MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

March 16th Workshop agenda for the March 21, 2022 Meeting
(agenda is subject to change as a result of discussion at the workshop)
7:00 p.m.

I.	**Public Comment**	
II.	**Minutes of February 2022 Planning Commission workshop** [1]	**Approval**
	Minutes of February 2022 Planning Commission meeting [1]	**Approval**
III.	**Plan Review**	
	None	
IV.	**Zoning**	
	Sign ordinance revisions[3]	**Review**
V.	**Comprehensive Plan Update**	
	Chapter 8 Municipal Growth Element[6]	**Review**
VII.	**Miscellaneous**	
	Annual Report 2021 and map[3]	**Review**
VIII.	**Additional Public Comment**	

Identifies the Number of Times the Item has been on a PC Workshop and/or PC Meeting Agenda

Meeting link
https://call.lifesizecloud.com/12429552

Extension
12429552

Passcode
21769
Phone
United States:+1 (312) 584-2401

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 12:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Virtual Workshop **February 16, 2022**

The virtual workshop of the Middletown Planning Commission took place on Wednesday, February 16, 2022, at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Commission Members Bob Miller, Chris Mills, Sean Mahar, Town Board Liaison Jean LaPadula, Alternate Eric Ware and Temporary Alternate Robert Wilkes. Others present in official capacity: Cindy Unangst (Staff Planner).

FEBRUARY MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW - none

ZONING

Fencing section text amendment – Town Board liaison Jean LaPadula led the discussion on the newly approved fencing ordinance and asked for suggestions on how to improve it.

Sign ordinance revisions – Cindy explained that the sign ordinance is proposed to be rewritten to be content neutral and stated that Hagerstown's recently approved sign ordinance does a good job in being content neutral. She will incorporate language used by Hagerstown in rewriting our sign regulations.

COMPREHENSIVE PLAN UPDATE

Chapter 8 Municipal Growth Element – Cindy reviewed the additions made to the Municipal Growth Element.

MISCELLANEOUS

Annual Report 2021 and map - Cindy explained for the new members the format the Town uses for its annual report as opposed to what is expected by the MD Department of Planning. She is still waiting on information from the Town Administrator on water and sewer usage numbers from the previous year.

Workshop adjourned at 8:20pm.

Respectfully submitted,
Cynthia K. Unangst
Cynthia K. Unangst, AICP
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting **February 21, 2022**

The regular meeting of the Middletown Planning Commission took place on Monday, February 21, 2022 at 7:00 p.m. via in-person and Lifesize. Those present (quorum) were Commission Chairman Mark Carney, Commission members Sean Mahar, Commissioner Jean LaPadula (Ex-officio), Chris Mills, Bob Miller, Eric Ware (Alternate), and Robert Wilkes (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Patty Guyton (Recording Secretary).

FEBRUARY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT - None

II. Minutes of the January 2022 Planning Commission Workshop – Approved as submitted.

Minutes of the January 2022 Planning Commission Meeting – Approved as submitted.

III. PLAN REVIEW – none

IV. ZONING –

Fencing section text amendment – Planning Commission members reviewed the text amendment and had many suggestions on changes to the amendment. The Planning Commission suggested changes are:

- remove diagram #1 and #3 and include them in the definition section of the Town Code under "yard" since the amendment does not reference them
- renumber diagram #2 to #1 and diagram #4 to #2
- delete the arrows on all diagrams and include a "line key" to show what the different dash lines mean regarding the height requirements (example: ---- 6 ft max back/rear yard)
- add statement on diagrams "Front yard ends at property lines"
- revise current "Front Yard 2" definition, in section 3B, to make it easier to understand
- add "standard" to the heading of section 2 so it reads "Side and Rear Yard Standard Lot"
- move paragraph 2B "unmaintainable or hazardous conditions" language (with slight wording change) to the main body since it applies to all fences and not just side/rear standard lots.
- delete entire 2D section because this section talks about commercial requirements not residential
- add "Regulations" to the header of section 3
- change the language in section 3C, replace the word "placed" to "setback"
- change the word "streets' to "roads" in section 3 – Corner Lots because "road" is more broadly defined and applies to alleys, lanes, etc.
- delete "See Diagram #4" from section 3A and 3B
- add "See Diagram #2" in section 3 to the right of "Corner Lots"
- on diagrams #1 (formally #2) and #2 (formally #4) change "Min. 5 ft. from curb, sidewalk or property line" to "Min. 5 ft. setback from curb, sidewalk or property line" – this statement should also be shown on the left side of diagram #2 near the vision triangle
- in section 1C – add the language "No chain link or wire fences are allowed as primary fencing but wire fencing may be attached behind allowable primary fencing as long as it remains largely transparent"
- change vision triangle on diagram #2 to show 35 ft from road to road instead of sidewalk to sidewalk

Commissioner LaPadula will make changes to the text amendment and send it to the Planning Commission members for review before submitting it to the Town Board.

There was also discussion on changing section 17.04.030 - Definitions in the Town Code to add different language in the "Side Yard" definition. The new definition will coincide with the new ordinance.

Sign ordinance revisions – Staff added track changes from February Workshop and language from Hagerstown sign ordinance for the Planning Commission to review. Members suggested removing the Commercial shopping section from the ordinance. Staff will make changes and add more information for the Planning Commission to review at the March meeting.

V. COMPREHENSIVE PLAN UPDATE

Chapter 8 Municipal Growth Element – Staff reviewed the changes to the chapter to include adding language "Town Infill" and a foot note at the bottom of Impacts of Town Infill/Redevelopment Growth chart about the impact on schools. Planning Commission members suggested labeling the charts/tables with the same time frame, so they are consistent with each other. Members also suggested removing a statement in the Maryland "Smart Growth" legislation section and adding it to the Priority Funding Areas text box. Staff will make the changes and submit it to the Planning Commission for review at the March meeting.

VI. MISCELLANEOUS

Annual Report 2021 and Map – Staff is waiting for informa ion on water and sewer usage numbers for the previous year from Town Administrator. Once she receives this information, she will update the report and submit it to the Planning Commission for review.

VII. Additional Public Comment – none

Meeting adjourned at 8:42PM.

Respectfully submitted,

Patty Guyton
Recording Secretary

Chapter 17.36 - SIGNS[1]

17.36.010 - Purpose and intent.

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

17.36.020 - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"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.

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

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

17.36.030 - General sign standards.

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

A. Illuminated Signs. Signs which are illuminated shall be shaded so as to avoid casting bright light upon any property which is located in any residential district or upon any public street. Any illuminated sign which is facing any residential district and which is visible from such residential district, shall only be illuminated when the business is open for business or to the public. For the purposes of this section, the term "illuminated sign" shall include, but not be limited to, illuminated window signs.

B. Flashing or Moving Signs. No flashing sign, rotating or moving sign, animated sign or sign with moving lights or lights which create the illusion of movement are permitted. A sign on which the current time and/or temperature is indicated by intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature. For the purposes of this article, the term "flashing, rotating, animated or moving signs" shall include, but not be limited to, flashing, rotating, animated or moving window signs.

C. Determination of Sign Height. The height of a sign shall be measured from grade plane to the average height of the highest sign surface. If a sign is located on a mound, berm, or other raised area for the purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

D. Measurement of Sign Area. Each face of a sign shall be counted when computing the total sign area for a site except that, when two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and each contains identical text and graphics, the area of only one side shall be counted when computing the area of that sign.

E. Number of Sign Faces. No sign shall have more than two (2) sign faces.

F. Determination of Monument Sign Area. The surface area of the largest face of a monument sign will be used to determine the total square footage of the monument sign. This calculation will exclude the first eighteen (18") inches of the base if it does not include any sign copy or other

graphic. In addition, a planter structure which does not exceed one foot (1') in height or include sign copy or graphics will also be excluded from the area calculation.

G. Condition of Signs. All signs shall be designed, constructed and installed with permanent materials and finishes (except for temporary signs) and ~~its component parts which are authorized by this chapter~~ shall be maintained in good repair and in a safe, clean and attractive condition. Signs shall not be maintained or permitted to exist in such a condition as to constitute a public nuisance or other hazard to the public health, safety or welfare. In addition to any other lessee, owner or other person responsible for a sign, the owner of the property on which a sign is located shall also be responsible for the maintenance of the sign as required herein.

H. Unless otherwise permitted by law, all signs shall be erected, installed or otherwise located on the property which is used for the purposes which are associated with or which relate to the content of the sign. Sign applicants must have approval of property owner. Each sign shall be located within the owner's property boundaries and shall not be located within the public right-of-way.

17.36.040 - Signs permitted in any districts.

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

A. A personal service sign for ~~professional office or~~ a home occupation use subject to the following. Such signs shall be either unlighted or indirectly lighted, shall not exceed eight~~two~~ (8~~2~~) square feet in area~~size~~, and shall be attached to the building in which the ~~professional office or~~ home occupation use is operating.

B. ~~A sign identifying the use of the property on which it is located as a nonprofit organization, which contains no commercial advertising, and which does not exceed sixteen (16) square feet in size.~~

C. ~~One bulletin board style sign on property used for churches and other places of worship and on school or college property provided that such signs shall not exceed thirty-two (32) square feet in size.~~

D. Signs ~~not exceeding six (6) square feet in size~~ which are directional, informational, or warning in character, that are necessary for the proper navigation, safety, functionality and well-being of patrons, guests or visitors ~~and which contain no advertising~~.

17.36.050 – Measuring Signs and Building Frontages.

A. Procedures for Measuring Signs.

Channel letter signs (individual or raceway mounted) measure around outside edge of letters, but do not include descenders of letters. Logos shall be included in measurements for area maximums.

B. Procedures for Measuring Building Frontage.

(1) Sign area calculations are based on width of front entrance wall.

(2) For historic district storefront and other strip store tenants: measure width of lease space on front entrance wall.

(3) For two-sided storefronts (display windows and customer entry doors on two sides): measure width of lease space on both front entrance walls.

(4) For buildings or lease spaces that front on two or more public streets:

i. Front entrance wall: measure width as prescribed for that district;

ii. Secondary walls on public streets: 30% of width of front entrance wall.

(5) For buildings containing multiple tenants (office buildings, upper floors of historic storefront buildings): measure width of building on front entrance wall. If building has customer entrances on more than one wall, measure width of each entrance wall.

17.36.060 – Maximum Number of Sign Permitted.

A. Maximum Number of Signs. There is no limitation on number of wall-mounted signs provided the total area of all wall-mounted signs falls within maximums prescribed for that district.

B. Multiple Occupant Buildings. If a building contains multiple non-residential occupants (e;g., office buildings, historic Main Street commercial buildings), total wall mounted sign area is limited to formula prescribed for the entire building (e.g., if cap for building is 30 square feet, the total for all signs must add up to 30 or less square feet in area).

C. Freestanding Signs. Except in accordance with Section below, there shall be no more than one freestanding sign installation per building or shopping center per each street on which the building has frontage.

17.36.070 – Sign Dimensional and Design Requirements.

Site plan applicants are required to present a Signage Plan as part of a required site plan that integrates the design of signs with the design of the building (and/or development) on which they will be displayed and with the surrounding area. An office complex may display no more than one freestanding sign to identify the complex at each exit and entrance. The style, color and materials of signs shall be consistent with other signs on the property and with the main structure.

Regardless of whether a sign's installation is part of a project that requires a site plan, dimensional and design requirements are as follows.

