MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

Agenda for the May 18, 2020 Meeting
7:00 p.m.

PUBLIC HEARING – ORDINANCE 20-03-01 – FOREST CONSERVATION

I.	**Public Comment**	
II.	**Minutes of April 2020 Planning Commission workshop**	**Approval**
	Minutes of April 2020 Planning Commission meeting	**Approval**
III.	**Plan Review**	
	Hollow Creek Professional Center Architectural Renderings	**Review/Approval**
	Middletown Memorial Park Revised Site Plan	**Review/Approval**
	Antietam Gallery – Change of Use – 13 West Main	**Review/Approval**
IV.	**Zoning**	
	Forest Resource Ordinance text amendment	**Review/Recommendation**
	Accessory structures code changes	**Review/Recommendation**
	Height of buildings code changes	**Review/Recommendation**
	Temporary signs code changes	**Review/Recommendation**
V.	**Miscellaneous**	
	2019 Annual Planning and Zoning Report	**Review/Approval**
VI.	**Comprehensive Plan Update**	
	Chapter One review – Introduction	**Review**
VII.	**Additional Public Comment**	

Cindy Unangst is inviting you to a scheduled Zoom meeting.

Topic: May Planning Commission meeting
Time: May 18, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
https://us02web.zoom.us/j/83075974687?pwd=S2w2NkZST1BwWG92dmF5dHpOUnZtQT09

Meeting ID: 830 7597 4687
Password: 835451
One tap mobile
+13017158592,,83075974687#,,1#,835451# US (Germantown)

Dial by your location
+1 301 715 8592 US (Germantown)
+1 929 205 6099 US (New York)

Meeting ID: 830 7597 4687
Password: 835451
Find your local number: https://us02web.zoom.us/u/kdq53Ml1oK

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

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

NOTICE OF PUBLIC HEARING
TOWN OF MIDDLETOWN

Notice is hereby given that the Middletown Town Board will hold a Public Hearing on **Thursday, June 4, 2020, beginning at the hour of 7:00 P.M., at the Middletown Municipal Center, 31 West Main Street, Middletown, MD** to consider an ordinance to amend Title 16 of the Middletown Municipal Code. It is as follows:

Ordinance 20-03-01

AN ORDINANCE TO AMEND TITLE 16, CHAPTERS 40.028 AND 40.030 OF THE CODE OF THE TOWN OF MIDDLETOWN PERTAINING TO THE FOREST CONSERVATION FUND REQUIREMENTS IN ORDER TO COMPLY WITH RECENT AMENDMENTS BY THE STATE TO LOCAL FUND REQUIREMENTS; TO AMEND THE REQUIREMENTS FOR PAYING MONEY INTO THE FUND; TO AMEND THE TOWN REPORTING REQUIREMENTS TO THE STATE; TO PROHIBIT THE TOWN FROM COLLECTING MONEY FOR DEPOSIT INTO THE FUND UNLESS THE REPORTING REQUIREMENTS HAVE BEEN SATISFIED.

Please check the Town website at www.middletown.md.us closer to the date of the hearing to find out if the meeting will be virtual or at the Town Office located at 31 West Main Street, Middletown, MD

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

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

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

STAFF REPORT

Date: 4/28/2020

To: Middletown Planning Commission Members

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Forest Conservation Ordinance text amendment

The Middletown Planning Commission will hold a public hearing on May 18, 2020 ahead of recommending approval of a text amendment to amend Section 16.40 pertaining to Forest Conservation to comply with amendments to the Maryland Law made by Maryland Senate Bill 234 Natural Resources – State and Local Forest Conservation Funds relating to the Middletown forest conservation fund, and information required by the Town in the annual report to the Department of Natural Resources; by adding information that the Town shall provide to the MD Department of Natural Resources every two years for accurately tracking money received into and expended out of the forest conservation fund.

Last year Maryland Senate Bill 234 Natural Resources – State and Local Forest Conservation Funds (effective October 1, 2019) was passed which made changes to the State's Forest Conservation Act. This bill requires a few changes to the Town's Forest Resource Ordinance. Here is a summary:

- The bill adds mitigation banking to the forest conservation fund to reflect the existing preferred sequence for afforestation and reforestation language.
- The annual report requirements have been revised to require additional information on the number of acres for which the fees were collected, and the number of acres forested, afforested, or conserved using the fees.
- The bill also requires the local governments to submit to the Maryland Forest Service:
    - A general plan identifying appropriate and potentially available areas for mitigation projects.
    - Detailed accounting procedures for accurately tracking money received into and expended out of the forest conservation fund.
    - The method that the local government will make the forest conservation fund plans and accounting procedures available to the public.

In accordance with State law, the Town must send all FRO text amendments to the Maryland Department of Natural Resources for review and approval. The amendments were sent to the State on September 2, 2019, with revisions sent on January 2, 2020. Approval of the proposed changes was received from MD DNR on February 11, 2020.

Attached is a text amendment with proposed changes to the Middletown Forest Conservation Ordinance to bring it in line with the new state regulations. The Planning Commission shall review the proposed amendment and shall submit its recommendations or comments to the Burgess & Commissioners. Both the Planning Commission and the Burgess and Commissioners are required to hold a public hearing on the text amendment before it is approved.

Minutes from previous draft ordinance discussions are shown below:

March 11, 2020 Planning Commission workshop – Forest Conservation Ordinance text amendment – Cindy explained that the reason for the text amendment is to comply with the state regulations that went into effect last October. They entail reporting requirements and the addition of forest mitigation banking efforts ahead of contributing fee-in-lieu money to the town's forest conservation fund. There was discussion about protecting existing forests into the future and how that might be accomplished.

April 15, 2020 Planning Commission workshop – Forest Conservation Ordinance Text Amendment draft minutes – Cindy explained that the reason for the text amendment is to comply with the state regulations that went into effect last October. They entail reporting requirements and the addition of forest mitigation banking efforts ahead of contributing fee-in-lieu money to the town's forest conservation fund. There will need to be a public hearing by the planning commission before they give a recommendation to the town board who will then also need to have a public hearing before approving the text amendment.

April 20, 2020 Planning Commission meeting – Forest Conservation Ordinance Text Amendment draft minutes – Last year Maryland Senate Bill 234 Natural Resources – State and Local Forest Conservation Funds (effective October 1, 2019) was passed which made changes to the State's Forest Conservation Act. This bill requires a few changes to the Town's Forest Resource Ordinance. This proposed ordinance would comply with the new State regulations.

- **Summary of Changes:**
  - The bill adds mitigation banking to the forest conservation fund.
  - The annual report requirements have been revised to require additional information on the number of acres for which the fees were collected, and the number of acres forested, afforested, or conserved using the fees.
  - The bill also requires the local governments to submit to the Maryland Forest Service:
    - A general plan identifying appropriate and potentially available areas for mitigation projects.
    - Detailed accounting procedures for accurately tracking money received into and expended out of the forest conservation fund.
    - The method that the local government will make the forest conservation fund plans and accounting procedures available to the public.

The Planning Commission would have a public hearing on this proposed text amendment on the evening of the May Planning Commission meeting, and then provide a recommendation to the Town Board. The Town Board would hold a public hearing during its June workshop and vote on the text amendment at its meeting, June 8, 2020.

Action: Commission member Miller motioned to move ahead with this text amendment and scheduled the Planning Commission public hearing for May 2020. Seconded by Commission member Gallagher. Motioned carried (5-0).

ORDINANCE NO. 20-03-01

AN ORDINANCE TO AMEND TITLE 16, CHAPTERS 40.028 AND 40.030 OF THE CODE OF THE TOWN OF MIDDLETOWN PERTAINING TO THE FOREST CONSERVATION FUND REQUIREMENTS IN ORDER TO COMPLY WITH RECENT AMENDMENTS BY THE STATE TO LOCAL FUND REQUIREMENTS; TO AMEND THE REQUIREMENTS FOR PAYING MONEY INTO THE FUND; TO AMEND THE TOWN REPORTING REQUIREMENTS TO THE STATE; TO PROHIBIT THE TOWN FROM COLLECTING MONEY FOR DEPOSIT INTO THE FUND UNLESS THE REPORTING REQUIREMENTS HAVE BEEN SATISFIED.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, Chapters 16.40.028 and 16.40.030 of the Middletown Municipal Code be, and hereby is amended to add additional language concerning the Forest Conservation Fund. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 16 - SUBDIVISIONS

16.40.028 - Middletown forest conservation fund.

A. There is established a forest conservation fund in the town of Middletown.

B. If a person subject to this chapter demonstrates that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished **AND APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE**, the person shall contribute money into the Middletown Forest Conservation Fund:

   1. Until September 30, 2014, at a rate of thirty (30) cents per square foot of the area of required planting;

   2. After September 30, 2014, at a rate adjusted for inflation as determined by the state annually by regulation.

C. Money contributed instead of afforestation or reforestation under this section shall be paid within ninety (90) calendar days after development project completion.

