



AGENDA FOR THE TOWN MEETING

December 14, 2015

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

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

CONSENT AGENDA

- [Financial Statements](#)
- Town Meeting Minutes
 - [November 23, 2015 – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- [Ordinance No. 15-12-01 – Subdivision Regulations](#)
- [Ordinance No. 15-12-02 – Board of Appeals](#)
- [Ordinance No. 15-12-03 – Sign Regulations](#)
- [Discussion of Calculation Formula for Commercial Capacity – Tap Fees](#)
- Delegation Legislative Issue – Hunting Requirements in Middletown Valley

REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Planning Commission Liaison	Commissioner Goodman
Parks & Recreation	Commissioner Ventre
Finance	Commissioner Dietrick
Public Information Committee	Commissioner Falcinelli

NEW BUSINESS:

- [Amended Project Development Agreement – Street Light Buyback Program](#)
- [Memorial Park – Conceptual Improvement Plans](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

Town Meeting for December 28, 2015 - CANCELLED

ADJOURNMENT

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2016
For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
REVENUE			
<u>LOCAL TAX</u>			
Real Property	\$ 1,139,955	\$ 733,731	\$ (406,224)
Tangible Personal Property	35,540	16,406	(19,134)
Public Utilities	10,356	9,252	(1,104)
Franchise (Cable)	48,062	23,838	(24,224)
Penalties & Interest	9,607	(2)	(9,609)
	<u>\$ 1,243,520</u>	<u>\$ 783,225</u>	<u>\$ (460,295)</u>
<u>STATE SHARED TAX</u>			
Admission & Amusement	\$ 16,500		\$ (16,500)
Highway Gasoline & Licenses	154,758	4,831	(149,927)
	<u>\$ 171,258</u>	<u>\$ 4,831</u>	<u>\$ (166,427)</u>
<u>COUNTY SHARED TAX</u>			
Income Taxes	\$ 721,465	\$ 78,654	\$ (642,811)
Tax Equity Grant	555,964	277,982	(277,982)
	<u>\$ 1,277,429</u>	<u>\$ 356,636</u>	<u>\$ (920,793)</u>
<u>LICENSES AND PERMITS</u>			
Beer, Wine and Liquor	\$ 1,950		\$ (1,950)
Business / Traders	4,900	173	(4,727)
Planning / Zoning Fees	19,606	11,255	(8,351)
	<u>\$ 26,456</u>	<u>\$ 11,428</u>	<u>\$ (15,028)</u>
<u>PARKS AND RECREATION</u>			
Pavillion Fees	\$ 1,900	\$ 325	\$ (1,575)
	<u>\$ 1,900</u>	<u>\$ 325</u>	<u>\$ (1,575)</u>
<u>POLICE PROTECTION</u>			
State Grant	\$ 24,928		\$ (24,928)
	<u>\$ 24,928</u>		<u>\$ (24,928)</u>
<u>MISCELLANEOUS</u>			
Community Events			
Parking Citations			
Bank Shares Grant	2,500		(2,500)
Miscellaneous & Donations	5,000	1,576	(3,424)
	<u>\$ 7,500</u>	<u>\$ 1,576</u>	<u>\$ (5,924)</u>
OPERATING REVENUES	\$ 2,752,991	\$ 1,158,021	\$ (1,594,970)
State Grants & Interest	\$ 189,172	\$ 17	\$ (189,155)
TOTAL REVENUE	\$ 2,942,163	\$ 1,158,038	\$ (1,784,125)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2016
For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>EXPENDITURES</u>			
<u>LEGISLATIVE</u>			
Commissioner's Salary	\$ 12,300	\$ 2,800	\$ (9,500)
Communications	3,480	1,064	(2,416)
Dues & Subscriptions	7,370	7,166	(204)
Office Supplies & Exp	3,600	1,645	(1,955)
Advertising	750	2,332	1,582
Meetings & Conventions	<u>9,000</u>	<u>1,131</u>	<u>(7,869)</u>
	\$ 36,500	\$ 16,138	\$ (20,362)
<u>EXECUTIVE</u>			
Burgess Salary	<u>\$ 6,667</u>	<u>\$ 1,500</u>	<u>\$ (5,167)</u>
	\$ 6,667	\$ 1,500	\$ (5,167)
<u>ELECTION</u>			
Clerk Fees	\$ 450		\$ (450)
Other Administrative Expenses	<u>250</u>		<u>(250)</u>
	\$ 700		\$ (700)
<u>GENERAL SERVICES</u>			
<u>ADMINISTRATION</u>			
Administrative Salary	\$ 227,019	\$ 94,587	\$ (132,432)
Postage & Printing	200		(200)
Communications	10,471	2,247	(8,224)
Computer Expenses	22,600	9,943	(12,657)
Office Supplies & Exp	27,200	7,863	(19,337)
Office Maintenance	52,680	7,805	(44,875)
Dues & Subscriptions	150		(150)
Professional Services	3,600	2,770	(830)
Meetings & Conventions	100	12	(88)
Water and Sewer Grant	<u>80,000</u>	<u>80,000</u>	
	\$ 424,020	\$ 205,227	\$ (218,793)
<u>OPERATIONS</u>			
Maintenance Capital Outlay			
Vehicle Capital Outlay			
Director Salary	93,227	33,694	(59,533)
Maintenance Salary	35,015	13,453	(21,562)
Communications	9,000	2,570	(6,430)
Supplies & Expenses	13,000	7,162	(5,838)
Dues & Meetings		70	70
Landscaping/Beautification			
Maintenance & Repairs	27,950	9,800	(18,150)
Tools & Equipment	<u>3,161</u>	<u>543</u>	<u>(2,618)</u>
	\$ 181,353	\$ 67,292	\$ (114,061)

Town of Middletown
Statement of Revenue & Expenditures
 General Fund
 Fiscal Year 2016
 For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>PROFESSIONAL SERVICES</u>			
Independent Accounting	\$ 12,500	\$ 11,000	\$ (1,500)
Legal - Development		380	380
Legal - Ordinances	<u>7,500</u>	<u>3,154</u>	<u>(4,346)</u>
	\$ 20,000	\$ 14,534	\$ (5,466)
<u>PLANNING & ZONING</u>			
Salary & Fees	\$ 48,946	\$ 17,779	\$ (31,167)
Other Expenses	<u>3,109</u>	<u>960</u>	<u>(2,149)</u>
	\$ 52,055	\$ 18,739	\$ (33,316)
<u>MAIN STREET PROGRAM</u>			
Manager Salary	\$ 43,522	\$ 16,696	\$ (26,826)
Town Contribution	<u>18,000</u>	<u>10,000</u>	<u>(8,000)</u>
	\$ 61,522	\$ 26,696	\$ (34,826)
<u>PUBLIC SAFETY</u>			
Fire Dept. Donation	\$ 20,000		\$ (20,000)
School Crossing Guards	17,408	3,896	(13,512)
Community Deputy Program	<u>365,101</u>	<u>96,024</u>	<u>(269,077)</u>
	\$ 402,509	\$ 99,920	\$ (302,589)
<u>SANITATION & WASTE REMOVAL</u>			
Resident Trash & Yard Waste	\$ 276,901	\$ 103,035	\$ (173,866)
<u>RECREATION AND CULTURE</u>			
Park Salary	46,911	21,715	(25,196)
Park Electric	1,800	582	(1,218)
Maintenance & Repairs	44,100	10,335	(33,765)
Mowing	26,215	14,742	(11,473)
Remsberg Park - Interest	14,632	5,149	(9,483)
Remsberg Park - Principal	<u>108,917</u>	<u>36,034</u>	<u>(72,883)</u>
	\$ 242,575	\$ 88,557	\$ (154,018)