A. Freestanding Signs.

FREESTANDING SIGNS

Zoning District/Use	Maximum Height (ft)	Maximum Area (s.f.)	Number or Sign, Permitted
GC	8 feet	one (1) square foot per five (5) linear feet of street frontage up to max. of 50 feet	1 per street
R1, R2, R3	4 feet	one (1) square foot per five (5) linear feet of street frontage up to max. of 32 square feet	1 per street
R20	4 feet	one (1) square foot per five (5) linear feet of street frontage up to max. of 32 square feet	1 per street

SC/LM	8 feet	one (1) square foot per five (5) linear feet of street frontage up to max. of 50 feet	1 per street
TC	8 feet	one (1) square foot per five (5) linear feet of street frontage up to max. of 50 feet	1 per street
OS	8 feet	one (1) square foot per five (5) linear feet of street frontage up to max. of 50 feet	1 per street

*For permitted non-residential uses

All permit applications for freestanding signs shall include a plan for landscaping the base of the sign, which shall include, but is not limited to, low lying native shrubs, flowers and other plantings. Such plantings shall be maintained and kept in presentable condition. Failure to maintain landscaping as approved as part of the permit for the sign shall constitute a violation of this Article.

B. Flush, Wall-Mounted Signs.

WALL MOUNTED SIGNS

Zoning District/Use	Maximum Height (ft)	Maximum Area (s.f.)	Number or Sign, Permitted
GC	25 feet	one (1) square foot for each linear foot of building frontage with max. of 100 feet	1 per street
R1, R2, R3	25 feet	one (1) square foot for each linear foot of building frontage with max. of 100 feet	1 per street
R20	25 feet	one (1) square foot for each linear foot of building frontage with max. of 100 feet	1 per street

SC/LM	25 feet	one (1) square foot for each linear foot of building frontage with max. of 100 feet	1 per street
TC	25 feet	one (1) square foot for each linear foot of building frontage with max. of 100 feet	1 per street
OS	25 feet	one (1) square foot for each linear foot of building frontage with max. of 100 feet	1 per street

C. Projecting Signs.

No sign shall project more than 52 inches (4.3 feet) from the building wall or within two feet of the curb line. Dimensional and Design Requirements are as follows for all zoning districts, including non-residential uses in R1, R2, R3 and R20 Districts (not home occupations):

PROJECTING SIGNS

Zoning District/Use	Maximum Height (ft)	Maximum Area (s.f.)	Number or Sign, Permitted
GC	14 feet	12 square feet	1 per street
R1, R2, R3	14 feet	12 square feet	1 per street
R20	14 feet	12 square feet	1 per street
SC/LM	14 feet	12 square feet	1 per street
TC	14 feet	12 square feet	1 per street
OS	14 feet	12 square feet	1 per street

17.36.050 - Signs for individual businesses.

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

A. Each business may have a maximum number of three (3) signs for each street or public right-of-way on which the property fronts.

B. Types of signs permitted. Wall, monument, projecting, window, or canopy/awning.

C. Maximum size of signs. See design standards for sign type.

17.36.060 - Signs for multiple businesses other than shopping centers.

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

A. No lot shall be permitted to have erected both a projecting sign and a monument sign or more than one monument sign.

B. Each business on the lot shall be entitled to a maximum of two (2) signs per business.

C. Wall, projecting, window, or canopy/awning signs shall be permitted.

D. The maximum size of each sign shall be in accordance with the design standards set forth in this chapter.

E. One wall mounted directory sign for each wall of a building on which wall there is one or more entrances to a business, up to twelve~~sixteen~~ (12~~16~~) square feet in area. Identification of a business on the directory sign will not be included with the number of signs permitted in subsection B. above.

F. Directional signs are permitted, shall not exceed twelve (12) square feet in size, and shall be consistent in construction and appearance with the materials used on the building(s) on the premises.

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

A. An identification sign for a commercial shopping center, office or industrial park or other integrated group of commercial buildings shall not exceed one hundred twenty (120) square feet in size, shall be subject to the setback requirements for the district in which it is located, and shall comply with any other restrictions applicable thereto within its individual zoning district.

B. Commercial shopping, office or industrial centers or parks which are five (5) acres in size or greater and which have been planned as an integrated development may erect signs subject to the following:

1. Signs for Individual Establishments Within Center. Same as for individual or multiple businesses, as applicable, provided that no monument signs shall be permitted for individual businesses in the principal building of a shopping center. One monument sign may be erected for each detached principal building within an office or industrial center. No such sign shall exceed fifty (50) square feet in area or eight (8) feet in height.

2. Shopping Center Identification Sign and Courtesy Signs. Same as for individual or multiple businesses, as applicable, provided that no monument signs shall be permitted for individual businesses in the principal building of a shopping center. One monument sign with an area of one square foot per five (5) linear feet of lot frontage on which the sign is to be erected, up to a maximum of one hundred twenty (120) square feet and a maximum height of eight (8) feet. Only the name and address of the center and the names of establishments shall be displayed. In addition, shopping center courtesy signs are permitted, one (1) sign at each entrance/exit only, located at least five (5) feet from the public right-of-way. Each sign is restricted to no more than three (3) square feet in area and three (3) feet in height. No advertisements or phone numbers are permitted on courtesy signs.

3. Office or Industrial Signs. One monument sign at each major entrance of an office or industrial center identifying the name of the center only. No such sign shall exceed fifty (50) square feet in area or eight (8) feet in height.

4. Directional signs are permitted, shall not exceed twelve (12) square feet in size, and shall be consistent in construction and appearance with the materials used on the building(s) on the premises.

~~17.36.080 - Signs for motor vehicle service stations.~~

~~Motor vehicle service stations may erect signs as follows:~~

~~A. Maximum Number of Signs. A motor vehicle service station may display a total of three (3) signs excluding signs which, by law, are required to be displayed.~~

~~B. Types of Signs Permitted. Wall, canopy/awning, window or monument signs are permitted for a motor vehicle service station.~~

~~C. Maximum Size of Signs. The maximum size of a sign shall be the same as that for individual businesses; provided, however, that signs which are required by law to be displayed may be of the minimum size required in order to comply with the applicable law.~~

D. Location. A monument sign shall not be positioned or located in such a manner as to obstruct or otherwise interfere with the sight of motorists or pedestrians and their ability to safely enter or exit the premises.

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 any end of the median strip or monumented island;

D. Subdivision and community identification signs shall not exceed seventy (70) square feet in size, four (4) 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. Projecting Sign—Design Standards.

1. A projecting sign may project no more than four feet (4') from the building from which it projects.

2. A projecting sign shall be located at least seven and one-half feet (7'6") above the surface of the ground, may not exceed a height of fourteen feet (14'), and may not extend above the highest point of the roof.

3. Maximum Size. One (1) square foot per linear foot of building frontage on which the sign is to be attached, up to twelve (12) square feet.

4. For a lot located on the corner of two roads or rights-of-way, one projecting sign shall be permitted for each road or right-of-way frontage.

C. Wall Sign—Design Standards.

1. A wall sign may not exceed a height of twenty-five (25) feet, may not extend above the highest point of the roof, and may not project beyond twelve (12) inches from the wall on which it is installed.

2. The maximum size of a wall sign shall be based upon the length by linear foot of the front of the building on which it is installed. A wall sign may not exceed one (1) square foot for each linear foot of building frontage on which the sign is installed, and no sign shall exceed one hundred (100) square feet regardless of the length of the building frontage.

3. One wall sign shall be permitted on each side of a building which fronts upon a road, street or other public right-of-way.

D. Awning and Canopy Signs—Design Standards.

1. Location. The lettering, graphics or other sign content on an awning or canopy shall be placed parallel to and shall not project above or below the face of the awning or canopy.

2. Limit on Projection. An awning or canopy with a sign shall not extend beyond the vertical line measured one (1) foot in from the edge of the sidewalk or right-of-way curb and shall not be situated in a location which interferes with or obstructs pedestrian or vehicular traffic.

3. Maximum Size. One square foot per linear foot of the awning or canopy, up to a maximum twelve (12) square feet. Sign area shall be counted as part of the total allowable area for signs.

E. Permanent Window Sign—Design Standards. The maximum area for a window sign, as determined by measuring the width and height of the outermost edges of the sign lettering or

graphics shall not exceed twenty-five percent (25%) of the entire window area or sixteen (16) square feet, whichever is less.

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. 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.

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.

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 zoning administrator or its delegate for compliance with the provisions of this chapter including the location, placement and size of the sign.

B. Except as otherwise provided in this chapter, a sign permit shall be required for all signs erected or installed after the effective date of this ordinance.

C. An application for a sign permit shall be submitted on a form provided by the zoning administrator, shall contain the information required as set forth herein, and shall be accompanied by the required application fee.

D. An application for a sign permit shall contain, or have attached thereto, the following information in either written or graphic form:

1. Name, address and telephone number of the sign erector and the sign owner.
2. A site location plan showing the street name and street number of the location or building where the sign is to be placed and the position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.
3. The type of sign and a general description of the structural design and construction materials to be used.
4. One set of drawings and/or photos of the proposed sign which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.
5. Any other information requested in order to carry out the purpose and intent of this chapter.

E. A signage plan identifying the location, height, and size of all freestanding signs shall be included on all site plans reviewed by the planning commission.

F. Any sign which is erected, constructed, installed, attached, altered, relocated or reconstructed without a permit and for which a permit is required shall be deemed a violation of this chapter and the owner or other person responsible for the sign shall be subject to a fine and enforcement measures as provided for in Chapter 17.08 of this title. In addition, the zoning administrator 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, 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;

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

C. Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;

D. Directional and Incidental signs as defined herein;

E. Ballfield/sports complex signs and scoreboards.

F. Government sponsored banners affixed to light standards promoting community events.

G. Gasoline Price Signs as Required by Maryland Law: Maryland Law requires the price of gasoline be posted on properties where it is sold and sets minimum standards for such posting. Signs posting the price of gasoline shall not be included in the calculation of permitted sign area up to a minimum required by State Law. That which exceeds the minimum required by State Law shall be included in the calculation of sign area.

