



AGENDA FOR THE TOWN MEETING

November 23, 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

- Town Meeting Minutes
 - [November 9, 2015 – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

[Senator Michael J. Hough & Frederick County Councilman Jerry Donald – HB 1181 Rifle Zone Change - Middletown](#)

John King, Middletown Volunteer Fire Company

UNFINISHED BUSINESS:

- POS Projects Update
 - [Color for Picnic Tables at Remsberg Park](#)
 - [Pathway Route for Walking Trail at Remsberg Park](#)
 - [Walking Trail Maps](#)
- Public Hearings on Thursday, December 3, 2015 at 7:00PM:
 - [Ordinance No. 15-12-01 – Subdivision Regulations](#)
 - [Ordinance No. 15-12-02 – Board of Appeals](#)
 - [Ordinance No. 15-12-03 - Signs](#)

NEW BUSINESS:

- [Discussion of Calculation Formula for Commercial Capacity – Tap Fees](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

Christmas in the Valley on Saturday, December 5, 2015

ADJOURNMENT

BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING

November 9, 2015

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on November 9, 2015, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Larry Bussard, Rick Dietrick, and Christopher Goodman.

CONSENT AGENDA

Financial Statements

2016 Joint Town Board & Planning Commission Meeting dates

Town Minutes – September 28, 2015, October 12 & October 26, 2015

Commissioner Bussard motioned to accept this consent agenda as corrected, seconded by Commissioner Dietrick and passed unanimously.

Personal Requests for Agenda:

Public Meeting on 2 Hour Parking Request for Franklin Street – Burgess Miller stated that a request was received from Mike Tabor owner of the Church Street Business Center wanting to make the parking along Franklin Street from the intersection with Church Street to the Medical center parking lot entrance/exit 2 hour parking. Burgess Miller stated that we sent out letters inviting all the business within the Church Street Business Center and the Medical Center to attend tonight's meeting for their input on this request.

Burgess Miller stated that we received an email from Dr. Roessler about this issue as he is unable to be in attendance. Dr. Roessler stated that he is opposed to the 2 hour parking request.

Dee Buchanan that has the Dee Buchanan Dance Studio that operates out of the Church Street Business Center stated that she doesn't a parking problem between the hours of 8am.-5pm. Mrs. Buchanan stated that she finds the parking to be more of an issue during the hours of 5pm.-8pm. Mrs. Buchanan stated that yes there is not adequate parking for her clients but they are made aware of and find other options to park in. Mrs. Buchanan stated that she doesn't see the need to make the parking on Franklin Street 2 hour parking.

Dr. Hall, Middletown Valley Medical Center – stated that the employees of the medical center have been parking along Franklin Street for 8-10 years now, they do that to keep the parking lot open for their patients. Dr. Hall stated that he hasn't heard of this being a problem. Dr. Hall stated that he would be willing to have his employee's park east of the utility pole by the War Memorial which would leave 3-4 spaces open.

Bob Smart, 7525 Coblenz Road – asked about the striping along Church Street...he stated that several years ago when the State striped it they didn't leave enough room for parking. Mr. Smart also stated that the Medical Center Parking lot is labeled Medical Center Use Only and that may discourage some to use the parking lot.

Dr. Andrea Kaleta, Middletown Valley Medical Center – stated that putting a handicap space along Franklin Street for people to use to access the War Memorial isn't a good idea! Dr. Kaleta would rather see a handicap space in the Medical Center Parking lot dedicated for this. Dr. Kaleta also stated that she has kids that participate in the Dee Buchanan Dance Studio so she is aware of the parking problem with the drop off/pick up. Dr. Kaleta stated that if the driveway of the Church Street Business Center that exits onto Boileau wasn't in such dis-repair it would make things much better.

The Medical Center offered to do the following: add an additional handicap parking space for those who would like to visit the war memorial and also have their employee's park east of the utility pole to leave 3-4 spaces along Franklin open. Commissioner Goodman asked if the Medical Center would monitor if those parking spaces were being used during the 8am.-5pm. time frame and if they weren't then after a few months their employees could start using again.

2015 Audit Presentation – Dan Surma, Albright, Crumbacker, Moul & Itell – Mr. Surma presented the 2015 Audit to the Board. Mr. Surma stated that the Town is in good shape.

Unfinished Business:

Schedule Public Hearings for Changes to the Subdivision Regulations and Changes to Section 17.36 Signs & Section 17.44 Board of Appeals – Burgess Miller stated that we will hold the public hearing on December 3, 2015 at 7pm.

REPORTS OF COMMITTEES –

WATER & SEWER – Commissioner Falcinelli reported:

Cone Branch Pump Station a pump has burned up and needs replaced it will cost \$31,000 to replace.

Iron & Manganese final revisions have been completed and contract signed. Should be installed and running by 2016.

EDU review – the water & sewer committee will be reviewing how we charge tap fees for commercial properties.

No meeting this month.

PUBLIC WORKS – Commissioner Bussard reported:

Halloween parade – guys put up barricade and took down.

We are currently out of yard waste bags, but they should be delivered this week.

Speed sign – has been moved from street to street, going up on Main Street later this week.