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2016
For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>HIGHWAYS AND STREETS</u>			
Salary	\$ 93,356	\$ 29,164	\$ (64,192)
Street Lighting	165,600	52,416	(113,184)
Storm Water Management	4,670	713	(3,957)
Snow Removal	70,000		(70,000)
Repairs & Resurfacing	57,300	2,279	(55,021)
Signs			
Truck Repair & Operation	50,700	9,773	(40,927)
Equipment Repairs & Ops	10,000	437	(9,563)
Mowing	32,696	18,432	(14,264)
Interest	6,941	17,917	10,976
East Green St - Principal	12,000		(12,000)
Case Loader - Principal	15,158	13,973	(1,185)
	<u>\$ 518,421</u>	<u>\$ 145,104</u>	<u>\$ (373,317)</u>
<u>OTHER EXPENSES</u>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,783	1,271	(1,512)
Community Events	19,750	17,285	(2,465)
Payroll Taxes	54,257	18,186	(36,071)
Insurance - Property	13,866	5,198	(8,668)
Insurance - Employee	118,839	39,888	(78,951)
Retirement/Pension	65,725	4,617	(61,108)
Web Page & Directory	5,000	8,132	3,132
Real Estate Taxes	1,242	800	(442)
Bond Issuance Costs		11,710	11,710
Other	3,500	707	(2,793)
	<u>\$ 290,062</u>	<u>\$ 112,794</u>	<u>\$ (177,268)</u>
TOTAL EXPENDITURES	\$ 2,513,285	\$ 899,536	\$ (1,613,749)
INCOME (LOSS) Exc. Cash Reserves	\$ 428,878	\$ 258,502	\$ (170,376)
CASH RESERVES	\$ 1,186,719	\$ 935,026	\$ (251,693)
SURPLUS / (DEFICIT)	\$ 1,615,597	\$ 1,193,528	\$ (422,069)

Town of Middletown
CIP Funds & Expenditures
 General Fund
 Fiscal Year 2016
 For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
OPERATING REVENUE			
Revenue	\$ 2,752,991	\$ 1,158,021	\$ (1,594,970)
OPERATING EXPENSES			
Expenses	2,513,284	899,536	(1,613,748)
OPERATING SURPLUS (LOSS)	\$ 239,707	\$ 258,485	\$ 18,778
<u>OTHER FUND</u>			
POS - Development	\$ 144,205		\$ (144,205)
West Green Street Loan	1,000,000		(1,000,000)
RETAINED EARNINGS	304,008		(304,008)
Interest	2,967	17	(2,950)
Other			
TOTAL OTHER FUNDS	\$ 1,451,180	\$ 17	\$ (1,451,163)
TOTAL FUNDS AVAILABLE	\$ 1,690,887	\$ 258,502	\$ (1,432,385)
<u>CIP PROJECTS & PURCHASES</u>			
West Green St Improvements	\$ 1,000,000	\$ 3,513	\$ (996,487)
Franklin - Patching, Mill & Over	60,000		(60,000)
Broad Street Road Construction	20,000		(20,000)
SWM Fence Replacements	21,984		(21,984)
Walking Trail - East Main to Lin	25,750	2,197	(23,553)
Remsberg Park Bleachers	12,150	11,884	(266)
Remsberg Park Walking Trail	45,000		(45,000)
Remsberg Park Totlot	25,076	25,017	(59)
Wiles Branch Dog Park	47,872	12,672	(35,200)
Wiles Branch Park Shingles	3,100		(3,100)
Foxfield Walk Path/Booster Overl	24,100		(24,100)
Municipal HVAC	90,000		(90,000)
Municipal Carpet (2nd Floor)	20,000		(20,000)
Municipal Boiler Replacment	30,000		(30,000)
Maintenance HVAC	4,500		(4,500)
Vehicle Replacements	65,000		(65,000)
Computer Replacements	5,400		(5,400)
Backhoe Lease	15,200	13,973	(1,227)
Historical Society Donation	5,000	5,000	
Total CIP Costs	\$ 1,520,132	\$ 74,256	\$ (1,445,876)
OPERATING & CIP SURPLUS (LOSS)	\$ 170,755	\$ 184,246	\$ 13,491

Town of Middletown
CIP Funds & Expenditures
General Fund
Fiscal Year 2016
For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 1,186,719	\$ 935,026	\$ (251,693)
TOTAL CASH SURPLUS	<u><u>\$ 1,186,719</u></u>	<u><u>\$ 935,026</u></u>	<u><u>\$ (251,693)</u></u>

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2016
For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>REVENUE</u>			
Water Revenue	\$ 594,558	\$ 150,343	\$ (444,215)
Sewer Revenue	596,089	149,638	(446,451)
Penalties/Reconnects	15,038	5,511	(9,527)
Rain Barrel Sales	1,575		(1,575)
General Fund Grant/Misc	80,000	80,000	
TOTAL OPERATING REVENUE	\$ 1,287,260	\$ 385,492	\$ (901,768)
<u>EXPENDITURES</u>			
<u>ADMINISTRATIVE</u>			
Office Salaries	\$ 50,907	\$ 13,252	\$ (37,655)
Communications	7,500	3,766	(3,734)
Postage	9,280	9,049	(231)
Office Supplies/Expense	12,000	4,533	(7,467)
Legal - Other	2,000		(2,000)
Meetings & Seminars	500	70	(430)
Advertising	500	305	(195)
Uniforms	998	1,306	308
Dues/Subscrip/Certifications	500		(500)
Travel	200		(200)
Payroll Taxes	24,559	9,984	(14,575)
Insurance - Prop. & Liability	8,500	4,128	(4,372)
Insurance - Workers Comp	8,214	2,651	(5,563)
Insurance - Health	53,824	14,363	(39,461)
Retirement/Pension	23,678	1,567	(22,111)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	2,500		(2,500)
Waterline / I & I Loans	32,979	32,497	(482)
Bond Issuance Costs		125,569	125,569
Sub-Total	\$ 238,931	\$ 223,332	\$ (15,599)
<u>Vehicles & Equipment</u>			
1999 Truck	\$ 3,700		\$ (3,700)
2008 Truck	3,200	804	(2,396)
2013 Truck	3,400	414	(2,986)
2015 Meter Van	3,700	255	(3,445)
Misc Equipment	7,000	1,673	(5,327)
Bobcat Mini-Excavator		113	113
Case Backhoe		26	26
Sub-Total	\$ 21,000	\$ 3,285	\$ (17,715)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2016
For the 5 Months Ended November 30, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
WATER			
Salaries	\$ 133,411	\$ 57,189	\$ (76,222)
Water Distribution System			
Supplies	3,200	1,844	(1,356)
Repairs & Maintenance	70,950	11,345	(59,605)
Water Meters	65,250	113,381	48,131
Water Line Break Repairs	5,000		(5,000)
Chemicals	500		(500)
Tools & Equipment	4,330	1,584	(2,746)
Sub-Total	\$ 149,230	\$ 128,154	\$ (21,076)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	\$ 26,900	\$ 7,341	\$ (19,559)
Supplies	2,000	1,265	(735)
Repairs & Maintenance	27,350	8,695	(18,655)
Chemicals	18,226	6,916	(11,310)
Tools & Equipment	2,400		(2,400)
Testing & Analysis	12,988	2,866	(10,122)
Sub-Total	\$ 89,864	\$ 27,083	\$ (62,781)
Abandoned Well Costs			
TOTAL WATER EXPENSES	\$ 372,505	\$ 212,426	\$ (160,079)
SEWER			
Salaries	\$ 124,358	\$ 52,773	\$ (71,585)
Sewer Collection System			
Cone Branch PS	20,000	15,002	(4,998)
Brookridge South PS	10,000	2,136	(7,864)
Foxfield PS	6,500	2,133	(4,367)
Sanitary Sewerlines & Manholes	23,952	15,470	(8,482)
I & I Accrual	75,000	31,250	(43,750)
Sub-Total	\$ 135,452	\$ 65,991	\$ (69,461)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2016
For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	\$ 33,279	\$ 10,541	\$ (22,738)
Supplies	5,469	2,632	(2,837)
Repairs & Maintenance	35,357	22,548	(12,809)
Chemicals	40,844	7,855	(32,989)
Tools & Equipment	8,400	1,130	(7,270)
Testing & Analysis	34,187	8,993	(25,194)
Sludge Hauling Expense	<u>57,000</u>	<u>21,535</u>	<u>(35,465)</u>
Sub-Total	\$ 214,536	\$ 75,234	\$ (139,302)
West Wastewater Treatment Plant			
Electric	\$ 17,934	\$ 9,116	\$ (8,818)
Supplies	2,500	1,005	(1,495)
Repairs & Maintenance	11,750	5,914	(5,836)
Chemicals	61,258	25,830	(35,428)
Tools & Equipment	1,000	810	(190)
Testing & Analysis	10,459	3,295	(7,164)
Sludge Hauling Expense	<u>22,650</u>	<u>7,187</u>	<u>(15,463)</u>
Sub-Total	\$ 127,551	\$ 53,157	\$ (74,394)
TOTAL SEWER EXPENSES	<u>\$ 601,897</u>	<u>\$ 247,155</u>	<u>\$ (354,742)</u>
TOTAL WATER/SEWER EXPENSES	<u>\$ 1,234,333</u>	<u>\$ 686,198</u>	<u>\$ (548,135)</u>
CONTINGENCY FUND - 3.5%	<u>\$ 43,202</u>	<u>\$ 24,017</u>	<u>\$ (19,185)</u>
ADJUSTED WATER/SEWER EXPENSES	<u>\$ 1,277,535</u>	<u>\$ 710,215</u>	<u>\$ (567,320)</u>
NET INCOME (LOSS)	<u>\$ 9,725</u>	<u>\$ (324,723)</u>	<u>\$ (334,448)</u>

