

# Town of Emmitsburg

300 A South Seton Avenue • Emmitsburg, MD 21727

Office: 301-600-6300 • Fax: 301-600-6313

www.emmitsburgmd.gov

## TOWN MEETING AGENDA

TOWN OFFICE – 300A SOUTH SETON AVENUE

MONDAY, JULY 17, 2023

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FUTURE MEETINGS

*Citizen's Advisory Committee Meeting: Tuesday, July 18, 2023 at 7:30 p.m. (Town Office)*

*Planning Commission Meeting: Monday, July 31, 2023 at 7:00 p.m. (Town Office & Zoom)*

*Board of Commissioners Meeting: Monday, August 21, 2023 at 7:00 p.m. (Town Office & Zoom)*

*Parks Community Meeting: Tuesday, August 22, 2023 at 7:30 p.m. (Town Office)*

### MEETING ITEMS

A. ~~APPROVE MINUTES: June 5, 2023~~ **POSTPONED UNTIL AUGUST 21<sup>ST</sup>**

B. COMMISSIONER COMMENTS

C. MAYOR'S COMMENTS

D. PUBLIC COMMENTS

E. ADMINSTRATIVE BUSINESS (NONE)

F. CONSENT AGENDA

1. Proclamation making August 1, 2023 National Night Out for consideration.

G. TREASUERER'S REPORT

H. PLANNING COMMISSION REPORT

I. AGENDA ITEMS (DETAILS ATTACHED)

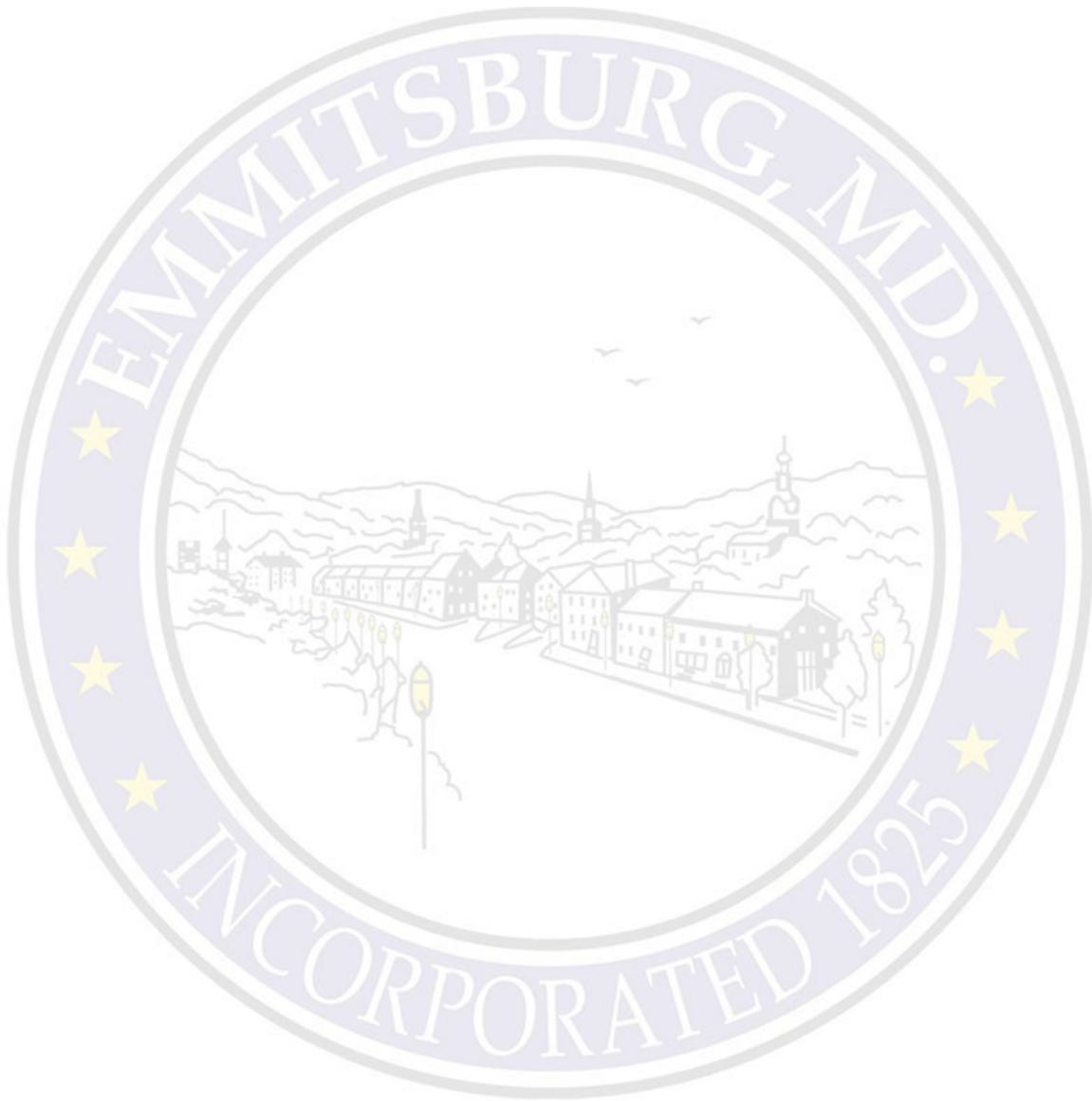
1. Hold a public hearing then consideration of ordinance 2023-08 which would amend Section 17.42 – Floodplain Management to meet FEMA standards.
  - a. Adoption of this amendment is mandatory and would allow the Town to continue to participate in the National Flood Insurance Program and be eligible for disaster relief.

