

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, October 19, 2015
7:00 p.m.

PUBLIC HEARING – SUBDIVISION REGULATIONS UPDATE

- I. **Public Comment**
- II. Minutes of September 2015 Planning Commission meeting **Approval**
- III. **Plan Review**
 - Demolition Plan – 109 S. Jefferson Street **Review/Approval**
- IV. **Zoning**
 - Subdivision Regulations Amendments **Review/Recommendation**
 - Zoning code update – Section 17.36 Signs **Discussion/Comments**
- V. **Miscellaneous**
 - Parking fee-in-lieu **Discussion**
- VI. **Additional Public Comment**

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 4:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**



NOTICE OF PUBLIC HEARING TOWN OF MIDDLETOWN

Notice is hereby given that the Middletown Planning Commission will hold a Public Hearing on **Monday, October 19, 2015, beginning at the hour of 7:00 P.M., at the Middletown Municipal Center, 31 West Main Street, Middletown, MD** to consider an ordinance to amend Title 16 of the Middletown Municipal Code relating to the procedures and requirements that govern the subdivision of all lands within the corporate limits of the town; by changing references of director of operations and construction to director of public works; by changing the daily consumption of gallons of water per dwelling unit from 300 gallons to 250 gallons; by requiring that all sketch plans show topography at five-foot contour intervals; by changing the minimum sight distance on collector streets from 200 feet to 300 feet; by changing the reference to private streets from 'will not be approved' to 'will not be maintained by the town'; by deleting the definition of "double frontage lot"; by deleting certain types of guarantees of construction of public improvements; by deleting references to condominiums; by adding definitions for "floodplain", "plat", "right-of-way", "arterial street", "tract" and "cul-de-sac"; by adding references to submittals of electronic copies of plans and architectural renderings; by adding language regarding waterbody buffer requirements; by changing the word "master" to "comprehensive" in relation to references to the town's comprehensive plan' by changing "major highway" to "transportation" in relation to comprehensive plan sections; and making other stylistic changes and grammatical revisions and correcting typographical errors.

Copies of the proposed text amendment are available on the town's website and at the Middletown Municipal Center for any citizens wishing to receive a copy of the proposed text amendment for review.

All citizens wishing to be heard will be recognized at this hearing. Any person desiring a stenographic transcript shall be responsible for supplying a competent stenographer.

Individuals requiring special accommodations are requested to contact Andrew Bowen, Town of Middletown, at (301) 371-6171, at least 48 hours prior to the Public Hearing.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 16 – ‘SUBDIVISIONS’ OF THE MIDDLETOWN MUNICIPAL CODE; TO ADD DEFINITIONS FOR THE TERMS “CUL-DE-SAC”, “FLOODPLAIN”, “PLAT”, “RIGHT-OF-WAY”, “ARTERIAL STREET” AND “TRACT”; TO REQUIRE THE SUBMISSION OF ELECTRONIC COPIES OF CERTAIN PLATS AND OTHER DOCUMENTS; TO REDUCE THE DEMANDS OF A PROPOSED SUBDIVISION OR PROJECT FOR WATER AND SEWER CONSUMPTION TO TWO HUNDRED FIFTY (250) GALLONS OF WATER PER EQUIVALENT DWELLING UNIT; TO REMOVE ESCROW ACCOUNTS AND BONDS AS AN ACCEPTABLE TYPE OF GUARANTEE FOR THE CONSTRUCTION OF IMPROVEMENTS; TO ADD PROVISIONS RELATING TO DEVELOPMENT IN WETLANDS, FLOODPLAINS, WATER BUFFER AREAS AND FOREST LANDS; TO INCREASE MINIMUM SIGHT DISTANCES TO 300 FEET FOR DEVELOPMENTS ON COLLECTOR STREETS; TO REQUIRE STREET NAME SIGNS TO BE INSTALLED INITIALLY BY THE DEVELOPER; AND TO MAKE OTHER NON-SUBSTANTIVE STYLISTIC AND LINGUISTIC CHANGES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, of the Middletown Municipal Code be, and hereby is, 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 16 – Subdivisions

Chapter 16.04 - Adoption, Purpose and Definitions

Sections:

16.04.020 Purpose.

- A. *{Unchanged}*
- B. *{Unchanged}*
- C. These regulations are designed to provide for the control of erosion and sedimentation; the protection from flooding; the proper arrangement of streets in relation to other existing planned streets and to the town ~~master~~ **COMPREHENSIVE** plan; the adequate and convenient placement of public school sites and of open space for traffic, utilities, access of

firefighting apparatus, recreation, light and air; and the avoidance of congestion of population, including minimum width and area of lots.

16.04.030 Definitions.

As used in this title:

"Alley" means a right-of-way which provides secondary service access to the side or rear of abutting properties.

"Block" means a tract of land within a subdivision that is entirely bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines of the town.

"Building setback line" means a line beyond which the foundation wall and/or any enclosed porch, vestibule or other enclosed portion of a building shall not project as determined by the yard requirements.

"Comprehensive plan" is also referred to as the master development plan of Middletown, Maryland.

"County master ~~{highway}~~ **TRANSPORTATION** plan" means the official plan of major roads, highways, streets, and other ~~{ways}~~ **TRANSPORTATION CONCEPTS ORIGINALLY** adopted by ~~{the}~~ Frederick County ~~{planning commission and approved by the board of county commissioners of Frederick County}~~ on November 25, 1959, and ~~{as amended in accordance with Article 66B of the Annotated Code of Maryland.}~~ **WHICH IS PERIODICALLY AMENDED AS PART OF AND AS A SUPPLEMENT TO THE TRANSPORTATION ELEMENT OF THE COUNTY COMPREHENSIVE PLAN.**

"County plans" means the officially adopted master plans for the comprehensive development of Frederick County, or any part of such plan or any amendments thereto.

"Crosswalk" means a public or private right-of-way which cuts through a block and is used exclusively by pedestrians.

"CUL-DE-SAC" MEANS A STREET WITH A SINGLE COMMON INGRESS AND EGRESS AND WITH A TURNAROUND AT THE END.

"Developers" means the owner(s) or agent(s) under legal authority of the owner(s) who undertake to cause a parcel of land to be designed, subdivided, developed and recorded as a subdivision.

"Easement" means a grant by a property owner of the use of land for use, construction or maintenance of facilities, utilities, drainage or access without giving up title to the land.

“FLOODPLAIN” MEANS A RELATIVELY FLAT OR LOWLAND AREA ADJOINING A RIVER, STREAM, OR WATERCOURSE, WHICH IS SUBJECT TO PERIODIC, PARTIAL OR COMPLETE INUNDATION.

"Improvement plan" means a plan that graphically depicts to scale proposed improvements.

"Improvements" means changes and additions to land necessary to prepare it for building development sites, future use and including street paving and curbing, grading, monuments, drainage ways, sewers, fire hydrants, water mains, sidewalks, and other public works and appurtenances.

"Lot" means a parcel or portion of land separated from other parcels or portions either by descriptions as on a subdivision plat or a recorded survey map, or by metes and bounds, for the purpose of transfer, sale, lease or other changes in ownership or use or to be occupied by a building and its accessory buildings together with such open space as required and having frontage on a public right-of-way.

~~{Lot, Double Frontage. "Double front lot" means a lot extending through the block from one street to another.}~~

"Outlot" means a parcel of land within a subdivision and which has been included on a preliminary or final plat but not designated as a buildable lot due to insufficient size and/or frontage or peculiar site or topographical problems. Outlots shall be provided only where necessary for access to adjoining properties or where necessary to provide an appropriate future street pattern.

"Performance bond" means a surety bond or cash deposit made out to the town in an amount equal to the full cost of the improvements which are required by this title, and said surety bond or cash deposit being legally sufficient to secure to the town that said improvements will be constructed in accordance with this title.

"Planning commission" means the planning commission of the town of Middletown, Maryland.

“PLAT” MEANS THE MAP OF A SUBDIVISION SHOWING THE NUMBER AND DIMENSIONS OF LOTS, PUBLIC AND PRIVATE RIGHTS-OF-WAY, AND EASEMENTS. THE FINAL PLAT MUST BE FILED AND RECORDED WITH THE COUNTY CLERK IN THE COUNTY PLAT BOOK.

"Preliminary plat" means the preliminary drawings and supplementary material showing the proposed layout of the subdivision to be submitted to the planning commission for its consideration.

“RIGHT-OF-WAY” MEANS THE LEGAL RIGHT TO CROSS OVER PROPERTY.

"Start of construction" means the placement of slab or footings, piles, columns, or any work beyond the stage of excavation.

"Street" means a public or dedicated way, or a public proposed right-of-way, widening, or extension of an existing street or public way shown on any plan approved by the PLANNING commission [~~and which serves as primary access to abutting properties.~~]

STREET, ARTERIAL. "ARTERIAL STREET" MEANS A CONTINUOUS ROUTE THROUGH AREAS THAT TYPICALLY CARRY MODERATE TO HIGH VOLUMES OF TRAFFIC.

Street, Collector. "Collector street" means a street which, in addition to providing ingress to properties abutting thereon, is intended to collect traffic from or distribute it to a series of local access streets within a neighborhood.

Street, Local. "Local street" means a street intended to serve and provide access exclusively to the properties abutting thereon, and not to be used as a channel for through traffic.

Street, Private. "Private street" means any street which is under the jurisdiction of an individual, corporation or trustee, or any street which is privately owned, established, constructed or maintained.

Street, Service Road. "Service road street" means a road not serving as a collector road, but merely providing access to properties fronting on a highway, which road is contiguous and parallel to the major highway. Adjacent here shall mean that no structure shall be built between the service road and the major highway.

"Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

Technical Advisory Committee. In order to assist developers in getting information concerning these regulations, the planning commission may organize a technical advisory committee. The committee will meet at intervals necessary to enable developers to conveniently contact all departments involved. The developer shall prepare a preliminary plat before meeting with the committee. The committee may be composed of staff members of both the Middletown and county planning commissions, State Roads Commission, county roads board, county health department, Metropolitan Commission, county soil conservation committee, and any other department or agency concerned with development.

"TRACT" MEANS LAND UNDER SINGLE OWNERSHIP OR CONTROL. A TRACT USUALLY COVERS A SUBSTANTIAL ACREAGE AND HAS THE POTENTIAL TO BE SUBDIVIDED INTO LOTS.

Chapter 16.08 - ADMINISTRATION AND ENFORCEMENT

Sections:

16.08.010 - Administrative authority.

The following offices of the government of Middletown are concerned with the administration of this title:

A. The Town Board. The town board is vested with the following responsibilities with regard to subdivision control:

1. Amendment of the regulations of this title when found necessary and desirable;
2. Initiation of appropriate proceedings to enforce the provisions of this title.

B. The Town Planning ~~{and Zoning}~~ Commission. The planning commission shall administer this title, and in furtherance of said authority, shall:

1. Maintain permanent and current records of this title, including amendments thereto;
2. Receive and process and check for compliance with these regulations all preliminary plats and final plats (together with applications);
3. Forward copies of the preliminary plat to other town, county and state offices and agencies for their recommendations, and report wherever appropriate;
4. Make all other determinations required by the regulations herein;
5. Give preliminary and final approval of all subdivisions submitted.

16.08.020 - Subdivider must prepare and record plat of subdivision.

From and after the adoption of these regulations, any owner or proprietor of any tract of land located in the territory to which these regulations may apply who creates a subdivision shall cause a plat of such subdivision to be made in accordance with the regulations set forth herein and the provisions of **THE LAND USE** Article ~~{66B}~~ of the Annotated Code of Maryland. After having secured the approval thereof by the planning commission, the subdivider shall cause a copy of the said plat to be recorded in the office of the clerk of the court. Any subdivision or portion thereof which may be in process of development, but has not had a plat recorded at the time of adoption of these regulations, shall also be subject to the requirements and procedures contained herein.