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER

Fiscal Year 2016

For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<u>FUNDING SOURCES</u>			
Operating Revenue	\$ 1,287,260	\$ 385,492	\$ (901,768)
Operating Expenses	<u>1,234,333</u>	<u>686,198</u>	<u>(548,135)</u>
OPERATING INCOME (LOSS)	\$ 52,927	\$ (300,706)	\$ (353,633)
Cash Reserves	\$ 120,000	\$ 120,000	
Debt Service Fee - New Homes	138,800	34,900	(103,900)
Capital Improvement Fees	139,464	34,755	(104,709)
Inflow & Infiltration - Reserve A	75,000	75,000	
Improvement/Tap Fees	1,060,000	40,000	(1,020,000)
Water Tower & Land Leases	184,642	67,721	(116,921)
Main Street Waterline Loan	<u>2,250,000</u>	<u>2,250,000</u>	
TOTAL OTHER REVENUE	\$ 3,967,906	\$ 2,622,376	\$ (1,345,530)
TOTAL FUNDS AVAILABLE	4,020,833	2,321,670	(1,699,163)
<u>DEBT SERVICE COSTS</u>			
Principal Payments			
MVB Line of Credit			
CDA - Water Tower	102,800		(102,800)
MDE - East WWTP	205,519		(205,519)
Brookridge WTP	200,000		(200,000)
Main Street Waterline & Reservoir	60,540		(60,540)
Interest - All Loans	<u>44,766</u>	<u>79,615</u>	<u>34,849</u>
TOTAL DEBT SERVICE COSTS	\$ 613,625	\$ 79,615	\$ (534,010)
<u>WATER & SEWER PROJECTS</u>			
CIP - Well #15 Mag/Iron Removal	\$ 160,000	\$ 17,310	\$ (142,690)
CIP - Main Street Waterline - Eng		8,194	8,194
CIP - Main Street Waterline - Con	2,000,000		(2,000,000)
CIP - Reservoir Cover Replacement	440,000		(440,000)
CIP - Welll Field Restoration	125,000		(125,000)
CIP - Reservoir - Fence Replaceme	38,105		(38,105)
CIP - Booster Station Pump Bypass	8,000		(8,000)
CIP - Locust Court Waterline	310,000	6,650	(303,350)
CIP - Broad to East Green Waterli	40,000		(40,000)
CIP - West WWTP - Aerator Replace	8,000		(8,000)
CIP - East WWTP Bar Screen Refurb	40,000		(40,000)
CIP - Cone Branch Pump Station Pu	31,000		(31,000)
CIP - Inflow & Infiltration	75,000		(75,000)

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2016
For the 5 Months Ended November 30, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
2015 Meter Tech Van	\$ 46,500		\$ (46,500)
TOTAL WATER & SEWER PROJECTS	\$ 3,321,605	\$ 32,154	\$ (3,289,451)
TOTAL CIP COSTS	\$ 3,935,230	\$ 111,769	\$ (3,823,461)
TOTAL FUNDS REMAINING	<u>\$ 85,603</u>	<u>\$ 2,209,901</u>	<u>\$ 2,124,298</u>

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

November 23, 2015

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on November 23, 2015, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Jennifer Falcinelli, Rick Dietrick, Tony Ventre and Christopher Goodman.

CONSENT AGENDA

November 9, 2015 – Town Meeting Minutes.

Motion by Commissioner Bussard to approve the consent agenda as presented, seconded by Commissioner Ventre. Motion carried 6-0.

Personal Requests for Agenda:

Senator Michael J. Hough & Frederick County Councilman Jerry Donald – HB 1181 Rifle Zone Change – Middletown – Commissioner Goodman discovered a change to hunting laws for Middletown and questioned how this was changed with nobody knowing about. Commissioner Goodman contacted The Board of County Commissioners to inquire if they were aware of the change? Commissioner Goodman also spoke to Senator Hough as well as Delegate Afzali and no-one was aware of this change. Jerry Donald, Frederick County Councilman and Bud Otis, President of Frederick County both were in attendance and stated that this was not what was discussed at the Public Hearing that was held earlier in the year. Mr. Donald stated that the County Council received numerous emails and letters from people all of who were in opposition of this proposed change, still, the bill passed. Both the County Council and members of the State Delegation thought that the bill was about deer management on farms, and not a hunting bill. It was designed to allow farmers who were dealing with significant crop damage from deer to kill deer using a rifle.

Senator Hough stated that he too was surprised to see the zoning changes by the DNR (Department of Natural Resources) because the changes did not match what he thought was the intent of the bill. Senator Hough stated he contacted DNR after receiving the call from Commissioner Goodman. Senator Hough stated that the DNR worked with the Farm Bureau to get HB 1181 changed and approved. Senator Hough also stated that DNR has the authority to change the map zones and regulations. It was advertised in the MD Registry and they held a Public Hearing on. Of course no-one knew about because they advertised in the MD Registry that no-one reads on a daily basis. Senator Hough advised the Board that they can request to have the zone switched back to shot-gun only but it wouldn't go into effect for this hunting season. The request would need to be made in January.

Commissioner Goodman stated that he highly doubts that Middletown is the only Municipality that feels this way. Commissioner Goodman stated that it's been almost 20 years since it was changed to shot-gun only and to his knowledge there has not been an accident!

John King, Middletown Volunteer Fire Department – Mr. King requested a street light be installed at the intersection of Franklin Street & Fireman's Way. Mr. King stated that with the new Activities Building they have a lot more traffic in that area and that intersection is not lit and it's hard to see pedestrians walking as well as the signs letting people know that is where the Activities Building is

located. The Board didn't have a problem with this request. Burgess Miller stated that we would have our engineer look at this area and determine which pole is best for the light to be installed.

Unfinished Business:

Color for picnic tables at Remsberg Park – Drew provided the Board with a picture of what the tables will look like and the available colors. The Board agreed to go with hunter green.

Pathway Route for Walking Trail at Remsberg Park – Drew stated that the engineer has determined the safest route for the walking trail from Franklin Street to Remsberg Park. The path will start at the crosswalk on Franklin and go thru the floodplain area where a bridge will be installed for pedestrians to cross, then the path will continue to Remsberg Park. The Board was ok with this path and they also asked that this be reflected on the new trail maps. The Board also asked for the Linden to Main Street path to be also reflected on the trail map.

Walking Trail Maps – Drew showed the Board draft maps for their input. The Board liked the logo for the maps. The Board also thought it would be good to show the global system including where the paths meet the sidewalks. The Board would like to add the amenities to all maps where applicable.

Public Hearings on Thursday, December 3, 2015 at 7pm. –

- **Ordinance 15-12-01 – Subdivision Regulations**
- **Ordinance 15-12-02 – Board of Appeals**
- **Ordinance 15-12-03 – Signs**

NEW BUSINESS:

Discussion of Calculation Formula for Commercial Capacity – Tap Fees – Drew stated that this was brought before the Water & Sewer Committee last month. The Water & Sewer Committee felt that this was more of an economic development issue and wanted the Boards input. The developer of Cross Stone Commons brought to our attention that our tap fees are somewhat of a deterrent to businesses wanting to come to this area. Drew stated that back in 1998 the Board approved a method for calculating tap fee for commercial property. The Town allows one of two methods to be used, developer's choice; fixture unit count or equivalent meter and service ratio. At the time of approval, Frederick County used the same methods. In 2002, Frederick County modified their capacity calculation to include a capacity adjustment factor for commercial customers. This factor is derived by Frederick County based on historical usage for similar type structures and is evaluated and adjusted every three years according to historical demand. Burgess Miller asked Mark Crissman who was present tonight representing the Owners of this property who has turned you down due to tap fees. Mr. Crissman stated that he was unsure as he did not have that information, but the owner would.

