

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, August 17, 2015
7:00 p.m.

- I. Public Comment
- II. Minutes of July 2015 Planning Commission meeting Approval
- III. Plan Review
- IV. Zoning
Subdivision Regulations Amendments Introduction Discussion
- V. Miscellaneous
- 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.**

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

July 20, 2015

The regular meeting of the Middletown Planning Commission took place on Monday, July 20, 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: Commissioners Rich Gallagher (Alternate), Dixie Eichelberger (Temp. Alternate), Cindy Unangst (Staff Planner), and Annette Alberghini (Recording Secretary). Others present: Geoffrey Ciniero (CMS Associates LLC), and Ann Miller (Property Owner).

- I. PUBLIC COMMENT** – None.
- II. Regular Meeting Minutes of May 18, 2015** – Approved as submitted.

III. PLAN Review

Miller Property Site Plan – (Ann Miller (property owner), and Geoffrey Ciniero, representative for CMS Associates, L.L.C. (the developer) were present.) The Planning Commission reviewed the Concept Plan for the Miller property September 2013. This Site Plan includes the additional insets showing details for the utilities, stormwater management, grading, etc. per comments received from Frederick County and State Highway. The Site Plan was approved by State Highway. A stormwater management plan was approved by Frederick County. Lighting and signage will be included in the Improvement Plan. The buildings on the property pre-date the zoning ordinance and do not meet current setback requirements.

- **Parking** – Fifty two (52) spaces are provided on the plan. Based upon the proposed usage for the various buildings, the parking requirements per the Town Code would be much greater. The Planning Commission will waive the required number of parking spaces beyond the fifty two provided. The Planning Commission is asking the developer for a table as an addendum to the Site Plan which indicates the number of parking spaces proposed and the number required per the Town Code for the various uses. This table will also be included in the Improvement Plan. The applicant will provide the number of employees using the parking area for Phase 1 of the development
- **Building Usage** – The proposed restaurant will not utilize the whole building. The applicant must identify the total square footage to be used for the restaurant and the total square footage to be used by the proposed market.
- **Parking Spaces** – The site plan shows 52 parking spaces of varying sizes. Per the previous review, the Director of Public Works stated that wider aisles beside the shorter parking spaces in the revised plan would qualify for the same square footage.
- **Suggestions for the Improvement Plan** – It was suggested the applicant not limit their identified operation hours on the Improvement Plan. If the proposed business is open too late that could also have an impact as it is located next to a residential area.

Action: Commissioner Smart motioned to conditionally approve the Miller property Site Plan. Conditional upon the applicant providing a table with the requested parking data as an addendum as soon as possible or before the submission of the Improvement Plan and include with it the waiver of the required parking spaces based upon the information provided in that table. Seconded by Commissioner Goodman.

Motion carried (5-0)

IV. ZONING

Political Signs – The Staff Planner corresponded with Stuart Harvey of the Frederick County Board of Elections for input regarding political signs. Mr. Harvey stated that the State Highway Administration is very lax in enforcing any rules it has on this issue. He could not provide clear guidance as to how to proceed and referred the Town to seek input from the State Attorney General.

- **Zoning Code** - The Staff Planner provided information from the Frederick County Zoning Code, division 3, sect. 1-19-6.310 General Regulations,(E) which stated that each sign will be removed when the circumstances leading to its erection no longer apply. It was suggested to add this to the general sign regulations section of the Town Code. Subparagraph H of that same section of Frederick County code also states that each sign shall be located within the owner's property boundaries and not within the public right-of-way. This will also be added to the general sign regulations section of the Town Code.
- **Definition** – It was determined that the definition of a political sign is a sign for a legally recognized election at the municipality, County, State or Federal level or for Special Elections or Special Districts.
- **Violations** – If a resident is in violation of this code, the Planning Commission suggests leaving it to the discretion of the Zoning Administrator to resolve the issue.

The Staff Planner will bring this item before the Town Board for consideration.

Subdivision Regulations Update Review – Proposed changes to sections 16.28 and 16.32 took place at workshop. The Staff Planner presented the timeline for going forward with the changed to the subdivision regulations.

V. MISCELLANEOUS –

Planning Commission Members Term of Office – According to the Maryland Land Use Articles (Article 66B), the term of office for Planning Commission members is five (5) years. The Staff Planner will provide the Town Board this information.

VI. ADDITIONAL PUBLIC COMMENTS – None.

Meeting adjourned at 7:35pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Title 16 - SUBDIVISIONS*

Chapter 16.04 ADOPTION, PURPOSE AND DEFINITIONS

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Sections:

[16.04.010 Adoption.](#)

[16.04.020 Purpose.](#)

[16.04.030 Definitions.](#)

16.04.010 Adoption.

In accordance with the authority granted by Article 66B of the Annotated Code of Maryland 1961 Edition, as amended, the ordinance codified in this title is adopted by the town of Middletown, Maryland, governing the subdivision of all lands within the corporate limits of the town.