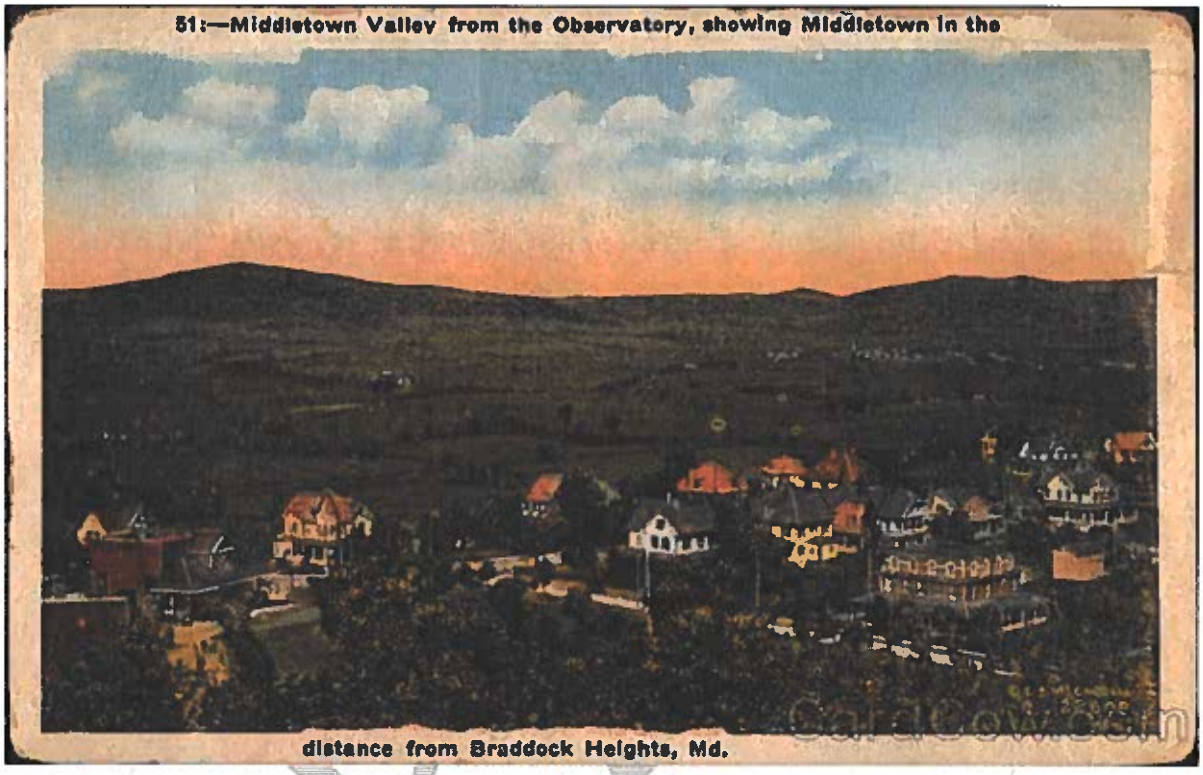
H. Wall-mounted directory signs for multiple use buildings, provided:

i. Signs shall be located beside the entry door;

ii. The maximum size for directory signs is 12 square feet.

Chapter 8

MUNICIPAL GROWTH ELEMENT



Introduction

The purpose of the "Municipal Growth Element" is to examine the interrelationships among land use, population and housing growth, and their impacts on public facilities and services. In this regard, Middletown Town officials will have a stronger basis for setting land use and growth management policies in the future through a better understanding of the multi-dimensional implications of change.

This chapter presents analyses of land consumption and facilities impacts that can be expected as a result of the projected growth of the town's population from 4,943 in 2020 to Maryland Department of Planning's projections of _____ in the year 2030. The growing population will require the identification and development of additional

water resources and could impact existing surface water features such as Hollow Creek and Wiles Branch. Additional development will also require an increase in school capacity and wastewater capacity.

Municipal Growth Goals:

1. **Manage the rate of town infill growth to be consistent with the provision of adequate services and infrastructure.**
2. **Manage the rate of growth by annexation to be consistent with the provision of adequate services and infrastructure.**
3. **Continue to provide a sustainable quality of life for residents of the Town.**
4. **Maintain the historical rural community nature of the Town.**

Executive Summary

In order to meet the municipal growth goals above:

1. The Town will ensure that development is orderly and utilizes good design techniques. Consideration will be given to the impact of growth on the existing community and facilities.

2. The scale of development shall be compatible with adjoining land uses. This shall include identification of the uniqueness of existing adjoining development.

3. The Town shall give consideration to the historic significance of structures and neighborhoods during the development review process.

4. Development will be allowed only where it can be served adequately by public facilities and roads. New development will be planned with respect to future transportation needs.

5. Adequate land shall be reserved for commercial/light manufacturing activities. Commercial uses will be designed and scaled to be compatible with the neighborhood in which it is located.

6. The Town shall seek to obtain and maintain a physical buffer from the unincorporated areas.

7. The Town shall direct development away from all stream valleys, steep slopes, and natural areas.

8. The Town shall work to provide a buffer around its water resources.

Background

Middletown is located in the western portion of Frederick County. It is a small town in a rural valley setting with outlying picturesque farms and plentiful natural and heritage resources. Major arterials for the region include U.S. Route 40-A and Maryland Route 17. Urban areas near Middletown include Frederick City to the east and the city of Hagerstown to the northwest. These urban areas represent potential places of employment for Town residents, along with Montgomery County and the District of Columbia further to the southeast, and Baltimore further to the east.

Middletown adopted a Policy on Residential Growth for all new residential development, on July 17, 2003, and a Policy on Commercial Growth for all new commercial development on April 6, 2004. The policies have been amended over the years and most recently on January 10, 2022. The growth criteria under these policies include the provision for adequate water and sewer, adequate school capacity, a traffic impact study identifying all traffic issues related to the requested development (and the correction of those issues), usable recreation space, written Public Works Agreements, a limit on the number of residential permits per calendar year, and the payment of municipal real estate taxes for all properties requesting annexation for commercial development. These policies (attached in Appendix __) have established

elements of an adequate public facilities ordinance and have proven to be very effective in the last two decades in controlling growth in the Town of Middletown.

Frederick County Agricultural Land Use Planning – Part 1

Several agricultural preservation easements are currently located south and north of the town. The Haines farm north of the town's growth boundary is under the Maryland Agricultural Land Preservation Foundation (MALPF), as is the Keller Farm southwest of the town's growth boundary. According to Frederick County government's website, the MALPF Program has a purpose of preserving prime farmland for future food and fiber production and is designed to pay farmers to extinguish their development rights, therefore keeping the farm in agricultural use in perpetuity.

Frederick County Agricultural Land Use Planning – Part 2

The Hawker farm south of the Town's growth boundary at Glenbrook is under the County's Installment Purchase Program (IPP). Frederick County began the program in 2002 and it works through installment purchase agreements that pay the farmer tax-free interest over a period of 10-20 years with a balloon lump sum principle payment at the end of the term according to information provided on the County's website.

These agricultural preservation programs have been highly successful in Maryland as well as in Frederick County.

Goal: manage the rate of town infill growth to be consistent with the provision of adequate services and infrastructure

1. The Town will ensure that development is orderly and utilizes good design techniques. Consideration will be given to the impact of growth on the existing community and facilities.

2. The scale of development shall be compatible with adjoining land uses. This shall include identification of the uniqueness of existing adjoining development.

3. The Town shall give consideration to the historic significance of structures and neighborhoods during the development review process.

TOWN INFILL AND REDEVELOPMENT

Town Infill & Redevelopment Capacity

Residential infill potential examines a theoretical capacity associated with vacant and underutilized land in the Town. Potential yield in Middletown was determined by identifying vacant and underutilized parcels using aerial photography in the Town's GIS system. These sites constitute lots of record and are expected to develop within the planning period from 2022 to 2040.

Infill capacity includes the Caroline's View Apartments property, Memorial Hall apartments and completion of construction at the Franklin Commons townhouse property. Foxfield Section 6, an active-adult residential development, yet to be developed, is also included in this capacity estimate. The estimated total infill and redevelopment potential for Middletown by 2040 is an additional 202 residential dwelling units (see Table 8-6).

Table 8-6

Approved	Prelim. Plats	Development	Units	Population
R-20	Foxfield Section 6 - Active Adult		148	296
Existing Lots of Record				
R-1	204 Lombardy Ct.		1	2.7
R-1	E. Green - adj to Miller Property		1	2.7
R-1	500 East Main Street		1	2.7
R-1	502 East Main Street		1	2.7
R-2	E. Green - behind Williams		1	2.7
R-2	28 Walnut Street		1	2.7
R-2	310 S. Jefferson Street		1	2.7
R-2	312 S. Jefferson Street		1	2.7
R-2	316 S. Jefferson Street		1	2.7
R-3	116 East Main Street		1	2.8
TC	406 West Green Street		2	5.4
Approved Site Plans				
TC	Memorial Hall Apts.		15	42
R-3	Caroline's View Apts.(Horman)		9	25.2
R-3	Franklin Commons Townhouses		18	50.4
	Totals:		**202**	**446.1**

[1] Based on population projections of 2.0 for R-20 active-adult zoning, 2.7 for R1 and R2 zoning, 2.8 for R3 zoning and TC zoning districts.

Assumptions for Town Infill & Redevelopment

Infill and redevelopment capacity within Middletown is based on the following assumptions:

- Infill capacity accounts for new infill development in Middletown, which includes Franklin Commons townhouses and Memorial Hall apartments (presently being developed), the Foxfield Section 6 subdivision (new development), and other infill lots.
- Infill capacity assumes development of the Foxfield Section 6 property based on R-20 active adult cluster development zoning, and development of Franklin Commons, Memorial Hall, and Caroline's View Apartments based on current Town residential zoning (R-3).
- Infill capacity assumes 250 gallons per day per unit or EDU (equivalent dwelling unit).

- Population estimates assume Middletown's average household size will remain proportionate with the Town's average household size of roughly 2.7 persons per household for the past two decades.

IMPACTS OF TOWN INFILL/REDEVELOPMENT GROWTH

Table 8-7
Impacts of Town Infill/Redevelopment Growth on Public Facilities & Services Based on Population Projections Through 2040

Classification	Infill/Redevelopment Areas
Dwelling Units	**202**
Population	**446**
New Residential Water/Sewer Demand (gpd)	50,500
New Non-Residential Water/Sewer Demand (gpd)	?
TOTAL New Residential/Non-Residential Water/Sewer Demand (gpd)	50,500+
School (new students)[1]	22-24
- High School	11
- Middle School	5
- Elementary/Primary School	5-7
Recreation Land (acres)	none
Recreation Land (acres)	none

[1] Planned 148-unit active-adult subdivision will not impact schools

Assumptions for Impacts from Infill & Redevelopment Areas

Impacts from Middletown's infill growth utilize the following sources and assumptions:

- Future population and dwelling unit projections from 2022 to 2040, as described in this chapter;
- Middletown growth policies which require developer to provide 250 gallons per day of water and sewer per unit;
- Maryland Department of Planning (MDP) multipliers for recreation land;
- Frederick County Public Schools multiplier for school enrollment;

- Multipliers for Municipal Administrative Space based on current space per thousand people;

Implications of Town Infill Growth

The most significant implications of growth (summarized in Table 8-8) are impacts on water and wastewater demand and school facilities.

Public Schools: The impact of Middletown's growth on public school facilities during the planning period (by 2040) is illustrated in Table 8-7: a total of 22-24 new students: 11 primary or elementary school students; 5 middle school students; and 5-7 high school students. Due to the enrollment and capacities report dated December 30, 2021, the school most impacted by enrollment due to infill growth in the Town would be the primary school which is at 97% capacity.

Library: Residents of the Middletown Valley are located within a 6-mile drive of the Middletown branch of the Frederick County Public Libraries, which occupies a total of 2,500 square feet. Currently library facilities will not adequately serve the needs of the projected increase in Middletown's population. However, the County is in the process of constructing a new Middletown public library facility of 15,250 square feet, which is the current standard for the County, to meet the level of service necessary for the Middletown area.

Recreation Land: Between 2020 and 2040, an additional 446 people are projected to be added to the Town from infill development. Based on the State's ratio of 30 acres per every 1,000 people, and the current park acreage in the town (77 acres), Remsberg Park outside of town (88 acres), and including the County Park (78 acres), no additional recreation land will be required in the Town by 2040 to serve additional demand for recreation land as a result of the projected increase in population.

Public Safety: Fire and emergency medical services are provided to Middletown residents through the Middletown Fire and Ambulance Company. Police protection in Middletown is provided by the Frederick County Resident Deputy service. Staffing for fire and emergency

medical services typically comes from the Middletown Fire and Ambulance Company as a request to the County when the need arises. The Burgess and Commissioners review on an annual basis the needs of the Town regarding police protection. If needed, additional police personnel are added through the Frederick County Resident County Deputy Program.