D. The town shall accomplish the reforestation or afforestation for **THE EQUIVALENT NUMBER OF ACRES FOR** which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money.

E. Money deposited in the local forest conservation fund:

   1. May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, and preparation, maintenance of existing forests, and achieving urban canopy goals;

   2. Shall be deposited in a separate forest conservation fund; and

   3. May not revert to the general or any other fund.

F. Sites for Afforestation or Reforestation Using Fund Money.

1. Except as provided in subsection (G)(2) of this section, the reforestation or afforestation requirement under this section shall occur in the county and watershed in which the project is located.

2. If the reforestation or afforestation cannot be reasonably accomplished in the town and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.

G. EVERY TWO YEARS, THE TOWN SHALL PROVIDE TO THE MARYLAND DEPARTMENT OF NATURAL RESOURCES A GENERAL PLAN IDENTIFYING APPROPRIATE AND POTENTIALLY AVAILABLE AREAS FOR MITIGATION PROJECTS AND DETAILED ACCOUNTING PROCEDURES FOR ACCURATELY TRACKING MONEY RECEIVED INTO AND EXPENDED OUT OF THE FOREST CONSERVATION FUND. THE MITIGATION PLANS AND ACCOUNTING PROCEDURES SHALL BE MADE AVAILABLE TO THE PUBLIC.

1. THE TOWN:

(1) MAY NOT COLLECT MONEY FOR DEPOSIT INTO ITS FOREST CONSERVATION FUND UNLESS THE TOWN HAS SUBMITTED TO THE DEPARTMENT OF NATURAL RESOURCES THE GENERAL MITIGATION PLAN AND ACCOUNTING PROCEDURES REQUIRED UNDER SUB-SECTION G. OF THIS SECTION; AND

(2) SHALL ENSURE THAT THE EQUIVALENT NUMBER OF ACRES FOR WHICH MONEY IS COLLECTED AND PAID INTO ITS FOREST CONSERVATION FUND IS MITIGATED IN ACCORDANCE WITH AFFORESTATION, REFORESTATION, AND CONSERVATION PRIORITIES AND TECHNIQUES AUTHORIZED UNDER §5-1607 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND.

16.40.029 *{Unchanged}*

16.40.030 - Annual report and biennial review.

A. On or before March 1 of each year, the town shall submit to the Department of Natural Resources an annual report which contains:

1. The number, location, and type of projects subject to the provisions of this chapter since the last annual report;

2. The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the one hundred (100) year floodplain, in connection with a development project;
3. The amount of reforestation and afforestation fees and noncompliance penalties collected and expended, **THE NUMBER OF ACRES FOR WHICH THE FEES WERE COLLECTED, AND THE NUMBER OF ACRES REFORESTED, AFFORESTED, OR CONSERVED USING THE FEES**; and
4. The costs of implementing the forest conservation program.
5. The size, location, and protection of any local forest mitigation banks which are created under the forest conservation program;
6. The number, location, and type of violations and type of enforcement activity conducted in accordance with this chapter; and
7. To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

B. The town shall submit the necessary documentation to comply with COMAR 08.19.02.04 which provides for Department of Natural Resources biennial review of the local forest conservation program.

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

INTRODUCED ON THE _____ DAY OF _____ ,2020

PASSED ON THE _____ DAY OF _____, 2020

EFFECTIVE DATE: _____, 2020

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

_____
Andrew J. Bowen, Town Administrator

BY:_____
John D. Miller, Burgess

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Virtual Workshop **April 15, 2020**

The virtual workshop of the Middletown Planning Commission took place on Wednesday, April 15, 2020 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Ex-officio member Tom Catania, Commission Members Rich Gallagher, Bob Miller, David Lake, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner) and Becky Axilbund (Main Street Manager). Applicants present: Mark Lancaster (Lancaster Builders)

APRIL MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Hollow Creek Professional Center Architectural Renderings – Mr. Lancaster of Lancaster Builders reviewed the changes to the building renderings and all of building, retaining wall, planter and gazebo details that have been submitted. There was dialogue from the Main Street Manager about changes that could be made to the three-story building to help it fit in with the historic look of the town. The applicant was asked to provide some additional renderings ahead of the meeting.

St. Thomas More Academy Revised Site Plan – Cindy showed the updated renderings of what the proposed building would look like that included decking around the building and access ramps and stairs.

Memorial Park Storage Shed Replacement Site Plan – Cindy stated that the applicant might resubmit plans for a slightly smaller shed so that it doesn't need approval by Frederick County, but since they had not been received yet, she suggested that the item be tabled until May.

ZONING –

Forest Resource Ordinance text amendment – Cindy explained that the reason for the text amendment is to comply with the state regulations that went into effect last October. They entail reporting requirements and the addition of forest mitigation banking efforts ahead of contributing fee-in-lieu money to the town's forest conservation fund. There will need to be a public hearing by the planning commission before they give a recommendation to the town board who will then also need to have a public hearing before approving the text amendment.

MISCELLANEOUS –

2019 Annual Planning and Zoning Report - Cindy reviewed the draft report which isn't quite finished yet, and urged the commission members to review the recommendations section of the report before the meeting.

Workshop adjourned at 8:40pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

DRAFT

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting **April 20, 2020**

The regular meeting of the Middletown Planning Commission took place on Monday, April 20, 2020 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Mark Lancaster (Mark Lancaster Properties LLC), Brian Riesett (St. Thomas More Academy), Doug Remsberg (resident) and John Miller (Burgess).

APRIL MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None.

II. Minutes of the February 2020 Planning Commission Workshop – Approved as submitted.

Minutes of the February 2020 Planning Commission Meeting – Approved as submitted.

Minutes of the March 2020 Planning Commission Workshop – Approved as submitted.

III. PLAN REVIEW

St. Thomas More Academy Revised Site Plan – No one present during discussion. This is an amendment to the site plan to add one (instead of two) temporary classroom structure to the school property located at 103 Prospect Street. The revised temporary use is for one temporary 20 x 40 modular building, instead of the previously approved two temporary 20 x 20 modular buildings, to be two classrooms with 15 students and 1 teacher each from 8:00am-3:15pm Monday thru Friday. The applicant has stated that the temporary use of the classroom building would most likely be for five or six years. They have purchased the school building at 103 Prospect Street and propose to purchase the adjacent library building after the new library is built on East Green Street. The temporary building will be constructed on site and will include decking. Using one temporary building, as opposed to two, will be easier to maintain, and there will be no area between buildings to maintain. This most recent submission includes an updated floor plan and elevations to reflect the one building being proposed. It also shows the decking area around the building. The approved site plan showed existing parking of 15 spaces which included one handicapped parking space, and 16 overflow parking spaces. The proposed classroom buildings would impede on the overflow parking area. The Staff Planner has been informed by the applicant that the overflow parking area is rarely used for that use, and existing parking is adequate for all the employee and visitor needs. The applicant has begun the external improvements application for this project with Frederick County.

The Planning Commission reviewed the requested updates from the March 2020 workshop provided by the applicant. The revised site plan shows the temporary classroom to be located six feet from the northern side lot line which is adjacent to the Middletown Library property. The total height of the building should be indicated on the plans.

Action: Commission member Lake motioned to conditionally approve the St. Thomas More Academy Revised Site Plan, conditional upon the building height being indicated on the plans, that the building meet town code requirements, approval by Frederick County, including the Office of Life Safety and that the site plan be revisited after 5 years to ascertain that the temporary classroom doesn't become a permanent structure without approval from the Planning Commission. Seconded by Commission member Miller. Motion carried (5-0).

Hollow Creek Professional Center Architectural Renderings – Mark Lancaster (Mark Lancaster Properties, LLC) present. This is for the proposed development of 47,970 square feet ± of commercial space in three separate buildings with 205 parking spaces, and 2± acres reserved for future development; located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot.

During the March Planning Commission workshop, the commission members reviewed the changes that were made to the 3-story professional building to make it more visually pleasing, which included the bump outs and brick banding to provide more architectural detail. The applicant has submitted revised renderings for review by the Planning Commission in a 28-page pdf document which give some additional detail.

The renderings now include the view of the back of the building, and a close-up detail of the brick and windows proposed. The rendering of the view from the east via the AC Jets property does not include trees in the view as it did in the past submission. The rendering previously shown which indicated the various exterior finishes and their locations was not included in this submission. Additional views were added that the Planning Committee requested from the developer.

The three-story building has projections on each corner which breaks up the exterior wall for some added interest. The window frames for much of the office are black and a darker double brick soldier course was added to create a band above the windows which further enhances the visual appearance of the building. The color of the metal roof for office building, retail buildings and gazebo is shown as well as the color of the stucco for the office building. The brick planters located in the median strip of the parking area replicates the details of the building using the same brick as the building and the darker brick for the row lock cap. The maximum height of the brick planters is shown as 42-inches (3 ½ feet).