(Ord. 187 § 2.1, 1977)

16.04.020 Purpose.

- A. In the best interests of the town and to assist the subdivider in harmonizing his or her interests with those of the town, the following regulations are adopted in order that adherence to same will bring results that are beneficial to both parties. It is deemed necessary to establish minimum standards for the design and development of all new subdivisions in order to eliminate piecemeal planning, ensure sound community growth, assure and safeguard the provision of quality facilities, protect the interests of the homeowner, the subdivider, and the local government.
- B. It shall be the duty of the Middletown planning commission and the town board to require that all regulations set forth in this title be complied with, before giving their approval to subdivisions as defined herein. It is the purpose of this title to make regulations and requirements for the platting of land which the town board of Middletown deems necessary for the health, safety and general welfare of the citizens.
- 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 comprehensivemaster 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.

(Ord. 187 §§ 1.1—1.3, 1977)

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.

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"County master ~~transportation~~highway plan" means the official plan of major roads, highways, streets, and other ~~transportation concepts~~ways originally adopted by the Frederick County ~~planning commission~~ and approved by the board of county commissioners of Frederick County on November 25, 1959, and ~~which is periodically~~as amended as part of and as a supplement to the transportation element of the County Comprehensive Plan in accordance with Article 66B of the Annotated Code of Maryland.

"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.

"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.~~

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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.

(Ord. No. 10-10-03, § I, 10-25-2010; Ord. 187 Art. 5, 1977)

Chapter 16.08 ADMINISTRATION AND ENFORCEMENT

Sections:

[16.08.010 Administrative authority.](#)

[16.08.020 Subdivider must prepare and record plat of subdivision.](#)

[16.08.030 Approval of plat required.](#)

[16.08.040 Timing of development.](#)

[16.08.050 Annexation.](#)

[16.08.060 Transfer of land—Zoning certificate.](#)

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[16.08.080 Hardship.](#)

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Chapter 16.04 ADOPTION, PURPOSE AND DEFINITIONS

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[16.08.130 Amendments to subdivision regulations.](#)

[16.08.140 Violation—Penalty.](#)

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.

(Ord. 137 § 3.1—3.3, 1977)

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 \(Article 66B\)](#) 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.

(Ord. 137 § 4.1, 1977)

16.08.030 Approval of plat required.

- A. No plat of any subdivision shall be recorded until it shall have been submitted to and approved by the planning commission as provided herein. The planning commission shall not approve said plat unless it is satisfied that the requirements of these regulations have been complied with.
- B. No plat of any subdivision shall be approved where a portion of that subdivision lies outside the municipal boundaries. A developer or subdivider must secure annexation of that portion of the subdivision lying outside the municipal boundaries.

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(Ord. 187 § 4.2, 1977)

16.08.040 Timing of development.

The town board reserves the right to determine the rate of development based upon other economic factors and availability of water and sewer for the development.

(Ord. 187 § 4.3, 1977)

16.08.050 Annexation.

Any subdivision having a part of its platted land outside the corporate limits cannot have the part approved by the planning commission of Middletown unless that land is annexed by the town.

(Ord. 187 § 4.4, 1977)

16.08.060 Transfer of land—Zoning certificate.

No lot in a subdivision created after the adoption of these regulations shall be transferred, sold, or offered for sale, nor shall a zoning certificate be issued for a structure thereon, until a final plat of such subdivision shall have been recorded in accordance with these regulations.

(Ord. 187 § 4.5, 1977)

16.08.070 Variations for self-contained developments.

The general principles and standards of subdivision development stipulated in Chapters 16.28 and 16.32 may be varied by the planning commission in case of a subdivision large enough to constitute a more or less self-contained neighborhood to be developed in accordance with the master development plan safeguarded by appropriate restrictions, which in the judgment of the planning commission make adequate provisions for all essential conditions; provided, however, that no modifications shall be granted which would conflict with the intent of the town or county master plans, or with the intent and purpose of these regulations and the town or county zoning ordinance; and provided that the town or county shall not be obligated to accept any improvements constructed under the permission granted through this section.

(Ord. 187 § 12.1, 1977)

16.08.080 Hardship.

Where the planning commission finds that unusual hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured.

(Ord. 187 § 12.2, 1977)

16.08.090 Discrepancy.

Whenever there is discrepancy between minimum standards or dimensions noted herein and those contained in the zoning ordinance or other official regulations of Middletown, Frederick County or other governmental agencies, the more severe standards shall apply.

(Ord. 187 § 4.7, 1977)

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16.08.100 Filing fee.

A fee shall be paid to the town of Middletown by the subdivider for each preliminary, final, addition or minor subdivision plat when submitting the plat to the planning commission. The amount of the fee shall be as established from time to time by resolution of the burgess and commissioners. The fee shall also be paid for each plat resubmitted in which major changes, as determined by the planning commission, have been made to the originally submitted plat. See [Chapter 17.52](#) of this code for fees. (Amended)

(Amended during 2000 supplement; Ord. 00-04-03 § 1, 2000)

16.08.110 Appeal.

Any party adversely affected by a decision of the planning commission may appeal to the circuit court of Frederick County in accordance with the "Maryland Rules." (Amended)

(Editorially amended during 2000 recodification; Ord. 187 § 16, 1977)

16.08.120 Saving clause.

If any section or article of these regulations ~~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.

