The report is a retrospective look at development activity within the jurisdiction with a focus on whether that activity is or is not consistent with a variety of adopted plans. The report thus informs both the Planning Commission and local legislative body about the strengths and weaknesses of the local planning program.

POPULATION IN MIDDLETOWN

<u>YEAR</u>	<u>POPULATION</u>	<u>INCREASE OR DECREASE</u>
1970 Census	1,262	N/A
1980 Census	1,748	486
1990 Census	1,834	86
2000 Census	2,668	173
2001 Estimate	2,768	100
2002 Estimate	2,951	183
2003 Estimate	3,237	286
2004 Estimate	3,655	418
2005 Estimate	3,833	178
2006 Estimate	3,966	133
2007 Estimate	4,105	139
2008 Estimate	4,198	93
2009 Estimate	4,239	41
2010 Census	4,136	-103
2011 Estimate	4,163	27
2012 Estimate	4,272	109
2013 Estimate	4,295	23
2014 Estimate	4,313	18

TEN YEAR PERIODS OF POPULATION GROWTH based on Census

1970 – 1980	486
1980 – 1990	86
1990 – 2000	834
2000 – 2010	<u>1,468</u>
	2,874

MIDDLETOWN PLANNING COMMISSION

The Middletown Planning Commission is a five-member commission, which has review and approval authority of site plans and subdivisions. In addition, the Planning Commission makes recommendations to the Burgess and Commissioners on rezoning, text amendments, annexations, and any other issue, which is planning related. The Middletown Planning Commission also makes recommendations to the Middletown Board of Appeals on cases involving special exceptions. **(Plan names are shown on attached map.)**

CONCEPT PLANS PRESENTED-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
1A. Garden Center North Church Street	1	GC	Discussion of concept plan for new garden center (3/17)

SITE PLANS-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
2A. Cross Stone Commons Middletown Parkway	2	GC	Approval of architectural renderings for 2 buildings (Approved 3/17)
2B. Zion Cemetery Stg. Shed Ifert Drive	1	OS	Approval of storage shed for Lutheran cemetery (Approved 4/21)
2C. Garden Center North Church Street	1	GC	Approval of garden center (4/21; Approved 5/19)
2D. AMVETS Expansion West Green Street	1	OS	Approval of revised expansion plans (Approved 5/19)
2E. Jiffas Architectural Review West Green Street	2	TC	Approval of architectural renderings for duplex (6/16)
2F. Verizon Small Cell Antenna East Main Street	1	GC	Approval of small cell antenna installation (Approved 7/21)
2G. Asian Cafe Parking Lot East Green Street	1	TC	Approval of revised overflow parking lot use (Approved 9/15)
2H. Chesterbrook Phase 2 Franklin St. /Broad St.	3	R-3	Approval of revised plans for multi-family development (10/20)
2I. Cross Stone Commons Middletown Parkway	4	GC	Approval of revised site plan for shopping center (Approved 10/20)
2J. Delauter Demolition Jefferson Street	3	R-2	Approval of demolition of dwelling and two sheds (Approved 11/17)
2K. Library C-Container Prospect Street	1	R-2	Approval of temporary C-container (Approved 12/15)

MASTER PLANS-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

PRELIMINARY PLANS-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

MASS GRADING/SWM PLANS-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

IMPROVEMENT PLANS-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
3A. Cross Stone Commons Middletown Parkway	4	GC	Approval of improvement plans for shopping center (3/17; 4/21; 5/19; Approved 7/21)
3B. Cross Stone Commons Middletown Parkway	4	GC	Approval of revised improvement plans for shopping center (Approved 10/20)

FOREST CONSERVATION PLANS-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
4A. Coblenz Property East Green Street	81	R-3	Approval of final forest conservation plan (Approved 4/21)
4B. Cross Stone Commons Middletown Parkway	4	GC	Approval of final forest conservation plan (Approved 5/19)

CORRECTION PLATS-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

ADDITION PLATS-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
5. Schoonover Lombardy Drive/Linden Boulevard	0	R-1	Approval of addition of parcel to the Town (Approved 10/20)

FINAL PLATS-2014

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
6. Coblenz Property East Green Street	81	R-3	Approval of final plats for 81-lot subdivision (Approved 11/17)

RE-ZONING REQUESTS:

None

ANNEXATIONS:

None

TEXT AMENDMENTS:

Text Amendments recommended to Burgess and Commissioners for adoption. (Municipal Code Number)