Included in the packet is a rendering of what the retaining wall that incorporates the lettering for the center will look like. The dimensions of the wall and the lettering are shown along with a depiction of the brick that will be used. Staff assumes that letter color called 'powder coated galvalume' is the white that is shown.

The renderings were provided to the Main Street Middletown Architectural Review Committee for review and comment. It was suggested that the windows be changed to a more traditional window look with divided lights. If the windows were a more rectangular shape and portrait-oriented, it might improve the look. The roof line and the parts of the wall that recess and project could be more dramatic, and the center of the front façade still looks odd or out of scale.

Earlier today the Planning Commission received comments and information from The Main Street Program Manager and from Burgess Miller, as well as, additional information and suggested modifications from two outside architects who had reviewed the renderings. The Planning Commission Chair suggested that the Planning Commission take time to review this new information provided. Planning Commission members briefly provided comment on the updated renderings provided by the developer. There was concern regarding the Town Attorney's interpretation of building height that perhaps there should be a text amendment to further clarify the definition of building height.

Doug Remsberg, 214 Lombardy Court, stated that he does not want the professional building to look similar to Safeway. He has concerns about the height of the building. He wondered if there were tenants already for this

building. Mr. Lancaster reported that there were no identified tenants, but the building design was to attract upper mobile professionals (doctors, lawyers, etc.). The design has been shown to appeal to that type of market.

Burgess Miller reiterated that the Mainstreet Middletown Architectural Review Committee reviewed the renderings and the professional building needed some architectural elements to give it more character. The building should not look like it could be "anywhere America". The Planning Commission put much effort into the look of the CVS and the same should be applied to this building.

Action: Commission member Lake motioned to delay the architectural review of the Hollow Creek Professional Center until the May Planning Commission meeting so that the Planning Commission and the developer can review the designs and the additional information received today. Seconded by Commission member Gallagher. Motion carried (5-0).

Middletown Memorial Park Revised Site Plan – Tabled. MVAA needs to provide updated information for a storage shed less than 150 square feet.

IV. ZONING

Forest Resource Ordinance Text Amendment - Last year Maryland Senate Bill 234 Natural Resources – State and Local Forest Conservation Funds (effective October 1, 2019) was passed which made changes to the State's Forest Conservation Act. This bill requires a few changes to the Town's Forest Resource Ordinance. This proposed ordinance would comply with the new State regulations.

- **Summary of Changes:**
  - The bill adds mitigation banking to the forest conservation fund.
  - The annual report requirements have been revised to require additional information on the number of acres for which the fees were collected, and the number of acres forested, afforested, or conserved using the fees.
  - The bill also requires the local governments to submit to the Maryland Forest Service:
    - A general plan identifying appropriate and potentially available areas for mitigation projects.
    - Detailed accounting procedures for accurately tracking money received into and expended out of the forest conservation fund.
    - The method that the local government will make the forest conservation fund plans and accounting procedures available to the public.

The Planning Commission would have a public hearing on this proposed text amendment on the evening of the May Planning Commission meeting, and then provide a recommendation to the Town Board. The Town Board would hold a public hearing during its June workshop and vote on the text amendment at its meeting, June 8, 2020.

Action: Commission member Miller motioned to move ahead with this text amendment and scheduled the Planning Commission public hearing for May 2020. Seconded by Commission member Gallagher. Motioned carried (5-0).

V. MISCELLANEOUS

2019 Annual Planning and Zoning Report – The Planning Commission has the most current version of the draft 2019 Annual Planning Report for review. The report is missing Town Administrator comments on a few sections. There was a review of the ongoing and new recommendations. A clarification was requested on the meaning of "climate change resiliency". Planning Commission members were asked to submit their comments to the Staff

Planner. Deadline for submission of the 2019 Annual Report to the Maryland Department of Planning is July1, 2020.
Action: None taken.

Absentee Ballots – Residents were reminded to get their completed absentee ballots back to the town hall by 8:00 PM Friday, April 24, 2020. There is a drop box at the rear of the building where the ballots can be deposited.

2020 Census – Everyone was reminded to complete the 2020 census if they have not done so already.

VI. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 8:33 PM.

Respectfully submitted,

Annette Alberghini
Recording Secretary

DRAFT

Middletown Planning Office

MEMORANDUM

Date: 5/5/2020
Hansen# 19932

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **HOLLOW CREEK PROFESSIONAL CENTER ARCHITECTURAL RENDERINGS**
Tax Map Parcel #03-0140989
Applicant: Mark Lancaster
Property Owner: Mark Lancaster Properties, LLC
Plan Dated: April 20, 2020
Date Received: April 17, 2020

GENERAL INFORMATION

Proposal: Property is to be developed with 47,970 square feet ± of commercial space in three separate buildings with 205 parking spaces, and 2± acres reserved for future development

Location: North side of US Route 40-A (Old National Pike) just east of the Safeway shopping center

Zoning: GC General Commercial. This district permits numerous uses along with numerous special exception uses with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential areas.

Present Use: vacant

COMMENTS

The following issues should be considered in your review of these Architectural Renderings:

1. **Minutes from architectural rendering review on April 20, 2020** –

Hollow Creek Professional Center Architectural Renderings – Mark Lancaster (Mark Lancaster Properties, LLC) present. This is for the proposed development of 47,970 square feet ± of commercial space in three separate buildings with 205 parking spaces, and 2± acres reserved for future development; located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot.

During the March Planning Commission workshop, the commission members reviewed the changes that were made to the 3-story professional building to make it more visually pleasing, which included the bump outs and

brick banding to provide more architectural detail. The applicant has submitted revised renderings for review by the Planning Commission in a 28-page pdf document which give some additional detail.

The renderings now include the view of the back of the building, and a close-up detail of the brick and windows proposed. The rendering of the view from the east via the AC Jets property does not include trees in the view as it did in the past submission. The rendering previously shown which indicated the various exterior finishes and their locations was not included in this submission. Additional views were added that the Planning Committee requested from the developer.

The three-story building has projections on each corner which breaks up the exterior wall for some added interest. The window frames for much of the office are black and a darker double brick soldier course was added to create a band above the windows which further enhances the visual appearance of the building. The color of the metal roof for office building, retail buildings and gazebo is shown as well as the color of the stucco for the office building. The brick planters located in the median strip of the parking area replicates the details of the building using the same brick as the building and the darker brick for the row lock cap. The maximum height of the brick planters is shown as 42-inches (3 ½ feet).

Included in the packet is a rendering of what the retaining wall that incorporates the lettering for the center will look like. The dimensions of the wall and the lettering are shown along with a depiction of the brick that will be used. Staff assumes that letter color called 'powder coated galvalume' is the white that is shown.

The renderings were provided to the Main Street Middletown Architectural Review Committee for review and comment. It was suggested that the windows be changed to a more traditional window look with divided lights. If the windows were a more rectangular shape and portrait-oriented, it might improve the look. The roof line and the parts of the wall that recess and project could be more dramatic, and the center of the front façade still looks odd or out of scale.

Earlier today the Planning Commission received comments and information from The Main Street Program Manager and from Burgess Miller, as well as, additional information and suggested modifications from two outside architects who had reviewed the renderings. The Planning Commission Chair suggested that the Planning Commission take time to review this new information provided. Planning Commission members briefly provided comment on the updated renderings provided by the developer. There was concern regarding the Town Attorney's interpretation of building height that perhaps there should be a text amendment to further clarify the definition of building height.

Doug Remsberg, 214 Lombardy Court, stated that he does not want the professional building to look similar to Safeway. He has concerns about the height of the building. He wondered if there were tenants already for this building. Mr. Lancaster reported that there were no identified tenants, but the building design was to attract upper mobile professionals (doctors, lawyers, etc.). The design has been shown to appeal to that type of market.

Burgess Miller reiterated that the Mainstreet Middletown Architectural Review Committee reviewed the renderings and the professional building needed some architectural elements to give it more character. The building should not look like it could be "anywhere America". The Planning Commission put much effort into the look of the CVS and the same should be applied to this building.

Action: Commission member Lake motioned to delay the architectural review of the Hollow Creek Professional Center until the May Planning Commission meeting so that the Planning Commission and the developer can review the designs and the additional information received today. Seconded by Commission member Gallagher. Motion carried (5-0).