16.08.120 - Saving clause.

If any section or article of these regulations ~~is~~ IS found to be unconstitutional or illegal by the court, the said section or article will cease to be effective until an amendment is made and adopted. The unconstitutionality of any section or article, however, shall have no bearing on the effectiveness of the remainder of these regulations.

16.08.140 Violation—Penalty.

~~[Any subdivider who violates these regulations shall be subject to the penalties prescribed in Section 5.05 of Article 66B, Annotated Code of Maryland, which are as follows:~~

~~Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before the plat has been approved by the Planning Commission and recorded or filed in the office of the appropriate County Clerk, shall forfeit and pay a civil penalty of not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1000) in the discretion of the Court for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or from the remedies herein provided. The municipal corporation may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.]~~

A VIOLATION OF ANY OF THE PROVISIONS OF THIS TITLE BY ANY PERSON OR ENTITY MAY BE ENFORCED BY THE TOWN AS A MUNICIPAL INFRACTION IN ACCORDANCE WITH THE PROCEDURES AND PENALTIES FOR A MUNICIPAL INFRACTION AS PROVIDED IN CHAPTERS 1.12 AND 1.16 OF THE MIDDLETOWN MUNICIPAL CODE. IN ADDITION, THE TOWN MAY ENFORCE THE PROVISIONS OF THIS TITLE PURSUANT TO ANY OTHER APPLICABLE STATE, FEDERAL, COUNTY OR LOCAL LAW. THE TOWN MAY ALSO SEEK ENFORCEMENT OF THE PROVISIONS OF THIS TITLE BY WAY OF A CIVIL ACTION FOR SPECIFIC PERFORMANCE, INJUNCTIVE RELIEF, MONETARY DAMAGES OR OTHER REMEDY OTHERWISE AVAILABLE TO THE TOWN EITHER AT LAW OR IN EQUITY.

Chapter 16.12 - SUBDIVISION PROCEDURES

Sections:

16.12.020 - Sketch plan.

A. Where a subdivision plat includes improvements, the developer may submit a sketch plan to the planning commission in accordance with the provisions of ~~{section}~~ **SECTION 16.16.020**.

B. *{Unchanged}*

C. *{Unchanged}*

16.12.050 Submission of preliminary plan of subdivision for approval.

A. The subdivider shall prepare a preliminary plat of the proposed subdivision conforming with the requirements set forth in Chapter 16.20. At least thirty (30) days prior to a regularly scheduled meeting of the planning commission, the plat along with six black line or similar prints **AND AN ELECTRONIC COPY** of the plat shall be filed with the planning commission; however, if a state road is involved, three additional prints shall be provided.

B. In case any part of the proposed subdivision is located within the jurisdiction of Frederick County, an additional two copies of the preliminary ~~{plat}~~ **PLAT** shall be filed. The planning commission shall transmit these additional copies to the appropriate authorities for action.

C. The preliminary plat will be checked as to its conformity with the comprehensive plans, the town zoning ordinance, and other applicable provisions, and the principles, standards, and requirements hereinafter set forth. Copies will be referred to any other county or state officials who may be concerned with public improvements or health requirements.

D. At its regular meeting the planning commission shall approve or disapprove the preliminary plat, or may approve it subject to specific changes or modifications. Reasons for disapproval will be noted on the plat or by letter. No plat shall be approved that is in conflict with these subdivision regulations, and zoning ordinances or with any part of an officially adopted feature of the town comprehensive ~~{development}~~ plan.

E. Along with consideration of the preliminary plat, the town board and the developer shall ~~{arrive at an understanding concerning the provision of}~~ **HAVE A WRITTEN AGREEMENT ESTABLISHING THE RIGHTS AND OBLIGATIONS OF EACH OF THE PARTIES RELATING TO** water and sewage services plus any other public improvements contemplated **INCLUDING, BUT NOT LIMITED TO, ROADS AND PUBLIC SPACES. ALL APPROPRIATE ENTITIES SHALL REVIEW ARCHITECTURAL DRAWINGS AND SUBMIT RECOMMENDATIONS TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.**

F. Preliminary plats, once approved, shall remain valid so long as there occurs final plat approval and recording of at least twenty (20) of the preliminary approved lots within three

years of the date the preliminary plan was approved. Thereafter, at least twenty (20) lots must be approved and recorded per year for the preliminary plan to remain valid. Extension of the preliminary plan may be granted by the planning commission for delays attributable to town, county or state agencies **OR OTHER EXTENUATING CIRCUMSTANCES BEYOND THE CONTROL OF THE DEVELOPER.**

16.12.055 - Water and sewer capacity certification.

A. Upon approval of the preliminary plat, the town administrator shall conduct a review and analysis of the capacities of the town water and sewer systems in order to determine whether there exists sufficient water and sewer capacity to service the proposed subdivision or the development project thereon. The review and analysis shall be conducted in coordination with the director of ~~{operations and construction}~~ **PUBLIC WORKS** and the water and sewer superintendent who shall provide the administrator with pertinent information and data regarding the capacity of the town to provide water and sewer service to the proposed subdivision or project. In the review and analysis of the town water and sewer capacity, the demands of the proposed subdivision or project for water and sewer shall be based upon a daily consumption of ~~{three hundred (300)}~~ **TWO HUNDRED FIFTY (250)** gallons of water per equivalent dwelling unit.

B. *{Unchanged}*

C. *{Unchanged}*

D. *{Unchanged}*

E. *{Unchanged}*

16.12.060 - Improvement plans.

Upon approval of the preliminary plat and issuance of a certificate of water and sewer capacity, the developer shall prepare and submit to the ~~{Planning Commission}~~ **PLANNING COMMISSION**, for review and approval, an improvement plan for the installation of improvements in accordance with the requirements of Chapter 16.32 of this title. All such improvements shall be designed in compliance with and to the standards, plans and specifications set forth in this title. Copies of such improvement plan will be referred by the ~~{Planning Commission}~~ **PLANNING COMMISSION** to the appropriate town, county and/or state officials for review and approval, subject to such changes or conditions as in its judgment may be required. Approval of an improvement plan shall expire three (3) years from the date on which the ~~{Planning Commission}~~ **PLANNING COMMISSION** approves the improvement plan unless construction has begun as defined by "start of construction." Once improvements have begun, the developer will be expected to proceed with due diligence to completion with

visible, substantial and progressive construction activities. Extension of the improvement plan may be granted by the ~~{Planning Commission}~~ **PLANNING COMMISSION** for delays attributable to town, county or state agencies **OR OTHER EXTENUATING CIRCUMSTANCES BEYOND THE CONTROL OF THE DEVELOPER.**

{COMMENT not intended for codification: In the codification of this section, the amendments in this section to the term "Planning Commission" are intended for the purpose of using only lower case letters for the term "planning commission".}

16.12.070 - Approval of final plat.

A. *{Unchanged}*

B. *{Unchanged}*

C. The subdivider shall file five mylar prints **PLUS AN ELECTRONIC COPY** of the final plat with the town.

D. The final plat shall be acted upon within thirty (30) days of filing. If it is found by the planning commission that the final plat is in conformance with all applicable regulations, it shall approve the final plat and obtain the signature of the chairperson of the planning commission **OR THE CHAIRPERSON'S DESIGNEE** on the plat. The signature of the chairperson **OR THE CHAIRPERSON'S DESIGNEE** shall mean that the town is satisfied that the requirements of these regulations have been complied with. Reasons for the disapproval of any plat shall be stated upon the records of the town planning commission.

E. Water and Sewer Facilities.

1. In General. A proposed final plat shall be disapproved unless the facilities for conveying, pumping, storing, or treating water or sewage to serve the proposed subdivision would be completed in time to serve the proposed subdivision.

2. Presumption of Timely Completion. A presumption shall exist that the water facilities and the sewer facilities for the proposed subdivision will be completed in time to serve the proposed subdivision if ~~{øf}~~ all of the following requirements are satisfied:

a. The subdivider and the town have entered into and executed separate written public works agreements which provide for the construction and installation of water lines and facilities and sewer lines and facilities to service the proposed subdivision;

b. All necessary off-site land, easements, and rights-of-way required for construction and installation of the water facilities and the sewer facilities have been conveyed to the town and recorded in the land records;

c. All contracts funded by the developer for the construction and installation of the public water lines and facilities and the public sewer lines and facilities to provide service up to the site have been executed;

d. All letters of credit securing compliance with the public works agreements for construction and installation of public water and sewer lines or facilities to provide service to the proposed subdivision have been executed and delivered to the town; and

e. The {town} director of ~~{operations and construction}~~ **PUBLIC WORKS** has certified that all such off-site lines and facilities shall be operational within ninety (90) days of the final plat recordation.

3. Water and/or Sewer Easement Extensions. Water and/or sewer easement extensions to service adjoining properties within the service area shall be extended to the boundary line as determined by the {town} director of ~~{operations and construction}~~ **PUBLIC WORKS**.

F. Recording Final Plat. The town shall record the approved final plat with the clerk of the circuit court for Frederick County. Approval of the final plat by the town planning commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on said plat.

G. Guarantee of Improvements.

1. Types of Guarantees. Prior to the signing of a final subdivision plat for record, the developer shall furnish the town one of the following guarantees of construction of public improvements:

a. Completion and acceptance of public improvements covered by the final plat;

b. Funds placed in escrow with an escrow agent satisfactory to the town with an agreement between the escrow agent and the town that the funds be partially released from escrow from time to time as requested by the developer to pay invoices for work completed and installation of the public improvements in the area covered by the final plat;

~~e. A completion bond satisfactory to the town furnished by the contractor guaranteeing completion of the improvements. Such bond shall run to the benefit of the town of Middletown;]~~

~~[d]~~ C. An irrevocable letter of credit or similar agreement from a recognized lender satisfactory to the town guaranteeing payment for the installation of the public improvements in the area covered by the final plat.

The type of guarantee required shall be in the discretion of the town.

2. Amount of Guarantee. A certificate of the cost of improvements shall be filed by the {town} director of ~~{operations and construction}~~ **PUBLIC WORKS** with the burgess and commissioners of Middletown. The guarantee shall be in the amount of the cost of improvements plus a contingency of up to twenty-five (25) percent in addition to the cost of improvements as decided by the burgess and commissioners upon recommendation by the {town} director of ~~{operations and construction}~~ **PUBLIC WORKS**. In the event the improvements are not completed within one year following the effective date of the guarantee, the burgess and commissioners, upon recommendation of the {town} director of ~~{operations and construction}~~ **PUBLIC WORKS**, may require an increase in the amount of the guarantee.

3. Release of Guarantee. Guarantees may be released from time to time, in whole or in part, upon recommendation of the {town} director of ~~{operations and construction}~~ **PUBLIC WORKS** and approval by the burgess and commissioners of Middletown; provided, however, that a retainage of up to five percent plus the contingency required will be held until both of the following occur:

a. Final inspection and approval by the {town} director of ~~{operations and construction}~~ **PUBLIC WORKS**; and

b. Approval and acceptance by the burgess and commissioners.

4. Records. The town will maintain records showing all guarantees in force as well as those which have been released.

Chapter 16.16 - SKETCH PLAN

Sections:

16.16.020 - Required information.