PLANNING COMMISSION – Commissioner Goodman reported:

Demolition plan for 109 S. Jefferson Street for a garage & shed was approved. No workshop or meeting this month.

PARKS and RECREATION – no report

FINANCE – no report

PUBLIC INFORMATION – Ann stated that she just sent the pictures to Gov Office should have final back soon.

NEW BUSINESS:

Proclamation for Municipal Government Works – November is proclaimed as Municipal Government Works Month.

PUBLIC COMMENT: none

ANNOUNCEMENTS: none

ADJOURNMENT

Meeting adjourned at 8:26pm.

Respectfully submitted,

Ann Griffin
Office Manager

Frederick County Shotgun Deer Hunting Zone has Changed

October 15, 2015

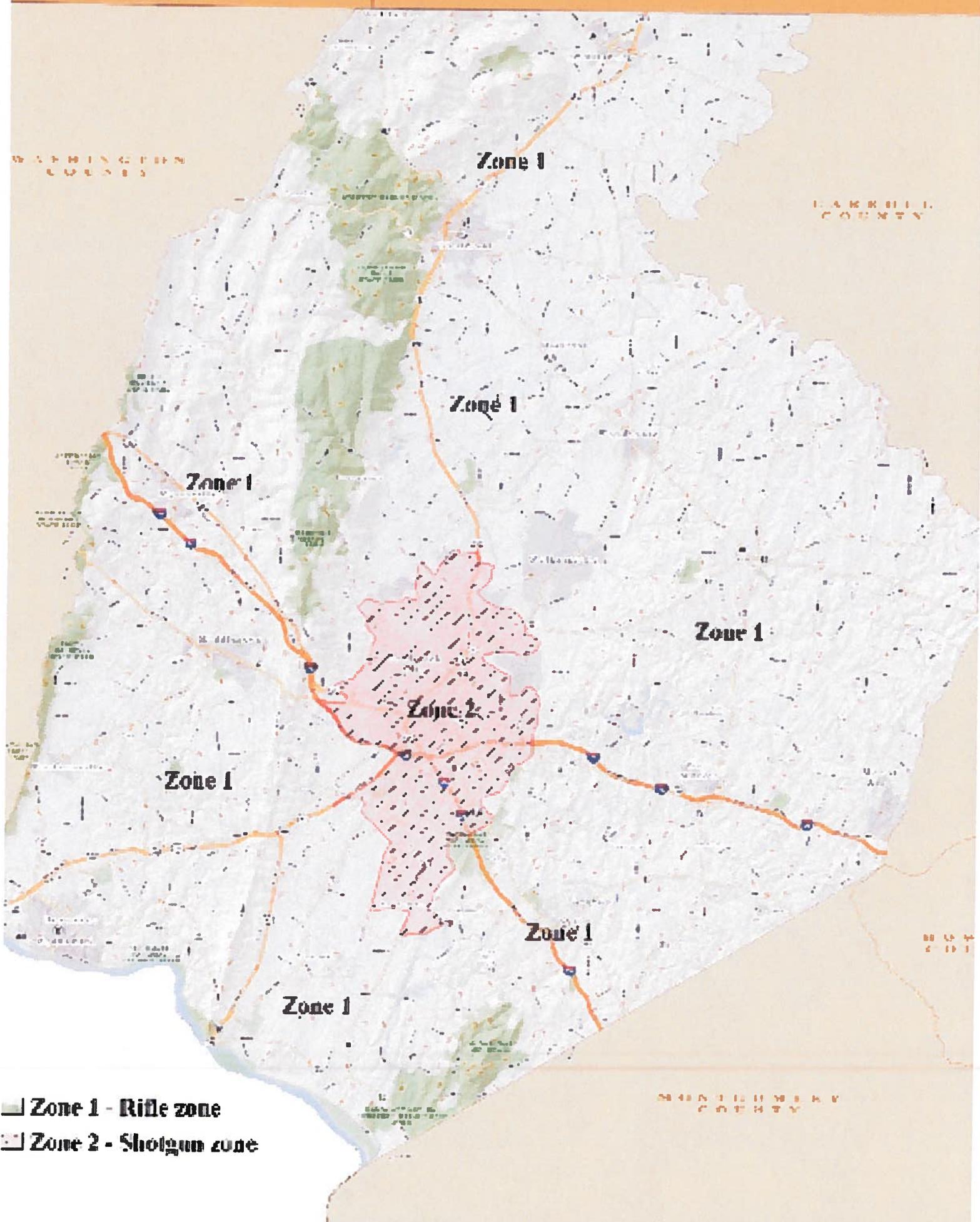
Effective immediately, the shotgun-only deer hunting area in Frederick County has been rezoned. The change was made at the request of Frederick County officials in cooperation with the Maryland Farm Bureau to incorporate the city and surrounding suburbs, and to give deer hunters the option to use rifles in the rural sections of the county.

The previous shotgun-only zone was primarily located south of Interstate 70 and did not include the city of Frederick or surrounding area. The new zone is now centered around the city, and the more rural portions of the county south of Interstate 70 are no longer in the shotgun-only deer hunting zone.