2. **Previous conditions of site plan approval on October 21, 2019**– Items of site plan approval that have been met:
   - Review and approval of the Preliminary Forest Conservation Plan by the Planning Commission
   - Review and approval by Town Engineer, Bruce Carbaugh – monitoring manhole shall be provided for the site; truck turning tracks appear to be acceptable; details of valve locations will be addressed in the improvement plans
   - Acceptance of 204 parking spaces by the Planning Commission instead of the 205 proposed
   - Approval of the Stormwater Management concept plan by Frederick County

   Items of approval that are needed before Improvement plans can be submitted:
   - Letter from SHA showing approval for right-in only access from Alternate 40-A
   - Submittal of appropriate documents and easements by the owner of the shopping center and the BB&T Bank agreeing to proposed changes to the existing drive aisles, parking and islands in the shopping center, as well as the sign and dumpster locations
   - Submittal of appropriate documents and easement for the revertible grading easement from AC Jets
   - Modification to General Note #5 (Parking and Loading) for possible restaurant use on the pad sites before submittal of plans for signature
   - Architectural review and approval of the buildings and retaining wall signage by the Planning Commission

3. **Architectural review** – During the past two months, the commission members have reviewed changes that have been made to the 3-story professional building to make it more visually pleasing, which includes the bump outs and brick banding to provide more architectural detail. Additional detail has been included indicating exterior finishes and details for the proposed signage for the retaining wall.

   The renderings now include the view of the back of the building, the view of the west side of the building, views of the front retail buildings as looked at from the south and from the north, as well as the lighting plan for the retaining wall signage.

   The three-story building has projections on each corner which breaks up the exterior wall for some added interest. The window frames for much of the office are black and a darker double brick soldier course was added to create a band above the windows which further enhances the visual appearance of the building. The color of the metal roof for office building, retail buildings and gazebo is shown as well as the color of the stucco for the office building. The brick planters located in the median strip of the parking area replicates the details of the building using the same brick as the building and the darker brick for the row lock cap. The maximum height of the brick planters is shown as 42-inches (3 ½ feet).

   The specifications for the gazebo are included with a height of 15-feet indicated in the rendering. There are depictions of what the gazebo columns and railing will look like as well as the pavers that will be used for the gazebo floor and courtyard area. The pavers will be the same color as the retaining wall used at the front of the property.

The renderings were submitted to the Main Street Manager for review by the Architectural Review committee. It was suggested that the windows be changed to a more traditional window look with divided lights and portrait-oriented, as opposed to landscape-oriented. It was also suggested that the roof line and the parts of the wall that recess and project could be more dramatic, and the center of the front façade still looks odd or out of scale. Suggestions from other architects were received by the town staff on Monday, April 20th just ahead of the Planning Commission meeting.

Staff recommends that the Planning Commission either review and approve (or conditionally approve) the renderings provided by Lancaster Builders, or disapprove them with clear direction as to how they should be modified.

This review will be included in the Middletown Planning Commission materials for the May 18, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on Wednesday prior to the meeting which will be held May 13, 2020.

cc: Charles Jenkins, Lancaster Builders, Inc.