Drew went over some options with the Board on how we currently charge the tap fees and what the County currently does.

PUBLIC COMMENT:

Bob Smart, 7527 Coblentz Road – Publicly thanked Commissioner Goodman for bringing the hunting issue to the Board & Residents.

ANNOUNCEMENTS:

Christmas in the Valley – Saturday, December 5, 2015

ADJOURNMENT

Meeting adjourned at 7:57pm.

Respectfully submitted,

ORDINANCE NO. 15-12-01

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 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. **ALL APPROPRIATE ENTITIES SHALL REVIEW ALL ARCHITECTURAL INFORMATION AND SUBMIT RECOMMENDATIONS TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.**

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, STORMWATER MANAGEMENT AND PUBLIC SPACES.**

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 ~~{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 ~~{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
<p>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.</p>	

- 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

ORDINANCE NO. 15-12-02

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.44 OF THE MIDDLETOWN MUNICIPAL CODE TO MAKE STYLISTIC AND GRAMMATICAL CHANGES AND TO CORRECT REFERENCES TO STATE STATUTES AND COURT RULES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.44 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 17 – ZONING

Chapter 17.44 - BOARD OF APPEALS

17.44.010 - Authorization and appointment.

A.- D. *{Unchanged}*

E. The board of appeals shall have the powers and shall comply with and follow the requirements and procedures for boards of appeal as set forth in ~~{Article 66B, Section 4.07, Maryland code,}~~ **THE LAND USE ARTICLE, TITLE 4, SUBTITLE 3, ANNOTATED CODE OF MARYLAND**, as same may be amended from time to time.

17.44.020 - Meetings of the board.

The members of the board of appeals shall meet ~~{at least six times each year}~~ **AS NEEDED** at such time and place as they may fix by resolution. They shall select one of their members as chairperson and one vice-chairperson, who shall serve one year and until their successors have

been selected. Special meetings may be called at any time by the chairperson or in his or her absence, by the vice-chairperson. A majority of the board shall constitute a quorum for the transaction of business. The board of appeals shall make a transcript of all its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, which shall be immediately filed in the TOWN office ~~{of the board}~~ and shall be a public record. Copies of the transcript shall be forwarded to the burgess and planning commission. All meetings of the board of appeals shall be open to the public. The chairperson, or in his or her absence the vice-chairperson, may administer oaths and compel the attendance of witnesses.

17.44.030 - Powers of the board of appeals.

Powers of the board of appeals include:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this title or any ordinance adopted pursuant to ~~{Article 66B}~~ **THE LAND USE ARTICLE, TITLE 4, SUBTITLE 3, ANNOTATED CODE OF MARYLAND;**
- B. To hear and decide special exceptions in the terms of this title as required under this title;
- C. To authorize upon appeal in specific cases a variance from the terms of this title.

17.44.050 - Variances.

- A. **Filing of Variance.** An application may be made to the board of appeals for a variance where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The application must be on a form provided for that purpose by the town. The applicant must provide all the information requested on the form, together with any other

information and data that may be required to advise the board on the variance, whether such information is called for by the official form or not.

~~{Unless otherwise specified or extended by the board, a variance authorized by it expires if the applicant fails to obtain a building permit or use certificate within twelve (12) months from the date of authorization of the variance.}~~

B. Standards for Variances. Where **THERE** is unnecessary hardship, the board may grant a variance in the application of the provisions of this title provided that the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;

2. That because of such physical circumstances or conditions, ~~{there is not possibility that}~~ the property ~~{can}~~ **CANNOT** be developed in strict conformity with the provisions of the zoning ordinance **WITHOUT UNNECESSARY HARDSHIP** and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

3. That such unnecessary hardship has not been created by the applicant;

4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

C.- D. {Unchanged}

17.44.070 - Public hearings.

All appeals~~[,]~~ **AND** applications for variance and special exceptions shall be ~~{decided}~~ **HEARD AND CONSIDERED** in a public ~~{meeting}~~ **HEARING**. ~~{and after a public hearing has been conducted.}~~ The board shall ~~{fix}~~ **SCHEDULE THE HEARING AT** a reasonable time~~[,]~~ **AND SHALL** give not less than ten (10) days' public notice thereof by the posting **IN A CONSPICUOUS PLACE ON OR NEAR THE PROPERTY** of ~~{not less than}~~ **AT LEAST** one sign of at least three square feet in area ~~[, continuing notice]~~ **STATING THE DATE, TIME, LOCATION AND PURPOSE** of the hearing ~~{in a conspicuous place on or near the property}~~. The zoning administrator or agents may require additional posting in a place of common use or entrance to the community if in the ~~{judgement}~~ **JUDGMENT** of the zoning administrator such posting is needed to adequately notify interested parties. All public hearings to be held by the board of appeals shall be advertised in a weekly or daily **NEWS**paper of general circulation in the town. ~~{as well as due}~~ **DUE** notice **SHALL ALSO BE GIVEN** to the parties in interest including all adjoining and ~~{confronting}~~ **ADJACENT** property owners. ~~{and}~~ **THE BOARD SHALL RENDER ITS DECISION** ~~{decide the same}~~ within thirty (30) days of the public hearing. It shall be the responsibility of the applicant to provide the names and addresses of all ~~{confronting}~~ **ADJACENT** and adjoining property owners.

~~{Upon}~~ **AT** the hearing, any party may appear in person, by agent or by attorney. The concurring vote of two members of the board shall be necessary to ~~{reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant upon any matter upon which it is required to pass under any such ordinance, or to effect any variation}~~

~~in such ordinance]~~ **RENDER ANY DECISION ON THE ISSUES RAISED IN THE APPEAL OR APPLICATION.**

17.44.080 - Appeals to court.

Any person or persons~~[, jointly or severely]~~ aggrieved by any decision of the board of appeals~~[,]~~ or by any ~~[reclassification by]~~ **ZONING ACTION OF** the burgess and commissioners, or any taxpayer, or any officer, department, **OR** board~~[, bureau]~~ of Middletown, may ~~[appeal]~~ **FILE A REQUEST FOR JUDICIAL REVIEW OF** the same to the circuit court ~~[of the]~~ **FOR FREDERICK** county. Such appeal shall be taken ~~[according to]~~ **IN THE MANNER PRESCRIBED BY TITLE 7, CHAPTER 200 OF** the Maryland Rules ~~[as set forth in Chapter 1100, Subtitle B]~~.

An appeal from any decision of the circuit court reviewing a decision of the board of appeals may be taken to the Court of **SPECIAL** Appeals of Maryland ~~[during the period and]~~ in the manner prescribed by ~~[rules of the Court of Appeals]~~ **TITLE 8 OF THE MARYLAND RULES.**

17.44.090 – ~~[Permits issued by]~~ **PERIOD OF VALIDITY OF ORDERS OF** the board.

A. ~~[Construction Permitted by Board to be Undertaken Within]~~ **ORDERS OF BOARD AUTHORIZING CONSTRUCTION VALID FOR** Twelve Months. No order of the board permitting the erection or alteration of a building shall be valid for a period longer than twelve (12) months, unless a zoning certificate for such erection or alteration is **OBTAINED WITHIN SUCH PERIOD AND SUCH ERECTION OR ALTERATION IS** started and proceeds to completion in accordance with the terms of such permit.