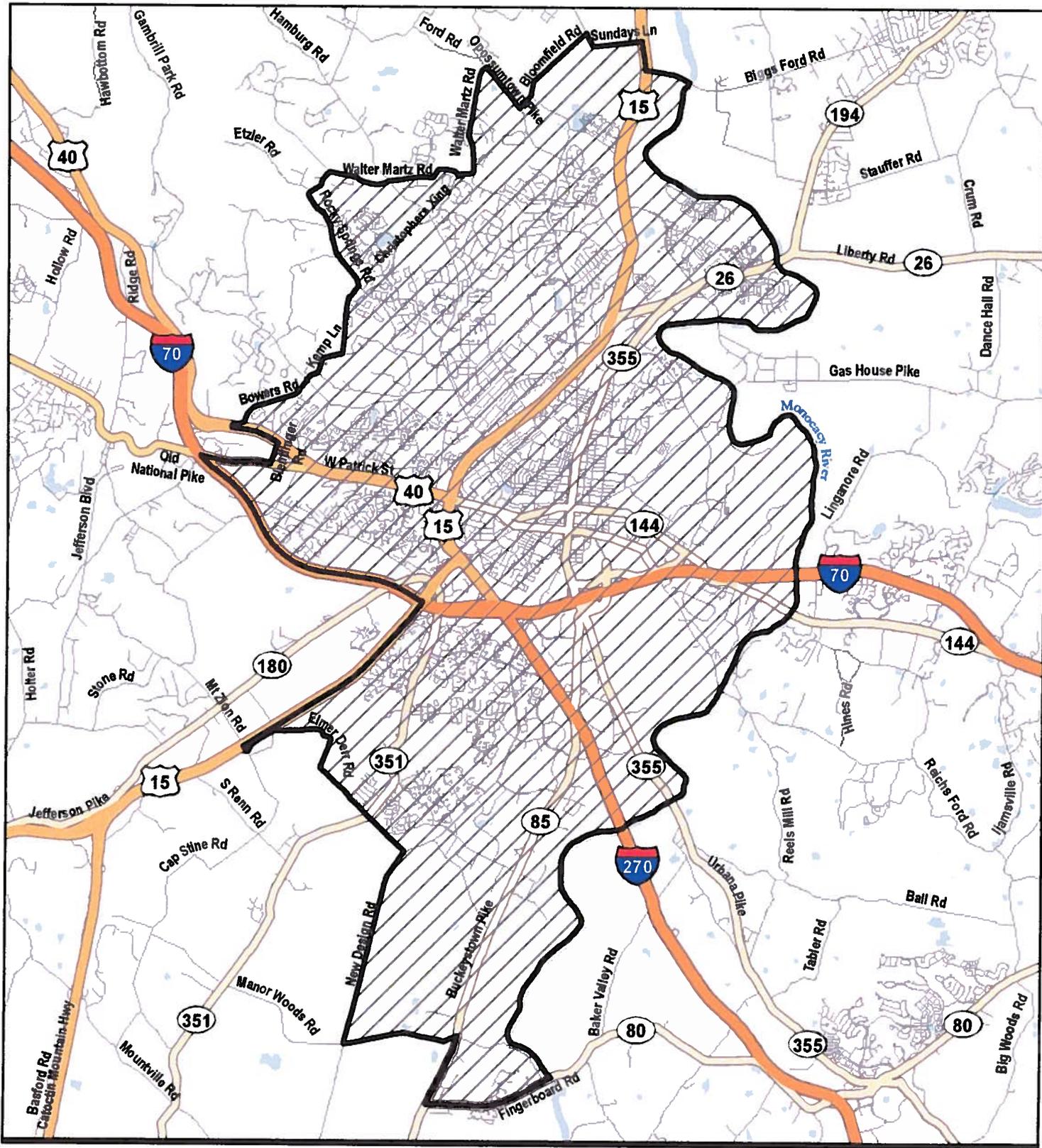
When designing the new zone, the Maryland Department of Natural Resources gave careful consideration to maintaining the longstanding safety record held by hunters in Frederick County and across the state.

Hunters may use shotguns, muzzleloaders or archery equipment in the zone during the deer firearm seasons. DNR reminds hunters that breech-loading rifles for deer hunting are prohibited in the shotgun-only deer hunting zone in Frederick County.

The updated zone will be in place for the upcoming deer firearm seasons, including the 2015 Junior Deer Hunt Days. The new zone map supersedes the information printed in the *2015-2016 Maryland Guide to Hunting and Trapping*. A map of the new zone and other deer hunting regulations are available online.



-  Zone 1 - Rifle zone
-  Zone 2 - Shotgun zone



Shotgun Zone 2

Frederick County, Maryland

County Council

-  Shotgun-Only Zone
-  Interstate
-  US Highway
-  US Alternate
-  State Route
-  Roads
-  Rivers and Lakes



October 05, 2015
Frederick County GIS

0 0.5 1 2 Miles

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis.



HOUSE BILL 1181

M2

5lr2954
CF SB 844

By: **Frederick County Delegation**

Introduced and read first time: February 23, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Deer Management Permit – Use of Rifles**

3 FOR the purpose of authorizing an individual in Frederick County who holds a Deer
4 Management Permit to use a certain rifle to harvest deer throughout the year,
5 including all deer hunting seasons; authorizing an agent of a permittee in Frederick
6 County to use a rifle to harvest deer throughout the year with a certain exception
7 and to harvest deer in a deer firearms season only by using the weapon approved for
8 that season; defining a certain term; requiring the Department to adopt certain
9 regulations; making a technical correction; providing for the effective date of certain
10 provisions of this Act; providing for the termination of certain provisions of this Act;
11 and generally relating to Deer Management Permits.