Hollow Creek Professional Center

April 20, 2020

Architectural Standards

Concept view from U.S. Alternate 40

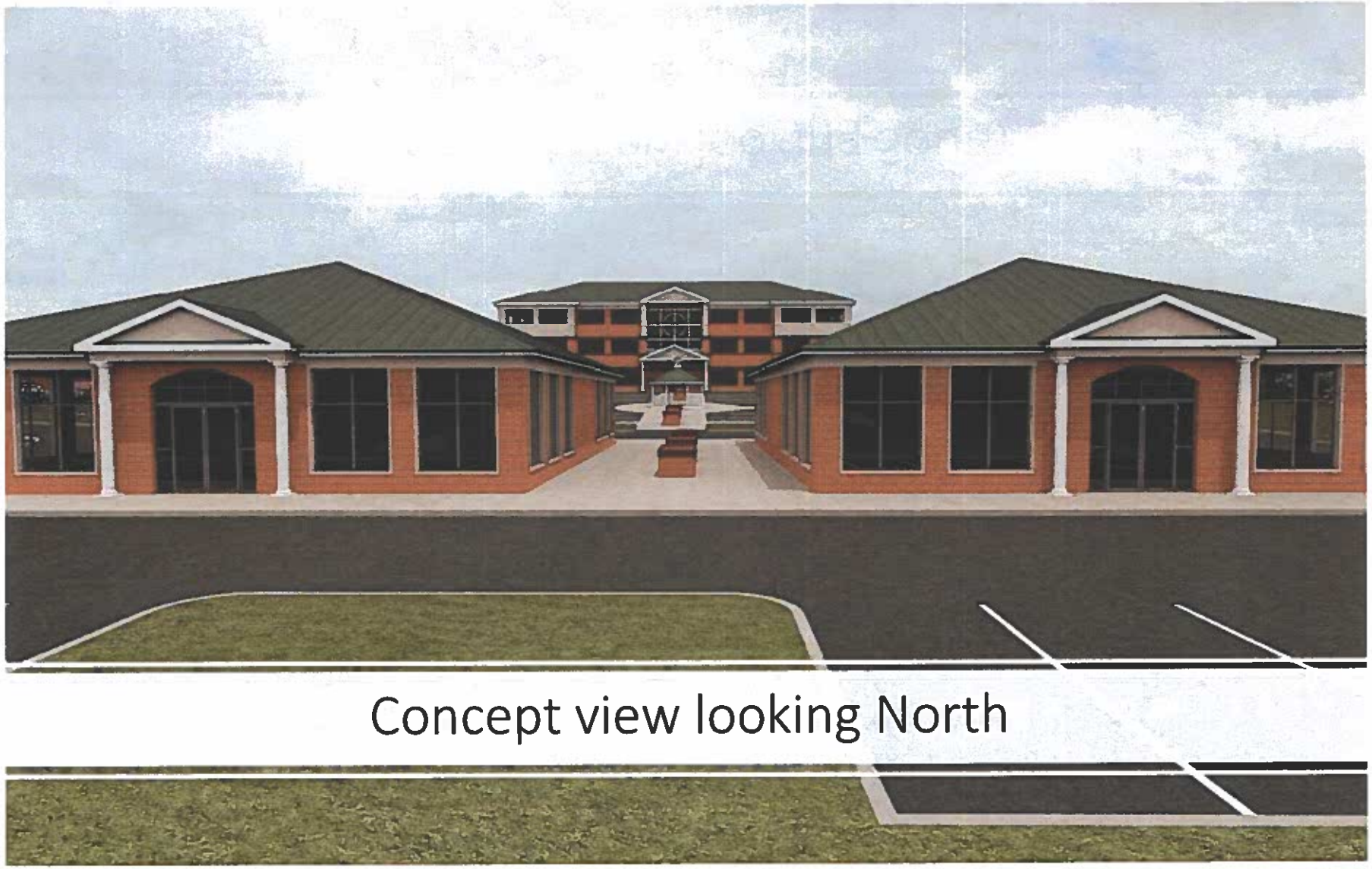
Concept view looking North

Concept view: brick & window detail

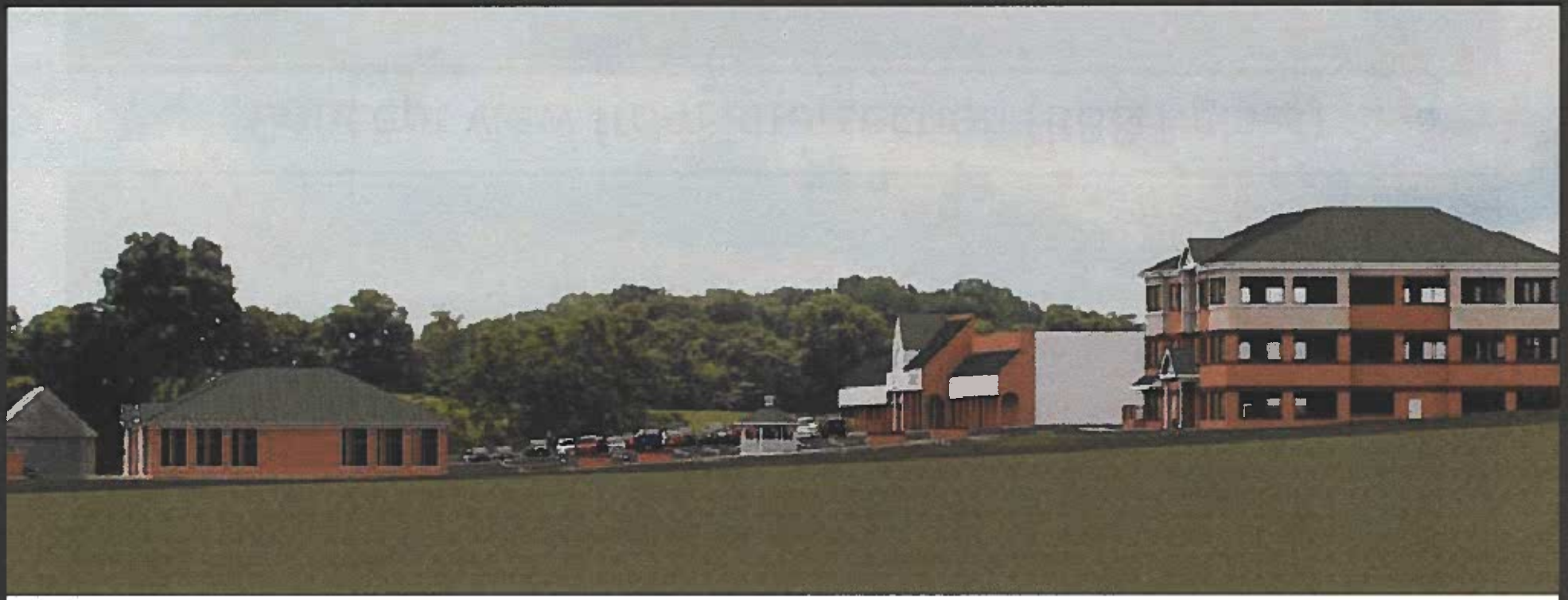
Side concept view looking Northeast

Concept view Commercial Building w/Gazebo

Concept view looking South



Concept view looking North

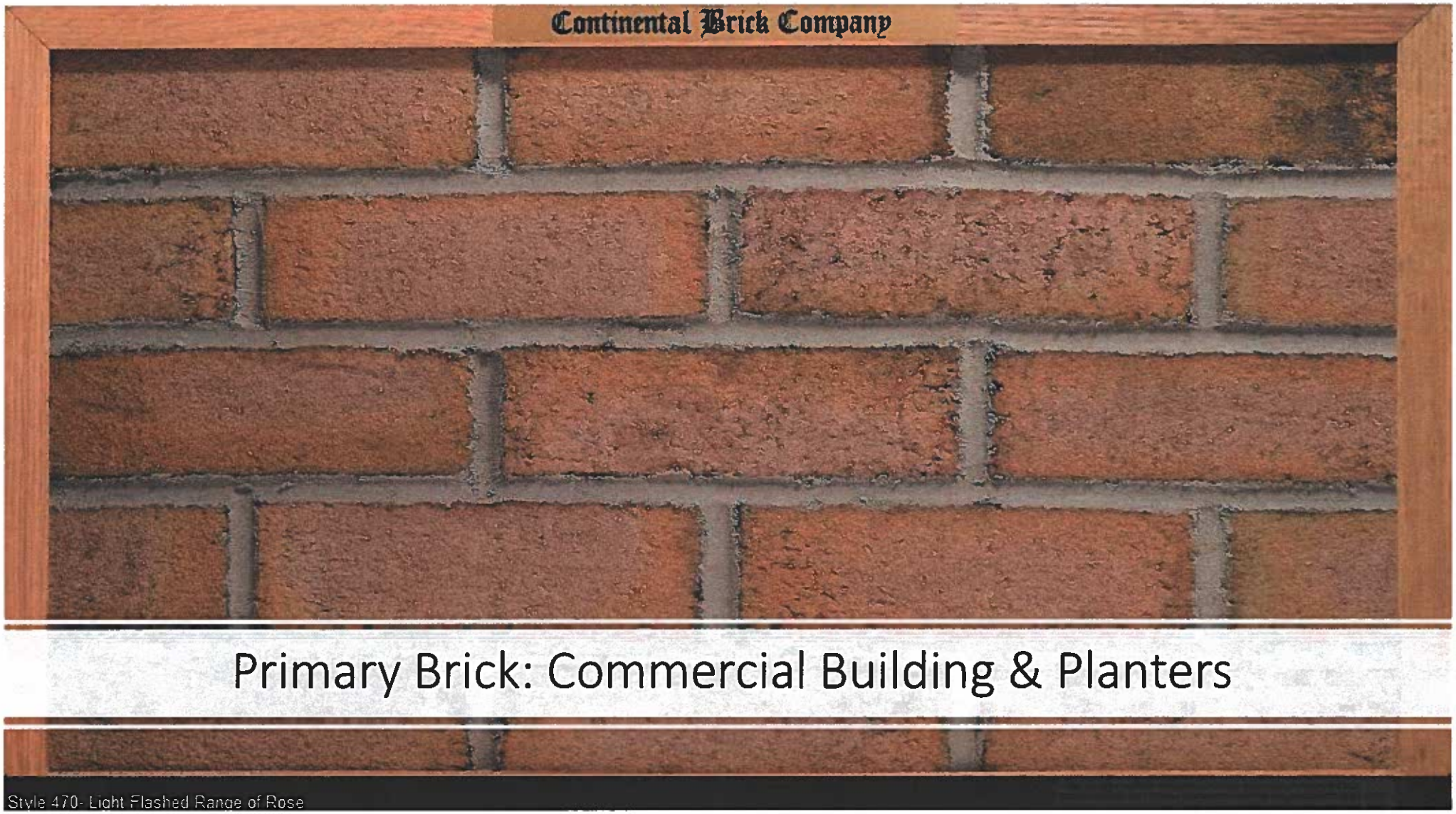


East to West view

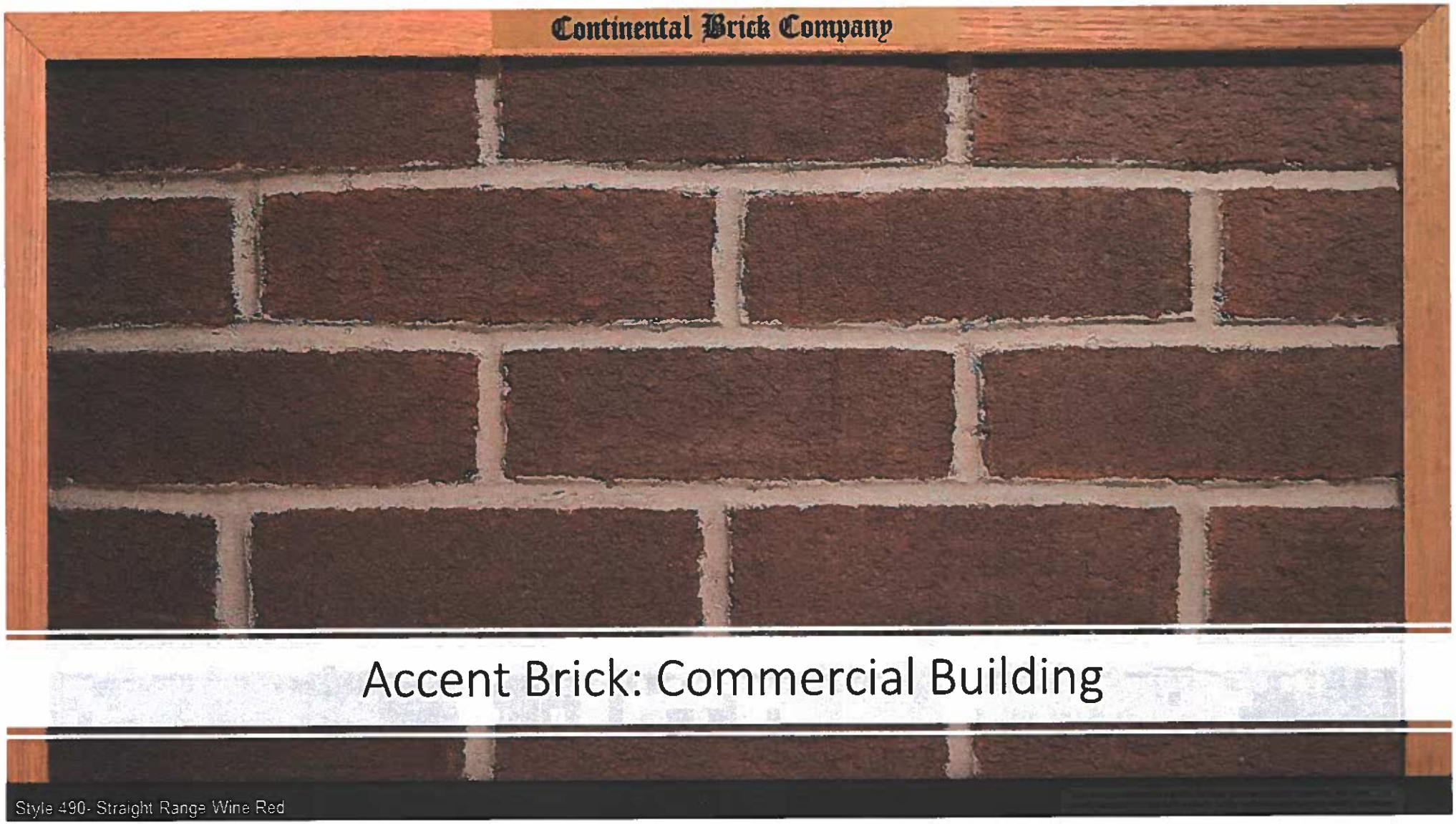
Concept view from intersection (BB&T glass)