Additional Facility Needs: Middletown recognizes that any gain in population will require an equivalent increase in municipal meeting space, Town administrative staff, and municipal services (street repairs, trash collection, etc.). The existing Town Hall is currently adequate to serve the needs for hearing and meeting space. A review of staffing levels for administration should be conducted by the Town annually to determine adequacy. In addition, Middletown should review the need to expand the Public Works department. Expansions of Town staff and municipal services can be made and funded as the population and assessable tax base in the Town expands.

Water and Sewer: Additional water and sewer capacity will be required during the planning period of 2022 to 2040, as water and sewer demand are each projected to increase as a result of residential and non-residential (commercial and/or industrial) infill and development. The combined water appropriation permits limits for withdrawal in the Hollow Creek, Cone Branch, and Catoctin watersheds is 427,900 gpd (Annual Average) and 522,000 gpd (Month of Maximum Use), according to the *Middletown Water Supply Capacity Management Plan 2009.* The current capacity of the Town's water supply as of March 2022, has been determined by MDE to be _____ gpd for month of maximum use (MOMU). The Town is at ___% capacity based on calculations by flow and ___% capacity based on calculations by units for Annual Average. Based on Month of Maximum Use, the Town is at ____% capacity based on calculations by flow and ____% capacity based on calculation by units. Both the Town's Annual Average and Month of Maximum Use capacities, based on units, exceed 100%. Appendix __, Middletown Water Supply Capacity Management Plan 20__, and Appendix __, Middletown Wastewater Capacity Management Plan 20__, are attached to this report with all appropriate back up and calculation.

Goal: manage the rate of growth by annexation to be consistent with the provision of adequate services and infrastructure

4. Development will be allowed only where it can be served adequately by public facilities and roads. New development will be planned with respect to future transportation needs.

GROWTH & ANNEXATION AREA PLAN

The Middletown Growth and Annexation Area (Growth Area) has been refined during this comprehensive planning process to reflect new Town goals in relation to annexation, growth, and future development. Therefore, the Growth Area, as defined in the 2010 *Middletown Comprehensive Plan*, has been reduced and altered by eliminating properties to the south and west of the town. See Figure 8-1, Growth Boundary Map, following at end of chapter.

Growth Area Analysis

The total acreage for the Growth Area is roughly 403 acres and contains 21 parcels. As shown on Figure 8-1 Growth Boundary Map, the growth boundary represents the Town's long-range growth expectations. Much of the Growth Area is comprised of larger parcels, and some smaller parcels are already developed.

Property Name	Property Tax ID	County Zoning	Acreage	Floodplain	Infrastructure	Developable Acreage	R-20 Zoning EDU's
AC Jets	03-142582	AG and R-3	144.05	24.21	29.96	89.88	195.76
Grossnickle	03-165558	AG	1.00	-	0.25	0.75	1.63
Lee/Phillips	03-157636	AG	2.30	-	0.58	1.73	3.76
Coblentz LLC	03-128636	AG	42.77	-	10.69	32.08	69.86
Wiles	03-165531	AG	70.08	-	17.52	52.56	114.48
Mid-North Partners LLLP	03-124681	AG	105.92	-	26.48	79.44	173.02
Mid-North Partners LLLP	03-140547	AG	13.87		3.47	10.40	22.66
Long	03-156877	AG	1.76	-	0.44	1.32	2.87
Renner	03-156869	AG	0.99	-	0.25	0.74	1.61
Brandenburg	03-127370	AG	0.71	-	0.18	0.53	1.16
Myers	03-153630	AG	1.20	-	0.30	0.90	1.96
Triantafillos/Lee	03-153657	AG	2.14	-	0.53	1.60	3.49
Stauffer Funeral Homes	03-134458	AG	2.27	-	0.57	1.70	3.71
Gorman	03-153649	AG	3.72	-	0.93	2.79	6.08
Szczechura	03-151719	AG	0.33	-	0.08	0.25	0.54
Leishear	03-154785	AG	2.18	-	0.54	1.63	3.55
Vendemiatti	03-124703	AG	2.30	-	0.58	1.73	3.76
Murphy/Whalen	03-144364	AG	3.28		0.82	2.46	5.35
Daly	03-126625	AG	0.64	-	0.16	0.48	1.05
Szczechura	03-138763	AG	0.86		0.22	0.65	1.40
Stair	03-131165	AG	0.50	-	0.13	0.38	0.82
		Totals	**402.86**	**24.21**	**94.66**	**283.99**	**618.53**

Assumptions for the Growth Boundary Area

The Growth Boundary Area analysis for Middletown is based on the following assumptions:

- Growth Boundary Area capacity accounts for potential new development on existing agricultural properties in the Growth Boundary Area, totaling 403~~566~~ acres.
- Build-out capacity for these properties utilizes the MDP methodology, which assumes that 25% of the land will be used for roads, open space, and other uses unrelated to dwelling units or commercial/industrial buildings.
- Growth Boundary Area capacity assumes there will be no building in floodplains.
- Growth Boundary Area capacity assumes a dwelling unit density based on current Town residential R-20 zoning, which requires a minimum lot size of 20,000 square feet.
- The resulting total developable area in the Middletown Growth Boundary Area is approximately 403 acres. This equates to 618~~924~~ dwelling units.
- Small, previously developed lots in the Growth Boundary Area do not have development potential but may require water and sewer service.
- Growth Boundary Area population projections assume Middletown's average household size will remain in proportion with the MDP projected average household size for Frederick County over time.

Annexation of most of the Middletown Growth Area is not anticipated within the planning period from 2022 to 2040. The Middletown Growth Area is approximately 403 acres, and the

hypothetical impacts for the Middletown Growth Area are calculated based on potential additional dwelling units and population. The Growth Area includes a potential total of 618 dwelling units. In addition, population is estimated at 1,668 new Town residents.

Accommodating growth in the Growth Area will require an expansion of school facilities, increases in personnel for police services, and water and sewer demand will increase substantially. Increases might also be needed in personnel for fire and rescue emergency services. Development of the Middletown Growth Area will require new water and wastewater systems.

Table 8-8
Impacts of Middletown Growth on Public Facilities & Services
Growth Area Planning Period - Beyond 2030

Classification	**Growth Boundary Area**
Dwelling Units	**618**
Population	**1,668**
New Residential Water/Sewer Demand (gpd)	154,500
New Non-Residential Water/Sewer Demand (gpd)	?
TOTAL New Residential/Non-Residential Water/Sewer Demand (gpd)	154,500+
School (new students)	285
- High School	93
- Middle School	62
- Elementary/Primary School	130
Library (gfa)	1,250
Police (personnel)	TBD
Recreation Land (acres)	None
Fire & Rescue	
- Personnel	TBD
- Facilities (gfa)	TBD

Priority Funding Areas

Middletown has been designated a growth area in Frederick County in The Livable Frederick Master Plan, adopted September 3, 2019. The region surrounding the Town consists of large agricultural parcels and substantial land exists for municipal growth. Ten of the twelve incorporated municipalities in the County as well as fourteen unincorporated communities make up the County's Community Growth Areas which are the County's principal residential, commercial, and business centers. These areas are the best locations for future growth and development. The primary goal of this designation as Community Growth Areas is to encourage development to occur within the designated growth areas while preserving the existing character of the communities and their historic and cultural features.

Middletown has also been designated a "Priority Funding Area" (PFA) for Frederick County in The Livable Frederick Master Plan. (adopted September 3, 2019). The requirement for designating PFAs was established under the 1997 *Neighborhood Conservation and Smart Growth Areas Act* (Smart Growth) and supports the State "Visions" for growth as expressed in the 1992 Planning and Zoning Enabling Act (*Land Use Article of the Annotated Code of Maryland*). PFAs are locally-designated areas targeted for eligible State funding. PFA designations include municipalities, rural villages, communities, industrial areas, and planned growth areas to be served by public water and sewerage.

It is important to note that as of October 2006, new municipal annexations seeking PFA designation must be submitted to the Maryland Department of Planning (MDP) for "PFA Certification." According to MDP, County properties annexed into the Town that currently have PFA status, do not retain such status and do not automatically become PFAs if annexed. Annexed properties in Middletown in the last decade include the County Park and the Memar property north of the County Park.

Annexation & Growth Area

Middletown's Growth Area has the potential for approximately 620 dwelling units with an estimated population of 1,668 using the Town's average household size. Additional water and sewer demand associated with this level of growth is 154,500 gallons per day (gpd) respectively (see Table 8-8).

All land within the Middletown Growth Area has a county land use plan designation of Agricultural/Rural or Low Density Residential, which generally indicates that development would be appropriate on those properties within a 20-year timeframe subject to completion of other staging mechanisms (according to Livable Frederick??). The vast majority of residentially designated land with the Growth Boundary is zoned Agricultural on the County's zoning map.

Within the Middletown Growth Area, the annexation process will be the primary staging mechanism used by the Town in relation to its growth. Annexation agreements negotiated between the Town and the petitioner will address development phasing, development limits, and responsibilities for public facilities and transportation improvements.

Middletown's Comprehensive plan acknowledges that these properties may be incorporated into the Town at some future date. In the meantime, the Town would request that the County hold these properties in agriculture zoning, thus limiting the potential for premature, low-density development on well and septic systems. Middletown has several reasons for this position including:

- Protecting Middletown's unique identity by controlling the quality of development occurring around the Town corporate boundaries within the Conservation Boundary;
- Requiring development site design that includes mandatory open space requirements;

- Enabling densities for new development that support Smart Growth if water resources are adequate;
- Requiring appropriate water-saving construction materials for new development to protect water quality;
- Requiring "Best Management Practices" (BMPs) for stormwater management to protect and enhance water quality in potential receiving waters;
- Ensuring appropriate expansion of water and wastewater treatment systems to accommodate new development; and
- Eliminating the potential for future failing septic systems.

Annexation Policies

Annexation of properties located within Middletown's Growth Boundary will be subject to site specific annexation agreements. The following annexation policies will apply to all future annexations:

1. Proposed annexation areas will be economically self-sufficient and will not result in larger municipal expenditures than anticipated revenues, which would indirectly burden existing Town residents with the costs of services or facilities to support the area annexed.
2. The costs of providing roads, utilities, parks, and other community services will be borne by the developer gaining the most value from such facilities through income, profits, or participation.
3. Specific conditions of annexation will be made legally binding in an executed annexation agreement. Such agreements will address, among other things, consistency with the goals, objectives and recommendations contained in the Middletown Comprehensive Plan, planning, zoning, and development expectations, responsibility for appropriate studies, and preliminary agreements concerning responsibilities for the cost of facilities and services provided by the Town.
4. For annexations involving larger parcels of land, the Burgess and Commissioners and/or the Planning Commission may require appropriate impact studies, including a traffic impact study, fiscal impact study and an environmental impact assessment that addresses the potential impacts of the proposed annexation and planned development on the environment of the site and surrounding area.
5. Applicants for annexation shall pay the cost of completing all studies related to expanding capacity in existing public facilities and/or services.
6. Proposed development must provide 250 gallons of allocable water per unit and may (shall?) be required to cover all costs of physical connection to the Town water and sewer system.

[1]Residential and Commercial Growth Policies amended on January 10, 2022 (see Appendix___)

Annexation Policies cont.