B. **ORDERS OF BOARD AUTHORIZING** Use of Building [~~Permitted by Board~~]
to be Established Within Twelve Months. No order of the board permitting a use of a building or premises shall be valid for a period longer than twelve (12) months, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a zoning certificate for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

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 _____, 201__
EFFECTIVE DATE: _____, 201__

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

ORDINANCE NO. 15-12-03

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.36 OF THE MIDDLETOWN MUNICIPAL CODE PERTAINING TO SIGNS; TO REVISE PROVISIONS RELATING TO POLITICAL SIGNS; TO AUTHORIZE THE ZONING ADMINISTRATOR TO ENFORCE CERTAIN PROVISIONS OF THE CODE RELATING TO SIGNS; TO MAKE STYLISTIC AND GRAMMATICAL CHANGES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.36, Section 17.36.020 of the Middletown Municipal Code be, and hereby is, amended by adding thereto a definition for the term "Political Sign" (which definition shall be inserted in the Code between the definitions of "Monument Sign" and "Projecting Sign") and by deleting language in the definition of "Temporary Sign" which language is designated for deletion by being ~~[in brackets and stricken through.]~~ All other definitions in Section 17.36.020 remain unchanged.

TITLE 17 – ZONING

Chapter 17.36 - SIGNS

17.36.020 - Definitions.

“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.

“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).]~~

SECTION II. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that the following sections of Title 17, Chapter 17.36 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through.]~~ New language is designated by being in **BOLD CAPITAL LETTERS**:

TITLE 17 – ZONING

Chapter 17.36 - SIGNS

17.36.030 - General sign standards.

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

A. – G. *{Unchanged}*

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.**

17.36.080 - Signs for motor vehicle service stations.

Motor vehicle service stations may erect signs as follows:

A. – C. *{Unchanged}*

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.

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;**

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, [~~eight (8)~~] **FOUR (4)** feet in height, and shall be subject to any other restrictions within individual zones.

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 NOT EXCEED A MAXIMUM OF FOUR (4) FEET IN HEIGHT.**

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, **EXCEPT THAT IN RESIDENTIAL DISTRICTS FREESTANDING SIGNS SHALL NOT EXCEED A MAXIMUM OF 32 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 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. – E. *{Unchanged}*

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 will be duly recorded and 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.}~~ B. 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.}~~ C. 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.}~~ D. 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.

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.

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 ~~[planning commission]~~ **ZONING ADMINISTRATOR** or its delegate for compliance with the provisions of this chapter including the location, placement and size of the sign.

B. – C. *{Unchanged}*

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 ~~{town}~~ **ZONING ADMINISTRATOR** may order the owner or other person responsible for the sign to remove the sign at the sole cost of such person.

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.

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.}~~ A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;

~~{2.}~~ B. Signs erected by the town, county, state, or federal government in furtherance of their governmental responsibility;

~~{3.}~~ C. 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.} D. Incidental signs as defined herein;~~

~~{7.} E. Ballfield/sports complex signs and scoreboards that face the inside of a playing field;~~

~~{8.} F. Government sponsored banners affixed to light standards promoting community events.~~

17.36.150 - Temporary signs.

A. *{Unchanged}*

B. A permit is not required for the following types of temporary signs:

1. – 6. *{Unchanged}*

7. POLITICAL SIGNS SHALL NOT EXCEED SIX (6) SQUARE FEET IN SIZE.

8. GARAGE/YARD SALE SIGNS 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;

~~{7.} 9. 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;
- 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. – D. *{Unchanged}*

E. A SIGN SHALL BE REMOVED WHEN THE CIRCUMSTANCES LEADING TO ITS ERECTION NO LONGER APPLY.

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 ~~{planning commission}~~ **ZONING ADMINISTRATOR** may, but is not required to, permit such sign to remain on the premises for an additional ninety (90) days.

SECTION III. 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 _____, 201_____
EFFECTIVE DATE: _____, 201_____

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess



MEMORANDUM

DATE: November 18, 2015

TO: Burgess and Commissioners

FROM: Andrew J. Bowen, Town Administrator

SUBJECT: Capacity or Tap Calculations for Commercial Properties

ISSUE

Should the Burgess and Commissioners change the method of calculating capacity (taps) for commercial development?

BACKGROUND

In 1998, the Town Board approved a method for calculating tap fees for commercial property. The Town allows one of two methods to be used, developer's choice; fixture unit count OR equivalent meter and service ratio. At the time of approval, Frederick County used the same methods.

In 2002, Frederick County modified their capacity calculation to include a capacity adjustment factor for commercial customers. This factor is derived by Frederick County based on historical usage for similar type structures and is evaluated and adjusted every three years according to historical demand.

RECOMMENDATION

Staff is asking for direction from the Burgess and Commissioners as to how to proceed.



BURGESS AND COMMISSIONERS OF MIDDLETOWN
31 West Main Street
Middletown, Maryland 21769

FIXTURE UNIT COUNT

Name _____

Date _____

Address _____

Operator _____

_____ Water Closet (toilet)	@ 10 F.U.	_____
_____ Lavatory (hand, sink)	@ 2 F.U.	_____
_____ Urinal (wall)	@ 5 F.U.	_____
_____ Drinking Fountain	@ 1 F.U.	_____
_____ Sink (bar, laundry, tub service)	@ 3 F.U.	_____
_____ Sink (mop)	@ 3 F.U.	_____
_____ Sink (kitchen)	@ 4 F.U.	_____
_____ Sink (kitchen with disposal)	@ 5 F.U.	_____
_____ Sink (pot, scullery)	@ 4 F.U.	_____
_____ Washing Machines	@ 4 F.U.	_____
_____ Dishwasher	@ 4 F.U.	_____
_____ Bathtub	@ 4 F.U.	_____
_____ Shower	@ 4 F.U.	_____
_____ Floor Drain 2"	@ 3 F.U.	_____
_____ Floor Drain 3"	@ 5 F.U.	_____
_____ Floor Drain 4"	@ 6 F.U.	_____
_____	@ 10 F.U.	_____
_____	@ ___ F.U.	_____
_____	@ ___ F.U.	_____
_____	@ ___ F.U.	_____
_____	@ ___ F.U.	_____
_____	@ ___ F.U.	_____
_____	@ ___ F.U.	_____

TOTAL FIXTURE UNITS _____



**Burgess and Commissioners of
Middletown, Maryland**

Proposed Water & Sewer Rates for Non-Residential Accounts

Meter Size (In.)	Equivalent Meter and Service Ratio
5/8 & 3/4	1
1	1.4
1 1/2	1.8
2	2.9
3	11
4	14
6	21
8	28

*This table established by: *American Water Works Association
Manual of Water Supply Practices
Principles of Water Rates, Fees and Charges
AWWA M1
Fifth Edition*

Cross Stone Commons Water / Sewer Tap Fees

Date: 10/9/2015

Option # 1 (based on Meter Size per Middletown Criteria):

Meter Size	EDU (per Town's Table)	Price per EDU	Tap Fee	Notes
6"	21	\$20,000	\$420,000	

Option # 2 (based on Fixture Unit Count using Middletown Criteria):

Building	Total Fixture Units *	EDUs	Price per EDU	Tap Fee	Notes
CVS	45	4.5	\$20,000	\$90,000	This fee was paid to get Building Permit Released.
No. 2	261	26.1	\$20,000	\$522,000	
No. 3	216	21.6	\$20,000	\$432,000	
No. 4	159	15.9	\$20,000	<u>\$318,000</u>	
Total Tap Fees:				<u>\$1,362,000</u>	

Option # 3 (based on Fixture Unit Count using Frederick County Criteria):

Building	Total Fixture Units *	Fixture Units minus 10	CAF **	Adjusted Fixture Units	Adjusted EDUs ***	Price per EDU	Tap Fee	Notes
CVS	45	35	0.25	8.75	1.88	\$20,000	\$37,500	\$90,000 was previously paid
No. 2	261	251	0.25	62.75	7.275	\$20,000	\$145,500	
No. 3	216	206	0.25	51.5	6.15	\$20,000	\$123,000	
No. 4	159	149	0.25	37.25	4.73	\$20,000	<u>\$94,500</u>	
Total Tap Fees:							<u>\$400,500</u>	

* The total fixture units for each building have been estimated by the architect and must be revised as the designs are completed.