J. SET AGENDA FOR NEXT MEETING: August 21, 2023

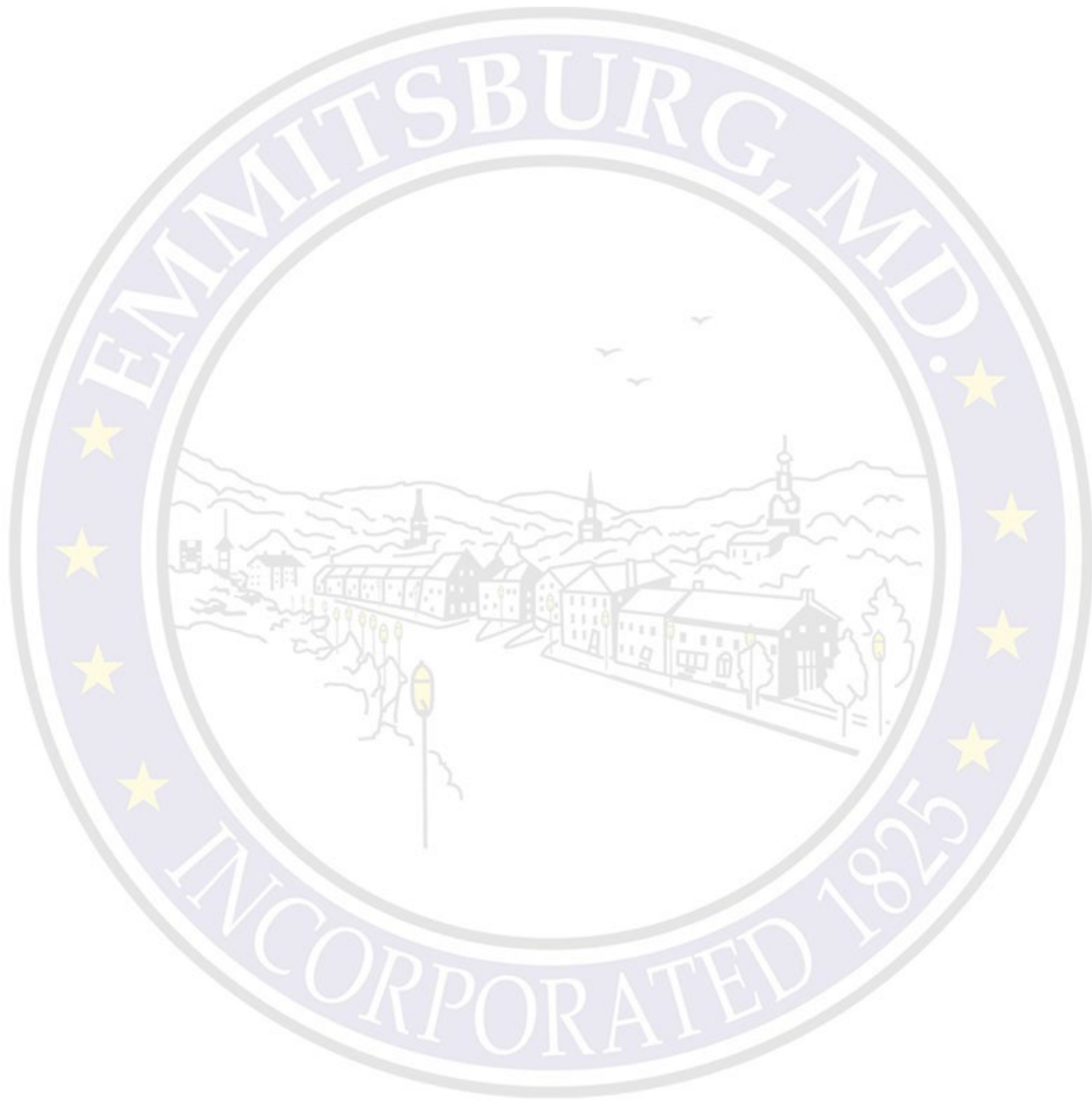
4. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS
5. ADJOURN