(Ord. 187 § 14.1, 1977)

16.08.130 Amendments to subdivision regulations.

- A. The procedures, standards and specifications contained in these regulations, when deemed necessary, may from time to time be amended, changed, supplanted or modified.
- B. The planning commission shall hold a public hearing prior to recommending the adoption of any amendments or changes; the date and place of such public hearing shall be advertised by the planning commission at least fifteen (15) days prior to the meeting in at least one newspaper of general circulation.
- C. The town board, upon receiving the recommendation of the planning commission concerning the adoption of any amendments or changes shall hold a public hearing, giving fifteen (15) days' notice of said hearing in a newspaper of general circulation.
- D. The town board, after considering the recommendation of the planning commission, other agencies and interested parties, shall approve, disapprove, or modify the proposed changes and amendments. Such decision shall be binding upon the planning commission and all parties affected by these regulations.

(Ord. 187 §§ 15.1—15.4, 1977)

16.08.140 Violation—Penalty.

Any subdivider who violates these regulations shall be subject to the penalties prescribed in [the Land Use Article \(Section 5.05 of Article 66B\)](#), of the 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](#) ~~Planning~~

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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.

(Ord. 187 § 4.6, 1977)

Chapter 16.12 SUBDIVISION PROCEDURES

Sections:

[16.12.010 Minimum requirements.](#)

[16.12.020 Sketch plan.](#)

[16.12.030 Minor subdivisions.](#)

[16.12.040 Addition plat.](#)

[16.12.050 Submission of preliminary plan of subdivision for approval.](#)

[16.12.055 Water and sewer capacity certification.](#)

[16.12.060 Improvement plans.](#)

[16.12.070 Approval of final plat.](#)

[16.12.080 Sale of lots and houses.](#)

[16.12.090 Building development.](#)

[16.12.100 Public release.](#)

16.12.010 Minimum requirements.

In planning and developing a subdivision, the subdivider or his or her agent shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in [Chapter 16.28](#) and with the regulations concerning improvements as set forth in [Chapter 16.32](#) of these regulations, and in every case the subdivider shall observe the procedure in this chapter. See [Chapter 17.52](#) of this code for fees. (Amended)

(Amended during 2000 supplement; Ord. 187 § 6.1, 1977)

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 [sSection 16.16.020](#)
- B. Such sketch plan will be considered as submitted for informal review and discussion and shall not constitute formal filing of the plan.
- C. As far as may be practical on the basis of the sketch plan review and discussion, the planning commission will informally advise the developer as promptly as possible of the extent to which the

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proposed subdivision conforms to the design standards of these regulations and will discuss possible plan modifications necessary to secure conformance.

(Ord. 187 § 6.2, 1977)

16.12.030 Minor subdivisions.

- A. In the event that a subdivision is five lots or less from an original tract and it involves no new streets or extensions of existing streets, the developer may proceed directly to the preparation of a final plat in accordance with the requirements of this title. All minor subdivision plats must be submitted at least thirty (30) days prior to the planning commission meeting.
- B. In addition to final plat data, a minor subdivision shall also show the following:
 - 1. Topography at two- or five-foot contour intervals. This provision may be waived by the planning commission;
 - 2. All existing permanent features, natural or man-made, that may influence the design of the plat;
 - 3. Location of existing, recorded and proposed utility lines and easements on or within two hundred (200) feet of the tract.

(Ord. 187 § 6.3, 1977)

16.12.040 Addition plat.

When the owner of a lot or parcel wishes to add additional land to said lot or parcel, the following requirements only need apply:

- A. A survey plat showing the following:
 - 1. Boundary survey of additional land;
 - 2. The lot or parcel to which the addition is being made;
 - 3. The original lot or parcel as required below:
 - a. If five acres or under remains, a boundary survey shall be made;
 - b. If over five acres remain, a deed plotting can be used;
 - 4. Signature of a registered surveyor certifying it as an accurate survey;
 - 5. A signature block for the planning commission's approval;
 - 6. A note on the plat stating the following: "Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing Subdivision Regulations;"
 - 7. A road dedication, if applicable.
- B. No transfer of land shall be approved if the original lot from which the transfer was made causes said lot to be less than the minimum lot size for its zoning district or causes the lot to be in violation of any other applicable zoning or health requirements;
- C. The approved survey plat shall be recorded with the clerk of the circuit court.

(Ord. 187 § 6.4, 1977)

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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~~ 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 have a documented agreement arrive at an understanding concerning the provision of 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.

(Ord. 187 § 6.5, 1977)

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 public works operations and construction 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 ~~threetwo~~ hundred and fifty (30250) gallons of water per equivalent dwelling unit.
- B. If the town administrator determines that there is sufficient water and sewer capacity to service the proposed subdivision or project, then he shall issue a certificate of water and sewer capacity for the proposed subdivision or project.