** Capacity Adjustment Factor based on Shopping Center - per Frederick County Guidelines

*** Adjusted EDUs set by paying the full price for the first 10 FU (1 EDU) and applying the CAF to the balance



BURGESS AND COMMISSIONERS OF MIDDLETOWN
31 West Main Street
Middletown, Maryland 21769

FIXTURE UNIT COUNT

Name CVS STORE

Date 4-21-15

Address 400 Middletown Rd

Operator _____

CROSS STONE COMMONS

<u>4</u>	Water Closet (toilet)	@ 10 F.U.	<u>40</u>
<u>6</u>	Lavatory (hand, sink)	@ 2 F.U.	<u>12</u>
<u>2</u>	Urinal (wall)	@ 5 F.U.	<u>10</u>
<u>2</u>	Drinking Fountain	@ 1 F.U.	<u>2</u>
<u>2</u>	Sink (bar, laundry, tub service)	@ 3 F.U.	<u>6</u>
<u>1</u>	Sink (mop)	@ 3 F.U.	<u>3</u>
<u>-</u>	Sink (kitchen)	@ 4 F.U.	
<u>-</u>	Sink (kitchen with disposal)	@ 5 F.U.	
<u>-</u>	Sink (pot, scullery)	@ 4 F.U.	
<u>-</u>	Washing Machines	@ 4 F.U.	
<u>-</u>	Dishwasher	@ 4 F.U.	
<u>-</u>	Bathtub	@ 4 F.U.	
<u>-</u>	Shower	@ 4 F.U.	
	Floor Drain 2"	@ 3 F.U.	
<u>2</u>	Floor Drain 3"	@ 5 F.U.	<u>10</u>
<u>1</u>	Floor Drain 4"	@ 6 F.U.	<u>6</u>
		@ 10 F.U.	
		@ _ F.U.	
		@ _ F.U.	
		@ _ F.U.	
		@ _ F.U.	
		@ _ F.U.	

TOTAL FIXTURE UNITS 89



BURGESS AND COMMISSIONERS OF MIDDLETOWN
 31 West Main Street
 Middletown, Maryland 21769

FIXTURE UNIT COUNT

Name BUILDING #2

Date 4-21-15

Address 300 Middle Town

Operator _____

CROSS STONE COMMONS

<u>4</u>	Water Closet (toilet)	@ 10 F.U.	<u>40</u>
<u>6</u>	Lavatory (hand, sink)	@ 2 F.U.	<u>12</u>
<u>2</u>	Urinal (wall)	@ 5 F.U.	<u>10</u>
<u>-</u>	Drinking Fountain	@ 1 F.U.	<u>-</u>
<u>4</u>	Sink (bar, laundry, tub service)	@ 3 F.U.	<u>12</u>
<u>1</u>	Sink (mop)	@ 3 F.U.	<u>3</u>
<u>1</u>	Sink (kitchen)	@ 4 F.U.	<u>4</u>
<u>1</u>	Sink (kitchen with disposal)	@ 5 F.U.	<u>5</u>
<u>1</u>	Sink (pot, scullery)	@ 4 F.U.	<u>4</u>
<u>-</u>	Washing Machines	@ 4 F.U.	<u>-</u>
<u>1</u>	Dishwasher	@ 4 F.U.	<u>4</u>
<u>-</u>	Bathtub	@ 4 F.U.	<u>-</u>
<u>-</u>	Shower	@ 4 F.U.	<u>-</u>
<u>-</u>	Floor Drain 2"	@ 3 F.U.	<u>-</u>
<u>2</u>	Floor Drain 3"	@ 5 F.U.	<u>10</u>
<u>6</u>	Floor Drain 4"	@ 6 F.U.	<u>36</u>
_____		@ 10 F.U.	_____
_____		@ ___ F.U.	_____
_____		@ ___ F.U.	_____
_____		@ ___ F.U.	_____
_____		@ ___ F.U.	_____
_____		@ ___ F.U.	_____

TOTAL FIXTURE UNITS 140



BURGESS AND COMMISSIONERS OF MIDDLETOWN
31 West Main Street
Middletown, Maryland 21769

FIXTURE UNIT COUNT

Name BUILDING #3

Date 4-21-15

Address 200 Middle Town

Operator _____

CROSS STONE COMMONS

<u>6</u>	Water Closet (toilet)	@ 10 F.U.	<u>60</u>
<u>8</u>	Lavatory (hand, sink)	@ 2 F.U.	<u>16</u>
<u>2</u>	Urinal (wall)	@ 5 F.U.	<u>10</u>
<u>1</u>	Drinking Fountain	@ 1 F.U.	<u>1</u>
<u>2</u>	Sink (bar, laundry, tub service)	@ 3 F.U.	<u>6</u>
<u>3</u>	Sink (mop)	@ 3 F.U.	<u>9</u>
<u>2</u>	Sink (kitchen)	@ 4 F.U.	<u>8</u>
<u>2</u>	Sink (kitchen with disposal)	@ 5 F.U.	<u>10</u>
<u>2</u>	Sink (pot, scullery)	@ 4 F.U.	<u>8</u>
<u>-</u>	Washing Machines	@ 4 F.U.	<u>1</u>
<u>2</u>	Dishwasher	@ 4 F.U.	<u>8</u>
<u>-</u>	Bathtub	@ 4 F.U.	<u>1</u>
<u>-</u>	Shower	@ 4 F.U.	<u>1</u>
<u>-</u>	Floor Drain 2"	@ 3 F.U.	<u>1</u>
<u>3</u>	Floor Drain 3"	@ 5 F.U.	<u>15</u>
<u>6</u>	Floor Drain 4"	@ 6 F.U.	<u>36</u>
_____		@ 10 F.U.	_____
_____		@ _____ F.U.	_____
_____		@ _____ F.U.	_____
_____		@ _____ F.U.	_____
_____		@ _____ F.U.	_____
_____		@ _____ F.U.	_____

TOTAL FIXTURE UNITS 187



BURGESS AND COMMISSIONERS OF MIDDLETOWN
31 West Main Street
Middletown, Maryland 21769

FIXTURE UNIT COUNT

Name BUILDING #4

Date 4-21-15

Address 100 Middle Town

Operator _____

CROSS STONE COMMALS

<u>6</u>	Water Closet (toilet)	@ 10 F.U.	<u>60</u>
<u>3</u>	Lavatory (hand, sink)	@ 2 F.U.	<u>16</u>
<u>2</u>	Urinal (wall)	@ 5 F.U.	<u>10</u>
<u>-</u>	Drinking Fountain	@ 1 F.U.	<u>-</u>
<u>4</u>	Sink (bar, laundry, tub service)	@ 3 F.U.	<u>12</u>
<u>1</u>	Sink (mop)	@ 3 F.U.	<u>3</u>
<u>1</u>	Sink (kitchen)	@ 4 F.U.	<u>4</u>
<u>1</u>	Sink (kitchen with disposal)	@ 5 F.U.	<u>5</u>
<u>1</u>	Sink (pot, scullery)	@ 4 F.U.	<u>4</u>
<u>-</u>	Washing Machines	@ 4 F.U.	<u>-</u>
<u>1</u>	Dishwasher	@ 4 F.U.	<u>4</u>
<u>-</u>	Bathtub	@ 4 F.U.	<u>-</u>
<u>-</u>	Shower	@ 4 F.U.	<u>-</u>
<u>-</u>	Floor Drain 2"	@ 3 F.U.	<u>-</u>
<u>2</u>	Floor Drain 3"	@ 5 F.U.	<u>10</u>
<u>6</u>	Floor Drain 4"	@ 6 F.U.	<u>36</u>
_____		@ 10 F.U.	_____
_____		@ ___ F.U.	_____
_____		@ ___ F.U.	_____
_____		@ ___ F.U.	_____
_____		@ ___ F.U.	_____
_____		@ ___ F.U.	_____

TOTAL FIXTURE UNITS 159

WATER AND SEWER RULES AND REGULATIONS

Revised January 16, 2001

(Amended May 22, 2001 Per Resolution No. 01-15)

(Amended February 19, 2002 Per Resolution No. 02-04)

(Amended July 20, 2006 Per Resolution No. 06-29)



Division of Utilities and Solid Waste Management

4520 Metropolitan Court
Frederick, Maryland 21704
(301) 696-2997

SECTION XI. CONNECTION CHARGES - CAPACITY FEES

- A. The rates for connection to the systems will be fixed and collected and from time to time revised or amended, by resolution of the Board of County Commissioners (see Appendix for the current connection charges).
- B. Except as provided herein, connection charges are due and payable prior to issuance of (1) a building permit for new construction, or (2) a plumbing permit for modifications to an existing structure.
- C. Commercial and Other Connections:
Initial computation of capacity charges will be based upon plumbing plans and riser diagrams using the fixture unit chart and the capacity adjustment factors, as shown in Appendix B. These charges are payable prior to the issuance of the building or plumbing permits. Prior to the approval of the Use and Occupancy Permit, a field inspection will verify actual installation and the capacity charges will be adjusted if changes from the plans occurred. Owner shall be responsible for payment of additional connection charges when a site visit reveals fixtures installed above those previously approved and paid for.
- D. The connection charges apply where a new system is constructed or the extension of an existing system has been declared ready for service and

adjoining property owners are required to connect.