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 10–415(d)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2014 Supplement)

17 BY adding to
18 Article – Natural Resources
19 Section 10–415(d)
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2014 Supplement)
22 (As enacted by Chapter 574 of the Acts of the General Assembly of 2014)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Natural Resources**

26 10–415.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) In this subsection, "Deer Management Permit" means a permit issued
 2 by the Department authorizing the holder to hunt deer outside of deer hunting season for
 3 the purpose of preventing damage to crops.

4 (2) (I) In Charles County and St. Mary's County, an individual who
 5 holds a Deer Management Permit may:

6 [(i)] 1. Use a shotgun approved by the Department to hunt deer
 7 throughout deer season in the locations and under the conditions set forth in the permit;
 8 and

9 [(ii)] 2. Hunt deer on State agricultural crop land located in
 10 Charles County and St. Mary's County to the same extent as the person is authorized under
 11 the Deer Management Permit to hunt on private land in Charles County and St. Mary's
 12 County.

13 [(3)] (II) The Department may not require an individual who holds a Deer
 14 Management Permit in Charles County or St. Mary's County to apply for renewal more
 15 than once every 3 years.

16 [(4)] (III) The Department may not authorize an individual in Charles
 17 County or St. Mary's County to hunt deer on Sundays under a Deer Management Permit.

18 [(5)] (3) To protect public safety and welfare, the Department may:

19 (i) Terminate the deer hunting season established under subsection
 20 (a)(2) of this section; and

21 (ii) Restrict the lands on which an individual may hunt deer.

22 (4) (I) **THIS PARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.**

23 (II) **SUBJECT TO THE CONDITIONS SET FORTH IN A DEER**
 24 **MANAGEMENT PERMIT, A PERMITTEE MAY USE A RIFLE APPROVED BY THE**
 25 **DEPARTMENT TO HARVEST DEER THROUGHOUT THE YEAR, INCLUDING ALL DEER**
 26 **HUNTING SEASONS.**

27 (III) **AN AGENT OF A PERMITTEE MAY:**

28 1. **EXCEPT AS PROVIDED IN ITEM 2 OF THIS**
 29 **SUBPARAGRAPH, USE A RIFLE TO HARVEST DEER THROUGHOUT THE YEAR; AND**

30 2. **HARVEST DEER IN A DEER FIREARMS SEASON ONLY**
 31 **BY USING THE WEAPON APPROVED FOR THAT SEASON.**

1 **(IV) THE DEPARTMENT SHALL ADOPT REGULATIONS TO**
2 **IMPLEMENT THIS SUBSECTION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
4 as follows:

5 **Article – Natural Resources**

6 10–415.

7 **(D) (1) IN THIS SUBSECTION, “DEER MANAGEMENT PERMIT” MEANS A**
8 **PERMIT ISSUED BY THE DEPARTMENT AUTHORIZING THE HOLDER TO HARVEST**
9 **DEER OUTSIDE OF DEER HUNTING SEASON FOR THE PURPOSE OF PREVENTING**
10 **DAMAGE TO CROPS.**

11 **(2) (I) THIS PARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.**

12 **(II) SUBJECT TO THE CONDITIONS SET FORTH IN A DEER**
13 **MANAGEMENT PERMIT, A PERMITTEE MAY USE A RIFLE APPROVED BY THE**
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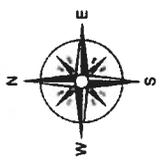
21 **(IV) THE DEPARTMENT SHALL ADOPT REGULATIONS TO**
22 **IMPLEMENT THIS SECTION.**

23 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
24 effect on the taking effect of the termination provision specified in Section 2 of Chapter 574
25 of the Acts of the General Assembly of 2014. If that termination provision takes effect,
26 Section 1 of this Act shall be abrogated and of no further force and effect. This Act may not
27 be interpreted to have any effect on that termination provision.