Concept view from rear of Commercial Building

Concept view from Manda Drive

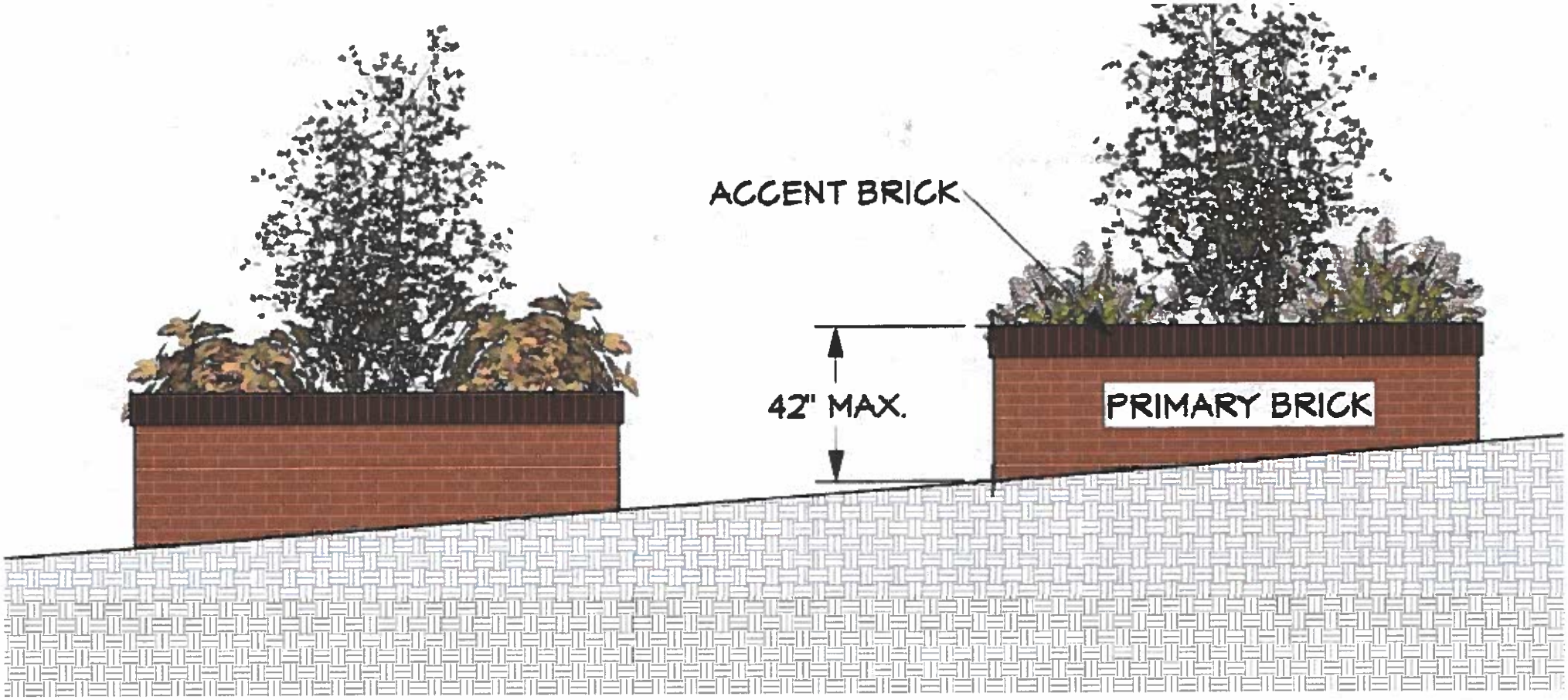


Primary Brick: Commercial Building & Planters



Accent Brick: Commercial Building

Commercial Window Tinting for Solar / UV Protection

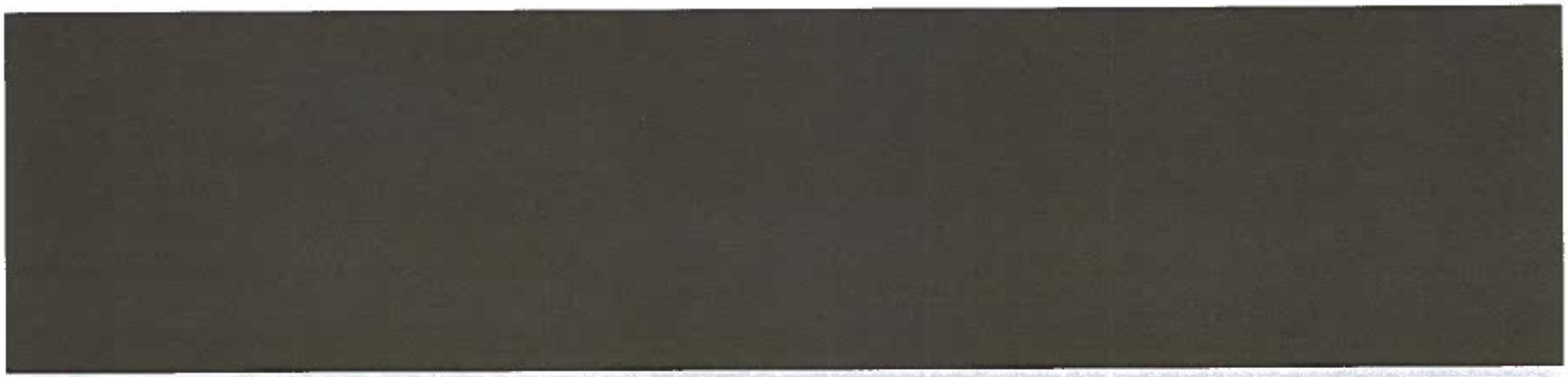


Brick Planters

C320 Boston Crème

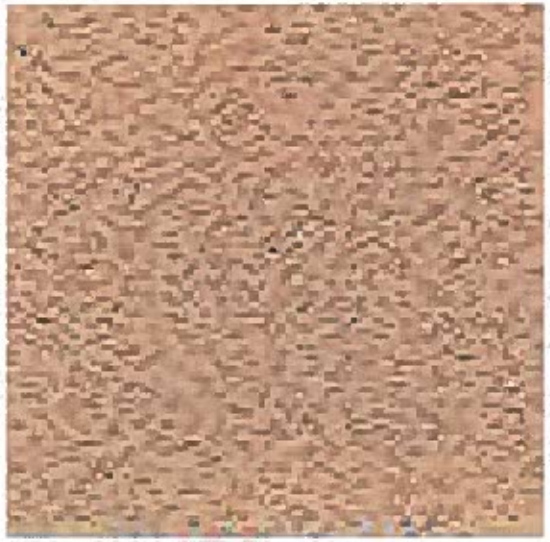
Brick Mortar – Lehigh Cement

Englert Metal Roof: Commercial Building, Retail Buildings, Gazebo

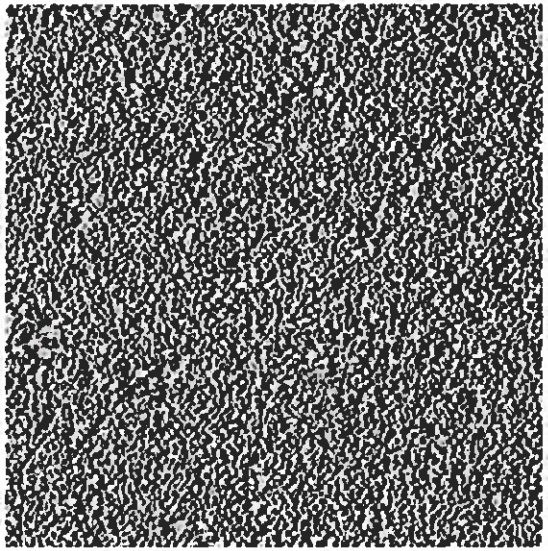


FOREST GREEN

EIFS – as manufactured by Total Wall Stucco
Field Color: Beach Sand / Trim Color: Total White