A sketch plan must contain the following information:

A. The sketch plans shall be submitted ~~{on paper}~~ **ELECTRONICALLY** and shall be clear and legible. ~~{Illegible plans will be discarded and the subdivider notified}~~ ;

B. *{Unchanged}*

C. *{Unchanged}*

D. Title information:

1. Proposed name,

2. Scale of ~~{plat}~~ **PLAN**,

- 3. Date;
- E. *{Unchanged}*
- F. ~~{Northpoint}~~ **NORTH POINT**;
- G. *{Unchanged}*
- H. ~~{Where slope conditions exceed eight percent, the plat}~~ **THE PLAN** shall show topography at five-foot contour intervals. Contour lines shall be indicated one hundred (100) feet beyond subdivision boundary line except along existing roads. Interpolated contours from USGS quadrangle maps will be accepted, and shall be indicated. The use of interpolated contours should be indicated on the ~~{plat}~~ **PLAN**;
- I. *{Unchanged}*
- J. *{Unchanged}*
- K. *{Unchanged}*
- L. *{Unchanged}*
- M. *{Unchanged}*
- N. Zoning district classification, water and sewer classification of **COUNTY** master plan for the subject tract;
- O. In cases of ~~{condominium or}~~ multi-family projects (apartment, townhouse, etc.) the following additional items shall be shown:
 - 1. Approximate location of each building,
 - 2. Total number of units in each building,
 - 3. Number of parking spaces in each off-street parking area, and total thereof,
 - 4. Interior road or street access, whether public or private.

Chapter 16.20 - PRELIMINARY PLAT

Sections:

16.20.010 - Required information.

The preliminary plat of the proposed subdivision shall comply with the following requirements and contain the following information:

A. General Style and Form.

1. *{Unchanged}*

2. *{Unchanged}*

3. Drawing Material. It shall be drawn in ink, in a reproducible material, and shall be at a scale no smaller than one inch per one hundred (100) feet. **IT SHALL BE SUBMITTED ELECTRONICALLY AS WELL AS PAPER SUBMISSIONS, AS REQUIRED.**

4. *{Unchanged}*

5. *{Unchanged}*

6. *{Unchanged}*

B. *{Unchanged}*

C. Information as to Proposed Development. The following proposed development information shall be shown:

1. - 6 *{Unchanged}*

7. **ARCHITECTURAL RENDERINGS OF PROPOSED BUILDINGS IN SUBDIVISION AS WELL AS ILLUSTRATIVE DEPICTION OF SUBDIVISION AS A WHOLE.**

8. Proposed Zoning Change. Proposed uses of property and any proposed zoning change.

Chapter 16.24 - FINAL PLAT

Sections:

16.24.010 - Required information.

The final plat of the subdivision shall comply with the following requirements and contain the following information:

A. General Style and Form.

1. Drawing. It **SHALL BE DRAWN IN INK, IN A REPRODUCIBLE MATERIAL, AND SHALL BE AT A SCALE NO SMALLER THAN ONE INCH PER ONE HUNDRED (100) FEET. ONCE APPROVED, IT** shall be legibly and accurately drawn on ~~tracing linen or~~ mylar sheets eighteen (18) inches by twenty-four (24) inches in size, and at a scale of one inch to fifty (50) feet, or one inch to one hundred (100) feet, depending upon the size and nature of the subdivision. If more space is needed, additional sheets may be used. Drawing must ~~be~~ **HAVE** a three and one-half inch margin on the left side and a one-half inch margin on the other sides. Each additional sheet on a final plat shall contain all of the necessary information so as to stand on its own. **IT SHALL ALSO BE SUBMITTED FOR REVIEW ELECTRONICALLY.**

2. *{Unchanged}*

3. *{Unchanged}*

B. Graphic Information. The following graphic information shall be shown:

1. – 13. *{Unchanged}*

14. Water and Sewer Lines. Location and size of existing and proposed water and sewer lines, **IF NECESSARY.**

C. Certificates and Other Information. The following certificates and other information shall be included:

1. – 3. *{Unchanged}*

4. ~~{Protective}~~ Covenants. ~~{Protective}~~ ~~[e]~~ Covenants which apply to all the area as shown by the recorded plat shall be part of the recorded plat.

Chapter 16.28 - DESIGN STANDARDS

Sections:

16.28.010 - Minimum requirements.

The standards of design contained in this chapter are intended only as minimum requirements, and the developer should use standards consistent with the site conditions so as to assure a high-quality, pleasant, and durable neighborhood. All subdivisions shall conform to the official town ~~{or county master}~~ **COMPREHENSIVE** plan.

16.28.020 - Approval of subdivisions on land subject to ~~adverse~~ **UNIQUE** physical conditions.

The subdivision of land subject to flooding by the annual floodplain, as determined by floodplain soils, or a fifty (50) year storm or less as determined by the standards set by the Maryland Department of Geology and Mines or its successor will not be approved. A plat of a proposed subdivision located in an area having poor drainage or otherwise adverse physical conditions may be approved, provided the subdivider agrees to make such improvements as in the judgment of the town planning commission render the subdivision substantially safe and otherwise acceptable for residential use, and furnishes a performance bond or gives other guarantee satisfactory to the town board sufficient to cover the cost of such improvements as estimated by the officials having jurisdiction. **NO DEVELOPMENT SHALL BE ALLOWED ON FLOODPLAIN SOILS, OR ON NON-TIDAL WETLANDS.**

A PARCEL, LOT, OR TRACT OF LAND SUBMITTED TO THE TOWN OF MIDDLETOWN FOR SUBDIVISION OR RESUBDIVISION REVIEW AND APPROVAL SHALL BE SUBJECT TO WATERBODY BUFFER REQUIREMENTS. ALL SUBDIVISION PLANS SHALL HAVE WATERBODY BUFFERS OF AT LEAST 100 FEET FROM EACH BANK CLEARLY SHOWN AND CERTIFIED BY A PROFESSIONAL ENGINEER, REGISTERED PROFESSIONAL LAND SURVEYOR, OR REGISTERED PROPERTY LINE SURVEYOR. WATERBODY BUFFER WIDTHS MAY BE GREATER THAN 100 FEET IF FLOODPLAIN AND WETLANDS EXTEND BEYOND THE WATERBODY BUFFER AREA. ALL WATERBODY BUFFER AREAS SHALL BE MAINTAINED IN A NATURAL VEGETATIVE STATE UNLESS OTHERWISE UTILIZED FOR REFORESTATION OR AFFORESTATION TO SATISFY FOREST RESOURCE ORDINANCE OBLIGATIONS OR FOR ENVIRONMENTAL ENHANCEMENT PROJECTS ADMINISTERED OR APPROVED BY FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCIES.

FORESTED AREAS OR STEEP SLOPES WITH A GRADIENT OF 25% OR GREATER SHALL NOT BE DISTURBED BY DEVELOPMENT.

16.28.030 - Street design standards.

- A. *{Unchanged}*
- B. *{Unchanged}*
- C. All streets shall be considered in their relation to:
 - 1. - 4. *{Unchanged}*
 - 5. ~~{Master development}~~ **COMPREHENSIVE** plan (~~{major highway plan}~~ **TRANSPORTATION** section).

D. Where such is not shown on the ~~{master}~~ **COMPREHENSIVE** plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets; or

2. Conform to a plan for the neighborhood approved or adopted by the planning commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

E. *{Unchanged}*

F. Access. ~~{Reserve}~~ **SPITE** strips controlling access to streets or alleys shall be prohibited.

G. Alignment.

1. – 4. *{Unchanged}*

5. Minimum sight distances (over a hill) shall be one hundred fifty (150) feet on local streets and ~~{two hundred (200)}~~ **THREE HUNDRED (300)** feet on collectors. The height of objects when determining the minimum sight distances shall be as follows:

a. Driver's eye height: 3.75 feet;

b. Height of object: 4.50 feet;

c. Head of headlamp: 2.00 feet.

H. Alleys. Alleys shall be included in all commercial and industrial areas if no other provisions are made for adequate access to parking and loading spaces. Alleys will ~~{not be approved in residential}~~ **ONLY BE ALLOWED IN OVERLAY** districts. In the absence of alleys, easements will be required for utility lines or drainage, such easements being a minimum width of twelve (12) feet or six feet on each side of a property line.

I. *{Unchanged}*

J. *{Unchanged}*

K. *{Unchanged}*

L. *{Unchanged}*

M. Minimize Interference with Through Traffic. Land abutting the arterial highways as designated by the town's ~~{major streets}~~ **TRANSPORTATION** plan should be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact

of heavy traffic upon them; also minimizing interference with traffic on such highways, roads, and streets as well as accident hazards from all kinds of subdivisions. This may be done:

- a. By backing the lots upon the highway so that they front on and have access from a parallel minor street one-half block away;
- b. By arranging the lots around a series of loop streets ~~{or deadend streets}~~ stemming from a collector street. Such loops ~~{or deadends}~~ shall be one lot depth away from the highway.

The choice between the foregoing or other methods for accomplishing the desired purpose in a specific case must necessarily be made in consideration of topography and other physical conditions, the character of existing and contemplated developments, and other pertinent factors. In all cases the minimum distance between street connections on major collectors and access streets shall be five hundred (500) feet.

N. *{Unchanged}*

O. Private Streets. Private streets will not be ~~{approved}~~ **MAINTAINED BY THE TOWN**. This condition will be noted on the final plat. Common driveways leading to individual lots or driveways leading to common parking areas such as in a multifamily residential project shall not be considered **TOWN** streets.

P. Street Names. Street names shall be subject to approval by the planning commission **AND THE BURGESS AND COMMISSIONERS**. Names shall not duplicate or closely approximate existing street names in the town or county except for extension of existing streets.

Q. Right-of-Way Width—Pavement Width. Minimum widths for the right-of-way of streets, alleys and easements shall be as follows (extra widths may be required where necessary):

:

	ROW (feet)	Pavement (feet)
1. Collector streets		
Residential	60—70	34—40
Commercial/industrial	70	40
2. Local access:		
Residential	50—60	32—36
Commercial/industrial	60	36
3. Service roads	40	24
4. Cul-de-sacs	50 Radius	40 Radius

5. Alleys	20	16
6. Crosswalks	10	5 if needed
7. Easements (utility)	6	—
8. Easements (drainage)	What the [planning commission] DIRECTOR OF PUBLIC WORKS feels is necessary	

Note: Residential right-of-way and pavement requirements depend upon density of development. Refer to street design standards table subsection T of this section for specific details.

- R. {Unchanged}
- S. {Unchanged}
- T. Street Design Standards Summary.

Street Design Standards Summary						
National standards adopted for use on local, hilly terrain)						
	Local Street			Collector Street		
	Low ¹	Med ¹	High ¹	Low ¹	Med ¹	High ¹
Development density ²						
Right-of-way width (ft)	50	60	60	60	60	70
Pavement width (ft)	32	32	36	34	36	40
Vertical face curb	Yes	Yes	Yes	Yes	Yes	Yes
Sidewalk width (ft)	4	5	5	5	5	6
Sidewalk distance from "back to curb" (ft)	5	6	6	6	6	6
Minimum sight distance (ft) (over a hill)	—150 ³ —			—300 ³ —		
Maximum grade	—10%—			—7%—		
Maximum cul-de-sac length (ft) (dead-end street with turnaround)	800	500	500	-	-	-
Maximum center line radii (ft) (around curve)	—150—			—300—		
Minimum curbing radius (ft)	20	20	25	25	30	40
Design speed (MPH)	—25—			—30—		
Off-street parking necessary	Yes	Yes	Yes	Yes	Yes	Yes
Street lighting	Yes	Yes	Yes	Yes	Yes	Yes

¹ Low—1 to 5 dwellings per gross acre
Medium—5.1 to 9.9 dwellings per gross acre
High—10 dwellings per gross acre and greater

² Commercial or industrial subdivision roads must meet the design standards of high density development for either local or collector streets as determined by the ~~{planning commission}~~ **DIRECTOR OF PUBLIC WORKS.**

³ If this is impractical because of topographic conditions, may be decreased to one hundred ten (110) feet for local and two hundred (200) feet for collectors.

16.28.040 - Block design standards.