- E. Where non-County funds have been made available to pay for all or part of the capital cost of the system, the Board of County Commissioners may, by resolution, reduce the connection charge.
- F. On any single parcel of land classified as commercial and having multiple buildings or multiple uses within one building, the first residential living unit will be billed for sewer charges at the prevailing residential rate and any additional living units will be billed at the prevailing commercial rate.

Appendix B

**Frederick County Division of Utilities and Solid Waste Management
Capacity Adjustment Factors for Commercial, Industrial and Institutional Customers**

ADJUSTMENT FACTOR IS APPLIED, PER ACCOUNT, TO FIXTURE UNITS IN EXCESS OF TEN (10)

Customer / Business Type	Capacity Adjustment Factor
Animal Care and Services	0.36
Apartment (other than Multi-Story Senior Apartment)	0.45
Apartment - Multi-Story Senior Apartments	0.25
Assisted Living / Nursing / Rehabilitation / Retirement Facility	0.22
Auto Sales / Repair	0.41
Beauty Shop / Nail Salon	0.35
Bowling Alley	0.77
Car Wash	Note 1
Church - WITH Nursery School / Dayschool / Childcare	0.17
Church - WITHOUT Nursery School / Dayschool / Childcare	0.10
College - Non Boarding	0.10
Community Center	0.28
Community Poolhouse / Bath House	0.65
Convenience Store / Gas Station	0.75
Contracting / Construction Services	0.30
Correction Facility	0.49
Daycare / Childcare Center / Nursery School	0.28
Distribution Center	0.34
Dry Cleaner / Laundromat	3.50
Financial Institution (Bank, Credit Union, Mortgage Co., Savings/Loan Co.)	0.22
Fire Company WITH Banquet / Kitchen facilities	0.37
Fire Company WITHOUT Banquet / Kitchen facilities	0.10
Funeral Home	0.50
Grocery Store	0.18
Health Club / Athletic Club / Golf Clubhouse	0.33
Hotel / Motel WITH Restaurant	0.26
Hotel / Motel WITHOUT Restaurant	0.16
Ice Skating Facility	1.07
Irrigation / Outdoor Landscaping / Decorative Water Fountain	Note 2
Library	0.24
Manufacturing Facility	Note 3
Office - Medical or Dental	0.50
Office - Other than Medical / Dental	0.24
Office Park	0.34
Restaurant / Nightclub WITH seating	0.82
Restaurant WITHOUT seating	0.33
Retail	0.54
Retreat Center	0.37
Pool	Note 4
Post Office	0.10
School - Public or Private, Non Boarding	0.10
Shell Building	1.00
Shopping Center / Strip Mall	0.50
Storage Facility	0.34
Trailer Park	0.25
Warehouse	0.34

Appendix B

Frederick County Division of Utilities and Solid Waste Management

Capacity Adjustment Factors for Commercial, Industrial and Institutional Customers

ADJUSTMENT FACTOR IS APPLIED, PER ACCOUNT, TO FIXTURE UNITS IN EXCESS OF TEN (10)

Note 1 - Capacity Adjustment Factor shall be determined by the Division on a case by case basis and shall include an evaluation of the facility's ability to recycle or reuse water in the carwashing process

Note 2 - Dedicated irrigation and outdoor landscaping services shall be supplied through separate metered water service connections only. Capacity Adjustment Factors for these services shall be determined by the Division on a case by case basis.

Note 3 - The Capacity Adjustment Factor for customer(s) classified or predominantly engaged in manufacturing activities shall be determined by the Division on a case by case basis after completing an engineering analysis on their projected water use.

Note 4 - The Capacity Adjustment Factor for swimming pools shall be determined by the Division on a case by case basis, based on the size of the pool, type of filtration system and the means of filter system backwash water disposal.

Any establishment not covered by the above Customer / Business Types will be classified by the Division based on the best available information and data from recognized sources.

**PHASE 1 PROJECT DEVELOPMENT AGREEMENT
BETWEEN**

Town of Middletown
31 W Main St
Middletown, MD 21769

AND

Johnson Controls, Inc.
1101 Hampton Park Blvd
Capital Heights, MD 20743

The purpose of this Project Development Agreement (PDA), is to confirm the intent of Johnson Controls, Inc. (JCI) and Town of Middletown (the Town) to develop a guaranteed energy and operational savings Performance Contract. This agreement will provide the basis of the scope of the PDA, the obligations of both parties, the financial metrics to be met, the intended outcomes and timeline.

1. Scope of Work

- A. The parties desire to develop guaranteed energy and operational savings for the Town of Middletown to acquire its street lights from Potomac Edison.
- B. JCI will conduct a detailed engineering feasibility study of the existing systems that include a comprehensive audit and analysis of all existing systems, equipment, operations and utility costs. JCI will identify technical solutions in order to maximize energy and cost savings as well as operational and maintenance savings.
- C. Within ninety (90) calendar days after the effective date of this Agreement, JCI shall prepare and deliver to the Town a project implementation proposal that includes:
 - Options for the Town to acquire, own and operate its existing street lights;
 - Options for reductions in operating costs related to the existing operation and maintenance of street lights;
 - Options for possible additional infrastructure improvements that can be funded in whole or in part from program savings;
 - Such other options as shall be agreed upon, from time to time, by the parties with respect to a particular Town facility or facilities.
 - A project proforma to document all project costs for each year of the project. The estimated costs of financing the project shall be included. The total project costs shall be amortized over the term of the project. The following costs shall be itemized:
 - (a) Energy and Water savings (dollars)
 - (b) Operational and maintenance savings (dollars)
 - (d) Debt service
 - (e) Annual Maintenance costs (if applicable)
 - (f) Annual Monitoring and Verification (M&V) costs

2. Records and Data

During the development of the investment grade proposal, the Town will furnish to JCI, upon its request, accurate and complete data concerning current costs, budgets, facilities requirements, future projected loads, facility operating requirements, etc. JCI will provide a separate document with the required information and Town of Middletown shall make every effort to provide that information within 7 days of the request.

3. Preparation of Implementation Agreement (Energy Performance Contract)

Along with the other Scope of Work required under this Agreement, JCI will develop the framework of the subsequent Implementation Agreement and the Financing Agreement if applicable. These Agreements shall be co-developed by JCI and Town of Middletown during the PDA. These documents will vary dependent on the desired Town of Middletown structure, but where possible shall be standardized JCI documents for most expedient delivery.

4. Price and Payment Terms

Town of Middletown agrees to pay to JCI the sum of Thirty Six Thousand dollars (\$36,000.00) within 60 days after the delivery to Town of Middletown of the documentation described under paragraph 1 of this Agreement. However, Town of Middletown will have no obligation to pay this amount if:

- A. JCI and Town of Middletown enter into the Implementation Agreement (outlined in Section 3) within 60 days after the delivery of the documentation described under paragraph 1 of this Agreement. Costs for the PDA will be transferred to the total cost of the Implementation Contract and be subject to the payment terms outlined in the Contract.
- B. JCI determines that it's not feasible to develop an investment grade proposal that meets the financial terms outlined in "C" below and via written notice elects to cancel the proposal development.
- C. JCI fails to present an Implementation Agreement with a sufficient amount of energy and operational cost savings to payback all project costs over a term not to exceed 15 years with a financing interest rate at or below 3.5% APR. Project benefits shall include, but not be limited to utility cost avoidance, negotiated utility rate reductions, operating and maintenance cost avoidance, capital cost avoidance and utility rebates.

The project payback is defined by the following formula:

Payback = (Project Sale Price – Expected Government or Utility Incentives – Avoided End of Life Capital Investments) / (Guaranteed Annual Utility Savings + Expected Annual Maintenance Savings – Annual M&V Expense)

In which:

- a) Energy and Utility Costs are set according to the most current rates at the time of the IGA report submission
- b) Avoided Maintenance Costs are included as appropriate and agreed to by both parties

5. Indemnity

JCI and Town of Middletown agree that JCI shall be responsible only for such injury, loss, or damage caused by the intentional misconduct or the negligent act or omission of JCI. Neither JCI nor Town of Middletown will be responsible to the other for any special, indirect, or consequential damages.