7. Proposed development must use the Maryland Department of the Environment (MDE) Water Balance calculations to determine the maximum number of EDU's possible for the property to be developed. No use of other aquifers is permitted.
8. Proposed development must pay a proportionate share of cost to upgrade/increase sewer capacity, based on all factors at time of Water/Sewer certification.
9. Prior to Preliminary Plat approval, all Middletown schools located within the corporate limits of Middletown must be less than 105% capacity as rated at the time of the most recently submitted Frederick County Public Schools Quarterly Enrollment report, and approval will only be valid for two years after the Plat is signed by the Middletown Planning Commission.
10. Proposed residential development must provide usable recreation space, as determined by the Town's Planning Commission, at 0.05 acres/unit for the total number of units in the development.
11. Proposed residential developments will receive no more than 20 residential permits per year. However, the Town shall not approve more than 30 residential permits per calendar year for all residential development within the Town, and all residential permit allocations for each residential development will be determined by the Town.
12. Proposed commercial development may receive Plan approval from the Town for uses creating a trip generation rating at or above level D as defined in the most recent edition of the Highway Capacity Manual.
13. Proposed commercial development must provide usable contiguous recreation space, as determined by the Planning Commission, as 0.2 acres/gross acreage, which may not be allowed to include required setback, Forest Conservation areas, stormwater management areas, or buffer areas.
14. All property requesting annexation for commercial development shall pay municipal real estate taxes at time of annexation.

Prior to annexing any land area not included in the Growth Boundary Plan, the Town will first consider appropriate amendments to this Comprehensive Plan and will follow the procedural requirements for comprehensive plan amendments and annexation established in State law (Land Use Article and Article 23A). This will ensure that the proposed annexation is consistent with the goals and objectives of this comprehensive plan, that appropriate consideration has been given to the adequacy of public facilities and services, and that County and State agencies are afforded an opportunity to comment on the proceedings.

Goal: continue to provide a sustainable quality of life for residents of the Town.

5. Adequate land shall be reserved for commercial/light manufacturing activities. Commercial uses will be designed and scaled to be compatible with the neighborhood in which it is located.

6. The Town shall seek to obtain and maintain a physical buffer from the unincorporated areas.

7. The Town shall direct development away from all stream valleys, steep slopes and natural areas.

The Middletown Comprehensive 20-Year Land Use Plan, (Figure 8-6).

The Land Use Plan is a set of objectives, map designations and suggestions for the Town to enact regulating changes. Also included is a proposal for a comprehensive zoning map which will implement the proposals in the Comprehensive Plan.

The Land Use Plan Concept

The overriding concepts behind the Middletown Comprehensive Plan are: for the Town of Middletown to be the focus for the development which takes place in the Region; and, that Middletown remains an identifiable and distinct community. This Municipal Plan coincides with the Frederick County Comprehensive Plan's "Community Growth Area". This concept

prescribes that development should be located in and around the existing communities where public facilities and services are in place to efficiently serve new development, and where these communities already have a sense of identity and community focus. Middletown realizes its importance to the Middletown Planning Region and shares the responsibility for growth management in the Region. It is the intent of this Plan that all new major growth in the vicinity of the Town will first be considered for annexation in cooperation with the Frederick County Council.

To this end, the Town has adopted a growth boundary that includes lands outside the Town boundaries which shall be considered for annexation. It is the intent of the Plan that all properties located within the growth boundary are to develop according to the needs and timing of the Town. It is also the intent of the Plan that properties beyond the growth boundary are not to be developed for new residential, commercial or industrial use except as permitted by existing County zoning. Any rezonings or water and sewer changes outside the corporate limits should be done in full cooperation with the Town.

The ultimate growth limits for the Town of Middletown as defined by this Plan include the Town boundaries to extend ~~ultimately west to Catoctin Creek, generally south along Hollow Creek,~~ east towards Hollow Road and north to those properties which would include a potential northern parkway or collector. These growth limits are intended to be a limit to the eventual expansion of the Town boundaries. Properties within this growth boundary are not necessarily appropriate for annexation or development within 5 or even 20 years but will be appropriate for development as facilities and services are in place to serve this area. Of prime importance is that major new areas will not be added to the Town ahead of a road system to support the development. New annexations will not be encouraged which will increase the congestion in downtown Middletown. It is envisioned that new annexations will occur from east to west in order for the roads to be built which will carry traffic to Frederick and Interstate 70 to the east. (???)

Middletown desires to remain as a distinct community. In order to ensure this, the Plan proposes a greenbelt or conservation boundary around the growth boundary. The Town's definition for its conservation boundary as shown on Figures 8-1 and 8-6 is: a greenbelt around the designated growth area that defines the community and maintains its rural character and limits its growth. All new development will be required through the subdivision review process or annexation process to reserve or dedicate lands for open space. The other intent of the greenbelt is to look at the ability to secure water recharge easements on properties in the greenbelt which are under agricultural preservation easements.

Plan Designations

Plan designations are the proposed land use categories for use by the Town. Plan designations are not specific zoning classifications which include specific zoning regulations but are guides as to future land uses. In some cases, the zoning and plan designations will correspond but in other cases, the zoning envisioned by the plan designation is not applied until other factors such as community facilities and roads are in place. The proposed zoning changes are designated in Figure 8-7, Proposed Zoning Map. As shown in the text box above the legend on the map, there are two properties in the Town of Middletown that zoning changes are proposed for. More specific information regarding these changes is referred to in the text below.

Residential

The predominate Land Use Plan category is Medium Density Residential. The density of development in the Medium Density Residential areas is approximately 4-7 dwelling units per acre. The compatible zoning categories for the Medium Density Residential designation are R-1 Residential with a minimum lot size of 10,000 sq.ft, and R-2 Residential with a minimum lot size of 6,000 sq. ft. Medium Density Residential areas include the subdivisions of Glenbrook, Brookridge South, North Pointe, portions of Cone Branch Estates and Foxfield, and the older neighborhoods within the Town.

High Density Residential which has a maximum density of 6 - 11 units per acre is designated for most of those areas in the middle of Town which have R-3 Residential zoning. High Density Residential is designated for the Jefferson Village, Chesterbrook Apartments and the adjacent Franklin Commons development. Other neighborhoods designated as High Density Residential are the townhouse area of the Glenbrook subdivision and the western third of the recent Middletown Glen subdivision.

A Low-Density zoning district was created in 1988 in order to give the Town more of a transition from the rural densities found outside of town with the more concentrated development densities in Town. The corresponding zoning classification for the Low-Density Residential Plan category is the R-20 Residential zone with an average minimum lot size of 20,000 sq.ft. This is to be located on most of the land within the unincorporated growth boundary. Development in the Low-Density Residential area is proposed at approximately two dwelling units per acre, but may include increased levels of density through flexible design of subdivisions that minimize the impact on municipal resources, such as cluster developments. Portions of the Foxfield and Cone Branch subdivisions are zoned R-20.

The Neo-Traditional Residential overlay zoning district was created in 2008 which is intended to permit planned development in the R-3 zoning district. This zoning district was applied to two-thirds of the Middletown Glen subdivision on the north side of Green Street adjacent to the school complex.

Commercial:

Commercial land uses in Middletown are in the General Commercial (GC), the Town Commercial (TC), and the Service Commercial/Light Manufacturing districts. Regardless of which district commercial development is located in, the commercial businesses are expected to be of a size and scale that fits in with the existing commercial establishments and the historical context of the Town. Commercial businesses in the TC district are dependent on the character of the older development and restricted parking that is generally available in these areas of Town. The GC businesses are also dependent on the character of

the portion of Town in which they are located; however more flexibility is available due to the various locations of the GC districts in town. One GC district is located in the older area of Middletown and has many of the limitations generally associated with the TC, while other GC districts are located in newer areas of Town without the restrictions of existing historic development. The SC/LM district is intended to provide areas for business services, light manufacturing, and commercial uses that are relatively nuisance free and compatible with surrounding residential and commercial uses. Commercial development in Middletown is therefore influenced by both the characteristics of the area in which it is to be located as well as by the standards adopted for the district in the Middletown Zoning Ordinance.

Factors such as the location of the commercial development in relation to surrounding uses and the standards for the various commercial zoning districts in the Town ordinance should be considered during future annexations and rezoning requests as the Town addresses the need for additional commercial zoned acreage within the Town to meet the consumer needs of the growing municipal population.

Mixed Business District

A commercial zoning district was established in 2004in the Town's zoning ordinance called the MB – Mixed Business District. The Mixed Business district is intended to provide a park-like setting for a community of small to medium sized businesses on a planned tract of land. Unlike the other commercial zoning districts, this district includes more specific performance standards that must be adhered to in the zoning ordinance. This zoning district is not yet reflected on the zoning map of the Town.

General Commercial (GC) District: This commercial zoning district is defined in the Middletown Zoning Ordinance as intended to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. It also states that such areas should be located such that stores and commercial activities can be grouped

together in an attractive and convenient manner that will not infringe on residential areas. This district is also required to be on major thoroughfares in order to provide for vehicular accessibility. In keeping with these requirements, Middletown has five GC zoned areas in town. (1) One located in the center of Town, extending from the Main Street/Church Street intersection northward on the east side of North Church Street. (2) GC also includes the Town Center Shopping Center on East Main Street and the adjacent Hollow Creek Professional Center proposed property, (3) and includes the golf course restaurant and Pro Shop in the Glenbrook development that is located off the Middletown Parkway along with the Cross Stone Commons Shopping Center.

Town Commercial (TC) District: This commercial zoning district is defined in the Middletown Zoning Ordinance as intended to provide areas that allow for a mixture of uses including residential and small commercial businesses that can meet performance standards that allow for compatibility with the surrounding residential environment. The TC is intended for small attractive commercial uses that cater primarily to pedestrian traffic, allowing for limited parking and minor road (street) access. The uses allowed in this district are generally of a less intense and smaller scale than the commercial uses found in the GC district. The TC zoned areas are located in three general locations in Middletown. (1) The largest TC zoned area is located in the older (center) portion of Town along West Main Street; part of this area includes properties on the north side of Washington Street between South Church Street and Elm Street, and also includes some properties on the south side of the intersection of East Main Street and South Church Street. (2) Another TC zoned area is located on South Church Street and south of Boileau Street (Alley) and includes a few properties fronting on Jefferson Street near Boileau Street. (3) The TC district also includes two parcels on the north side of East Main Street – the Miller property and the gas station next to it.

Properties zoned for light manufacturing uses in Middletown are in the Service Commercial/Light Manufacturing (SC/LM) District. This district is intended to provide areas for business services, light manufacturing, and commercial uses that are relatively nuisance free and compatible with surrounding residential and commercial uses. The uses permitted

in this district have low traffic generation, limited noise and environmental impacts, and includes development scaled to serve local patrons. These areas must have access to a major road as identified in this Comprehensive Plan. Historically, this area has included warehouses and offices with some retail uses. There is one area designated in this Plan for manufacturing use; this is the SC/LM zoned area east of North Church Street and north of East Green Street.

Mixed Business (MB) District: As stated previously, there currently are no areas in Town designated in this zoning district. This district is intended for "showcase locations" which are planned, promoted and developed for businesses in a park-like setting.