A. *{Unchanged}*

B. *{Unchanged}*

C. Business and industrial blocks may be specially designed to serve their particular purposes, which designs shall be subject to approval by the planning commission **WITH GUIDANCE FROM THE DIRECTOR OF PUBLIC WORKS.**

D. *{Unchanged}*

16.28.070 - Lot design standards.

A. *{Unchanged}*

B. Residential lots shall comply with at least the minimum size area requirements of the zoning district in which located, except otherwise approved by the planning commission ~~{as described in Chapter 16.24}~~.

C. *{Unchanged}*

D. All lot measurements shall be net measurements, not including any part of any street, alley, or ~~{crosswalkway}~~ **CROSSWALK WAY**. Easements, however, shall be regarded as within the lot.

E. *{Unchanged}*

F. *{Unchanged}*

16.28.090 - Public sites and open spaces.

Where a proposed park, playground, school or other public use shown on the ~~{master development}~~ **COMPREHENSIVE** plan for Middletown is located in whole or in part in a subdivision, such sites shall be indicated on the subdivision plat. School, park and other public sites are to be reserved and negotiated within one year of the recording date of the subdivision.

16.28.100 - Required recreation areas to be dedicated.

In all residential developments ~~{(as defined in Section 16.28.030(T))}~~ at least ten (10%) percent of the entire tract of land to be developed must be reserved for recreational use. Where ten (10) percent would be less than one-half acre, such development may be exempt from this provision. Areas that are reserved shall be shown on the plat and approved by the planning commission.

Chapter 16.32 - IMPROVEMENTS

Sections:

16.32.020 - Minimum requirements.

- A. *{Unchanged}*
- B. *{Unchanged}*
- C. *{Unchanged}*
- D. *{Unchanged}*
- E. *{Unchanged}*
- F. **Street Signs.** A name sign of an approved design shall be erected by the ~~{town}~~ **DEVELOPER, INITIALLY**, at each new street or road intersection. **SUBSEQUENT REPLACEMENTS ARE DONE BY THE TOWN.**
- G. *{Unchanged}*
- H. *{Unchanged}*

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

SUBDIVISION REGULATIONS PROPOSED CHANGES – OCTOBER 2015

The Planning Commission has reviewed Title 16 - Subdivisions and has made the following recommendations for updates to this section.

Proposed changes:

- 1) Changed references of director of operations and construction to director of public works.
- 2) Changed the daily consumption of gallons of water per dwelling unit from 300 gallons to 250 gallons per the changed policy of the Town. (Section 16.12.055)
- 3) All sketch plans shall show topography at five-foot contour intervals instead of only where the slope conditions exceed eight percent. (Section 16.16.020)
- 4) Changed the minimum sight distance on collector streets from 200 feet to 300 feet. (Section 16.28.030)
- 5) Changed reference to private streets from 'will not be approved' to 'will not be maintained by the town'. (Section 16.28.030)
- 6) Changed reference to street signs erection from 'by the town' to 'by the developer, initially'. (Section 16.32.020)

Proposed deletions:

- 1) Deleted the definition of "double frontage lot". (Section 16.04.030)
- 2) Deleted type of guarantee of construction of public improvements no longer accepted by the Town. (Section 16.12.070)
- 3) Deleted reference to condominiums. (Section 16.16.020)

Proposed additions:

- 1) Added definitions for "floodplain", "plat", "right-of-way", "arterial street", and "tract". (Section 16.04.030)
- 2) Added references to the state's Land Use Article where Article 66B is cited.
- 3) Added references to electronic copies of plans that are to be submitted.
- 4) Added references to architectural renderings or drawings that are to be submitted.
- 5) Added language regarding waterbody buffer requirements. (Section 16.28.020)
- 6) Alleys will be allowed in overlay districts to represent what has already been approved in recent developments. (Section 16.28.030)

For conforming purposes:

- 1) Changed the word 'master' to 'comprehensive' in relation to references to the towns comprehensive plan.
- 2) Amended references to Frederick County to conform to the new executive council and board.
- 3) Changed 'major highway' to 'transportation' in relations to comprehensive plan sections.

Other minor edits were primarily for grammatical purposes.

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

September 21, 2015

The regular meeting of the Middletown Planning Commission took place on Monday, September 21, 2015 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Chris Goodman (Ex-Officio), Bob Miller, Bob Smart, and David Lake. Others present in official capacity: Commissioner Dixie Eichelberger (Temp. Alternate), Cindy Unangst (Staff Planner), Bruce Carbaugh (Director of Public Works) and Annette Alberghini (Recording Secretary). Others present: Noel Manalo (Miles & Stockbridge), Tom Poss (Verdant Development Group), Andrew Brown (J.F. Brown, III & Associates), and Michael Swanson (Terra Solutions Engineering).

The public hearing on the subdivision regulations update has been postponed to October.

- I. **PUBLIC COMMENT** – None.
- II. **Regular Meeting Minutes of August 17, 2015** – Approved as submitted.

III. PLAN REVIEW

Washington Gas Holy Family Approach Plans – (No one was present for the applicant) This is a proposed installation of a 4-inch plastic pipeline which will extend a gas line to the Catholic Church and will not create any new impervious area. Approximately 400 linear feet of this new gas line would be located within the town limits near the Cone Branch Pump Station. The plan was updated and now includes a note stating that access to that facility will remain open at all times to allow Middletown staff access to the pump station. The County FRO review of the plans was conditionally approved on September 17, 2015. The comments from the review by ARRO are minor and will be addressed. The Town Director of Public Works has not had the opportunity to review the plans, but will.

Action: Commissioner Lake motioned to conditionally approve the Holy Family Washington Gas Line plan conditional upon the Director of Public Works review of the plan and comments. Seconded by Commissioner Smart. Motion carried (5-0).

Franklin Commons (Chesterbrook) Improvement Plans – (Noel Manalo (Miles & Stockbridge), Tom Poss (Verdant Development Group), Andrew Brown (J.F. Brown, III & Associates), and Michael Swanson (Terra Solutions Engineering)). These plans were formally known as Chesterbrook Phase 2, now known as Franklin Commons. This is a proposed 18 multi-family dwellings in five buildings on a 1.74 acre parcel located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments. The Phase 2 Site Plan was approved on January 19, 2015 conditional upon meeting the comments from the Director of Public Works, incorporating the lighting plan to be included at the improvement plan stage, and have architectural rendering review at the improvement plan stage. The lighting plan showing foot-candle limits for all four proposed light poles has been provided. Architectural renderings were provided tonight to planning commission members. A variance request of 5-feet from the required height regulations was approved by the Middletown Board of Appeals on January 13, 2015. Parking requirements have been met. Sidewalk widths of 4-feet were determined not to be problematic, per the Director of Public Works. The revised landscape plan now correctly indicates which existing trees are to be removed. The note on the improvement plans Sheet 11, Landscape plan, needs to have the unnecessary text removed. There is no proposed signage for the lot, except for existing signage on the corner which will remain or be adjusted slightly to accommodate the new sidewalk and turn lane. The SWM concept

plan was approved by the County on October 1, 2014. The common driveway leading to the five buildings has a proposed name of Chester Court. The County review has been completed with all approved except the Development Review, Engineering which is incomplete. The Middletown Director of Public Works has done a partial review, but will complete a full review of the plans.

- **Stormwater Pond** – Fencing for a stormwater pond is plastic if the Town is responsible for it. The Town is not responsible for this pond; it will be the responsibility of the HOA. The HOA will determine what materials it will use to build the fence. The County will have the easement to the stormwater pond and will inspect the pond on behalf of the Town. The County could force the property owner to maintain the stormwater pond.
- **Water Distribution** – The Director of Public Works noted that the plans show a change in the water distribution line from an 8-inch pipe to a 6-inch pipe to the first hydrant. It then changes to a 4-inch pipe thereafter. The Director of Public Works will review this with the Frederick County Office of Life Safety to see if it is sufficient. There was speculation as to what the water quality will be like in the future for those dwellings since it is a dead end line. No one was sure.
- **Lighting** – The Director of Public Works reviewed the lighting plan and determined that the apartments in the Chesterbrook building closest to the newly proposed lighting would see a “light ball” from the closest proposed lamp post, but the light would not shine directly in to the apartment windows. The foot-candles are 0 at the building line. Questions were raised regarding the varying lumens from unit to unit and within the parking area. The developer will work with the Director of Public Works in developing a shielding plan to provide consistent lighting across the development prior to plan signatures.
- **Architectural Review** – The developer provided planning commission members with an illustration closest to what the planned dwellings could look like. The difference between the illustrations provided and the planned dwellings is that a garage door would replace the first floor window shown. The developer had previously provided architectural renderings to the planning commission at the site plan stage to help answer questions regarding whether the units were townhouses or condos; there is no code requirement for architectural review though. The developer will provide a modified illustration showing the garage door in place of the window.

Action: Commissioner Lake motioned to conditionally approve the Franklin Commons Improvement Plans conditional upon modifying the landscape plan per the Staff Planner’s request, update the lighting plan to include the shielding plan to be developed, providing an architectural drawing showing the garage door in place of the first floor window, and subject to review and comments by the Director of Public Works and Frederick County. Seconded by Commissioner Miller. Motion carried (5-0).

IV. ZONING - None

V. MISCELLANEOUS –

Horman Apartments – The mylars for the project were signed September 11, 2015. It is planned to complete the parking and stormwater management requirements, but to construct the building at a later date. The Staff Planner will review if this is allowable per the Town Code and how it affects respective deadlines.

Putman Property – They are in the process of obtaining their grading permit. They hope to get it this week. They are ready to begin construction.

School Complex – The Town Administrator was invited to attend the kick-off meeting for parking and roadway improvements at the school complex. Any plans would come before the Planning Commission.

Joint Town Board / Planning Commission Meeting – The next scheduled joint meeting is Monday, October 5, 2015.

Middletown Library – Once the land is turned over it is rumored that the Middletown Library project will be moved up the County's CIP list in front of other projects to be completed.

VI. ADDITIONAL PUBLIC COMMENTS – None.

Meeting adjourned at 7:53PM.

Respectfully submitted,

Annette Alberghini
Recording Secretary

DRAFT

Middletown Planning Office

MEMORANDUM

To: Middletown Planning Commission

Date: 9/23/2015
Hansen #134906

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **FRASHER PORCH/SHED DEMOLITION SITE PLAN**

Tax Map Parcel #03-134806

Applicant: Sally Frasher

Property Owner: Sally L. Frasher

Plan Dated: September 9, 2015

Date Received: September 16, 2015

GENERAL INFORMATION

Proposal: Remove rear porches and shed so that the area becomes a new yard area

Location: 109 S. Jefferson Street

Zoning: R-3 Residential

Present Use: porches and shed in poor condition

COMMENTS

The following issues should be considered in your review of this Demolition Site Plan:

1. All of the requirements of Section 17.32.160 (Demolition site plan – Required in all districts.) of the Middletown Municipal Code have been met.
2. A permit will need to be received from the County for the demolition to occur. Applicant has applied for a demolition building permit and has received approval by the County. Once the Planning Commission has approved the demolition, the permit will be issued by the County.
3. A site plan of the porches and shed to be demolished (shown in red) has been attached to this memo along with a few photos. An aerial photo that shows the location of the porch and shed to be demolished is also attached.

4. It is staff's understanding that letters were sent to the adjacent property owners on September 24th informing them of the proposed demolition, and a copy of that letter has been attached. The property has also been posted.
5. All demolitions and post demolition restoration shall be completed with ninety (90) days of issuance of a demolition permit unless otherwise approved by the Middletown planning commission.