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- C. If the town administrator determines that there is not sufficient water and sewer capacity to service the proposed subdivision or project, then a certificate of water and sewer capacity shall not be issued for the proposed subdivision or project.
- D. The planning commission shall not approve any improvement plans for the proposed subdivision or project unless a certificate of water and sewer capacity has been issued for the proposed subdivision or project.
- E. If an approved preliminary plat is revised after a certificate of water and sewer capacity has been issued and the revision is approved by the planning commission, and if the effect of the revision does not increase the previously determined water demand of the proposed subdivision or project based upon the standards provided for in subsection (A) of this section, then a new certificate of water and sewer capacity shall not be required, and the previously issued certificate shall remain valid. If the effect of such approved revision is to increase the previously determined water demand of the proposed subdivision or project based upon the standards provided for in subsection (A) of this section, then the previously issued certificate shall be void, and a new certificate shall be issued, if appropriate, in accordance with the procedures set forth above.

(Ord. 07-10-01 § 1, 2007; Ord. 03-04-01 § 1, 2003)

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.

(Ord. No. 10-10-03, § 1, 10-25-2010; Ord. 03-04-01 § 1, 2003; Ord. 137 § 6.6, 1977)

16.12.070 Approval of final plat.

- A. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- B. Any large deviations from the preliminary plat that were not recommended or approved previously by the planning commission must be submitted for their approval.
- 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 his/her designate, on the plat. The signature of the chairperson 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.

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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 ~~of~~ 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 ~~public works operations and construction~~ 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 ~~public works operations and construction~~.

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;~~
 - ~~c. 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;~~
 - bd. 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.

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2. Amount of Guarantee. A certificate of the cost of improvements shall be filed by the ~~town~~ director of ~~public worksoperations and construction~~ 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 ~~public worksoperations and construction~~. 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 ~~public worksoperations and construction~~, 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 ~~public worksoperations and construction~~ 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 ~~public worksoperations and construction~~; 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.

(Ord. 04-02-02 § 1, 2004; Ord. 187 § 6.7, 1977)

16.12.080 Sale of lots and houses.

No lot shall be sold and no zoning certificate shall be issued until a final plat of such subdivision shall have been approved and recorded in accord with these regulations and provisions of the State Code.

(Ord. 187 § 6.8, 1977)

16.12.090 Building development.

In any instance where newly provided public improvements are necessary to serve or provide access to new building development, these improvements must be completed or a satisfactory guarantee of completion must be submitted prior to the issuance of any zoning certificate for such building development. (Section [16.12.070\(F\)](#))

(Ord. 187 § 6.9, 1977)

16.12.100 Public release.

Upon completion, satisfactory to the burgess and commissioners, of the public improvements required in [Chapter 16.32](#), the elected officials shall accept by duly executed deed and the land dedicated to public use and the improvements thereon.

(Ord. 187 § 6.10, 1977)

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Chapter 16.16 - SKETCH PLAN

16.16.010 - Submission voluntary.

The sketch plan is a voluntary submission on the part of the developer in order to obtain the planning commission's comments with regard to the subdivider's proposed development prior to making detailed drawings and formal application for preliminary or final plat approval. In order to provide sufficient information for the planning commission to adequately comment on the proposed development, the sketch plan must be drawn in accordance with this chapter.

(Ord. 187 Art. 9 (part), 1977)

16.16.020 - Required information.

A sketch plan must contain the following information:

- A. The sketch plans shall be submitted ~~electronically on paper~~ and shall be clear and legible. ~~Illegible plans will be discarded and the subdivider notified;~~
- B. Vicinity map indicating the location of the property with respect to surrounding property and streets. Show all property owned according to tax map if only part of the property is being developed;
- C. In the event that a recorded subdivision adjoins the land to be developed, the subdivision should be indicated (to be indicated with dashed lines);
- D. Title information:
 1. Proposed name,
 2. Scale of ~~plant~~,
 3. Date;
- E. Name and address of the owner and person responsible for the preparation of the plan;
- F. North ~~point~~;
- G. Boundary of proposed subdivision. This can be a deed plotting;
- H. ~~Where slope conditions exceed eight percent, t~~he ~~plant~~ 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 ~~plant~~;
- I. Location, widths and names of all streets or alleys on or adjoining the subdivision; those preliminary approved or recorded but unimproved and all existing easements (to be indicated with dashed lines);
- J. Location of existing utilities on or within two hundred (200) feet of the tract;
- K. The layout of all proposed and existing lots with approximate or typical dimensions and minimum area. Lots should be numbered for review reference;
- L. The layout of all proposed streets, including widths of rights-of-way;

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M. The approximate location and area of all property proposed to be reserved to public use, or to be reserved for use of all property owners in the subdivision and the location, and purposes of any proposed easements;

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.