Open Space:

Properties designated as Open Space are zoned in the Open Space District (OS) and are intended primarily for providing permanent open space for its natural beauty and recreational value, particularly for use as parks. It is also available for limited development for use by essential public services such as schools, medical centers, fire protection services and the like. Areas designated as Open Space are located throughout Middletown including town parks, cemeteries, stream valleys and some essential public service facilities. Development is by definition very restricted in the OS zone.

Institutional:

Institutional properties in the Town of Middletown include schools, wastewater treatment facilities, water treatment facilities and cemeteries. There is no zoning district entitled institutional, therefore these land uses typically use the Open Space zoning district for zoning purposes.

Other Land Use Implementation Recommendations: In addition to the Comprehensive Plan Land Use designations, it is proposed that the following actions be taken:

1. Limited Comprehensive Zoning - The Middletown zoning map is being amended in conjunction with the comprehensive plan update.

2. Consider Potential Low-Impact Development Options - New techniques for land development will be analyzed. In addition, techniques for preserving surrounding agricultural lands will be considered.
3. Evaluation of Development Review Process - The steps involved in development review for site plan, subdivision, annexations, rezonings, and Board of Appeals cases will be reviewed to eliminate unnecessary delays and to streamline the process.
4. Wellhead Protection – Although Frederick County has a Wellhead Protection Ordinance, steps will be taken to attempt to encourage the County Council to further strengthen that Ordinance.

8. The Town shall work to provide a buffer around its water resources.

INTER-JURISDICTIONAL COORDINATION

The *2022 Middletown Comprehensive Plan* highlights the need for inter-jurisdictional coordination with Frederick County. From Middletown's perspective, substantive issues include the following:

- Peripheral development in Frederick County, within the Middletown Growth Area and Conservation Boundary is a concern and should be discouraged, especially in terms of the Town's recharge area. The Town believes that new development in and around the Town should be consistent with Smart Growth given the water resource limitations, and sound place-making principles. Frederick County should work closely with the Town to address the nature of allowable development adjacent to the Town.
- Protection of the Town's springs is of utmost importance, and the County should ensure that they remain protected through the County's Wellhead Protection Ordinance.
- Although towns have been designated as growth areas, no construction of new roads or improvement to existing roads is planned by the County to help existing traffic problems or provide for any new development.
- Discussions with the County need to take place towards the creation of a water resource easement that allows municipalities to purchase water rights on protected lands. Properties need to be identified where conservation easements could be combined with such water resource easements to protect valuable water resources and augment water supplies in terms of water balance.

Issues with the Maryland State Policy of Smart Growth are also a concern and include the following:

- Urban Plan of 3.5 homes per acre is a concept that is not well suited to new developments in existing small towns that are dependent on groundwater as a drinking water supply.
- ~~The Policy does not allow for flexibility of planning to maintain a source of Community identity.~~
- There is no system for the Town to direct State and County funds to solve problems created by development.
- The Rural Legacy and Agricultural Programs do provide some funds designed to remove land from the possibility of future development.

The Middletown Comprehensive Plan includes the following matters in relation to Municipal Growth:

1. The Town's design for growth at the edges of Town is at a lower density than required by the Smart Growth Plan.
2. The Town does not have adequate services and resources for dense growth i.e., schools, roads, water, and sewer.
3. Development and revitalization of commercial areas need to be consistent with the character of the Town.
4. Preservation of Open Space and establishing a buffer zone or conservation boundary around the Town should be explored through the established Agricultural District and Land Trusts.
5. Preserve Natural Resources and Sensitive Areas found in and around Middletown such as Catoctin Creek, Cone Branch, Hollow Creek, and prime farmland.
6. The most probable residential growth area is located north of Town. ~~West of Town would not be appropriate for development in the near future. Development of commercial areas north of Town may be acceptable in the future but must be done on Town water and sewer and not on well & septic systems in the County.~~

Coordination for Effective Growth Management

There is a critical need for the Town and County to work together on growth-related impacts. Future growth will depend on sound strategies to address such issues as water quality and quantity, school capacity, demand on emergency services, public infrastructure, and transportation facilities. Growth management in Middletown primarily hinges on effective

coordination between the Town and Frederick County because municipal growth thru annexation is located in Frederick County. ~~This sentiment was underscored by the *Frederick County's Future Plan 2009* and provides an open dialogue to begin discussions.~~ The *Livable Frederick Master Plan* adopted in September 2019 states "Inherent to growth areas is the intent that a share of future growth and development will continue to occur within and around existing communities and municipalities. Cities, town and unincorporated places will continue to grow and thrive with new growth and redevelopment opportunities."

Like public infrastructure, water quality and quantity issues cannot be addressed by the Town alone. Going forward, effective management of non-point source pollution must be based on watershed-wide land use strategies and coordinated administration and enforcement of sediment and erosion control and stormwater management regulations. The planning requirements from Maryland House Bill 1141 direct the Town and County Planning Commissions to meet and discuss this Comprehensive Plan prior to adoption.

At a minimum, an agenda for such a joint County/Town meeting should include coordination of the following:

- Cooperative watershed planning initiatives including discussions of adequate public water supplies.
- Coordinated policies concerning County land uses and PFA designations adjacent to the Town.
- Coordinated policies concerning conservation of green infrastructure and the Middletown Conservation Boundary Area, and the ability to use water rights on land within the greenbelt to increase water supply in the Town.
- Funding for public facilities and services.

Effective mechanisms for County/Town dialogue, coordination, and agreement are needed. Acceptable coordinated strategies should be formalized in ways that bind each participant to a policy process. Forums for on-going coordination and cooperation include the Frederick County municipal and county leaders' meetings, and joint steering committees (for example for watershed planning initiatives). Examples of potential formal mechanisms for recording joint policies include a County-Municipal Planning Agreement which is an action item in the County's comprehensive plan.

SUMMARY

Middletown population projections are based on an average annual growth rate of 5 % which is indicative of measured growth. The projections rely on the basic assumption that the Foxfield Section 6 property and other infill developments will commence construction after 2022 and develop at an average rate of 25 dwelling units per year (250 dwelling units per decade). Regardless of when actual development commences (2022 or later), or how quickly it proceeds (10 units per year or 30 units per year), the impacts over time will be the same and will need to be addressed. Given the Town's limited water supply and sewage capacity, it is not expected that rapid growth would be either possible or desired in the near future. For this reason, it is critical that the Town anticipate these consequences of growth and have policies and strategies in place to address them well in advance of need.

MIDDLETOWN PLANNING COMMISSION

2021
ANNUAL REPORT

Approved _____, 2022 by Middletown Planning Commission

BURGESS & COMMISSIONERS

John Miller, Burgess (4/2020-4/2024)
Jennifer Falcinelli, Burgess Pro-tem (4/2018-4/2022)
Larry Bussard (4/2018-9/2020)
Richard Dietrick (4/2018-4/2022)
Chris Goodman (4/2020-4/2024)
Jean LaPadula (4/2020-4/2024)
Kevin Stottlemyer (2/2021 – 4/2022)

Andrew J. Bowen, Town Administrator

Middletown Planning Commission
Mark Carney, Chairman (12/2016-12/2021)
David Lake (1/2017-1/2022)
Bob Miller (5/2018-5/2023)
Rich Gallagher (12/2016-12/2021)
Jean LaPadula, Comm. Ex-Officio (4/2020-4/2024)
Dixie Eichelberger, Alt. (6/2017-2/2021)
Eric Ware, Temp. Alt/Alt. (12/2018-5/2022)
Robert Wilkes, Temp. Alt. (5/2021-5/2022)

Middletown Board of Appeals
Daphne Gabb, Chair (5/2019-5/2022)
Alex Kundrick (10/2019-10/2022)
Sean Mahar (6/2020-6/2023)
Jonathon Minchoff, Alternate (6/2020-6/2023)

Planning Department Staff
Cynthia K. Unangst

Town Zoning Administrator
Mark Hinkle

Engineering Staff
Bruce Carbaugh, Director of Public Works
J.R. Hawkins, Project Manager

INTRODUCTION

The 2021 Planning Report for the Town of Middletown, Maryland was prepared pursuant to the requirements of the Land Use Article of the Annotated Code of Maryland. This report provides a summary of the year's planning activities undertaken by the Planning Commission, Board of Appeals and staff, and also documents development activity.

Section 1-207 of the Land Use Article of the Annotated Code of Maryland requires that the Planning Commissions of non-charter counties and municipalities prepare, adopt and file an annual report with the local legislative body and a copy of the report be mailed to the Director of the Maryland Department of Planning. The report is a retrospective look at development activity within the jurisdiction with a focus on whether that activity is or is not consistent with a variety of adopted plans. The report thus informs both the Planning Commission and local legislative body about the strengths and weaknesses of the local planning program.

POPULATION IN MIDDLETOWN

YEAR	POPULATION	INCREASE OR DECREASE
1970 Census	1,262	N/A
1980 Census	1,748	486
1990 Census	1,834	86
2000 Census	2,668	834
2010 Census	4,136	1468
2020 Census	**4,943**	**807**

MIDDLETOWN PLANNING COMMISSION

The Middletown Planning Commission is a five-member commission with two alternates, which has review and approval authority of site plans and subdivisions. In addition, the Planning Commission makes recommendations to the Burgess and Commissioners on rezoning and annexations, and reviews and comments on text amendments and any other issue, which is planning related. The Middletown Planning Commission also makes recommendations to the Middletown Board of Appeals on cases involving special exceptions.

PLAN REVIEWS - 2021

All plans reviewed and approved were consistent with the Middletown Comprehensive Plan adopted in 2010, the Middletown Zoning Code, and the Middletown Subdivision Regulations. **(Plan and plat names are shown on attached map.)**

CONCEPT PLANS

Name	Units	Zoning	Request for:

None

SITE PLANS

Name	Units	Zoning	Request for:
1. Middletown Library 31 East Green Street	1	NTR	Approval of plan for new library building (Approved 3/15)
2. Hollow Creek Prof. Center 821 East Main Street	2	GC	Approval of redline plans for office building and pad site (Approved 6/21)

PRELIMINARY PLANS

Name	Units	Zoning	Request for:
3. Foxfield Section 6 off Coblentz Road	148	R-20	Approval of active-adult cluster development (Approved 1/19)

IMPROVEMENT PLANS

Name	Units	Zoning	Request for:
4. Middletown Library 31 East Green Street	1	NTR	Approval of new library building plans (Approved 11/15)

FOREST CONSERVATION PLANS

Name	Units	Zoning	Request for:
5. Foxfield Section 6 off Coblentz Road	148	R-20	Approval of Preliminary Forest Conservation Plan for active-adult development (Approved 1/19)
6. Hollow Creek Prof. Center 821 East Main Street	2	GC	Approval of Final Forest Conservation Plan for commercial development site (Approved 1/19)
7. Water Storage Tank 4A Ashky Court	1	OS	Approval of Final Forest Conservation Redline Plan for water storage tank (Approved 2/15)

SUBDIVISION PLATS

Name	Units	Zoning	Request for:
8. Middletown Library 31 East Green Street	2	NTR	Approval of subdivision of library parcel into two two parcels (Approved 12/20)

ADDITION PLATS

Name	Units	Zoning	Request for:
9. Newton 800 East Main Street	2	R-1	Approval of addition to adjoining parcel from Newton parcel (Approved 6/21)

FINAL PLATS

Name	Units	Zoning	Request for:

None

RE-ZONING REQUESTS:

None

ANNEXATIONS:

AC Jets Property Alternate 40A	144 acres	R-20	Recommendation of approval to annex property into town boundaries (9/20) (petition subsequently withdrawn)

TEXT AMENDMENTS:

Text Amendments commented on to Burgess & Commissioners for adoption. (Municipal Code #)

Sunset provisions text amendment – Planning Commission reviewed and commented on adoption of revisions to establish the automatic expiration of all site plan and improvement plan approvals. (Sections 16.12.060 and 17.32.250) [PC commented 2/15; B&C adopted 4/812]

BOARD OF APPEALS: (Applicant names are shown on attached map)

Applicant	Request	Location	Motion	Date
A. Elkana Bar-Eitan	variance from setbacks for detached restaurant	123 W. Main	Denied	1/26
B. Lancaster	special exception request for Self-storage facility	behind and east of Safeway	Approved	4/27
C. Putnam Homes	variance from lot width for single-family dwelling	114 E. Main	Approved	4/27
D. Lancaster	variance of 6'6" for height of building	east of Safeway	Approved	6/30
E. Maiello	variance of 4' from side yard for deck extension	119 Prospect St.	Approved	7/21
F. Canty	variance of size limit for accessory structure	19 E. Main	Approved	7/21
G. Holliday	variance of 20' from front yard setback for a garage	98 Summers Dr.	Approved	8/31
H. Nalborczyk	variance of 4' from side yard setback for an addition	7 Washington St.	Approved	8/31

INFRASTRUCTURE:

TRANSPORTATION:

Action taken by the Town in the year 2021 has been consistent with the Town Comprehensive Plan and best management planning practices.