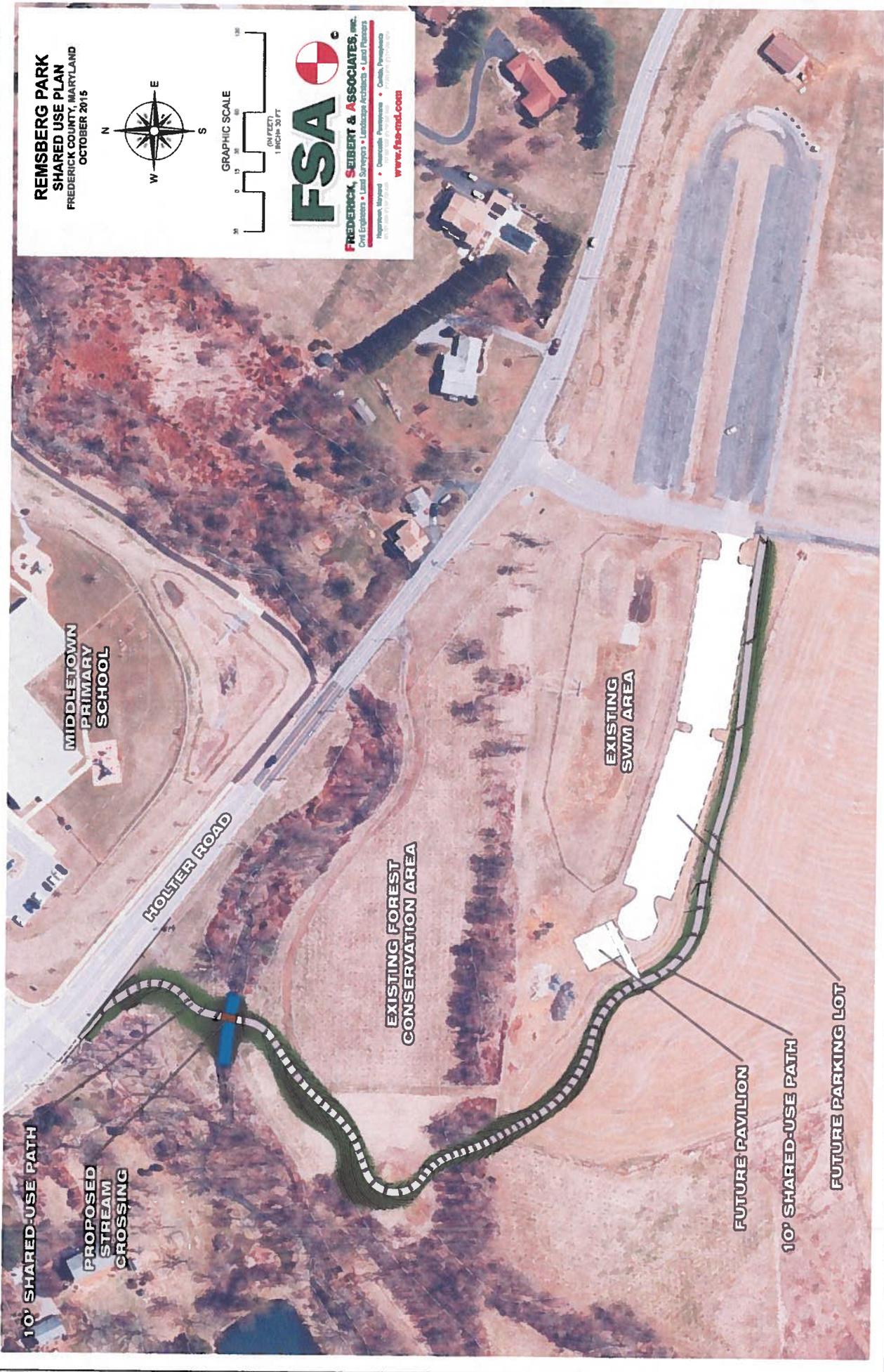
28 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of
29 Section 3 of this Act, this Act shall take effect July 1, 2015.