(Ord. 187 § 9.1, 1977)

Chapter 16.20 - PRELIMINARY PLAT

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. Provide Information. It shall provide all the pertinent information as to existing site conditions, property ownership, and the like, that may be necessary for the planning commission and town board to properly consider the proposed subdivision. This information shall be accurate and reliable.
2. Show Plan of Development. It shall show the general plan of ultimate development for the property, covering the entire tract of land or so much of it as may be considered to be necessary for an adequate consideration of the part to be subdivided. This information should be drawn to scale.
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. Include Key Map. It shall include a small scale key map showing the location of the property and its relation to other known major subdivisions, roads, streams, etc. The key map shall be at a scale of one inch equals twelve hundred (1200) feet.
5. Title Information. Title information shall include:
 - a. Proposed subdivision name, which shall not duplicate nor closely approximate the name of any other subdivision in the county or town;
 - b. Names and addresses of owner, subdivider or developer, and the designer, surveyor or engineer;
 - c. Description of subdivision located by streets, tract, political subdivision etc.;
 - d. Scale, north point, and date.

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6. Approval Block. There shall be an approval block for the planning commission with a space for date and signature by the chairperson.

B. Information as to Existing Physical Conditions. The following existing physical conditions shall be shown:

1. Boundaries. Boundaries of the land being subdivided in heavy outline, and the acreage therein. Exterior subdivision boundary must be accurate with dimensions to hundredths of a foot and bearings to half minutes and determined by accurate field survey and closed with error of closure not to exceed one in five thousand (5,000). Names of adjacent property owners must be shown;

2. Topography. Topographic contours at five-foot intervals. Contours shall extend one hundred (100) feet beyond the subdivision boundary except across a public road;

3. Physical Features. Watercourses, floodplain areas, wooded area, buildings, transmission lines, pipe lines, other utilities, bridges, and any other significant physical items, with the sizes and grades of any water or sewer lines;

4. Streets and Roads. Locations, widths and names of all existing roads, streets, alleys, or other public ways within or adjoining the subdivision or intersecting any street that bounds it, including those recorded but unimproved (shown, by dotted lines); railroad, utility, or other rights-of-way or easements; parks and other public spaces; subdivisions, lots, and property lines; corporate lines; and the locations and outlines of permanent buildings.

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

1. Street Pattern. Layout, widths, center line, proposed roads, streets, alleys, crosswalks, and easements;

2. Lots. Layout, numbering and dimensions of proposed lots or parcels;

3. Open Spaces. Parcels of land intended to be conveyed or temporarily reserved for public use or for the joint use of property owners, with an explanation of the provisions or conditions of such conveyance or reservation and the proposed arrangements for ownership and maintenance;

4. Street Grades. Tentative grades on each street may be required at the discretion of the planning commission;

5. Utilities. Locations for utilities and drainage facilities, with six-foot easements for same along all property lines. Method of water and sewer service should be stated on the plat;

6. Building Setback. Proposed building lines along all streets, with the amount of setback indicated.

7. Architectural renderings of proposed buildings in subdivision as well as illustrative depiction of subdivision as a whole.

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

(Ord. 187 §§ 10.1—10.3, 1977)

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Chapter 16.24 - FINAL PLAT

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 ~~have~~ be 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. Meet Platting Requirements. It shall conform in all respects to the requirements of Real Property Book, **Title 3**, Subtitle 1, Section 3-108, 1974 Edition of the Annotated Code of Maryland, which relates to the making, filing and recording of plats. Among other things the above requires that plats for recording must be surveyed and certified by a registered surveyor.

3. Title Information. Title information shall include:

- a. Subdivision name;
- b. Location by election district, city or county and state;
- c. Names and addresses of the owners of record, the subdivider, and the engineer or surveyor;
- d. Scale, date, and north point;
- e. A map to scale showing location in county.

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

1. Boundaries. Exact boundaries of the area included within the subdivision with dimensions to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one in five thousand (5,000). Coordinates must be shown at all boundary break points;

2. Bearings and Distances. Bearings and distances to the nearest recorded property corners or other monuments which shall be located or accurately described on the plat;

3. Monuments. The accurate location and descriptions of all permanent monuments. Where applicable and feasible the coordinates of all permanent markers or monuments should be based on the Maryland Coordinate System (Lambert Conformal Conic Project, adopted by Act of General Assembly 1939, Chapter 628);

4. Adjoining Owners. Names and locations of adjoining subdivisions and the locations and ownership of adjoining unsubdivided property;