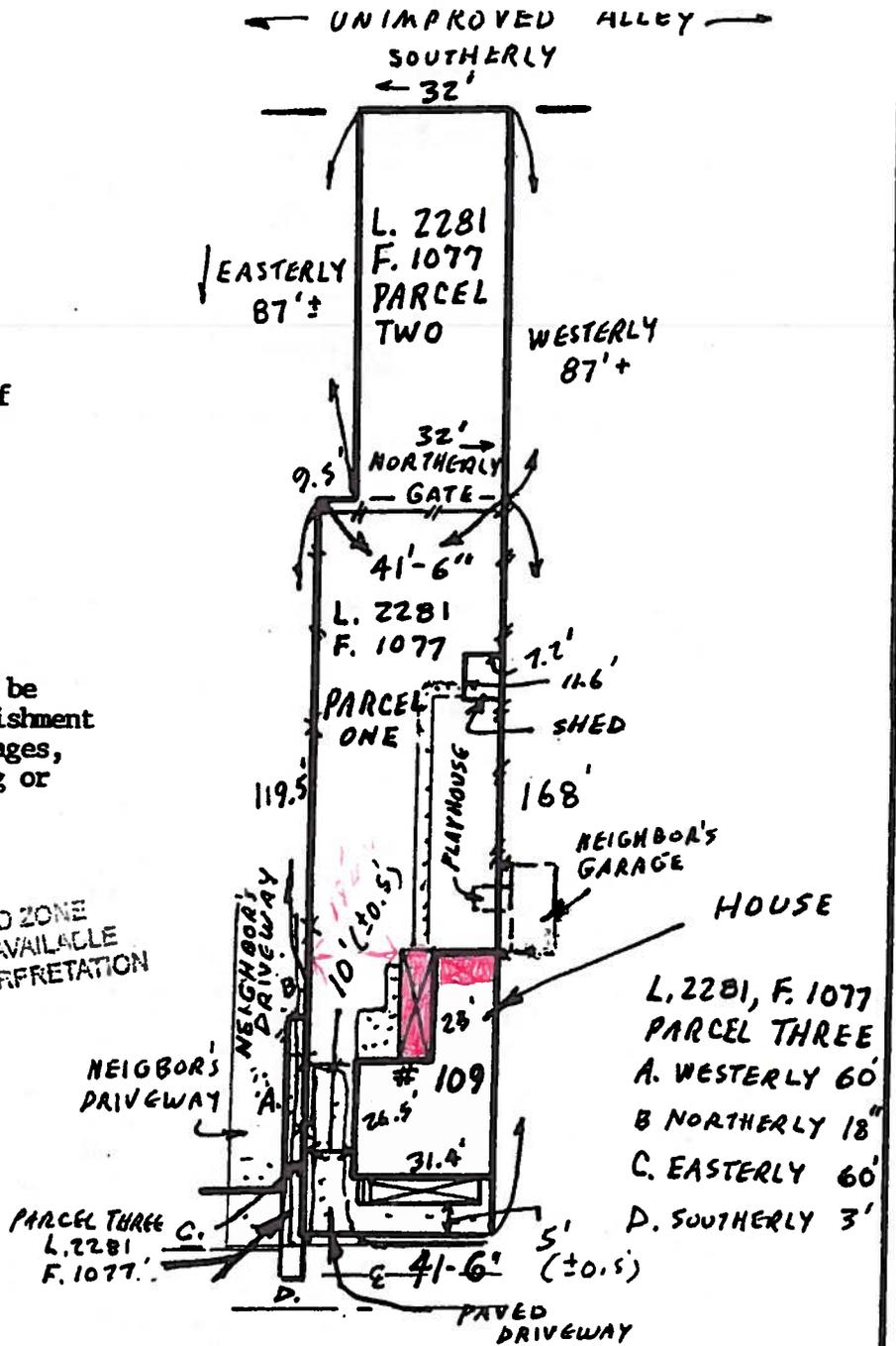
This review will be included in the Middletown Planning Commission materials for the October 19, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be October 14, 2015.

cc: Sally Frasher
D.R. Shaffer Construction Co.

HOUSE LOCATION SURVEY:
 All that lot or parcel of
 land situate in the Town of
 Middletown
 Liber 2281, Folio 1077,
 Frederick County, Maryland
 Land Records

NOTE: This plat is not to be
 relied upon for the establishment
 or location of fences, garages,
 buildings or other existing or
 future improvements.

BUILDING LINE AND/OR FLOOD ZONE
 INFORMATION IS TAKEN FROM AVAILABLE
 SOURCES AND SUBJECT TO INTERPRETATION
 OF ORIGINATOR



109 SOUTH JEFFERSON STREET

NOTE: This location is for title purposes only and not to be used for determining property lines.
 Property corner markers are NOT guaranteed by this location.



220 N. Market Street
 Frederick, Maryland 21701
 (301) 698-9377

**STATE OF MARYLAND
 COUNTY OF FREDERICK**

I certify the property herein is in accordance with the plat of subdivision and/or deed of record,
 that the improvements were located by accepted field practices and include permanent visible
 structures. Fences and/or walls shown are for picture purposes only. The exact location can only
 be determined by a boundary survey with the corners being set.

The above legally described property _____ is not _____ within a special
 flood hazard area as designated by the Federal Emergency Management Agency F.I.R.M. Map
 on Community Panel No. 2401620019 OF MAR dated October 23, 1981



6 WASHINGTON STREET

10 WASHINGTON STREET

14 WASHINGTON STREET

9 BOILEAU DRIVE

108 SOUTH JEFFERSON STREET

110 SOUTH JEFFERSON STREET

114 SOUTH JEFFERSON STREET

101 SOUTH JEFFERSON STREET

103 SOUTH JEFFERSON STREET

105 SOUTH JEFFERSON STREET

107 SOUTH JEFFERSON STREET

109 SOUTH JEFFERSON STREET

111 SOUTH JEFFERSON STREET

113 SOUTH JEFFERSON STREET

115 SOUTH JEFFERSON STREET

201 SOUTH JEFFERSON STREET

203 SOUTH JEFFERSON STREET

OPEN LOT

D. R. SHAFFER CONSTRUCTION CO.
7839 Ridge Road
Frederick, MD 21702
(301) 662-8403
Fax # (301) 473-5110

To whom it may concern.

9/14/2015

Middletown Code of Ordinances:

A.

1. Plot Plan
2. Plot Plan & Pictures
3. Pictures
4. Demolition to be started within two weeks of issuing the permit.
Demo will take one week.
Demo will be done with use of a small bucket lift and taken down piece by piece by hand and placed in a dumpster and hauled away.
5. The work will be done by D. R. Shaffer Construction Co.
license M.H.I.C. # 4663. In business since 1978.
6. The work will all be done by hand, no explosives.
7. The area has a natural protected area but we will block any way to get near the area with a fence or rope.
8. The public utilities go to the front of the property and are not an issue.
9. All codes and regulations will be in compliance with local or federal law.
There are no hazardous materials in this project.
10. Porch area will be graded and seeded upon completion of work.

B, C, & D.

This contractor has read these requirements, responsibility and terms and agrees to them.

Thank You,

Daniel R. Shaffer
DANIEL R. SHAFFER







09/23/2015

Dear Neighbors,

I have applied to the town of Middletown Planning Commission for a demolition permit for the location at 109 S. Jefferson Street. My intention is to tear down the existing shed and the back rear porches. The current structures are rotting and in need of replacement.

All interested parties are encouraged to attend the Planning Commission hearing in October at the Middletown Municipal Center, 31 W. Main Street, Middletown, MD.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally Frasher", with a long horizontal flourish extending to the right.

Sally Frasher

109 S. Jefferson Street

Middletown, MD 21769

240-285-8183

COMPS1020@gmail.com

Title 17 - ZONING

Chapter 17.36 - SIGNS

Chapter 17.36 - SIGNS ³

Sections:

[17.36.010 - Purpose and intent.](#)

[17.36.020 - Definitions.](#)

[17.36.030 - General sign standards.](#)

[17.36.040 - Signs permitted in any districts.](#)

[17.36.050 - Signs for individual businesses.](#)

[17.36.060 - Signs for multiple businesses other than shopping centers.](#)

[17.36.070 - Signs for commercial shopping, office and industrial centers.](#)

[17.36.080 - Signs for motor vehicle service stations.](#)

[17.36.090 - Subdivision and community identification signs.](#)

[17.36.100 - Design standards for permitted sign types.](#)

[17.36.120 - Pre-existing non-conforming signs and historic signs.](#)

[17.36.130 - Sign permit procedures.](#)

[17.36.140 - Exempt signs.](#)

[17.36.150 - Temporary signs.](#)

[17.36.160 - Removal of signs.](#)

17.36.010 - Purpose and intent.

Much valuable information can be and is conveyed by the signs of local retail and service establishments to the mutual benefit of both the business establishments and the public. It is the policy of the burgess and board of commissioners and the intent of this chapter to promote signs which are compatible with the landscape/streetscape and architecture of surrounding buildings, which are not distracting to motorists, which are constructed and maintained in a structurally sound and attractive condition, and which are consistent with the terms and conditions of the regulations set forth in this chapter.

(Ord. No. 10-11-01, § I, 11-8-2010)

17.36.020 - Definitions.

"A-frame/sandwich board/T-frame sign." A sign that is constructed in the shape of an "A" also referred to as a "sandwich board" sign, or an upside-down "T", and which is composed of two back to back sign faces oriented in opposing directions aligned in the shape of the letter "A" or an upside-down "T" and which is generally at the business establishment or other entity displaying or sponsoring the sign.

"Awning/canopy sign." a sign placed directly on or attached to the surface of an awning or canopy.

Title 17 - ZONING

Chapter 17.36 - SIGNS

"Barber pole." A traditional symbol used to identify the place of business of a barber. For purposes of this ordinance, a barber pole is not considered to be an animated, moving or illuminated sign, but a traditional symbol of a service profession.

"Building frontage." The architecturally designed front of a building on a public street, parking lot, or pedestrian walk. In the case of a building located on the corner of two rights-of-way, and where the primary entrance is located on the corner of the building, the "building frontage" is the longer of the two sides which front along the rights-of-way.

"Directional sign." A secondary or incidental sign designed to guide vehicular and/or pedestrian traffic by using such words as "entrance," "exit," "parking," or similar directional instruction. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

"Directory sign." A sign on which the names and locations of occupants within a building or property is identified.

"Freestanding sign." Any sign mounted on supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

"Garage/yard sale sign." A temporary sign advertising private sales of personal property within the town limits (such as garage sales or rummage sales).

"Grade plane." Grade plane means a reference plane representing the average of finished ground level adjoining the sign structure.

"Illuminated sign." a sign which is illuminated in any manner by an artificial light source, whether internally or externally lit.

"Incidental sign." A sign, generally informational, that has an incidental purpose to the use of the lot on which it is located, such as "No Parking," "Entrance," "Exit," "Loading Only," and other similar directives. These signs shall include, but not be limited to signs on automatic teller machines, gas pumps, vending machines or newspaper delivery boxes.

"Lot frontage." The length of the property abutting a street right-of-way, measured as a straight line between the extreme property corners along a street right-of-way.

"Monument sign." A freestanding sign attached to a contiguous structural base or berm, which base shall be of the same width as or greater than the message portion of the sign, and is permanently affixed to the ground.

"Political sign." A political sign is a temporary sign for a legally recognized election at the municipal, county, state or federal level or for special elections or districts.

"Projecting sign." Any sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from the building; angle of projection shall be 90° from the building.

"Roof line." The top of a flat roof or the ridge of a gable, hip or gambrel roof.

"Sandwich board sign." See A-frame sign.

Title 17 - ZONING

Chapter 17.36 - SIGNS

"Temporary sign." Any sign or banner which has for its purpose the advertising, announcement or display of information pertaining to an event, condition or situation that is intended to be limited in scope, duration of time not to exceed forty-five (45) days, including, but not limited to, commercial sales events, concerts, plays and other commercial or cultural events. ~~A political sign is a temporary sign announcing or supporting political candidates or issues such as bonds or referendums in connection with any national, state or local election. (Forty five (45) days limitation not applicable to political signs).~~

"Wall sign." Any sign attached to any part of a building and which does not project more than twelve (12) inches from such building.