**A. ~~APPROVE MINUTES~~ POSTPONED UNTIL THE AUGUST 21<sup>ST</sup>**

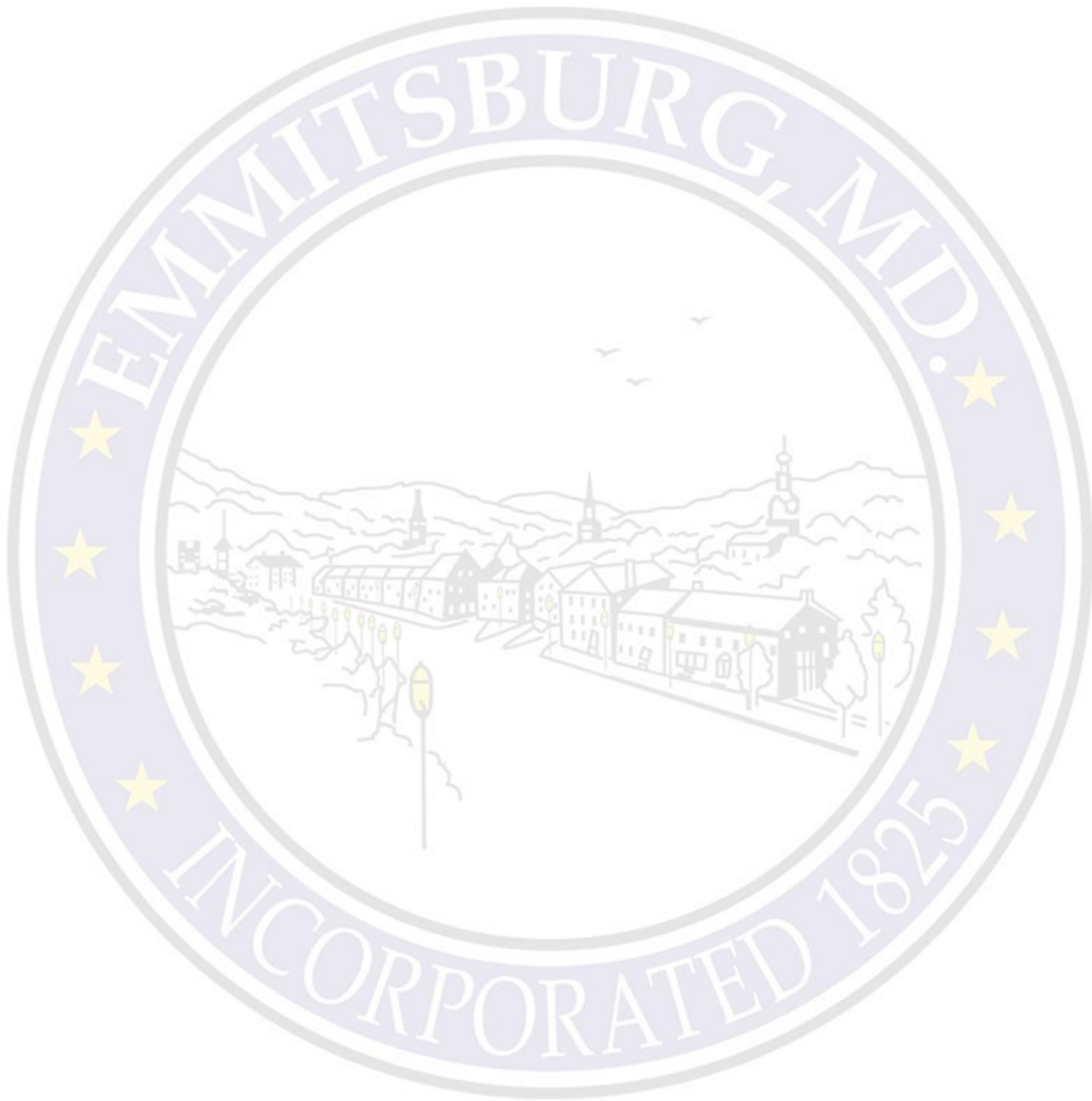


**B. COMMISSIONERS COMMENTS**

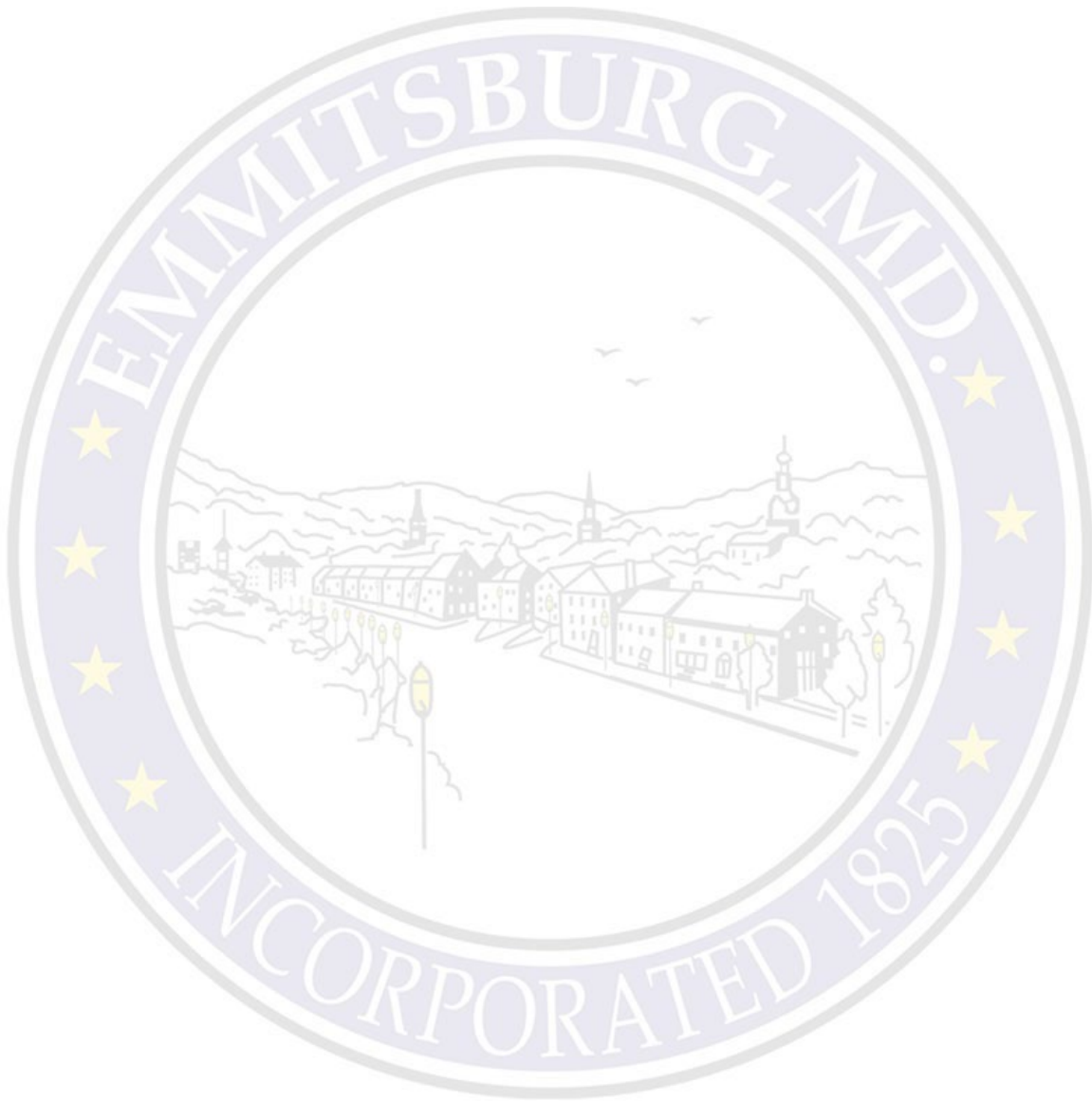


**C. MAYORS COMMENTS**

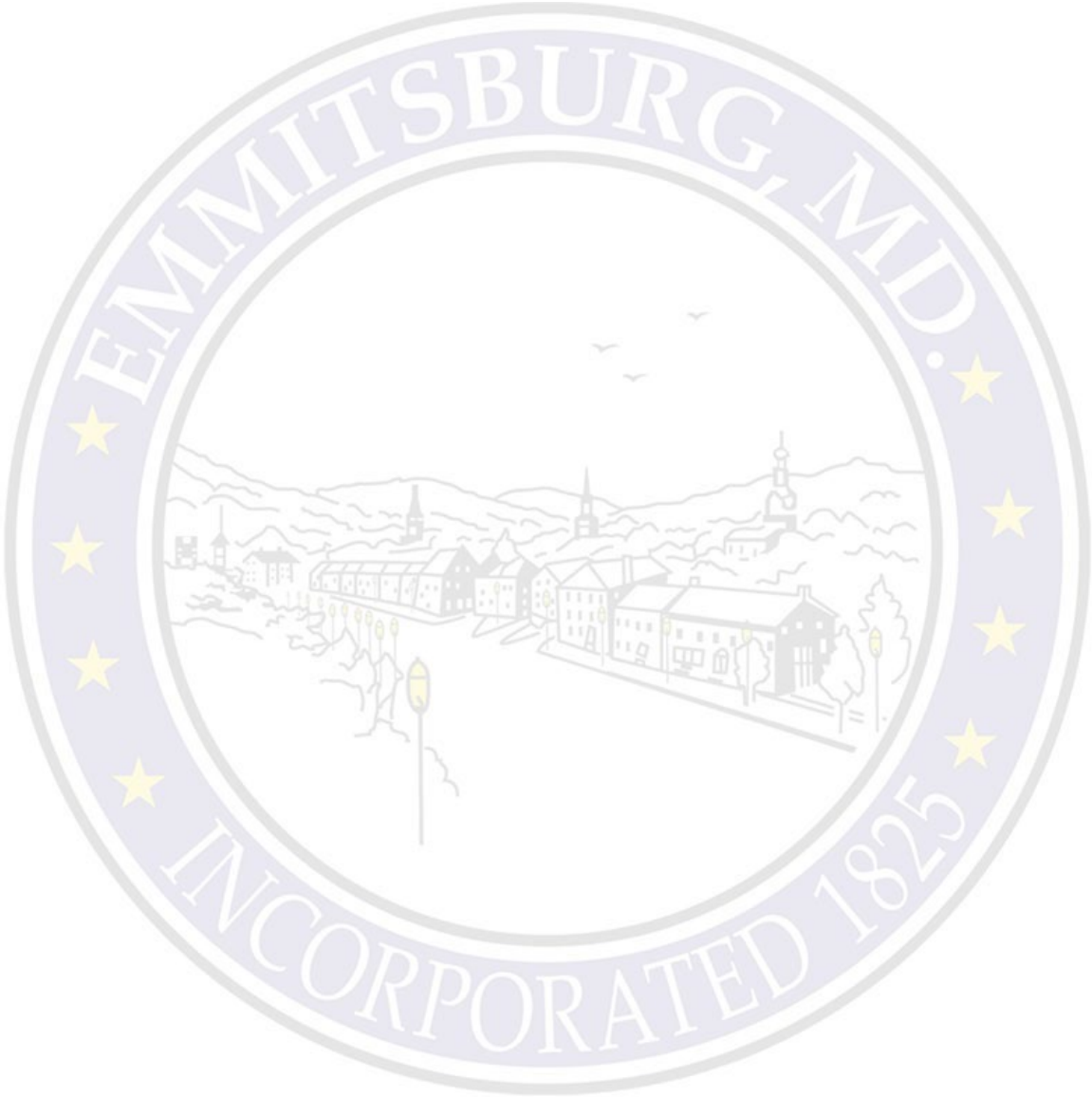
*Presentation at the meeting.*



**D. PUBLIC COMMENTS**

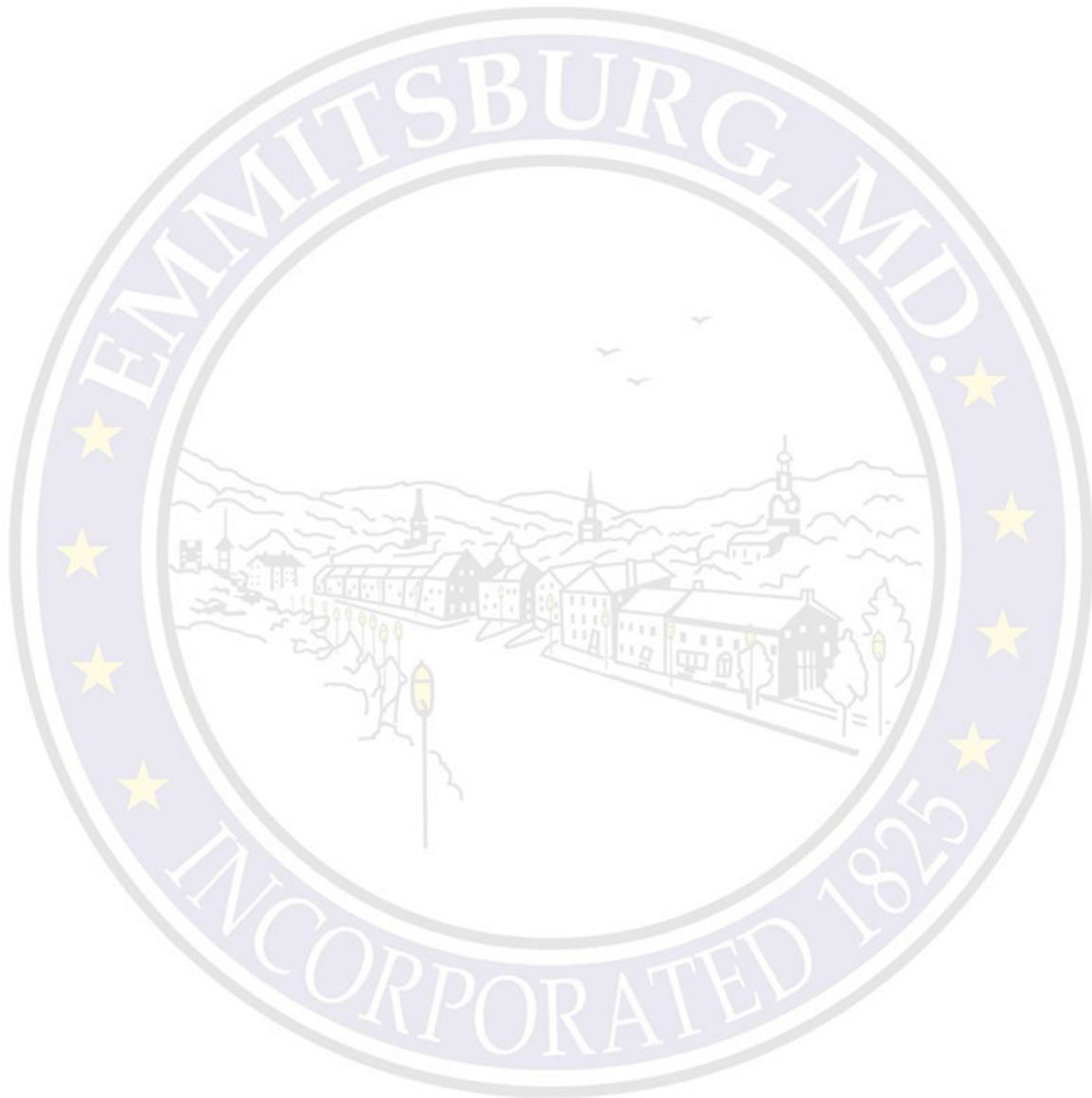


**E. ADMINSTRATIVE BUSINESS (NONE)**



**F. CONSENT AGENDA**

1. Proclamation making August 1, 2023 National Night Out for consideration.