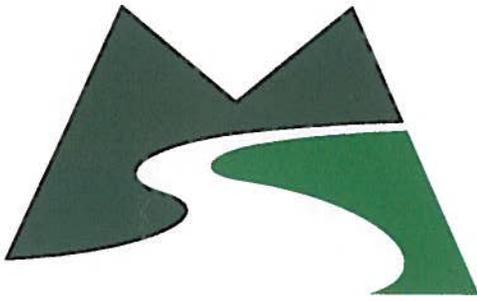


**REMSBERG PARK
SHARED USE PLAN**
FREDERICK COUNTY, MARYLAND
OCTOBER 2015



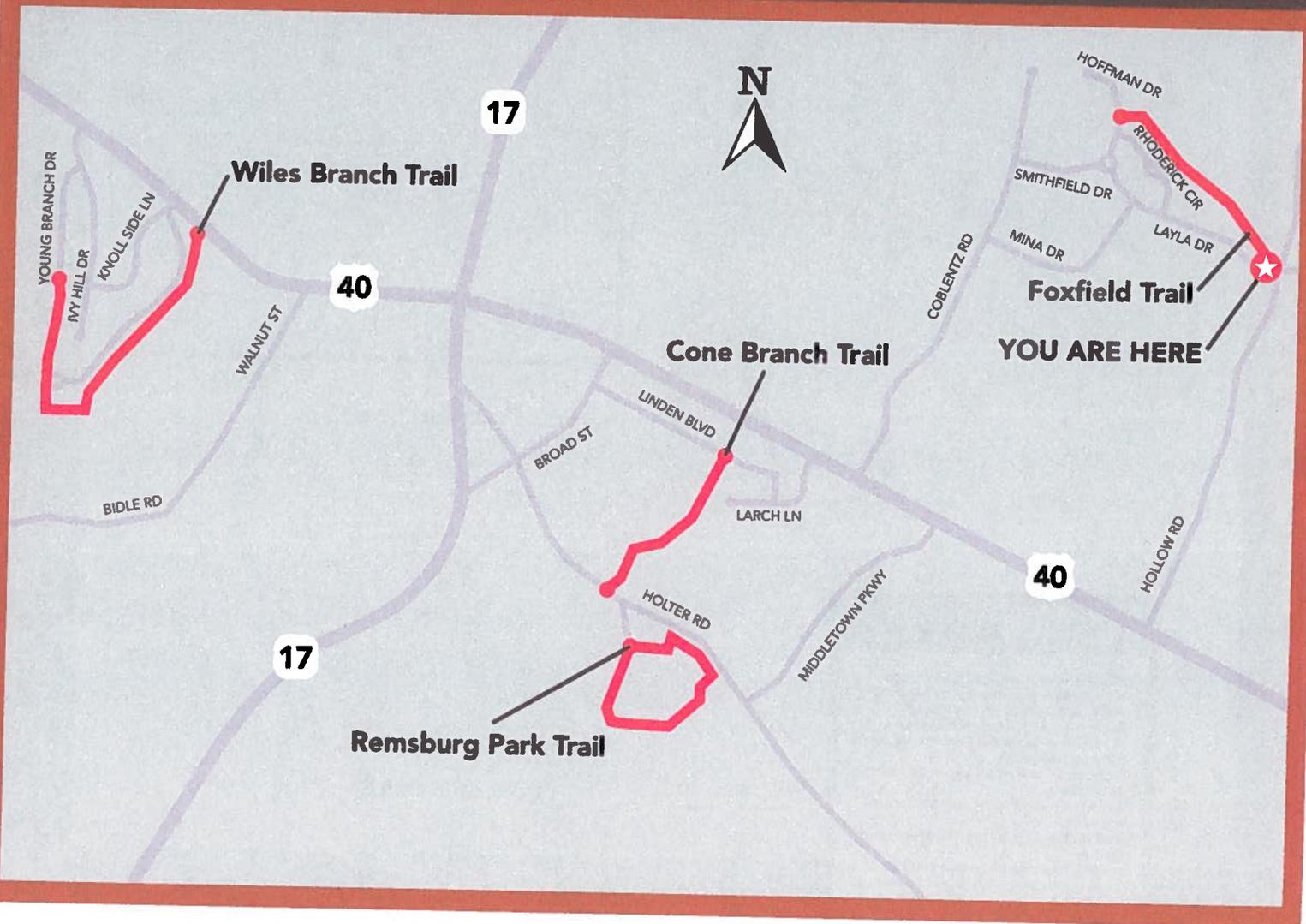
FREDERICK, SEIBERT & ASSOCIATES, INC.
Civil Engineers • Land Surveyors • Landscape Architects • Land Planners
Frederick, Maryland • Germantown, Pennsylvania • Columbia, Pennsylvania
www.fsa-md.com