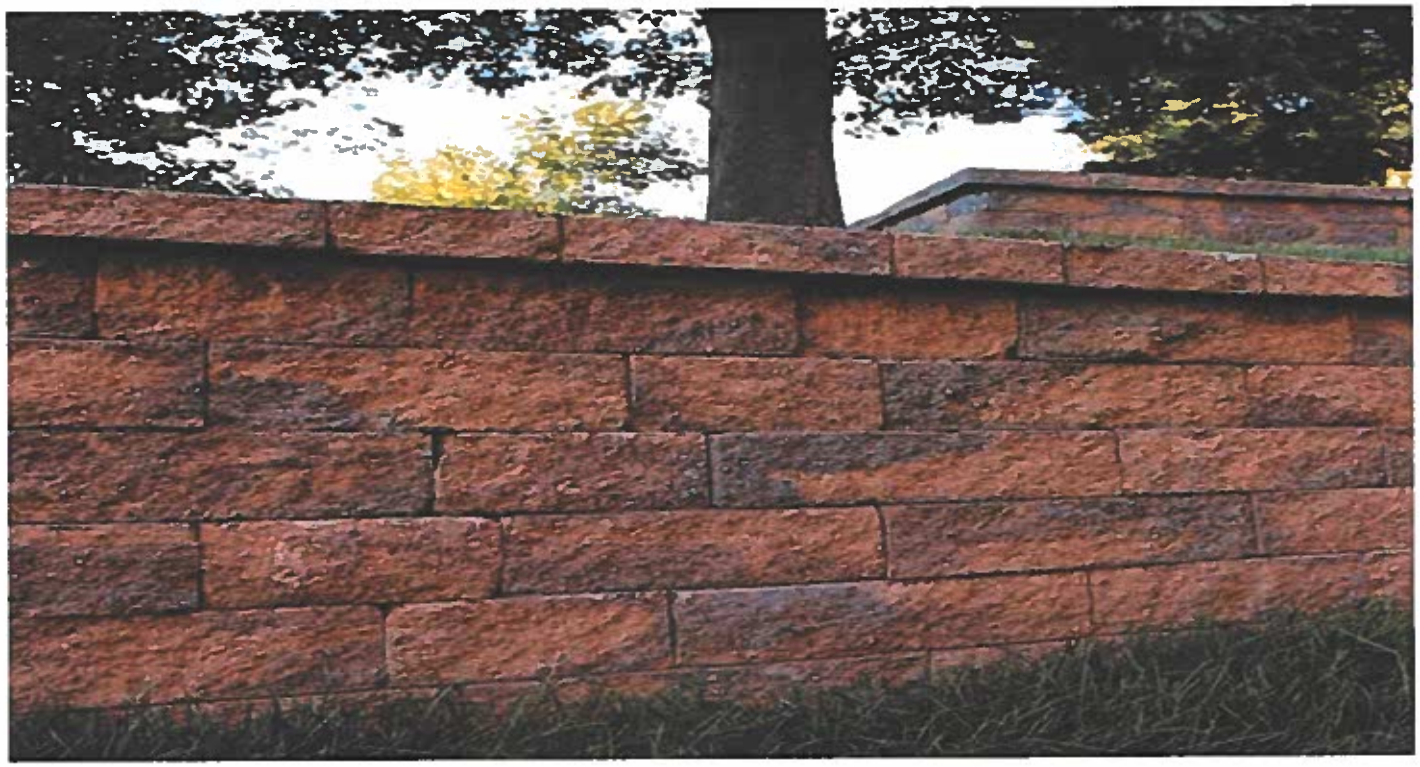
Beach Sand
#2240



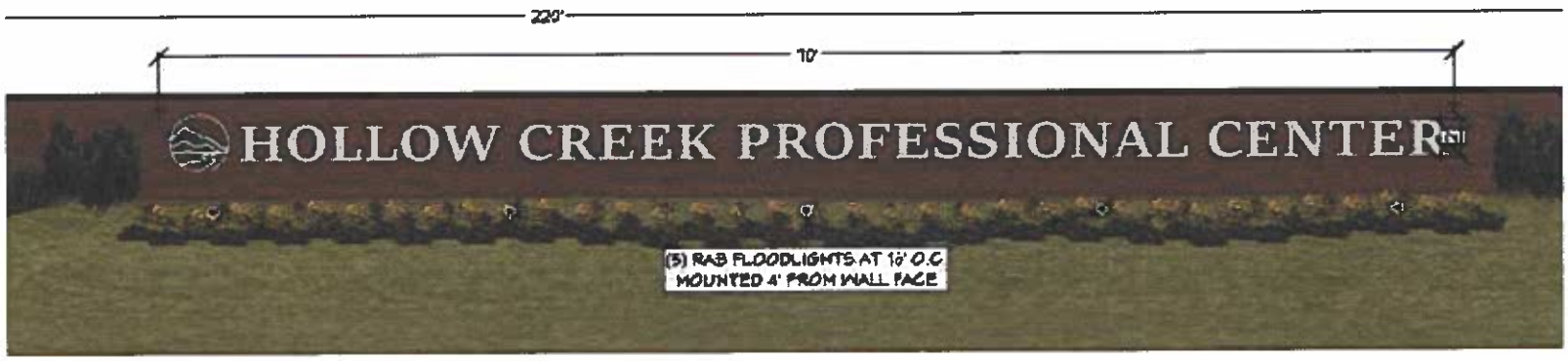
Total White
#3280

EIFS Finish Detail: Sandpebble Fine (as depicted in Total White #3280)

Retaining Wall: Nicolock Oyster Blend
220' Long, 5 ½' Tall



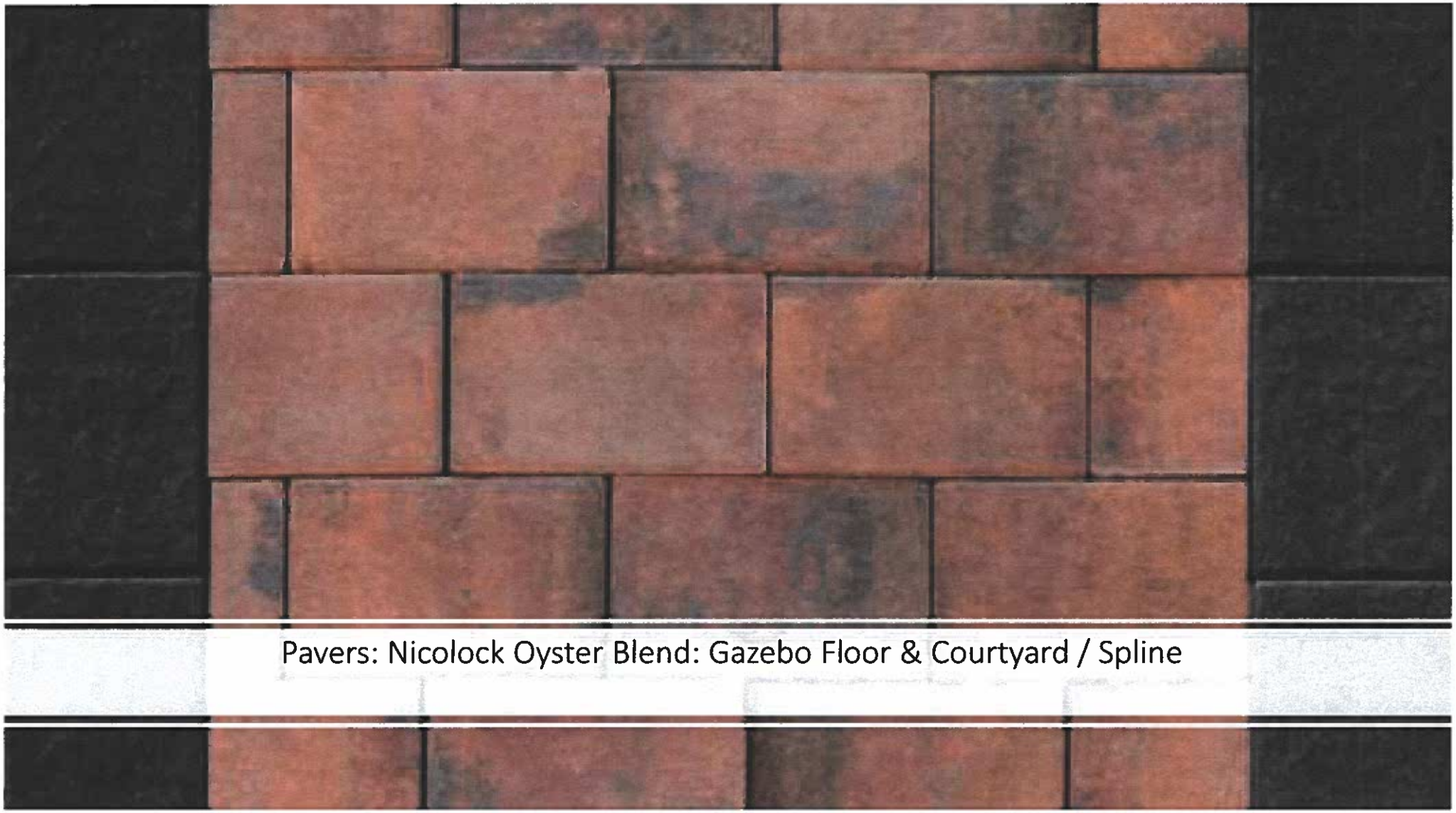
Retaining Wall: Length 220'
Retaining Wall: Height 5 ½'
Span of Marquee Lettering: 70'
Each Letter: 2'
Color: Powder Coated Galvalume



HOLLOW CREEK PROFESSIONAL CENTER

Lighting Specifications for Signage

5-fixtures - 4' back from the sign, 8' in from each end, 16' apart. Each fixture mounted to a rocket style black plastic base RAB MP19B with 1/2" adjustable knuckle embedded in concrete formed by a 12" sona tube so they don't break off during mowings.