# Proclamation



**NATIONAL NIGHT OUT**  
**TUESDAY, AUGUST 1, 2023**  
**E. EUGENE MYERS COMMUNITY PARK**  
**6:00 TO 8:00 P.M.**

WHEREAS, the National Association of Town Watch (NATW) sponsors a national community building campaign on the first Tuesday in August each year entitled “National Night Out”; and

WHEREAS, “National Night Out” has been an annual event in the Town of Emmitsburg for the past five years; and

WHEREAS, the National Night Out event provides an opportunity for neighbors in the Town of Emmitsburg to join over 38 million people in over 16,000 thousand communities from all 50 states, U.S. territories, Canadian cities, and military bases worldwide; and

WHEREAS, National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live; and

WHEREAS, it is essential that all neighbors of the Town of Emmitsburg come together with police and work together to build a safer, more caring community.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim Tuesday, August 1, 2022, “National Night Out” in Emmitsburg and do hereby call upon all citizens, neighbors, community agencies and businesses to join the Frederick County Sheriff’s Office and the National Association of Town Watch in support for National Night Out in E. Eugene Myers Community Park.

ADOPTED this 17<sup>th</sup> day of July 2023.

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Donald N. Briggs  
Mayor

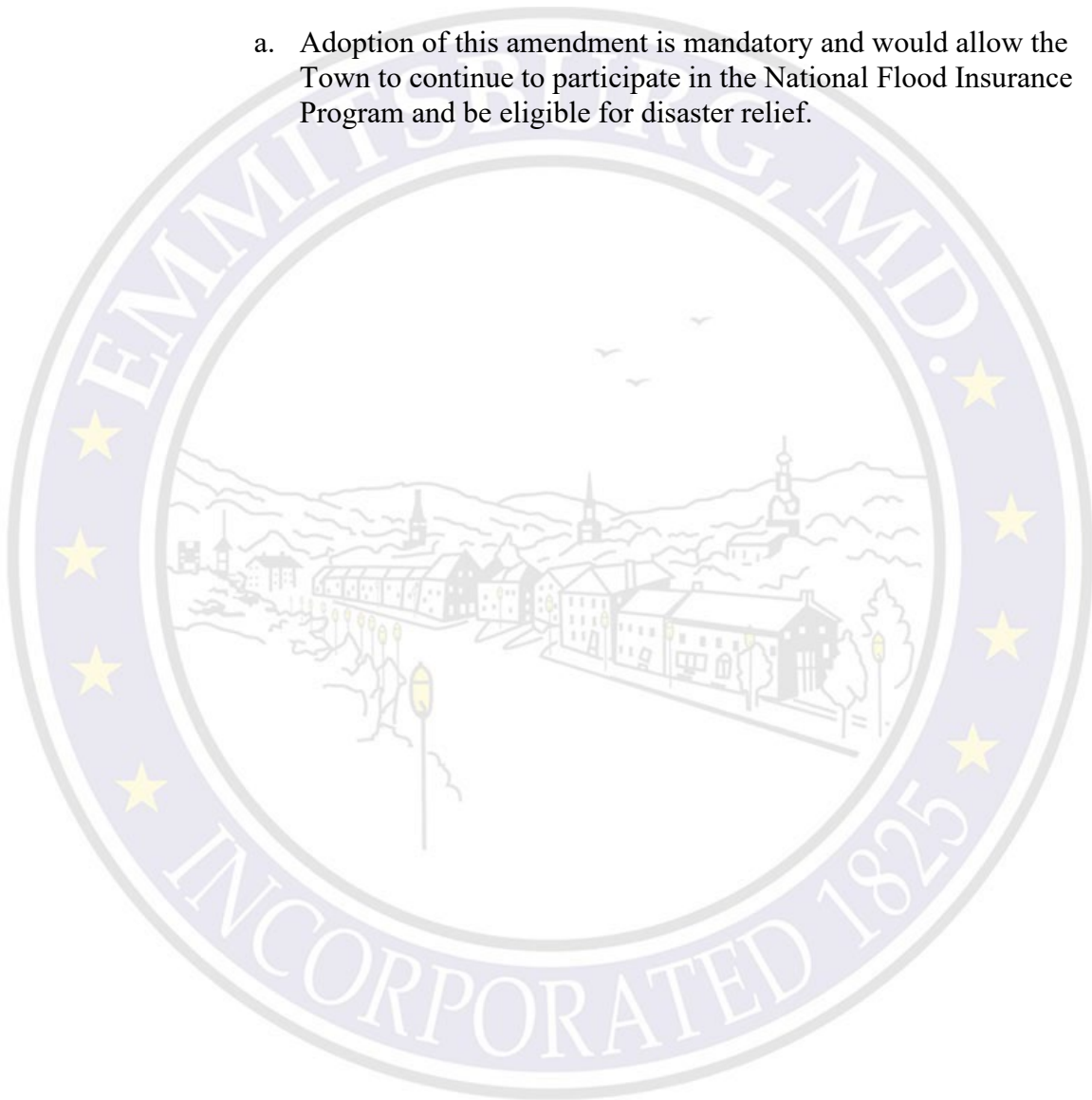
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Timothy J. O’Donnell, President