The Town Comprehensive Plan includes roadway alignments both north and south of town that will be requirements of any future annexation agreements. It states that future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west. With the development of Foxfield Section 6, a section of northern alignment, west of Coblentz Road, will be built by the developer.

Reconstruction of Board Street began in 2021 and is continuing thru the first part of 2022. The scope of work includes the replacement of waterlines, stormwater management facilities and the replacement or installation of curb, gutter and sidewalks. The project also includes the planting of new trees to replace trees that needed to be removed due to utility work.

WATER SUPPLY AND DISTRIBUTION: THIS NEEDS TO BE UPDATED

The Town depends on 23 wells, 4 major groups of springs, a ground storage tank, and a 400,000-gallon elevated water storage tank to supply water to the Town. The current total withdrawal permitted by MDE is 387,000 gallons per day (gpd). The average daily use for 2020 was 299,667 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and there were no violation levels in 2020. Construction began in 2020 of a stadium style ground storage tank to replace an existing reservoir and was substantially completed on April 26, 2021. In addition, the project removed the abandoned 6" suction water line from the reservoir to the booster station and replaced it with a 16" suction supply line to the Town. This provides the Town with dual suction lines for water supply to the Town. The water mains along Main Street from Coblentz Road to Eastern Circle were replaced during the SHA Main Street streetscape project which was substantially completed in November 2020. As can be seen in the chart below, the Town's water supply system has adequate reserve with a 9% margin to meet all currently approved development.

Middletown Water Capacity Calculations

	ANNUAL AVG (gallons/day)	MAX MONTH (gallons/day)
Annual Appropriation Permit Limit[1]	387,000	504,000
Current Water Demand (3-yr avg)[2]	306,833	392,747
Reserve Capacity[3]	39,649	51,728
Total Demand Use	92%	91%
Available System Capacity	28,832[4]	44,618[5]

[1] Hollow Creek, Catoctin Creek and Cone Branch Watersheds
[2] 2018 -2020
[3] Calculated (10% reserve + expected future demand)
[4] (250 gallons/day use = 119 Equivalent Dwelling Units)
[5] (325 gallons/day use = 137 Equivalent Dwelling Units)

WASTEWATER TREATMENT FACILITIES:

The East Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek has a discharge permit for 250,000 gallons per day (gpd). The Town has requested from the Maryland Department of the Environment an increase in our permit capacity to its full design capacity of 350,000 gpd. The discharge permit for the West WWTP at Catoctin Creek in the southwest section of Town is 250,000 gpd.

Middletown Wastewater Capacity Calculations

	East WWTP (gallons/day)	West WWTP (gallons/day)
Annual Permit Limit	250,000	250,000
Current Sewer Demand (3-yr avg)[1]	267,000	301,000
Percent Capacity	106.8%	120.32%

[1] 2018 -2020

Combined Capacity[2]	
Design capacity	500,000gpd
3-year average demand	567,473gpd
Percent capacity	113.5%

[2] Cone Branch Pump Station can send flows to either plant

In addition to asking for an increase in the permit at the East WWTP to the full design capacity, the Town is currently conducting an I&I Study to make recommendations on repairs and improvements. This I&I work is expected to substantially increase sewer capacity. The Planning Commission will limit the number of approved subdivision lots to stay within the Town's permit capacity until the completion of the I&I Improvements are made, and an increase in the permit capacity is approved.

PARKS AND GREENWAYS:

Parks and greenways projects that were completed in 2021 included the installation of twelve memorial benches along walking trails and the establishment of the Willow Street Pocket Park which is 85% complete.

PROTECTION OF HISTORIC STRUCTURES:

The Town regulations regarding the demolition of buildings are a zoning control (Section 17.32.160, Zoning, Middletown Municipal Code), which requires a Demolition Permit. This permit allows a building to be inventoried prior to the demolition but does not prohibit demolition. Photos are taken before historic buildings are to be torn down and are archived.

The Town has two historic districts that are listed in the National Register of Historic Places. Properties that are listed as "Contributing" to the significance of the historic districts may voluntarily participate in government programs that provide financial benefits to property owners who undertake maintenance projects that comply with the Secretary of the Interior's Standards for Rehabilitation. In order to provide a certain level of customer service to property owners in Middletown, the Town

established a Historic Commission to act as a conduit between the property owner and the available programs. The Historic Commission only meets when a property owner wishes to take advantage of these specific programs.

Main Street Middletown began the year of 2021 with the receipt of approximately $215,000 in grant funds to distribute 85% of those funds directly to Main Street businesses impacted by COVID-19. The remainder of the funds were used for marketing the downtown district in various media outlets.

Work began in the spring of 2021 at 19 West Main Street (the Main Street Middletown office and Welcome Center) with the lifting of the building in order to completely create a new foundation. All work on this property is coordinated with the Maryland Historical Trust in compliance with their preservation easement that requires the work to meet the requirements of the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties. Once that work was completed, Main Street Middletown, MD Inc. received $44,000 from the Maryland Heritage Area Authority and in December 2021, they were awarded $170,000 from the Department of Housing and Community Development to complete the rehabilitation work.

Another notable historic preservation project that began 2021 was the rehabilitation of 4 East Main Street, the historic Memorial Hall building. This work included the demolition of the rear of the structure for a four-story addition with a parking garage on the lowest level and apartments on the other three floors, and a complete upgrade of the interior spaces for two ground level commercial tenants and 3 apartments. Main Street Middletown continued the Façade Improvement Program with $50,000 in grant money going towards the rehabilitation of the front façade of Memorial Hall and in December 2021, Main Street Middletown secured another $50,000 in grant funds to assist in that effort.

Main Street Middletown, MD Inc, and the Town of Middletown were awarded a Special Recognition Award from the Maryland Economic Development Association for the recent influx of new businesses, private development money, and the creation of the Downtown Revitalization Zone to encourage downtown investment. This spurred the Maryland Department of Planning to write a full review of the changes made to the Main Street District over the last ten years, spotlighting all of the achievements made by Main Street Middletown and the Town and publicized this article in their monthly e-newsletter.

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

No updates to the Zoning Code were completed in 2021 aside from the text amendment listed above.

COMPREHENSIVE PLAN REVIEW

The update to the Town's Comprehensive Plan began virtually in 2020 due to the pandemic. The Town hopes to have an approved Plan by late spring of 2022 once the 2020 Census data becomes available. The Maryland Department of Planning now requires a ten-year review.

PLANNING COMMISSION RECOMMENDATIONS:

ONGOING RECOMMENDATIONS:

1. Review walkway and road construction strategies to be incorporated into current & future growth and development.

2. Continue to review and refine a management system which includes checklists for the plan review process to help ensure that files are complete and easily accessible, and which verifies that all agency approvals are in place.

3. Continue review of zoning ordinances as needed to ensure compatibility with the comprehensive plan.

4. Promote and develop a trails system as shown in the Comprehensive Plan by working with the Town Board, citizens and community groups.

5. Work closely with the Main Street Program to help revitalize downtown Middletown.

6. Promote sustainable development practices thru the development review process as outlined in the 2010 Middletown Comprehensive Plan, along with potential projects to consider for any applicable funding associated with the Sustainable Communities designation through DHCD.

NEW RECOMMENDATIONS:

1. Work with the Sustainability Committee on implementing energy-saving and renewable energy strategies and policies for the town.

2. Review policies that would provide guidance for sustainability and climate change resiliency as it effects the town and future annexations.

3. Develop a dark-sky policy for future and replacement lighting in the town.

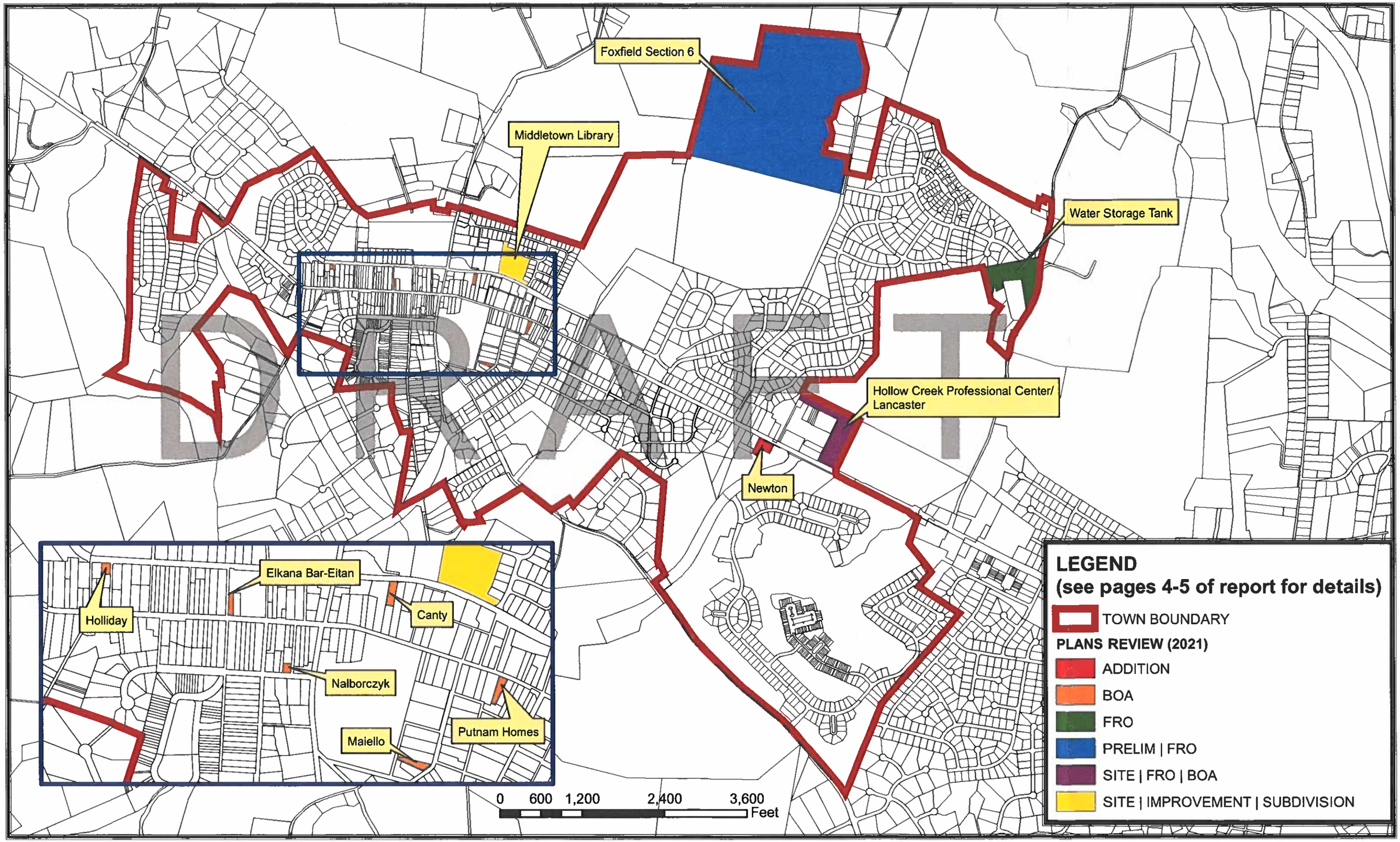
4. Review and develop policies/regulations that would provide guidance for affordable housing and senior care centers.