"Window sign." Any permanent sign, pictures, symbol, or combinations thereof, designed to communicate information about the business that is placed inside a window or upon the window panes or glass and is visible through the window.

(Ord. No. 10-11-01, § I, 11-8-2010)

17.36.030 - General sign standards.

All signs which are painted, constructed, erected, remodeled, relocated or expanded shall comply with the following standards:

- A. Illuminated Signs. Signs which are illuminated shall be shaded so as to avoid casting bright light upon any property which is located in any residential district or upon any public street. Any illuminated sign which is facing any residential district and which is visible from such residential district, shall only be illuminated when the business is open for business or to the public. For the purposes of this section, the term "illuminated sign" shall include, but not be limited to, illuminated window signs.
- B. Flashing or Moving Signs. No flashing sign, rotating or moving sign, animated sign or sign with moving lights or lights which create the illusion of movement are permitted. A sign on which the current time and/or temperature is indicated by intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature. For the purposes of this article, the term "flashing, rotating, animated or moving signs" shall include, but not be limited to, flashing, rotating, animated or moving window signs.
- C. Determination of Sign Height. The height of a sign shall be measured from grade plane to the average height of the highest sign surface. If a sign is located on a mound, berm, or other raised area for the purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.
- D. Measurement of Sign Area. Each face of a sign shall be counted when computing the total sign area for a site except that, when two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and each contains identical text and graphics, the area of only one side shall be counted when computing the area of that sign.
- E. Number of Sign Faces. No sign shall have more than two (2) sign faces.

Title 17 - ZONING

Chapter 17.36 - SIGNS

- F. Determination of Monument Sign Area. The surface area of the largest face of a monument sign will be used to determine the total square footage of the monument sign. This calculation will exclude the first eighteen (18") inches of the base if it does not include any sign copy or other graphic. In addition, a planter structure which does not exceed one foot (1') in height or include sign copy or graphics will also be excluded from the area calculation.
- G. Condition of Signs. All signs and its component parts which are authorized by this chapter shall be maintained in good repair and in a safe, clean and attractive condition. Signs shall not be maintained or permitted to exist in such a condition as to constitute a public nuisance or other hazard to the public health, safety or welfare. In addition to any other lessee, owner or other person responsible for a sign, the owner of the property on which a sign is located shall also be responsible for the maintenance of the sign as required herein.
- H. Unless otherwise permitted by law, all signs shall be erected, installed or otherwise located on the property which is used for the purposes which are associated with or which relate to the content of the sign. Sign applicants must have approval of property owner. Each sign shall be located within the owner's property boundaries and shall not be located within the public right-of-way.

(Ord. No. 10-11-01, § I, 11-8-2010)

17.36.040 - Signs permitted in any districts.

The following signs are permitted in any zoning district subject to the provisions and requirements of this chapter:

- A. A personal service sign for professional office or a home occupation subject to the following. Such signs shall be either unlighted or indirectly lighted, shall not exceed two (2) square feet in size, and shall be attached to the building in which the professional office or home occupation is operating.
- B. A sign identifying the use of the property on which it is located as a nonprofit organization, which contains no commercial advertising, and which does not exceed sixteen (16) square feet in size.
- C. One bulletin board-style sign on property used for churches and other places of worship and on school or college property provided that such signs shall not exceed thirty-two (32) square feet in size.
- D. Signs not exceeding six (6) square feet in size which are directional, informational, or warning in character and which contain no advertising.

(Ord. No. 10-11-01, § I, 11-8-2010)

17.36.050 - Signs for individual businesses.

A single business located on one lot may erect signs subject to the following:

Title 17 - ZONING

Chapter 17.36 - SIGNS

- A. Each business may have a maximum number of three (3) signs for each street or public right-of-way on which the property fronts.
- B. Types of signs permitted. Wall, monument, projecting, window, or canopy/awning.
- C. Maximum size of signs. See design standards for sign type.

(Ord. No. 10-11-01, § I, 11-8-2010)

17.36.060 - Signs for multiple businesses other than shopping centers.

Where there are multiple (more than one) businesses located on a single lot, other than a shopping center, signs may be erected and installed on the lot subject to the following:

- A. No lot shall be permitted to have erected both a projecting sign and a monument sign or more than one monument sign.
- B. Each business on the lot shall be entitled to a maximum of two (2) signs per business.
- C. Wall, projecting, window, or canopy/awning signs shall be permitted.
- D. The maximum size of each sign shall be in accordance with the design standards set forth in this chapter.
- E. One wall mounted directory sign for each wall of a building on which wall there is one or more entrances to a business, up to sixteen (16) square feet in area. Identification of a business on the directory sign will not be included with the number of signs permitted in subsection B. above.
- F. Directional signs are permitted, shall not exceed twelve (12) square feet in size, and shall be consistent in construction and appearance with the materials used on the building(s) on the premises.

(Ord. No. 10-11-01, § I, 11-8-2010)

17.36.070 - Signs for commercial shopping, office and industrial centers.

- A. An identification sign for a commercial shopping center, office or industrial park or other integrated group of commercial buildings shall not exceed one hundred twenty (120) square feet in size, shall be subject to the setback requirements for the district in which it is located, and shall comply with any other restrictions applicable thereto within its individual zoning district.
- B. Commercial shopping, office or industrial centers or parks which are five (5) acres in size or greater and which have been planned as an integrated development may erect signs subject to the following:
 - 1. Signs for Individual Establishments Within Center. Same as for individual or multiple businesses, as applicable, provided that no monument signs shall be permitted for individual businesses in the principal building of a shopping center. One monument

Title 17 - ZONING

Chapter 17.36 - SIGNS

sign may be erected for each detached principal building within an office or industrial center. No such sign shall exceed fifty (50) square feet in area or eight (8) feet in height.

2. Shopping Center Identification Sign and Courtesy Signs. Same as for individual or multiple businesses, as applicable, provided that no monument signs shall be permitted for individual businesses in the principal building of a shopping center. One monument sign with an area of one square foot per five (5) linear feet of lot frontage on which the sign is to be erected, up to a maximum of one hundred twenty (120) square feet and a maximum height of eight (8) feet. Only the name and address of the center and the names of establishments shall be displayed. In addition, shopping center courtesy signs are permitted, one (1) sign at each entrance/exit only, located at least five (5) feet from the public right-of-way. Each sign is restricted to no more than three (3) square feet in area and three (3) feet in height. No advertisements or phone numbers are permitted on courtesy signs.
3. Office or Industrial Signs. One monument sign at each major entrance of an office or industrial center identifying the name of the center only. No such sign shall exceed fifty (50) square feet in area or eight (8) feet in height.
4. Directional signs are permitted, shall not exceed twelve (12) square feet in size, and shall be consistent in construction and appearance with the materials used on the building(s) on the premises.

(Ord. No. 10-11-01, § 1, 11-8-2010)

17.36.080 - Signs for motor vehicle service stations.

Motor vehicle service stations may erect signs as follows:

- A. Maximum Number of Signs. A motor vehicle service station may display a total of three (3) signs excluding signs which, by law, are required to be displayed.
- B. Types of Signs Permitted. Wall, canopy/awning, window or monument signs are permitted for a motor vehicle service station.
- C. Maximum Size of Signs. The maximum size of a sign shall be the same as that for individual businesses; provided, however, that signs which are required by law to be displayed may be of the minimum size required in order to comply with the applicable law.
- D. Location. A monument sign shall not be positioned or located in such a manner as to obstruct or otherwise interfere with the sight of motorists or pedestrians and their ability to safely enter or exit the premises.

(Ord. No. 10-11-01, § 1, 11-8-2010)

Title 17 - ZONING

Chapter 17.36 - SIGNS

17.36.090 - Subdivision and community identification signs.

Subdivision and community identification signs are permitted in the right-of-way of monumented, public streets or in locations approved by the Middletown Planning Commission. In addition, the following conditions shall be met:

- A. Signs shall not be positioned or located in such a manner as to obstruct or otherwise interfere with the sight of motorists or pedestrians and their ability to safely enter or exit the premises or traverse the rights of way, nor shall they be located within utility easements or in a location which will adversely impact utility lines; the Planning Commission shall have the authority to approve the location and orientation of the sign with respect to safety and aesthetics;
- B. The sign shall be of a permanent nature, such as brick, stone or concrete, and shall be kept in good repair and in safe, neat, clean and attractive condition by the community association, if existing;
- C. If a sign is located in a median strip or monumented island, no portion of the sign may be located within ten (10) feet of ~~the~~ any end of the median strip or monumented island;
- D. Subdivision and community identification signs shall not exceed seventy (70) square feet in size, four (4) eight (8) feet in height, and shall be subject to any other restrictions within individual zones.

(Ord. No. 10-11-01, § I, 11-8-2010)

17.36.100 - Design standards for permitted sign types.

All new signs and all existing signs which are replaced, reconstructed, extended or changed structurally shall comply with the following development standards.

- A. Freestanding Sign—Design Standards.
 1. Road Frontage Requirements. Monument signs shall be permitted only on lots with one hundred (100) feet or more of road frontage, with one sign per road frontage for corner lots.
 2. Minimum Separation Distance. No monument sign shall be permitted to be erected within seventy-five (75) feet of an existing monument sign.
 3. Maximum Height. Eight (8) feet. except that in Residential districts freestanding signs shall be a maximum of four (4) feet in height for any non-residential uses and shall be compatible with the residential zone.
 4. Maximum Size. One (1) square foot per five (5) linear feet of street frontage, up to a maximum size of fifty (50) square feet.
 5. Freestanding signs in the town commercial (TC), general commercial (GC), mixed business (MB), and service commercial/light manufacturing (SC/LM) districts shall have a minimum setback of ten (10) feet from any public right-of-way, service

Title 17 - ZONING

Chapter 17.36 - SIGNS

drive or entrance and shall be so located as to allow clear and ample visual sight lines for driveways leading into a street and at intersecting streets and alleys.

B. Projecting Sign—Design Standards.

1. A projecting sign may project no more than four feet (4') from the building from which it projects.
2. A projecting sign shall be located at least seven and one-half feet (7'6") above the surface of the ground, may not exceed a height of fourteen feet (14'), and may not extend above the highest point of the roof.
3. Maximum Size. One (1) square foot per linear foot of building frontage on which the sign is to be attached, up to twelve (12) square feet.
4. For a lot located on the corner of two roads or rights of way, one projecting sign shall be permitted for each road or right-of-way frontage.

C. Wall Sign—Design Standards.

1. A wall sign may not exceed a height of twenty-five feet (25'), may not extend above the highest point of the roof, and may not project beyond twelve inches (12") from the wall on which it is installed.
2. The maximum size of a wall sign shall be based upon the length by linear foot of the front of the building on which it is installed. A wall sign may not exceed one (1) square foot for each linear foot of building frontage on which the sign is installed, and no sign shall exceed one hundred (100) square feet regardless of the length of the building frontage.
3. One wall sign shall be permitted on each side of a building which fronts upon a road, street or other public right-of-way.

D. Awning and Canopy Signs—Design Standards.

1. Location. The lettering, graphics or other sign content on an awning or canopy shall be placed parallel to and shall not project above or below the face of the awning or canopy.
2. Limit on Projection. An awning or canopy with a sign shall not extend beyond the vertical line measured one (1) foot in from the edge of the sidewalk or right-of-way curb and shall not be situated in a location which interferes with or obstructs pedestrian or vehicular traffic.
3. Maximum Size. One square foot per linear foot of the awning or canopy, up to a maximum twelve (12) square feet. Sign area shall be counted as part of the total allowable area for signs.