**G. AGENDA ITEMS**

AGENDA ITEM #1: Hold a public hearing then consideration of ordinance 2023-08 which would amend Section 17.42 – Floodplain Management to meet FEMA standards.

- a. Adoption of this amendment is mandatory and would allow the Town to continue to participate in the National Flood Insurance Program and be eligible for disaster relief.



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AN ORDINANCE TO AMEND  
TITLE 17  
OF THE CODE OF EMMITSBURG  
ENTITLED  
ZONING

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\*\*\*\*\*

**BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Zoning, of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in [~~brackets and strike-out~~].

Chapter 17.42 – Floodplain Management

§17.42.010 – General provisions.

*{A-D unchanged}*

E. Basis for Establishing Special Flood Hazard Areas and BFEs.

1. 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,~~] **AUGUST 1, 2023**, 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 town office.

*{2 & 3 unchanged}*

*{F through I unchanged}*

§17.42.020 – 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” through “Development” unchanged}*

"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:

[\[http://www.fema.gov/library/viewRecord.do?id=1383.\]](http://www.fema.gov/library/viewRecord.do?id=1383) **HTTPS://WWW.FEMA.GOV/MEDIA-LIBRARY/ASSETS/DOCUMENTS/160**

*{“Enclosure below the lowest floor” through “Floodproofing” or “floodproofed” unchanged}*

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"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 17.42.050 E.2. [Note: FEMA Form 086-0-34 is available online at: <http://www.fema.gov/library/viewRecord.do?id=1600>.] [HTTPS://WWW.FEMA.GOV/MEDIA-LIBRARY/ASSETS/DOCUMENTS/2748.](https://www.fema.gov/media-library/assets/documents/2748)]

{ "Floodway" through "Highest adjacent grade" unchanged }

"Historic structure": Any structure that is:

- A. { unchanged }
- B. 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**
- C. Individually listed on the Maryland ~~[Inventory of Historic Properties maintained by the Maryland Historical Trust]~~ **REGISTER OF HISTORIC PLACES.** ~~[ -or ]~~

~~[If the town is a certified local government with the National Park Service:~~

- ~~D. Individually listed on the inventory of historic places maintained by the town whose historic preservation program has been certified by the Maryland Historical Trust or the Secretary of the Interior.]~~

~~[ "Hydrologic and hydraulic engineering analyses" through "Waters of the state" unchanged ]~~

§17.42.030 – Administration.

{ A-D unchanged }

- E. 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.
  - 1. Application Contents. At a minimum, applications shall include:
    - { a. - i. unchanged }
    - j. For accessory structures that are three hundred (300) square feet or larger in area (footprint), **BUT NO LARGER THAN 600 SQUARE FEET IN AREA (FOOTPRINT)**, and that are below the base flood elevation, a variance is required as set forth in Section 17.42.070. If a variance is granted, a signed declaration of land restriction (non-conversion agreement) shall be recorded on the property deed prior to issuance of the certificate of occupancy.

{ k. - o. unchanged }

{ 2. unchanged }

F. Review of Application. The floodplain administrator shall:

{ 1. unchanged }

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2. Notify applicants that permits from MDE and the U.S. Army Corps of Engineers, and other ~~[STATE]~~ STATE and federal authorities may be required.

*{G-H unchanged}*

§17.42.040 – Requirements in all flood hazard areas.