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5. Adjoining Roads. Exact locations, width, and name of each existing or recorded road or street adjoining or intersecting the boundaries of the tract;
6. Engineering Data. The exact location and width of every road, street, alley, easement, or other public or private way within the tract, with the length and bearing of every tangent, length of arcs, radii, delta angle, tangents, chord length, chord bearing, and any other necessary engineering data, with the names of such ways, and the purpose of easements or other ways. Accurate location of every lot line with its dimension to hundredths of a foot and bearings to half minutes;
7. Street Names. A name must be given to all new streets, drives and cul-de-sacs according to the requirements in [Section 16.28.030\(P\)](#);
8. Setback Lines. Minimum building setback lines (front, side and rear) on all lots;
9. Numbering. Blocks lettered in alphabetical order, and lots numbered in numerical order;
10. Public Lands. Accurate outlines of any areas dedicated or reserved for public use, or for any other purpose except sale, with the purpose indicated;
11. Lot Area. Accurate area of each lot or parcel, other than public ways;
12. Municipal Lines. Accurate location of the municipal or district line traversing or closely related to the tract;
13. Drainage Lines. Existing and relocated courses of any watercourses or storm drainage facilities traversing the tract, with the right-of-way or easement lines provided therefor;
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. Owner's Certificate. Owner's certificate, signed and notarized, acknowledging ownership of the property and agreeing to the subdividing thereof as shown on the plat; also offering for dedication all streets and other ways and places intended for public use;
2. Engineer's Certificate. Certificate of the surveyor to the effect that the plat represents a survey made by him or her, that it is accurate to the best of his or her knowledge, and that all monuments and pipes indicated thereon actually exist and their locations and descriptions are correctly shown, and that all requirements of these subdivision regulations and of other applicable laws have been fully complied with;
3. Agencies Approvals. A space shall be provided for certificate of approval by the planning commission of Middletown. In case any part of the subdivision is located within the jurisdiction of the county, an additional space should be provided for certificate of approval by the chairperson of the county planning commission. The plat must also contain a space for approval of the appropriate county health department with the required health department statement on conformance with the county master water and sewer plan and statement signed by the owner that all lots offered for sale will be serviced by public water and public sewerage;
4. ~~Protective~~ Covenants. ~~Protective c~~Covenants which apply to all the area as shown by the recorded plat shall be part of the recorded plat.

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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~~ comprehensivemaster plan.

(Ord. 187 § 7.1, 1977)

16.28.020 - Approval of subdivisions on land subject to uniqueadverse 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.

(Ord. 187 § 7.2, 1977)

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16.28.030 - Street design standards.

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to a plan for the most safe, advantageous development of adjoining areas and the entire neighborhood.
- B. Dead end streets ~~and~~(~~excluding~~ cul-de-sacs) shall be prohibited.
- C. All streets shall be considered in their relation to:
1. Existing and planned streets;
 2. Topographical conditions;
 3. Public conveniences and safety;
 4. Uses of land;
 5. ~~Comprehensive~~Master development plan (~~transportation~~major highway plan section).
- D. Where such is not shown on the ~~comprehensive~~master 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. Where a subdivision abuts or contains an existing or proposed highway, primary thoroughfare, or other disadvantageous use, the commission may impose requirements concerning streets, access drives, service drives, reverse frontage lots, or any other such requirements as may be necessary to ensure the character of the neighborhood.
- F. Access. ~~Spite~~Reserve strips controlling access to streets or alleys shall be prohibited.
- G. Alignment.
1. Where appropriate to design, proposed streets shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.
 2. Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.
 3. When connecting street lines deflected by more than ten (10) degrees, the radii of curves on the centerlines shall be less than the following:
 - a. Collector streets: three hundred (300) feet;
 - b. Local access streets and service roads: one hundred fifty (150) feet.
 4. Between reverse curves on collector and local access streets there shall be a tangent at least one hundred (100) feet long.
 5. Minimum sight distances (over a hill) shall be one hundred fifty (150) feet on local streets and ~~three~~two hundred (~~3~~200) 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.

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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 only be allowed in overlay~~not be approved in residential~~ 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. Cul-de-sac. Cul de-sac type streets shall be no longer than eight hundred (800) feet, unless the planning commission feels that due to topography a longer cul-de-sac would be appropriate. All cul-de-sacs shall be provided with a turnaround at the closed end having a minimum right-of-way radius of fifty (50) feet and the roadway having a minimum pavement width of forty (40) feet to the exterior curb line.

J. Grades.

1. Grades will not be less than one-half of one percent in order to promote proper drainage. Unless approved by the planning commission, grades shall not exceed the following:

- a. Local access streets, service roads and alleys: ten (10) percent;
- b. Collector streets: seven percent;
- c. Major thoroughfares: five percent.

2. All changes in grade shall be connected by vertical curves of sufficient length to provide smooth transition and proper sight distances.

3. Grades at the point of intersection of two streets shall be three percent or less for a distance of thirty (30) feet in all directions from the point of right-of-way intersection.

K. Half-Width Streets. Subdivisions adjoining dedicated, reserved or platted and recorded half-width streets or alleys shall dedicate or reserve an additional right-of-way width sufficient to bring the overall street to the width requirements of this title.

L. Spacing. Streets shall be spaced to allow for blocks meeting the dimensional requirements specified herein. The number of intersections along highways and other major roads shall be held to a minimum, normally spaced as indicated in subsection M of this section.

M. Minimize Interference with Through Traffic. Land abutting the arterial highways as designated by the town's transportation~~major streets~~ 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.

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N. Outlots. Outlots shall be provided only where necessary for access to adjoining properties or where necessary to provide an appropriate future street pattern.