6. Disputes

If a dispute arises under this Agreement, the parties shall promptly attempt in good faith to resolve the dispute by negotiation. All disputes not resolved by negotiation shall be resolved in accordance with the Commercial Rules of the American Arbitration Association in effect at the time, except as modified herein. All disputes shall be decided by a single arbitrator. A decision shall be rendered by the arbitrator no later than nine months after the demand for arbitration is filed, and the arbitrator shall state in writing the factual and legal basis for the award. No discovery shall be permitted. The arbitrator shall issue a scheduling order that shall not be modified except by the mutual agreement of the parties. Judgment may be entered upon the award in the highest State or Federal court having jurisdiction over the matter. The prevailing party shall recover all costs, including attorney's fees, incurred as a result of this dispute. If the parties do not agree to arbitration, then the dispute shall be litigated in the District or Circuit Court of Maryland.

7. Confidentiality

This agreement creates a confidential relationship between JCI and Town of Middletown. Both parties acknowledge that while performing this Agreement, each will have access to confidential information, including but not limited to systems, services or planned services, suppliers, data, financial information, computer software, processes, methods, knowledge, ideas, marketing promotions, current or planned activities, research, development, and other information relating to the other party ("Proprietary Information"). Except as authorized in writing both parties agree to keep all Proprietary Information confidential. JCI may only make copies of Proprietary Information necessary for performing its services. Upon cessation of services, termination, or expiration of this Agreement, or upon either party's request, whichever is earlier, both parties will return all such information and all documents, data and other materials in their control that contain or relate to such Proprietary Information.

JCI and Town of Middletown understand that this is a confidential project and agree to keep and maintain confidentiality regarding its undertaking of this project. JCI shall coordinate its services only through the designated Town of Middletown representative and shall provide information regarding this project to only those persons approved by Town of Middletown. JCI will be notified in writing of any changes in the designated Town of Middletown representative.

8. Timeline

It is the intent and commitment of all parties identified in this Agreement to work diligently, and cause others under their direction to work diligently toward meeting the following timeline:

- Signed Project Development Agreement (PDA) – November 24, 2015
- Potomac Edison to deliver Buyback Cost Proposal – December 15, 2015
- JCI to deliver investment grade proposal with firm costs – March 18, 2016
- Board approval – May 9, 2016
- Finalize Agreements and begin Implementation – June 1, 2016

These timeframes may be modified by subsequent work plans approved by the parties.

9. Miscellaneous Provisions

This Agreement cannot be assigned by either party without the prior written consent of the other party. This Agreement is the entire Agreement between JCI and Town of Middletown and supersedes any prior oral understandings, written agreements, proposals, or other communications between JCI and Town of Middletown. Any change or modification to this Agreement will not be effective unless made in writing. This written instrument must specifically indicate that it is an amendment, change, or modification to this Agreement.

This document represents the business intent of both parties and should be executed by the parties who would ultimately be signatory to a final agreement.

Town of Middletown

By: _____
Signature: _____
Title: _____
Date: _____

JOHNSON CONTROLS, INC.

By: Allison Dunn

Signature: _____
Title: Area General Manager

Date: _____

Town of Middletown



playground
Specialists Inc.

Office: 800-385-0075 • www.Playspec.com



PLAYGROUND SPECIALISTS INC.
11700 WHITES LN.
THURMONT, MD 21788

EQUIPMENT SIZE:
X' x Y' x Z'

USE ZONE:
X' x Y'

AREA: PERIMETER:
SEE DWG

FALL HEIGHT:
8 Ft.

USER CAPACITY: AGE GROUP:
2-12

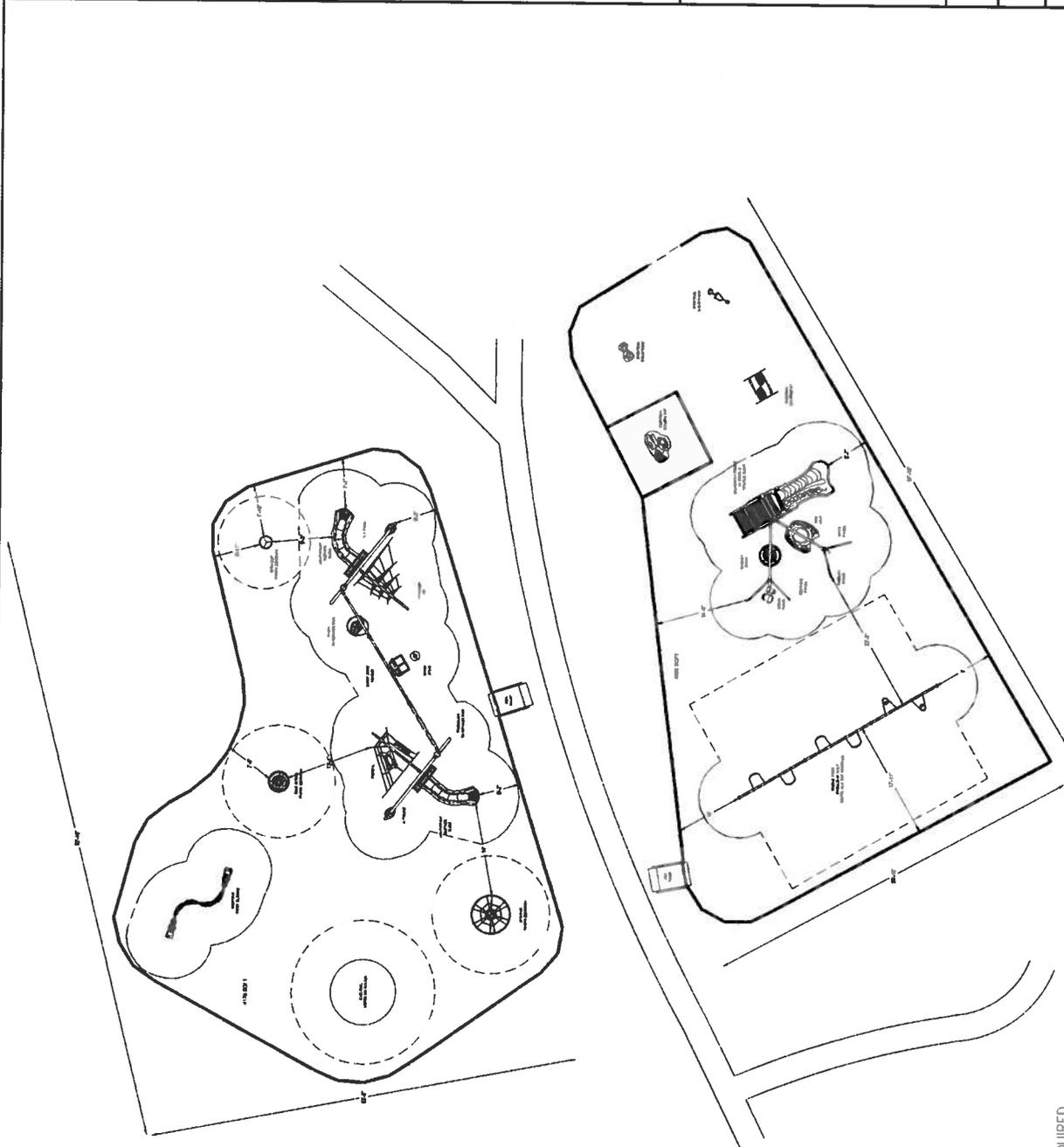
Total Elevated Play Activities		Total Ground-Level Play Activities	
Accessible Elevated Activities	X	Accessible Ground-Level Activities	X
Non-Accessible Elevated Activities	X	Non-Accessible Ground-Level Activities	X
Required	X	Provided	X



✓ ASTM F1487-11
✓ CPSC #325

PROJECT NO: P111715-2A
SCALE: 1/16"=1'-0"

DRAWN BY: JSTONE
DATE: 17-NOV-15
Paper Size: B



*PLAYGROUND SUPERVISION REQUIRED