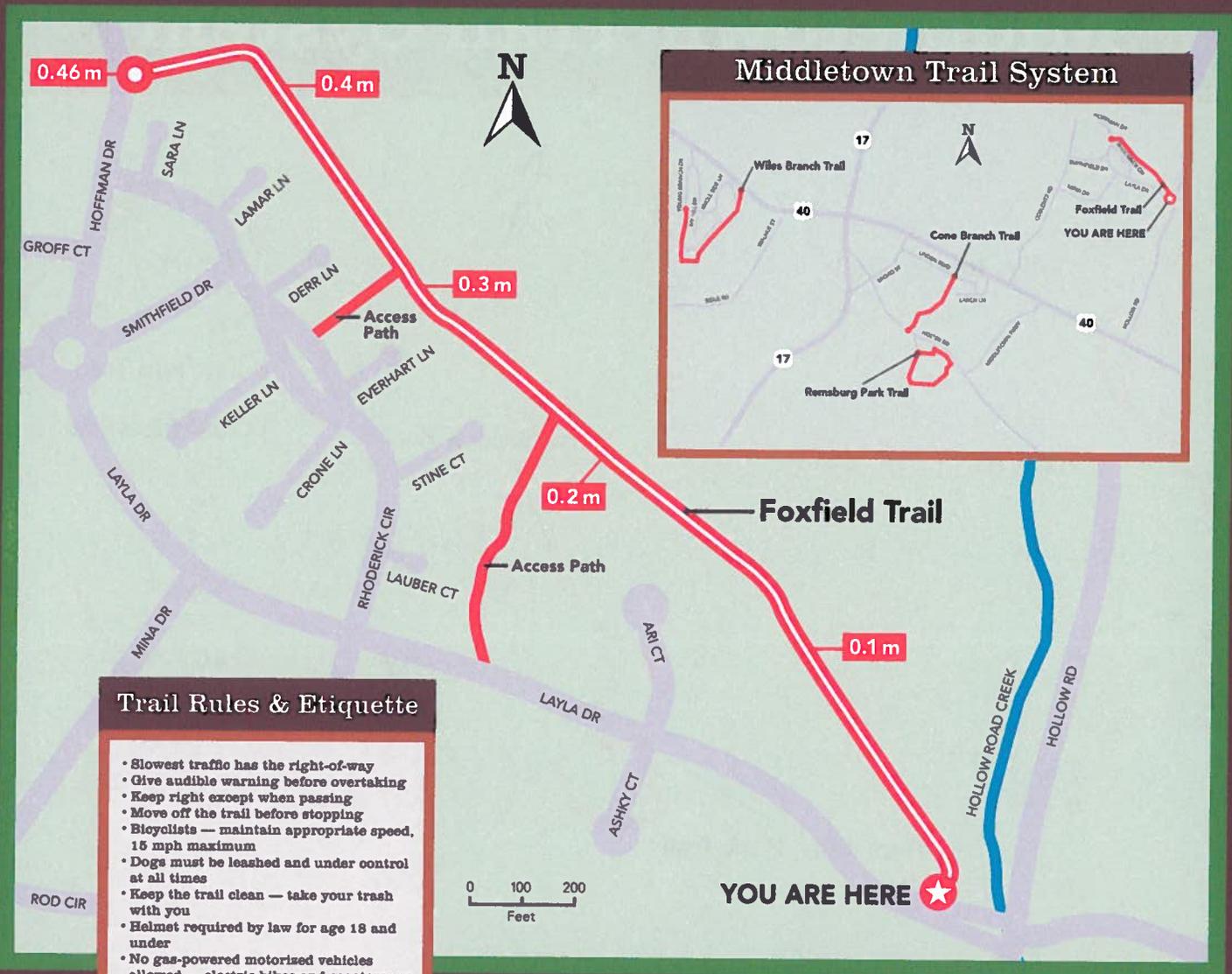


Middletown
Trail System

Middletown Trail System



Foxfield Trail



Trail Rules & Etiquette

- Slowest traffic has the right-of-way
- Give audible warning before overtaking
- Keep right except when passing
- Move off the trail before stopping
- Bicyclists — maintain appropriate speed, 15 mph maximum
- Dogs must be leashed and under control at all times
- Keep the trail clean — take your trash with you
- Helmet required by law for age 18 and under
- No gas-powered motorized vehicles allowed — electric bikes and scooters are acceptable
- Emergency — dial 911
- Report hazardous conditions — call 301-371-6171
- General Info — call 301-371-6171 or visit www.middletown.md.us

Trail Length One Way: 0.46 m
 Trail Length Out and Back: 0.92 m
 Total Elevation Change: 85 ft
 Trail Width: 4 ft
 Trail Surface: Paved



Wiles Branch Trail



Trail Rules & Etiquette

- Slowest traffic has the right-of-way
- Give audible warning before overtaking
- Keep right except when passing
- Move off the trail before stopping
- Bicyclists — maintain appropriate speed. 15 mph maximum
- Dogs must be leashed and under control at all times
- Keep the trail clean — take your trash with you
- Helmet required by law for age 18 and under
- No gas-powered motorised vehicles allowed — electric bikes and scooters are acceptable
- Emergency — dial 911
- Report hazardous conditions — call 301-371-6171
- General Info — call 301-371-6171 or visit www.middletown.md.us

Trail Length One Way: 0.79 m
 Trail Length Out and Back: 1.58 m
 Total Elevation Change: ?? ft
 Trail Width: 4-8 ft
 Trail Surface: Paved



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 ~~{if}~~ 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 ~~{øf}~~ all of the following requirements are satisfied:

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

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

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

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

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

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

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

G. Guarantee of Improvements.

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

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

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

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

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

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

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

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

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

b. Approval and acceptance by the burgess and commissioners.

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

Chapter 16.16 - SKETCH PLAN

Sections:

16.16.020 - Required information.

A sketch plan must contain the following information:

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

B. *{Unchanged}*

C. *{Unchanged}*

D. Title information:

1. Proposed name,

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

3. Date;

E. *{Unchanged}*

F. ~~{Northpoint}~~ **NORTH POINT**;

G. *{Unchanged}*

H. ~~{Where slope conditions exceed eight percent, the plat}~~ **THE PLAN** shall show topography at five-foot contour intervals. Contour lines shall be indicated one hundred (100) feet beyond subdivision boundary line except along existing roads. Interpolated contours from USGS quadrangle maps will be accepted, and shall be indicated. The use of interpolated contours should be indicated on the ~~{plat}~~ **PLAN**;

I. *{Unchanged}*

J. *{Unchanged}*

K. *{Unchanged}*

L. *{Unchanged}*

M. *{Unchanged}*

N. Zoning district classification, water and sewer classification of **COUNTY** master plan for the subject tract;

O. In cases of ~~{condominium or}~~ multi-family projects (apartment, townhouse, etc.) the following additional items shall be shown:

1. Approximate location of each building,
2. Total number of units in each building,
3. Number of parking spaces in each off-street parking area, and total thereof,
4. Interior road or street access, whether public or private.

Chapter 16.20 - PRELIMINARY PLAT

Sections:

16.20.010 - Required information.

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

A. General Style and Form.

1. *{Unchanged}*

2. *{Unchanged}*

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

4. *{Unchanged}*

5. *{Unchanged}*

6. *{Unchanged}*

B. *{Unchanged}*

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

1. - 6 *{Unchanged}*

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

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

Chapter 16.24 - FINAL PLAT

Sections:

16.24.010 - Required information.

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

A. General Style and Form.

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

2. *{Unchanged}*

3. *{Unchanged}*

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

1. – 13. *{Unchanged}*

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

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

1. – 3. *{Unchanged}*

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

Chapter 16.28 - DESIGN STANDARDS

Sections:

16.28.010 - Minimum requirements.