O. Private Streets. Private streets will not be maintained by the town approved. 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)
<u>1.</u> Collector streets		
Residential	60—70	34—40
Commercial/industrial	70	40
<u>2.</u> Local access:		
Residential	50—60	32—36
Commercial/industrial	60	36
<u>3.</u> Service roads	40	24
<u>4.</u> Cul de sacs	<u>50 Radius</u>	<u>40 Radius</u>
<u>45.</u> Alleys	20	<u>16</u>
<u>56.</u> Crosswalks	<u>10</u>	<u>5</u> if needed
<u>67.</u> Easements (utility)	6	—
<u>78.</u> Easements (drainage)	What the <u>Director of Public Worksplanning commission</u> 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. Curbs, Gutters and Sidewalks. Curbs and gutters shall be provided in all residential subdivisions and in front of all nonresidential lots. Sidewalks shall be provided in all residential subdivisions, and in front of all nonresidential lots. The face of the curb shall be located on the line of the outside edge of the required pavement. The construction of these facilities shall be in conformity with the specifications and standards adopted or may hereafter be adopted by the town or county and include the following standards: curbs — eight inches along a state highway, six inches vertical along a municipal street; sidewalks — four feet to six feet width.

S. Intersections.

1. Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty (60) degrees (requirements for intersection with state roads shall not be less than seventy (70) degrees or greater than one hundred ten (110) degrees). The block

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corner of street intersections with county or state highways shall be rounded on the right-of-way line with a curve having a radius of not less than twenty-five (25) feet; at minor residential street intersections the minimum radius shall be not less than twenty (20) feet.

2. Curbs at street intersections shall be rounded off centrally with the property line with a radius of minimum width as specified in subsection T of this section. At street intersections with state highways the street curb or edges of paving shall be rounded off by an arc, the minimum radius of which shall be thirty (30) feet. A street intersection with the state highway will be subject to the rules and regulations of the Maryland State Highway Administration.

3. Intersections of more than two streets at a point shall be prohibited.

T. Street Design Standards Summary.

Development density ²	Low ¹	Med ¹	High ¹	Low ¹	Med ¹	High ¹
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
Street Design Standards Summary						
National standards adopted for use on local, hilly terrain)						
Local Street			Collector Street			

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

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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 Director of Public Works~~planning commission~~.

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.

(Ord. 187 § 7.3, 1977)

16.28.040 - Block design standards.

- A. The lengths, widths and shapes of blocks shall be determined with due regard to:
1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 2. Needs for convenient access, circulation, control and safety of street traffic;
 3. Limitation and opportunities of topography.
- B. Block lengths shall not exceed one thousand three hundred twenty (1,320) feet, or be less than five hundred (500) feet.
- 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. Crosswalks. In any block more than one thousand (1,000) feet long, a crosswalk may be required to improve access to a school, church, playground, bus stop, or other pedestrian objective.

(Ord. 187 § 7.4, 1977)

16.28.050 - Building lines.

Building lines shall be shown on the plat, along each street as required in each case by the applicable zoning regulations. The locations of these lines shall be clearly indicated by dimensions.

(Ord. 187 § 7.5, 1977)

16.28.060 - Easements.

- A. Easements shall be provided for utilities on all lot lines other than those abutting a street right-of-way line and shall be centered on rear or side lot lines. Such easements shall be designed to provide continuity from block to block.
- B. An easement running along the property line shall be a minimum of six feet on each side of the line.

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C. Where a subdivision is traversed or borders a stream or watercourse, there shall be provided a stormwater easement or drainage right-of-way not less than twenty (20) feet wide dedicated to the town.

(Ord. 187 § 7.6, 1977)

16.28.070 - Lot design standards.

A. Lots shall be of such size, shape and orientation as will be appropriate for the location, and for the type of development contemplated.

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. Corner lots shall have widths sufficient to meet the yard requirements of such lots in the zoning ordinance.

D. All lot measurements shall be net measurements, not including any part of any street, alley, or ~~crosswalk way~~~~crosswalkway~~. Easements, however, shall be regarded as within the lot.

E. Where unusual soil conditions or other physical factors exist which may impair the health and safety of the residents of the neighborhood in which a subdivision may be located, the planning commission may increase lot area requirements.

F. Excessive depth in relation to width shall be avoided. A proportion of two and one-half in depth to one in width shall normally be considered as a desirable maximum.

(Ord. 187 § 7.7, 1977)

16.28.080 - Large lot subdivisions.

Whenever the area is divided into lots larger than ordinarily used in the area for building purposes, and there is reason to believe that such lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easements or deeds providing for the present or future opening and extension of such streets may, at the discretion of the planning commission, be made a condition of the approval of the plat.

(Ord. 187 § 7.8, 1977)

16.28.090 - Public sites and open spaces.

Where a proposed park, playground, school or other public use shown on the ~~comprehensive master development~~ plan for Middletown is located in whole or in part in a

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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.

(Ord. 187 § 7.9, 1977)

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.

(Ord. 187 § 7.91, 1977)

Chapter 16.32 - IMPROVEMENTS

Sections:

16.32.010 - Conformance required.

All improvements in a subdivision shall conform with these standards and specifications, and other requirements which may be adopted by the town or Frederick County, or by such other governmental agencies which may have jurisdiction over each facility, as stipulated in this chapter. Nothing, however, shall be construed as prohibiting a subdivider from installing improvements of a higher type than the minimum required herein.