Forest Resource regulations – Planning Commission recommended adoption of regulations relating to forest conservation including the addition of definitions for “priority funding area” are “stream restoration project” and the addition of exemptions from the forest conservation requirements. (Section 16.40) [PC recommended 12/16/2013; B&C adopted 1/13]

Fee Schedule – Planning Commission recommended adoption of assessment and collection of fees for the submission and review of documents relating to various land use, planning and zoning matters, and a fee schedule for such fees, including the assessment of an electronic filing fee for certain submissions. (Section 17.52) [PC recommended 1/20; B&C adopted 4/14]

Sandwich Board Signs – Planning Commission recommended adoption of regulations pertaining to A-Frame, T-Frame and Sandwich Board Signs including amending the definition of such signs and to provide for conditions under which displaying such signs require and do not require a permit issued by the Town. (Section 17.36) [PC recommended 1/20; B&C adopted 4/14]

Cluster Development regulations – Planning Commission reviewed, but did not recommend, adoption of regulations to authorize the use of property for purposes of residential cluster development in the R-20 zoning district and to establish regulations for the use of property for purposes of residential cluster development, as well as authorizing an active adult community to be developed as a residential cluster development as a special exception under stated conditions. (Sections 17.16, 17.42, and 17.48.015) [PC did not recommend adoption 7/21; B&C adopted 9/8]

Adult Entertainment Businesses – Planning Commission recommended adoption of definitions for terms relating to adult entertainment businesses and regulations to authorize the use of property as an adult entertainment business provided it is not located within 1,500 feet of other property used as a school, park, child day care center, church or house of worship, or another adult entertainment business. (Sections 17.04 and 17.32.225) [PC recommended 9/15; B&C adopted 10/13]

BOARD OF APPEALS: (Applicant names are shown on attached map)

<u>Applicant</u>	<u>Request</u>	<u>Location</u>	<u>Motion</u>	<u>Date</u>
A. Dacey	variance of 16' for deck	509 Glenbrook Dr.	Approved	6/24/14
B. Delauter	variances from lot size and setbacks	329 S. Jefferson St.	Approved	11/19/14
C. Chesterbrook Phase 2	variances for height, open space and density	corner of Broad and Franklin Streets	Denied	11/19/14
D. Jiffas	variance of 22' for duplex	406 W. Green Street	Approved	12/16/14

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:

Action taken by the Town in the year 2014 has been consistent with the Town Comprehensive Plan and best management planning practices.

A Middletown Parkway remains a priority of the Town and is included in the Town Comprehensive Plan with alignments both north and south of town. Future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west, and a collector from US 40-A north to I-70.

The County and Town should develop plans to transfer Coblantz Road from county road status to the municipal street system in conjunction with the Admar annexation, should that ever occur.

The State Highway Administration is resurrecting the plans and cost estimates for improvements to the Main Street area of Middletown. The scope of the work includes replacement of water mains and storm water lines in

the Main Street SHA right-of-ways and the feasibility studies for relocating utility lines, new signage, traffic patterns, and replacement or installation of curb, gutter and sidewalks.

WATER SUPPLY AND DISTRIBUTION:

The Town depends on 22 wells, 4 groups of springs, two reservoirs, and a water tower to supply water to the Town. The current total withdrawal permitted by the Town is 387,000 gallons per day (gpd). The average daily use for 2014 was 299,000 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and none were at violation levels in 2014.

WASTE WATER TREATMENT FACILITIES:

The East End Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek is designed to process 350,000 gpd of sewerage. The current discharge permit for the plant is 250,000 gpd. Average daily flows for 2014 were 233,000 gpd.

The discharge permit for the West End WWTP at Catoctin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2014 were 241,000 gpd.

There were no violations for either plant in 2014.

WATER/SEWER MASTER PLAN

Although the Town developed a Water/Sewer Master Plan as a Subsidiary Plan to the County Water/Sewer Master Plan, it was denied by the State in 2004, and consequently the Town complies with the County's Water and Sewer Master Plan.

PARKS AND GREENWAYS:

In 2014, the Town completed construction of a pavilion at Remsberg Park.

PROTECTION OF HISTORIC STRUCTURES:

At the present time, the only regulations regarding the demolition of buildings are a zoning control (Section 17.32.160, Zoning, Middletown Municipal Code), which requires a Demolition Permit. This permit allows a building to be inventoried prior to the demolition but does not prohibit demolition.