5. Develop policies and design guidelines for review of architectural plans and for site plan reviews.

6. Work with Cable Committee to recommend locations for 5G antennas with input from Radio-Frequency engineers.

Permits Issued

TYPE	5 yr.	2006	2007	2008	2009	2010	5 yr.	2011	2012	2013	2014	2015	5 yr.	2016	2017	2018	2019	2020	5 yr.	2021	2022	2023	2024	2025
Single - Family	**340**	30	31	12	17	23	**113**	10	12	5	8	4	**39**	8	25	28	23	0	**84**	0				
Multi-Family	**0**	0	0	0	0	0	**0**	0	0	1	0	0	**1**	0	0	0	0	0	**0**	0				
Duplex	**0**	1	0	0	0	0	**1**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	0				
Townhouse	**57**	16	19	23	24	0	**82**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	15				
Apartments	**1**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	0	0	0	0	1	**1**					
Interior Improvements	**81**	18	20	19	12	19	**88**	15	11	12	15	17	**70**	16	25	19	17	19	**96**	32				
Additions	**84**	8	12	2	6	2	**30**	6	7	4	2	4	**23**	1	4	4	4	0	**13**	0				
Pools & Hot Tubs	**45**	8	12	7	4	3	**34**	2	6	5	2	1	**16**	2	6	3	6	17	**34**	13				
Decks & Porches	**195**	37	41	31	27	28	**164**	32	19	9	15	21	**96**	14	16	18	23	20	**91**	22				
Accessory Structure	**92**	18	13	14	9	9	**63**	6	5	7	8	15	**41**	11	15	10	20	14	**70**	13				
Fences	**151**	23	16	25	24	20	**108**	16	24	13	15	16	**84**	23	19	15	27	47	**131**	41				
Demolitions	**5**	0	2	0	2	1	**5**	2	1	2	1	3	**9**	5	5	2	3	0	**15**	1				
Propane Tanks	**17**	3	4	2	2	1	**12**	6	2	4	1	0	**13**	0	1	2	2	3	**8**	0				
Trailers	**8**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	2	0	1	1	1	**5**	5				
Pump Station	**1**	0	0	1	0	0	**1**	0	0	0	0	0	**0**	0	0	0	0	1	**1**	0				
Signs	**29**	5	7	2	5	6	**25**	7	8	6	10	8	**39**	3	4	7	6	3	**23**	1				
Solar panels	**0**	0	0	0	0	0	**0**	0	0	4	37	20	**61**	25	7	8	4	4	**48**	1				
New Commercial	**6**	0	0	0	0	1	**1**	0	0	2	0	2	**4**	1	0	4	2	2	**9**	0				
Commercial Conversion	**30**	1	2	7	3	3	**16**	4	6	5	5	8	**28**	1	4	4	4	5	**18**	5				
Industrial Conversion	**2**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	0				
Office Conversion	**13**	14	3	0	5	2	**24**	0	3	0	0	3	**6**	0	1	3	1	0	**5**	0				
Other			2	1	2	2	**7**	5	4	4	6	4	**23**	1	4	5	4	3	**17**	3				
Total Permits	**1157**	182	184	146	142	120	**774**	111	108	83	125	126	**553**	113	136	133	147	140	**669**					



Middletown 2021 Annual Report Map

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 3/1/2022

RE: Monthly Planning Update – March

Major Subdivisions:

Foxfield Section 6 (Coblentz Road) – Board of Appeals approved special exception use – **August 31, 2020**
Forest Stand Delineation conditionally approved – December 21, 2020 (expires 12/21/2025)
Preliminary Forest Conservation Plan approved – January 19, 2021
Preliminary plat approved by PC – January 19, 2021 (expires January 19, 2024)
Improvement plans being reviewed by Town Staff ahead of submittal to PC
Next steps – submittal of Improvement plans for PC review

Site Plans, Plats and Minor Subdivisions:

Caroline's View/Horman Apartments (East Green Street)- Site Plan approved – April 21, 2008
Improvement Plans conditionally approved – May 17, 2010
Revised Improvement Plan mylars signed – July 21, 2017
(sunset provisions put in place on May 2, 2021 – plans expire May 2, 2024)
Next steps – submittal of LOCS/PWAs for approval and apply for building & grading permits

Cross Stone Commons (Middletown Parkway) – Revised Site Plan conditionally approved – 10/20/14
Improvement Plan mylars signed – November 6, 2015
Next step – submittal of architectural renderings for building #2 for review/approval

Hollow Creek Professional Center (Alt. 40A)
Board of Appeals approved self-storage use – April 27, 2021 (**Expires April 27, 2022**)
FRO plantings completed – March 23, 2021
Redline Site Plan conditionally approved by PC – June 21, 2021 (Plans expire June 21, 2024)
Revised architectural renderings approved by PC – July 19, 2021
Next steps – submittal of improvement plans for PC review

Franklin Commons (Franklin Street) -
Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)
Redline drawings conditionally approved by PC – November 16, 2020

Jiffas (Summers Drive) – Forest Conservation Plan approved & Improvement Plan conditionally approved for commercial use – October 20, 2008 (sunset provisions put in place on May 2, 2021 – plans expire May 2, 2024)
Architectural plans approved by PC for duplex – March 16, 2015
BOA approval for variance requests for duplex – March 29, 2016 (**Expired March 29, 2017**)
Next step – apply for variance requests for siting of duplex building

Memorial Hall Redevelopment Plan (E. Main St)– conditionally approved by PC – December 21, 2020 (expires December 21, 2023)
Lighting plan approved by PC – January 18, 2022

Middletown County Park (Coblentz Road) – FSD and FCP approved – Feb. 17, 2020 (expires 2/17/25)

Middletown Library (E. Green Street) –Revised Concept plan reviewed – December 21, 2020
Site Plan and Architectural Renderings approved by PC – March 15, 2021(expires March 15, 2024)
Lighting Plan approved by PC – April 19, 2021
Improvement plans approved – November 15, 2021 (expires November 15, 2024)
Subdivision plat approved – December 20, 2021
Next step – submittal of LOCS/PWAs for approval and apply for building & grading permits

Middletown Water Storage Tank (Ashky Ct.) – FRO plantings completed – May 18, 2021

Miller Property (East Main Street) –
Phase III Redline Site & Improvement Plans conditionally approved – Sept. 16, 2019
Next step – submittal of Phase IV site plan for review and approval

St. Thomas More Academy Site Plan revision (Prospect St) –
Revised site plan approved – September 21, 2020 (Expires September 21, 2023)
Revised site plan to be revisited in five years – September 2025

Annexations:

Admar Property – PC approval of consistency with zoning/comp plan – February 20, 2017
Town Board passed annexation resolution – April 9, 2018 - **Five-year wait for lot recordation**

Text Amendments: **Revised sign regulations – Cindy working on this with town attorney**
Fence regulations – approved by Town Board

Reports: **Bee City USA annual report submitted February 23, 2022**
Tree City USA application approved for 2021
Tree City USA growth award approved for 2021

Grants: **Keep Maryland Beautiful grant application submitted November 13, 2021**
Maryland Urban & Community Forestry Committee grant application submitted Feb. 11th

Meetings: **Next Middletown Green Team Meeting – March 15, 2022**

Next Joint town board/planning commission workshop – Monday, June 6, 2022

Sustainability Committee upcoming dates:
Green Expo – Saturday, April 23, 2022, 10am – 2pm – Memorial Park
Tree planting event – Friday, April 29, 2022, 10am – Noon – Wiles Branch Park

Middletown

Town of Middletown
Zoning Administrator Monthly Staff Report

To: Burgess and Commissioners

From: Mark Hinkle, Zoning Administrator

Date: March 2, 2022

RE: Monthly Zoning Administrator Staff Report for February 2022

BOA Hearings: March 30, 2022, variance for a pool at 703 Glenbrook Dr.

Storage Container & Dumpster Permit: None

Home Occupation Permit: None

Zoning Violations and Complaints:

- 1/14/2019 – 819 East Main Street, BB &T bank – Complaint received about unscreened dumpster, investigated, and sent letter. Spoke with branch manager and agreed to allow them an extra 30 days so they can deal with their headquarters in North Carolina. The dumpster became obvious once the property next to them was cleared. Spoke with construction company and advised them what would be needed to be properly screened. ***Plan being submitted to headquarters in North Carolina to correct issue. On hold due to Parking lot realignment efforts. Spoke with facilities maintenance 10/7/2019 and they are waiting on a decision on the lot realignment before moving forward. 5/31/21 BBT will be updating their signage to Truist.***
- 9/29/2021 – 105 S. Jefferson St. – Untagged/inoperable car in driveway. Town code does allow "the parking and storage of not more than one unregistered or inoperative motor vehicle is permitted provided that such a vehicle is effectively screened from adjoining properties.". Town Code defines screening as "the use of fencing, walls, vegetation or berms to shield or obscure an object or use from view from adjoining and nearby properties." It is screened as effectively as possible from the neighbors since the

homes sit very close to the road. The car is enveloped between two houses and shrubbery/tree.

- Tree house behind 16 Gray Fox, concern about debris flying into their yard. Drew checked it out and found it to be secure.

Miscellaneous:

- Contacted those owners with corner lots regarding the changes to the Town Code for fencing.
- Received call from Sign Solutions regarding replacing the signage at Brookridge, this will need to come before the Town Board as it is on Town land.
- Received questions about an electronic sign at the Christ Reformed Church, it does not appear to be allowed by Town Code.
- Worked with tenant at 1 W. Main regarding signage for the coffee shop
-

Permits:

February 2022 Zoning Certificates	Address	Permit #	M-town Received	M. Hinkle Approved	County Approval
McGrath-Deck	7 Lombardy St.	389681	2/3/2022	2/3/2022	Yes
Chesterbrook Apts.-Fence	312 Broad St.	Town	2/3/2022	2/4/2022	No
Pirrone-Sign	1 W. Main St.	Town	2/4/2022	2/7/2022	No
Picco-Fence	7 Linden Blvd.	Town	2/18/2022	2/18/2022	No