(Ord. 187 § 8.1, 1977)

16.32.020 - Minimum requirements.

A. General.

1. All subdivisions will have curb and gutter.
2. The developer will provide all storm drains necessary to give adequate drainage within the subdivision.
3. All water and sewer lines in the development will be installed by the developer to the town's design manual specifications. All taps shall be made by the developer, and the regular tap fees currently in force shall be imposed.
4. All engineering services necessary for the installation of streets, curb and gutter, and of the water and sewer will be provided by the developer with the approval of the town.

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5. All new streets shall be graded and drained, base material applied, curb and gutter constructed, surface treatment applied, utilities installed, all in accordance with the standards of design and construction adopted by the town or may hereafter be adopted.

Existing roads and streets, bounded on both sides by a proposed subdivision, that do not meet these specifications as to width or construction shall be brought up to standards.

B. Water Facilities. Every subdivision shall be provided with a community water supply and distribution system including a connection for each lot and appropriately spaced fire hydrants. The source of supply shall be the municipal water system.

C. Sewer Facilities. Every subdivision shall be provided with a complete sanitary sewer system connected to the municipal system. When connected to the municipal system, it shall be constructed to meet the standards and requirements of such system and shall become a part thereof.

D. Drainage. Every subdivision shall be provided with storm drains, culverts, drainageways, or other works adequate to collect and dispose of all water originating on or flowing across the property, without inundating or damaging roads, lots, or other properties. The construction of these facilities shall be in conformity with the standards and specifications adopted or may hereafter be adopted by town or county. The town engineer shall review the plans of those facilities which may be within his or her jurisdiction and give his or her recommendations to the town board.

E. Topsoil. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed to its former depth and in all cases, good soil conservation practices shall be used to prevent soil erosion and siltation during and after subdivision development.

F. Street Signs. A name sign of an approved design shall be erected by the developer, initially, town at each new street or road intersection. Subsequent replacements are done by the town.

G. Monuments and Pipes. Permanent monuments shall be placed as required for markers in Real Property Book, Title 3, Subtitle 1, Section 3-108, 1974 Edition of the Annotated Code of Maryland. After the grading is completed, the subdivider must see that monuments are at proper locations. Iron pipes shall be set along the property line of all streets and at such points along the subdivision boundaries not already marked by monuments.

H. Street Lighting. All street lighting shall be installed by the developer.

(Ord. 187 § 8.2, 1977)

16.32.030 - Improvement plans.

Plans for the foregoing improvements shall be prepared by a registered professional engineer for review by the burgess and commissioners or by an authorized representative. Such plans shall be sufficient to show the proposed location, sizes, type, grades, and design features of each facility, including the following:

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- A. Profiles. Profile of each street center line, with grades (including projections beyond the subdivision boundaries where significant), and showing water and sewer lines, manholes, culverts, streams, etc. Scale: one inch to fifty (50) feet horizontal, one inch to five feet vertical;
- B. Cross-Sections. Typical street cross-sections for all streets, at a scale not smaller than one inch to five feet, showing width of curbs, sidewalks, trees, utilities, etc. Where considerable cuts or fills are required, special cross-sections shall be shown on the plan. A grading plan showing existing and proposed contours may be furnished in lieu of special cross-sections;
- C. Sanitary and Storm Drains. Location plans and profiles for proposed sanitary and storm sewers or drains, with grades and pipe sizes indicated;
- D. Water System. Location plan of proposed water distribution system showing pipe sizes and locations for valves and fire hydrants.

(Ord. 187 § 8.3, 1977)

16.32.040 - Inspection and acceptance.

- A. All construction work on improvements required herein shall be subject to inspection during and upon completion of construction by an authorized engineering representative of the town. Costs of such inspections shall be borne by the developer. Approval and acceptance may be made by such representative on behalf of the town, if found to be in accordance with the approved improvement plan.
- B. If the final inspection is not made within sixty (60) days after improvements are completed and a written request for inspection has been submitted by the developer, the said improvements will be deemed approved and the town board shall accept them by duly executed deed.

(Ord. 187 §§ 8.4, 8.5, 1977)

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 8/3/2015

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

Signed mylars submitted to Town; getting ready to apply for grading permits

Foxfield Section 4- 5 homes still to be built.

Site Plans and Minor Subdivisions:

Chesterbrook Apts/Middletown Valley Apts - 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

Meeting with Town Board on July 13th to discuss intersection improvements

Phase 2 Improvement Plans submitted for review and approval – July 24, 2015

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

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

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
Addition Plat recorded– November 10, 2014
Dedication Plat conditionally approved – March 16, 2015
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire March 2018)
CVS proposed to open on August 16, 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)
Cost estimates approved – July 30, 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:

Zoning Code review – town board to be holding public hearings - 2015

Subdivision regulations review – Planning Commission introduction of proposed changes – August 17, 2015

Reports:

Meetings: **Next Middletown Green Team Meeting – August 19, 2015**

Next Joint town board/planning commission workshop – October 5, 2015