The Town has approval of two historic districts approved by the National Register, allowing for property owners to voluntarily participate in government programs to recognize and improve properties. This process required establishment of a Historic Commission, which acts as a conduit between property owners and available programs. The Town also worked with private citizens to implement an identification plaque program for placement of plaques on historically significant structures in the historic districts. No plaques were placed on historically significant structures in 2014.

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

The Planning Commission and planning staff completed their comprehensive review of the Town Zoning Ordinances to review changes for consistency with the updated Middletown Comprehensive Plan in 2010 and have sent the proposed revisions to the Town Board for approval.

COMPREHENSIVE PLAN REVIEW

Due to the fact that there have been no policy changes made in recent years to warrant an update to the Town's Comprehensive Plan at this time, the Plan will most likely be updated in 2020 in conjunction with the 2020 Census data.

PLANNING COMMISSION RECOMMENDATIONS:

ONGOING RECOMMENDATIONS:

1. Review walkway and road construction strategies to be incorporated into current & future growth and development.
2. Review and refine a management system for the plan review process to help ensure that files are complete and easily accessible, and which includes a checklist to verify that all agency approvals are in place.
3. Continue review of zoning ordinances as needed to ensure compatibility with the comprehensive plan.
4. Work on promotion and development of a trails system as shown in the Comprehensive Plan by working with the Town Board, citizens and community groups.

NEW RECOMMENDATIONS:

1. Work closely with Main Street Maryland Program to help revitalize downtown Middletown.
2. Work on promoting sustainable development practices thru the development review process.
3. Work on potential projects to consider for any applicable funding associated with the new Sustainable Communities designation through DHCD.
4. Planning Commission will promote electronic filing of permits and plans, adjustment of submission requirements as needed and use of electronic records review by the planning staff and the Planning Commission.

Permits Issued

TYPE	1996	1997	1998	1999	2000	5 yr.	2001	2002	2003	2004	2005	5 yr.	2006	2007	2008	2009	2010	5 yr.	2011	2012	2013	2014	2015	5 yr.
	Single - Family	45	36	29	18	40	168	75	106	92	45	22	340	30	31	12	17	23	113	10	12	5	8	
Multi-Family	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	
Duplex	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	
Townhouse	0	0	0	0	0	0	0	0	42	15	0	57	16	19	23	24	0	82	0	0	0	0	0	
Apartments	0	0	1	0	0	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	
Interior Improvements	0	0	0	0	0	0	9	11	20	19	22	81	18	20	19	12	19	88	15	11	12	15		
Additions	0	0	0	0	0	0	6	15	15	28	20	84	8	12	2	6	2	30	6	7	4	2		
Pools & Hot Tubs	5	5	4	6	3	23	7	9	9	16	4	45	8	12	7	4	3	34	2	6	5	2		
Decks & Porches	18	23	34	20	11	106	18	38	36	64	39	195	37	41	31	27	28	164	32	19	9	15		
Accessory Structure	6	12	18	5	25	66	14	15	24	23	16	92	18	13	14	9	9	63	6	5	7	8		
Fences	6	13	19	17	11	66	18	27	41	36	29	151	23	16	25	24	20	108	16	24	13	15		
Demolitions	1	2	2	0	2	7	1	1	0	1	2	5	0	2	0	2	1	5	2	1	2	1		
Propane Tanks	0	0	0	0	0	0	1	1	3	6	6	17	3	4	2	2	1	12	6	2	4	1		
Sales Trailer	0	0	0	0	0	0	3	2	0	0	3	8	0	0	0	0	0	0	0	0	0	0		
Pump Station	0	0	0	0	0	0	1	0	0	0	0	1	0	0	1	0	0	1	0	0	0	0		
Signs	1	8	2	2	3	16	8	6	4	4	7	29	5	7	2	5	6	25	7	8	6	10		
Solar panels	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	37	
New Commercial	0	7	2	2	4	15	2	4	0	0	0	6	0	0	0	0	1	1	0	0	2	0		
Commercial Conversion	0	0	0	0	0	0	4	5	7	6	8	30	1	2	7	3	3	16	4	6	5	5		
Industrial Conversion	0	0	0	0	0	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0		
Office Conversion	0	0	0	0	0	0	4	4	0	1	4	13	14	3	0	5	2	24	0	3	0	0		
Other														2	1	2	2	7	5	4	4	6		
Total Permits	82	106	111	70	99	468	173	245	293	264	182	1157	182	184	146	142	120	774	111	108	83	125		