*{A-C unchanged}*

- D. 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:

*{1-4 unchanged}*

~~[5. As an alternative to subsection 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.]~~

~~[6] 5.~~ Have the electric panel board elevated at least three feet above the BFE.

~~[7] 6.~~ Comply with the specific requirements of Section 17.42.050.

~~[8] 7.~~ 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).

*{E-L unchanged}*

§17.42.050 – Requirements in flood hazard areas.

*{A & B unchanged}*

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

*{1 through 4 unchanged}*

5. Alteration of a Watercourse. For any proposed development that involves alteration of a watercourse not subject to subsection 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 17.42.030 E., 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 ~~[or]~~ **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:

*{a. through d. unchanged}*

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D. Residential Structures and Residential Portions of [~~Mixed-Use~~] **MIXED-USE** Structures. New residential structures and residential portions of [~~mixed-use~~] **MIXED-USE** structures, and substantial improvement (including repair of substantial damage) of existing residential structures and residential portions of [~~mixed-use~~] **MIXED-USE** structures shall comply with the applicable requirements of Section 17.42.040 and this section. See subsection F. for requirements for horizontal additions.

1. Elevation Requirements.

*{a through c unchanged}*

**d. BASEMENT FLOORS THAT ARE BELOW GRADE ON ALL SIDES ARE PROHIBITED.**

*{2 & 3 unchanged}*

4. Enclosures Below the Lowest Floor.

*{a. & b. unchanged}*

c. Enclosures below the lowest floor shall be provided with flood openings which shall meet the following criteria: [Note: See NFIP Technical Bulletin #1, "**REQUIREMENTS FOR** Openings in Foundation Walls and Walls of Enclosures [~~Below Elevated Buildings~~]." [HTTPS://WWW.FEMA.GOV/SITES/DEFAULT/FILES/2020-07/FEMA\\_TBI\\_OPENINGS\\_FOUNDATION\\_WALLS\\_WALLS\\_OF\\_ENCLOSURES\\_031320.PDF](https://www.fema.gov/sites/default/files/2020-07/fema_tbi_openings_foundation_walls_walls_of_enclosures_031320.pdf)]

*{i, through v. unchanged}*

E. Nonresidential Structures and Nonresidential Portions of [~~Mixed-Use~~] **MIXED-USE** Structures. New nonresidential structures and nonresidential portions of [~~mixed-use~~] **MIXED-USE** structures, and substantial improvement (including repair of substantial damage) of existing nonresidential structures and nonresidential portions of [~~mixed-use~~] **MIXED-USE** structures shall comply with the applicable requirements of Section 17.42.040 and the requirements of this section. See subsection F. for requirements for horizontal additions.

1. Elevation Requirements. Elevated structures shall:

*{a. through d. unchanged}*

**E. BASEMENT FLOORS THAT ARE BELOW GRADE ON ALL SIDES ARE PROHIBITED.**

*{2. unchanged}*

*{F & G unchanged}*

§17.42.060 – Reserved. *{unchanged}*

§17.42.070 – Variances.

A. General. The 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

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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 board of appeals may attach such conditions to variances as it deems necessary to further the purposes of these regulations.

**NO VARIANCE SHALL BE GRANTED FOR AN ACCESSORY STRUCTURE EXCEEDING 600 SQUARE FEET. A SIGNED DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT) IS REQUIRED AS A CONDITION OF RECEIVING THE VARIANCE. THE AGREEMENT MUST BE RECORDED WITH THE DEED. IF A VARIANCE IS GRANTED AND THE ACCESSORY STRUCTURE IS NOT ELEVATED OR DRY FLOOD PROOFED, THE CONDITIONS IN SECTION 17.42.050 G APPLY.**

The 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 twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage.

A record of all variance actions, including justification for issuance shall be maintained pursuant to Section 17.42.030 B.

*{B through & D unchanged}*

§17.42.080 – Enforcement *{unchanged}*

§17.42.090 – Subsequent amendments and effective date *{unchanged}*

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**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

**PASSED** this \_\_\_ day of \_\_\_\_\_, 2023 by a vote of

<b>Commissioners:</b>	<b>For</b>	<b>Against</b>	<b>Absent</b>	<b>Abstain</b>
O'Donnell				
Sweeney				
Ritz III				
Davis				
Boehman-Pollitt				
<b>TOTAL:</b>				

ATTEST:

BOARD OF COMMISSIONERS:

\_\_\_\_\_  
Sabrina King, Town Clerk

\_\_\_\_\_  
Timothy O'Donnell, President

**MAYOR**

\_\_\_\_\_APPROVED \_\_\_\_\_VETOED

this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Sabrina King, Town Clerk  
Date:



**H. SET AGENDA FOR NEXT MEETING: August 21, 2023**

- 1.
- 2.
- 3.
- 4.
- 5.

Administrative Business:

- A.
- B.
- C.

