



*Town of Milton*  
115 Federal Street, Milton, Delaware 19968  
www.milton.delaware.gov  
Phone: 302-684-4110 Fax: 302-684-8999

**ORDINANCE 2024-009**

**AN ORDINANCE TO AMEND CHAPTER 125 OF THE TOWN CODE, ENTITLED  
“FLOODPLAIN MANAGEMENT,” RELATING TO FREEBOARD**

**WHEREAS**, the Charter of the Town of Milton vests power in the Town Council to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

**WHEREAS**, the Town of Milton was accepted for participation in the National Flood Insurance Program on August 1, 1978, and the Mayor and Town Council of the Town of Milton desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, the Department of Housing and Urban Development (HUD) has broad general rulemaking authority under 42 U.S.C. § 3535 to “make such rules and regulations as may be necessary to carry out [the Secretary’s] functions, powers and duties” in order to implement its statutory mission, which is to provide assistance for housing to promote “the general welfare and security of the Nation and the health and living standards of [its] people,” and under the National Housing Act, HUD has discretion to set terms upon which it will insure mortgages; and

**WHEREAS**, HUD revised the regulations governing floodplain management and the protection of wetlands to implement the Federal Flood Risk Management Standard (FFRMS) under 24 CFR Parts 50, 55, 58, and 200 by increasing the freeboard requirement to 2 feet;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Town Council of the Town of Milton, a majority thereof concurring, that the following amendments be hereby incorporated into Chapter 125 of the Town Code:

Section 1. Amend § 125-21 with deletions shown by strike-through and additions shown by underline as follows:

**§ 125-21. Buildings and structures.**

All new construction of buildings and structures, including placement of manufactured homes

and substantial improvements to existing buildings and structures, that are to be located, in whole or in part, in special flood hazard areas shall meet the following requirements.

...

- D. Have electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the base flood elevation plus ~~1.5~~ 2 feet. Electrical wiring systems are permitted to be located below the elevation of the lowest floor, provided that they conform to the provisions of the electrical part of this 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. See FEMA Technical Bulletin No. 4, Elevator Installation.

Section 2. Amend § 125-25 with deletions shown by strike-through and additions shown by underline as follows:

**§ 125-25. Gas or liquid storage tanks.**

...

- B. Aboveground tanks in special flood hazard areas shall be elevated and anchored to or above the base flood elevation plus ~~1.5~~ 2 feet or shall be anchored at grade and 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.

Section 3. Amend § 125-27 with deletions shown by strike-through and additions shown by underline as follows:

**§ 125-27. Residential structures and residential portions of mixed-use structures.**

A. Elevation requirements.

- (1) The lowest floor (including basement) shall be elevated to or above the base flood elevation plus ~~1.5~~ 2 feet.
- (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 Flood Insurance Rate Map plus ~~1.5~~ 2 feet, or at least two feet plus 1.5 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.

...

C. Manufactured homes.

- (1) New or replacement manufactured homes, including substantial improvement of existing manufactured homes, shall:
  - (a) Be elevated on a permanent, reinforced foundation that raises the lowest floor to or above the base flood elevation plus ~~1.5~~ 2 feet and is otherwise in accordance with § 125-27A.

Section 4. Amend § 125-28 with deletions shown by strike-through and additions shown by underline as follows:

**§ 125-28. Nonresidential structures and nonresidential portions of mixed-use structures.**

A. Elevation requirements.

- (1) The lowest floor (including basement) shall be elevated to or above the base flood elevation plus ~~1.5~~ 2 feet or the structure shall be dry floodproofed in accordance with § 125-28B.
- (2) In areas of shallow flooding (Zone AO), if not dry floodproofed, 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 Flood Insurance Rate Map plus ~~1.5~~ 2 feet, or at least two feet plus 1.5 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure.

B. Dry floodproofing requirements. Dry floodproofed structures, together with attendant utility and sanitary facilities, shall:

- (1) Be designed to be dry floodproofed such that the structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the base flood elevation plus ~~1.5~~ 2 feet. In areas of shallow flooding (Zone AO), the structure shall be dry floodproofed at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map plus ~~1.5~~ 2 feet, or at least two feet plus 1.5 feet if a depth number is not specified.

Section 5. Amend § 125-29 with deletions shown by strike-through and additions shown by underline as follows:

**§ 125-29. Accessory structures.**

Accessory structures shall meet the requirements of these regulations. Accessory structures that have a footprint of no more than 200 square feet may be allowed without requiring elevation or floodproofing provided such structures meet all of the following requirements:

...

- E. Electrical service and mechanical equipment elevated to or above the level of the base flood elevation plus ~~1.5~~ 2 feet; and

.....

I, John Collier, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the ordinance adopted by the Town Council of the Town of Milton at its meeting held on the 4th day of November, 2024, a duly noticed open meeting, at which a quorum was present and voting throughout and that the same is still in full force and effect.

  
\_\_\_\_\_  
Mayor

---

## **Synopsis**

This ordinance amends the Town Code's chapter on floodplain management for HUD mortgages that includes FHA loans. The change to the federal register takes place on 1 January 2025.