E. Permanent Window Sign—Design Standards. The maximum area for a window sign, as determined by measuring the width and height of the outermost edges of the sign lettering or graphics shall not exceed twenty-five percent (25%) of the entire window area or sixteen (16) square feet, whichever is less.

Title 17 - ZONING

Chapter 17.36 - SIGNS

(Ord. No. 10-11-01, § 1.11-8-2010)

17.36.120 - Pre-existing non-conforming signs and historic signs.

- A. Any sign which was lawfully established in accordance with all applicable regulations in effect at the time of its establishment but which does not conform to the requirements set forth in this chapter shall be deemed a lawful non-conforming sign.
- B. ~~The owner of a pre-existing non-conforming sign must provide the zoning administrator, or other town official designated by the burgess or town administrator, information regarding the sign in order to catalog the existence of the sign. Once the information is received, Pre-existing signs that fail to meet the requirements of this chapter have will been duly recorded and shall receive certification in the form of a letter. In any action to enforce the provisions of this chapter, it shall be a rebuttable presumption that a sign is not a lawful non-conforming sign if the sign has not been certified and recorded as such.~~
- C. A lawful non-conforming sign may lawfully remain at its location, subject to the following conditions:
 - 1. Lawful non-conforming signs shall be maintained in good repair and condition. Any such sign which is determined by the town zoning administrator, town administrator or other authorized town official not to be so maintained or to be unsafe shall be restored, repaired, rebuilt, or removed.
 - 2. Except as otherwise provided herein, lawful non-conforming signs may not be enlarged, extended, relocated, structurally altered, or changed in nature or character.
 - 3. The wording and content of a lawful non-conforming sign may be changed to accommodate and reflect a change in use of the property from one business to a similar business occupying the same property.
 - 4. A lawful non-conforming sign shall either be removed or altered to comply with the requirements of this chapter when there is a substantial change in the use of the property on which the sign is located, when there is a substantial alteration to the primary structure on the property on which the sign is located or when there is a change in nature or character of the sign.
- D. The owner of or other person responsible for a lawful non-conforming sign which sign is in violation of any of the conditions set forth in this section shall correct such violation or remove such sign within ninety (90) days of being given notice of the violation.
- E. Historic Signs. The burgess and board of commissioners may designate individual signs at its discretion as historic signs. Historic signs shall be exempt from the provisions of this chapter subject to the following conditions:
 - 1. Historic signs shall be kept in good repair and condition. Any such sign which is determined by the town zoning administrator, town administrator or other authorized town official not to be so maintained or to be unsafe shall be restored, repaired, rebuilt, or removed.

Title 17 - ZONING

Chapter 17.36 - SIGNS

2. Historic signs may not be enlarged, extended, relocated or structurally altered.
3. Historic signs may not be displayed on any other portion of the property or building other than its location on the date of the enactment of the ordinance codified in this chapter, and may not be displayed on another property.

(Ord. No. 10-11-01, § I, 11-8-2010)

17.36.130 - Sign permit procedures.

- A. Except as otherwise provided in this chapter, all signs being erected, constructed, installed, attached, altered, relocated or reconstructed must be approved prior thereto by the zoning administrator ~~planning commission~~ or its delegate for compliance with the provisions of this chapter including the location, placement and size of the sign.
- B. Except as otherwise provided in this chapter, a sign permit shall be required for all signs erected or installed after the effective date of this ordinance.
- C. An application for a sign permit shall be submitted on a form provided by the zoning administrator, shall contain the information required as set forth herein, and shall be accompanied by the required application fee.
- D. An application for a sign permit shall contain, or have attached thereto, the following information in either written or graphic form:
 1. Name, address and telephone number of the sign erector and the sign owner.
 2. A site location plan showing the street name and street number of the location or building where the sign is to be placed and the position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.
 3. The type of sign and a general description of the structural design and construction materials to be used.
 4. One set of drawings and/or photos of the proposed sign which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.
 5. Any other information requested ~~by the planning commission or its delegate~~ in order to carry out the purpose and intent of this chapter.
- E. A signage plan identifying the location, height, and size of all signs shall be included on all site plans reviewed by the planning commission.
- F. Any sign which is erected, constructed, installed, attached, altered, relocated or reconstructed without a permit and for which a permit is required shall be deemed a violation of this chapter and the owner or other person responsible for the sign shall be subject to a fine and enforcement measures as provided for in Chapter 17.08 of this title. In addition, the zoning administrator ~~town~~ may order the owner or other person responsible for the sign to remove the sign at the sole cost of such person.

Title 17 - ZONING

Chapter 17.36 - SIGNS

- G. Upon a showing that an owner, lessee or other person seeking to display a sign is unable to effectively display one or more signs in compliance with the requirements of this chapter due to unusual conditions on the property such as size, location, topography or other situation, ~~then with the authorization of the planning commission~~, the zoning administrator may issue a sign permit authorizing the displaying of a sign not in strict compliance with the requirements of this chapter if, in doing so, the intent of this chapter may still be met.

(Ord. No. 10-11-01, § 1, 11-8-2010)

17.36.140 - Exempt signs.

A sign permit shall not be required for the following signs; provided, however, that all such signs shall comply with the other applicable requirements of this chapter:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
2. Signs erected by the town, county, state, or federal government in furtherance of their governmental responsibility;
3. Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;
4. ~~Political signs that do not exceed six (6) square feet in size;~~
5. ~~Garage yard sale signs that do not exceed six (6) square feet in size. Such signs may be displayed only one day prior to the sale and must be removed within one day after the sale;~~
6. Incidental signs as defined herein;
7. Ballfield/sports complex signs and scoreboards that face the inside of a playing field;
8. Government sponsored banners affixed to light standards promoting community events.

(Ord. No. 10-11-01, § 1, 11-8-2010)

17.36.150 - Temporary signs.

- A. Temporary commercial advertising signs of any size are not permitted in any district unless they comply with the requirements of this chapter, and such signs are deemed to be and shall constitute a public nuisance. The town may immediately remove any such sign(s), without prior notice to the owner or other responsible person(s). The erection or installation of such signs shall be deemed a violation of this chapter and the owner or other person responsible for the sign shall be subject to a fine and enforcement measures as provided for in this chapter.
- B. A permit is not required for the following types of temporary signs:
1. A temporary real estate sign advertising the sale or lease of the property on which the sign is displayed. For residential property, the sign shall not exceed six (6) square feet

Title 17 - ZONING

Chapter 17.36 - SIGNS

in size. For commercial and industrial property, the sign shall not exceed thirty-two (32) square feet in size.

2. Signs advertising subdivision openings, open houses or other real estate events being held within the town limits. Such signs may not exceed four (4) square feet in size per sign, and such sign(s) may only be displayed between the Friday before the event after 12:00 noon and 8:00 a.m. on the following Monday morning after the event. In the event that the Monday is a legal holiday, the sign must be removed by 8:00 a.m. on the following Tuesday morning. In the event that Friday is a legal holiday, the sign may be placed on the Thursday before the event after 12:00 noon.
3. Temporary and seasonal produce stand signs. Such signs shall not exceed twenty-four (24) square feet in size and no such sign shall exceed six (6) feet in height.
4. Construction signs. Such signs may only be installed after the issuance of a zoning permit, may not exceed one sign per street frontage, may not exceed six (6) feet in height and may not exceed twenty-four (24) square feet in size. A construction sign shall be removed prior to the issuance of a certificate of occupancy.
5. Contractor/artisan job site sign. Such signs shall not exceed six (6) square feet in size, shall be installed only on the property at which the work is being performed and shall be removed upon completion of the job or construction.
6. Temporary non-profit signs advertising events, activities, recruiting or fundraising efforts by community service groups, religious groups, children's or youth organizations, or student organizations. Such signs shall not exceed twenty-four (24) square feet in size and six (6) feet in height, and shall be removed upon completion of the effort being advertised.
7. Political signs that do shall not exceed six (6) square feet in size;
85. Garage/yard sale signs that do shall not exceed six (6) square feet in size. Such signs may be displayed only one-day prior to the sale and must be removed within one day after the sale;
97. A-frame/sandwich board/T-frame signs which are placed in front of or adjacent to a business establishment for the announcement of daily specials or featured promotions provided that the following conditions are met:
 - a. The sign is situated on the same property as the business which it is advertising;
 - b. The sign is only displayed during the business hours of the establishment and is removed and stored within the principal or covered accessory building of the establishment during non-business hours;
 - c. The sign is not placed in a location that impedes vehicular or pedestrian traffic, impedes access to parking or obstructs the sightlines of either;
 - d. The sign is not fastened to or erected on a sign pole;

Title 17 - ZONING

Chapter 17.36 - SIGNS

- e. The sign is only placed at grade and is not elevated or suspended above grade and does not protrude or project from any other structure;
 - f. The placement of the sign complies with the setback requirements of its respective zoning district;
 - g. The sign is no greater than thirty (30) inches wide and forty-eight (48) inches high in size.
- C. A permit is required for the following types of temporary signs:
- 1. **Temporary Residential Subdivision Signs.** A temporary real estate sign advertising a subdivision within which the sign is located not exceeding seventy (70) square feet in size and located no closer than twenty-five (25) feet to the property line. Temporary shall be until construction is complete.
 - 2. **Special Event Sign.** A temporary sign noting an event of general interest, such as a locally sponsored carnival or grand openings. Such signs shall be removed within five (5) days after the conclusion of the event. A permit shall be valid for a period of no longer than ninety (90) days from the date of issuance. Such signs shall not exceed thirty-two (32) square feet in size.
 - 3. **Temporary Business Identification.** A temporary sign which identifies the opening or existence of a new business. Such signs shall not exceed twenty-four (24) square feet in size and shall be valid for a period of no longer than two (2) months from the date of issuance.
 - 4. **[A-Frame/Sandwich Board/T-Frame Signs.]** A-frame/sandwich board/T-frame signs which are placed at a location other than the property location of the business sponsoring the sign and which announces daily specials, featured promotions, or the location of the business. The issuance and holding of a permit for such signs is subject to the following conditions being met:
 - a. The sign is situated in a TC town commercial district or a GC general commercial district and is situated within a one thousand five hundred (1,500) feet radius of the business which it is advertising;
 - b. Only one sign is permitted for any one street;
 - c. Only two off-site signs are permitted for any one business establishment;
 - d. The individual, owner, or other person or entity sponsoring the sign must provide to the town written authorization from the property owner permitting the placement of the sign on the owner's property;
 - e. The sign is only displayed during the business hours of the establishment sponsoring the sign, after which hours the sign must be removed;
 - f. The sign is not placed within any public right-of-way and is not placed in a location that impedes vehicular or pedestrian traffic, impedes access to parking or obstructs the sightlines or either;
 - g. The sign is not fastened to or erected on a sign pole;

Title 17 - ZONING

Chapter 17.36 - SIGNS

- h. The sign is only placed at grade and is not elevated or suspended above grade and does not protrude or project from any other structure;
- i. The placement of the sign complies with the setback requirements of its respective zoning district;
- j. The sign is no greater than thirty (30) inches wide and forty-eight (48) inches high in size.

D. Signs shall not be mounted on any type of utility pole or pole used to display or support traffic control signs or devices.

E. A sign shall be removed when the circumstances leading to its erection no longer apply.

(Ord. No. 10-11-01, § 1, 11-8-2010)

17.36.160 - Removal of signs.

Any sign which ~~advertizes~~advertises, identifies, or is otherwise related to or associated with a business, group, event or activity which is no longer in existence or active shall, within ninety (90) days from the time such business, group, event or activity ceases, either be removed from the premises or altered or resurfaced by the owner of the property on which the sign is located so that the sign will not display letters, numerals, symbols, figures, designs or any other device for visual communications pertaining to the former business, group, event or activity. Upon petition of the owner of the property on which the sign is located, the ~~zoning administrator~~planning ~~commission~~ may, but is not required to, permit such sign to remain on the premises for an additional ninety (90) days.