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

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

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

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

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

16.28.030 - Street design standards.

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

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

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

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

E. *{Unchanged}*

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

G. Alignment.

1. – 4. *{Unchanged}*

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

a. Driver's eye height: 3.75 feet;

b. Height of object: 4.50 feet;

c. Head of headlamp: 2.00 feet.

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

I. *{Unchanged}*

J. *{Unchanged}*

K. *{Unchanged}*

L. *{Unchanged}*

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

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

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

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

N. *{Unchanged}*

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

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

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

:

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

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

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

R. {Unchanged}

S. {Unchanged}

T. Street Design Standards Summary.

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

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

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

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

16.28.040 - Block design standards.

A. *{Unchanged}*

B. *{Unchanged}*

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

D. *{Unchanged}*

16.28.070 - Lot design standards.

A. *{Unchanged}*

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

C. *{Unchanged}*

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

E. *{Unchanged}*

F. *{Unchanged}*

16.28.090 - Public sites and open spaces.

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

16.28.100 - Required recreation areas to be dedicated.

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

Chapter 16.32 - IMPROVEMENTS

Sections:

16.32.020 - Minimum requirements.

A. *{Unchanged}*

B. *{Unchanged}*

C. *{Unchanged}*

D. *{Unchanged}*

E. *{Unchanged}*

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

G. *{Unchanged}*

H. *{Unchanged}*

SECTION II. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2015
PASSED ON THE _____ DAY OF _____, 2015
EFFECTIVE DATE: _____, 2015

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

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.

Commented [JC1]: I added this since the Land Use Article covers many different topics, and this Title/Subtitle reference is the part of the Land Use Article that deals with Boards of Appeal

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;**

Commented [JC2]: Same as above

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. *{Unchanged}*

Commented [JC3]: The second paragraph of this sub-section refers to the time that the order is valid; however, this is also covered in Section 17.44.090 which has an exception not covered here. Maybe this second paragraph should be deleted and reliance only on the other section.

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}~~ **NO** possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

Commented [JC4]: Does this create and almost impossible standard? "NO POSSIBILITY" seems fairly stringent since almost anything is possible.

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 NEWSpaper 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.**

Commented [JC5]: Sometimes a decision is not made at the conclusion of the hearing since the Board might take a case under advisement and then render a written decision later.

Commented [JC6]: I don't think "confronting" is the correct adjective. Unless the neighbors are being "confrontational".

Commented [JC7]: The powers of the Board are broader than just "reversing" an order or deciding cases "in favor" of an application. What if the Board wants to just "modify" or "affirm" a decision? Won't this also require 2 votes? And what if the Board wants to decide "against" an application instead of "in favor" of it? Still needs 2 votes. I revised this to require 2 votes for any decision it was making.

17.44.080 - Appeals to court.

Any person or persons ~~[, jointly or severally]~~ 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].~~

Commented [JC8]: First – the term is “severally” not “severely”. And, these words usually refer to “joint and several” liability on a contract. I don’t think it is applicable here; however, if you want to keep it, change to “severally”.

Commented [JC9]: State law refers to “zoning action”. A “reclassification” sounds like a rezoning which is one type of zoning action but doesn’t cover everything that might be appealed.

Commented [JC10]: I don’t think Middletown has any “bureaus”, so I deleted this term.

Commented [JC11]: “Appeals” from administrative agencies are referred to as “Petition for Judicial Review” in the Rules.

Commented [JC12]: This is an old reference. It is now Title 7 Chapter 200.

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.**

Commented [JC13]: Appeals go to this lower level appeals court. The higher level Court of Appeals only hears the cases it decides it wants to hear – like the US Supreme Court – on “certiorari”.

17.44.090 - Permits issued by the board.

A. Construction Permitted by Board to be Undertaken Within 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.

Commented [JC14]: See the sections relating to Special Exceptions and Variances. Those sections also include provisions about how long a permit is valid. In light of this section, I’d delete the similar provisions in the other sections.

B. 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

Commented [JC15]: This is the language in the next subsection B. It looks to me like this was accidentally not included in the code. Otherwise, it would sound like the “zoning certificate” had to be “started and proceed to completion”.

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 _____, 2015
EFFECTIVE DATE: _____, 2015

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:

~~{-}~~ 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.	_____

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	29

*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 STORE 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>1</u>	Sink (kitchen)	@ 4 F.U.	
<u>1</u>	Sink (kitchen with disposal)	@ 5 F.U.	
<u>1</u>	Sink (pot, scullery)	@ 4 F.U.	
<u>1</u>	Washing Machines	@ 4 F.U.	
<u>1</u>	Dishwasher	@ 4 F.U.	
<u>1</u>	Bathtub	@ 4 F.U.	
<u>1</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
CROSS STONE COMMONS

Operator _____

<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>-</u>
<u>2</u>	Dishwasher	@ 4 F.U.	<u>8</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>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>8</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>1</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>1</u>
<u>1</u>	Dishwasher	@ 4 F.U.	<u>4</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>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
<u>Church - WITHOUT Nursery School / Dayschool / Childcare</u>	<u>0.10</u>
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.