Cindy Unangst

From: John R. Clapp <johnrclapp@verizon.net>
Sent: Wednesday, October 07, 2015 4:33 PM
To: Cindy Unangst
Subject: Re: Sign regulation question

Cindy:

I would advise against enacting an ordinance with this language - notwithstanding that the County may have done so. Your question relates to if and how this would apply with regard to 'political' signs, so I will focus on that aspect of it.

The Courts have struck down ordinances which place duration limits on signs which espouse a political candidate or cause or other similar social issue. Closely on point is a case emerging from Prince Georges' County in 2008 in which the County enacted an ordinance which permitted political candidate or issue signs only for a period of 45 days before and 10 days after an election. This was found to be unconstitutional. The reasoning of the court was that there is no natural terminal date for a "cause" sign and a private resident's passion for it may continue to exist for as long as the cause exists. While a political candidate may lose - or win - an election, the person exhibiting a sign may wish to continue to express support for the candidate or the candidate's cause - whether winning or losing - even though the election is over. While courts are very protective of political speech, they are especially protective of this type of political speech. A political sign may be one of the purest forms of political speech, and a sign in the front yard or a window may be the only means available to a private resident who may not have the time or financial ability to engage in other forms of political speech such as newspaper ads or community advocacy.

As mentioned, a time limit of "45 days before and 10 days after an election" was found to be unconstitutional. Even more so, in my view, would be a durational limit based upon parameters of "when the circumstances leading to its erection no longer apply". When "circumstances no longer apply" is extremely vague, and a person who is displaying a sign will have no way to measure when the political "circumstances" no longer apply. As noted, while an election may be over, the causes advanced in that election and the candidates who supported those causes may continue. They may still "apply". Furthermore, who determines when the political issues apply or no longer apply? This leaves a person exhibiting a sign in a quandary as to whether the ordinance is being violated. As such, in my opinion, that ordinance would not be enforceable.

This is not to say that such signs cannot be regulated. Courts have also found that signs - including political signs - can be regulated as to size, number and location. For instance, an ordinance could limit the amount of total square footage which a particular-sized property may display. Or it might regulate that such signs may only be posted a certain distance from the property line or in locations which do not obstruct public view such as street visibility.

So, you asked "Could it pertain to the removal of political signs after elections?" If this were enacted and there was nothing to exempt political signs from its effect, then "yes" it would pertain to them. You asked whether the zoning administrator could ask for the removal of a candidate sign if that candidate lost the election. First, I would ask, "what if the candidate won the election?" Wouldn't the sign ordinance apply

to that person, too? However, either way, while the zoning administrator could ask, that would be asking for trouble. I will note that another case from 2008 out of Baltimore County was brought by the ACLU over the attempted enforcement of a similar sign ordinance. A case was brought for a civil rights violation under Federal law, and the court awarded the plaintiff attorneys fees and costs of over \$65,000 because of the attempted enforcement of what was found to be an unconstitutional ordinance.

As I stated at the outset, my advice would be to not enact this language as part of the Town's code.

John

John R. Clapp
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-----Original Message-----

From: [Cindy Unangst](#)
Date: 10/7/2015 11:57:45 AM
To: '[John R. Clapp](#)'
Subject: Sign regulation question

Hi John – The planning commission is proposing to add the language below to our general sign standards regulations, which is language that is included in Frederick County's zoning code. Could it pertain to the removal of political signs after elections? For instance, if someone put a candidate sign in his/her front yard prior to the primary election and that candidate lost, could the zoning administrator request that the sign be removed following that election?

A sign shall be removed when the circumstances leading to its erection no longer apply.

Any thoughts you might have are appreciated!

Cindy

Cynthia K. Unangst, AICP

FREDERICK CITY LAND MANAGEMENT CODE

Sec. 607 - PARKING AND LOADING STANDARDS

Purpose: The purpose of this section is to provide a sufficient on-site parking area off the public street to meet the need generated by each property in order to minimize traffic congestion and traffic hazards. In order to provide for more compact, pedestrian-friendly development, design flexibility, and to match development regulations to the existing built form, these regulations also allow on-site parking requirements to be reduced through the payment of a fee in lieu of parking. In order to encourage infill development in a certain area of the downtown, these regulations also exempt development projects proposed to be located in such area from the minimum parking requirements imposed on other development projects. It is not the intent of the City to compensate for such exemption by providing public parking for downtown development projects, and this section shall not be construed to obligate the City in any way with regard to the provision of parking areas.

- (5) Payments in Lieu of Parking.
 - A. In lieu of providing the minimum parking requirement, the Planning Commission may authorize a payment in lieu of parking spaces which shall be contributed to a parking fund specifically set aside to provide public parking within the downtown.
 - B. The amount of the payment for each space shall be established by resolution of the Board of Aldermen and shall be reasonable and based on the actual or estimated cost to provide such spaces.
 - C. A request for fee-in-lieu of parking may be granted only when the applicant demonstrates, and the Commission finds, that:
 1. Granting the fee in lieu of parking is not contrary to the public interest;
 2. The installation of parking onsite cannot reasonably be done or will require the demolition of historically significant structures; and
 3. The City's capital improvement program shows that the parking needs generated by the proposed development will be accommodated by construction of additional parking in this area of the downtown, within two years of the fee-in-lieu of parking payment.
 - D. The fee-in-lieu of parking resolution shall establish a benefit area for the fees in lieu of parking. The benefit area shall include an area where new offsite parking improvements will benefit applicants paying a fee-in-lieu of parking.
 - E. The "parking improvement fund" established by this subsection is hereby created for a special City fund into which all fees in lieu of parking fees shall be deposited. Special accounts shall be created within the parking improvement fund for each benefit area established under subsection D, above. Monies in these accounts must be expended only for public parking improvements within the applicable benefit area. The Board of Aldermen may, by resolution, direct that other funds be transferred into the fund to be used for the purposes of the fund.
 - F. No building permits shall be issued until complete payment has been received.

In-Lieu Parking Fees

Parking Spaces / Community Places: Finding the Balance through Smart Growth Solutions

In-lieu parking fees are one way to finance public parking lots and garages and give developers flexibility in providing parking on-site.

Developers are able to avoid constructing parking on site by paying the city a fee, and the city in return provides off-site parking that is available for use by the development's tenants and visitors. The city determines the fees, generally based on the cost of providing parking.

Cities set fees in one of two ways, either by calculating a flat fee for parking spaces not provided by a developer on site, or by establishing development-specific fees on a case-by-case basis. Shoup (2005) reports that in-lieu fees in the United States range from \$2,000 to \$20,000 per parking space and may or may not reflect the true costs of providing parking. These fees can be imposed as a property tax surcharge or at the time of development permitting.

In-lieu parking fees provide a mechanism for providing parking in balance with other community goals, satisfying the public as well as planners and developers. Using in-lieu fees and centralized garages can:

- Reduce overall construction costs;
- Avoid construction of awkward, unattractive on-site parking that could compromise historic buildings;
- Increase public access to convenient parking;
- Ensure that parking facilities will be used more efficiently; and
- Encourage better urban design with streetscapes uninterrupted by parking lots and driveways.

In establishing in-lieu parking fees, planners must be aware of potential developers' concerns that the lack of on-site parking will make developments less attractive to tenants and visitors. This can be an issue if available public parking is insufficient, inconveniently located, or inefficiently operated. Planners must carefully consider the parking demand for each participating property and provide enough parking to meet this demand in order to avoid creating a perceived or real parking shortage. Planners must also work to ensure that public parking facilities are located and operated in ways that support development.

Accounting for Uncertainty

Estimating parking demand is not an exact science, and a few communities are setting aside land through land banking and landscape reserves that can be converted into parking if shortages arise. Landscaping can often be used to turn this set-aside land into an attractive amenity for the development

In-Lieu Parking Fees
Coconut Grove — Miami, Florida

Coconut Grove is a pedestrian-oriented, entertainment, dining, and shopping village in southern Miami. To maintain Coconut Grove's continuous street frontage and keep it attractive to pedestrians, city planners established flexible parking requirements. Developers or property owners have three choices for satisfying minimum parking requirements: they can provide off-street parking, contract spaces elsewhere, or pay in-lieu fees. With little space left to develop and high land costs, most property owners choose to pay the \$50 per space per month fee to the city and use the land for more productive, revenue-generating purposes. The city uses the in-lieu fees to provide shared, structured parking, improve transit service, and maintain the sidewalks and pedestrian amenities. By investing the in-lieu fees in a combination of parking and other improvements, the city helps to keep Coconut Grove walkable and maintain the attractive aesthetic character of the area.

Source: Coconut Grove Chamber of Commerce.

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 10/8/2015

RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green - Master Plan Amendment approved - March 11, 2013
Planning Commission conditionally approved preliminary plan - March 18, 2013
Improvement plans conditionally approved - October 16, 2013 (Plans expire 10/16/2016)
Final FRO Plan approved - April 21, 2014
Final Plats conditionally approved - November 17, 2014
HOA documents approved by PC - May 18, 2015
Site work has begun - September 2015

Foxfield Section 4- 4 homes still to be built.

Site Plans and Minor Subdivisions:

Franklin Commons/Chesterbrook Phase 2 - Site Plan approved - July 17, 2006
Improvement Plans approved and signed - September 16, 2008
Phase 2 Site Plan conditionally approved - January 19, 2015 (Plans expire 1/19/2018)
Phase 2 FRO plan conditionally approved - January 19, 2015
Phase 2 Improvement Plans conditionally approved - Sept. 21, 2015 (Plans expire 9/21/18)

Fire Station - Concept plan submitted to PC for comments - April 22, 2013
Fire Station plat conditionally approved - October 16, 2013
Fire Station Site Plan conditionally approved - November 18, 2013 (Plans expire 11/18/2016)

Horman Apartments- Site Plan approved - April 21, 2008
Improvement Plans conditionally approved - May 17, 2010
Currently approved SWM plans remain valid until May 4, 2017
Mylars signed - September 11, 2015

Jiffas - Site Improvement Plan conditionally approved - October 20, 2008
Forest Conservation Plan approved - October 20, 2008
Revised Architectural Plans submitted and reviewed - June 16, 2014
BOA hearing for variance requests (approval received) - December 16, 2014
Architectural plans approved by PC - March 16, 2015

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010
Revised Concept Plan reviewed by PC – September 16, 2013
SHA comment letter received February 18, 2014
Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)

Cross Stone Commons – BOA Special Exception Use Hearing – May 8, 2013
Revised architectural plans approved by PC – March 17, 2014
Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014 (Plans expire Oct. 20, 2017)
Phase 1 Improvement Plans conditionally approved – October 20, 2014 (Plans expire 10/20/17)
Addition Plat recorded– November 10, 2014
Dedication Plat conditionally approved – March 16, 2015
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)
SHA conditionally approved Phase 2 Improvement Plans – October 2015

Nicholson - Final Plat submitted for review – March 2, 2015

Putman – Site Plan conditionally approved- November 17, 2008
Forest Conservation Plan approved – June 16, 2009
Improvement Plans approved and signed by all agencies – July 2010
Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)
Revised Site Plan Extension request approved for 6-months – March 16, 2015 (Oct. 2015)
Revised Improvement Plans conditionally approved – March 16, 2015(Plans expire March 2018)

School complex – Kick-off meeting for parking and roadway improvements – September 9, 2015

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – December 21, 2009
Public hearing date - Monday, October 11, 2010
Annexation petition denied – October 11, 2010

Text Amendments:

Subdivision regulations review – Planning Commission public hearing for proposed changes – October 19, 2015

Reports:

Meetings: **Next Middletown Green Team Meeting – October 21, 2015**

Maryland Planning Commissioners Association Conference – Oct. 29 and 30

Next Joint town board/planning commission workshop –