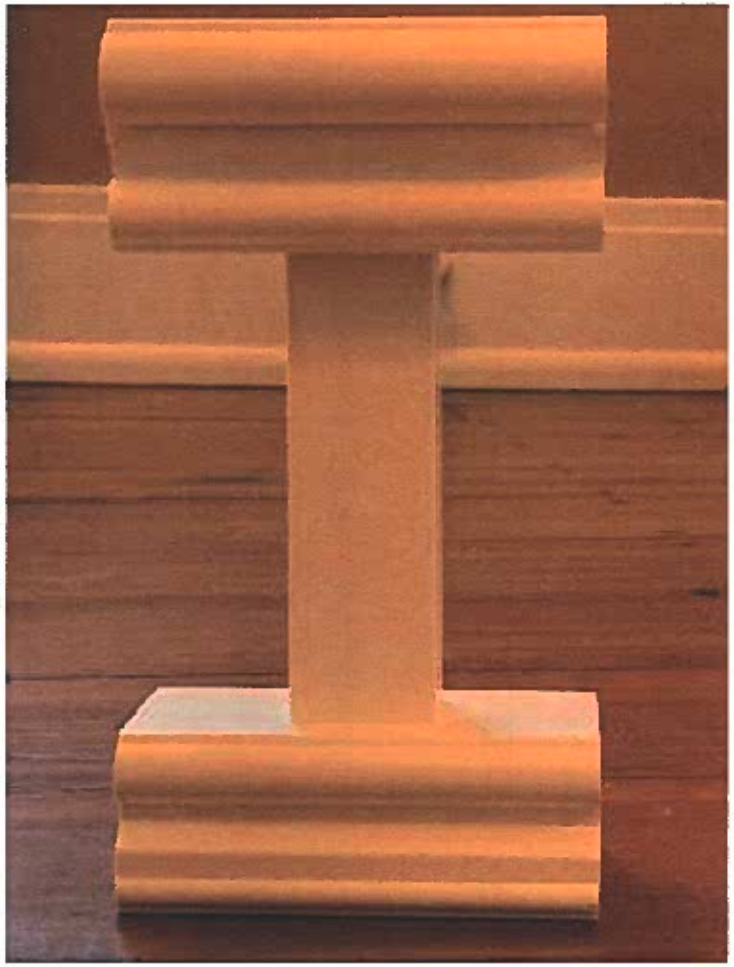


Pavers: Nicolock Oyster Blend: Gazebo Floor & Courtyard / Spline

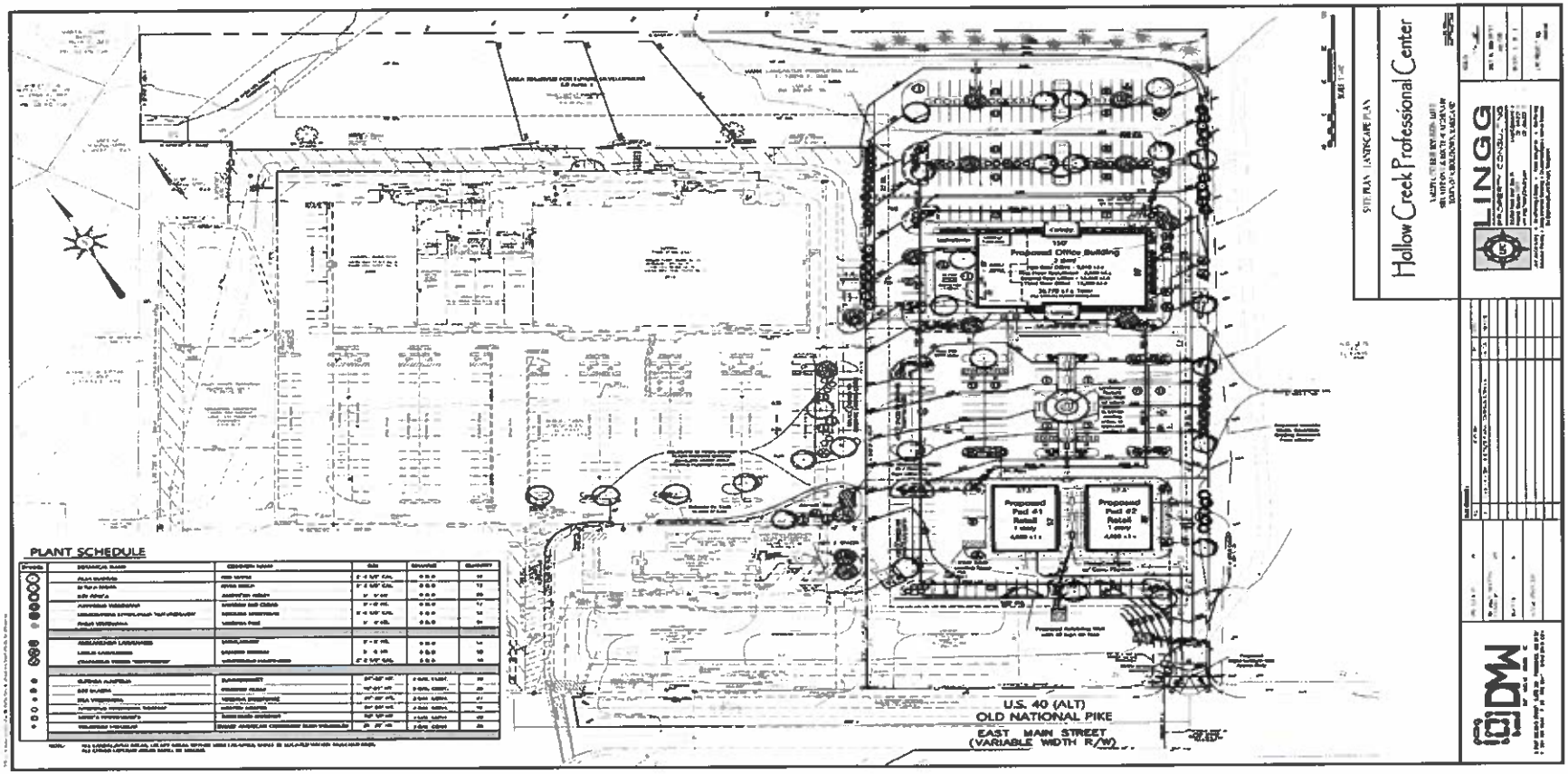
Gazebo Specifications

Gazebo Columns & Rail

Commercial & Retail Building Columns



Approved Landscape Plan

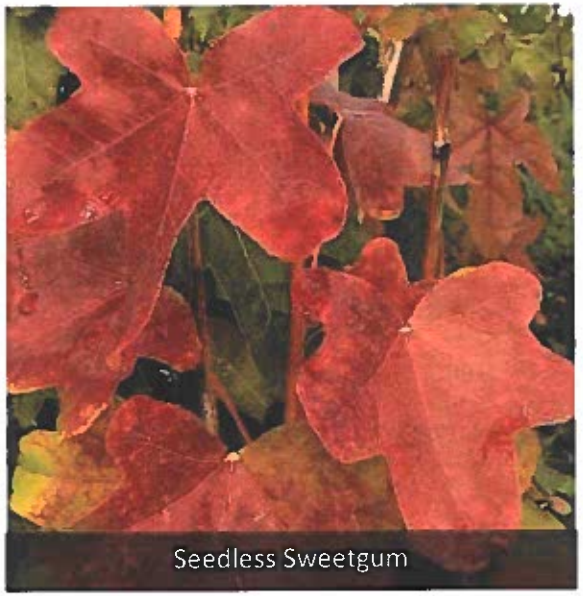


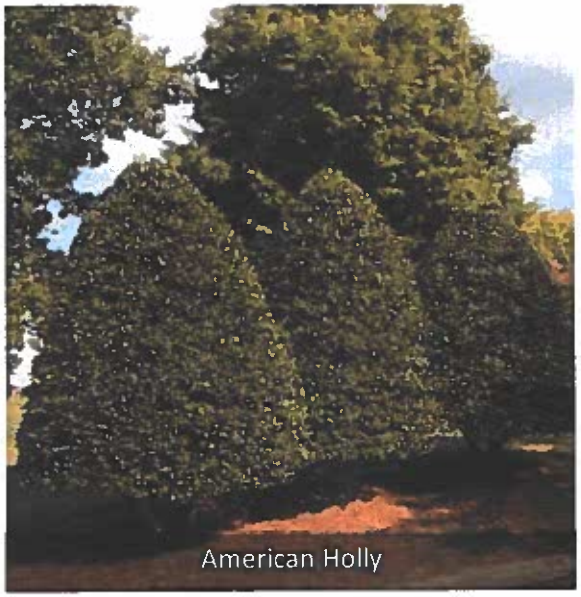
Approved Landscape Plan: Detail

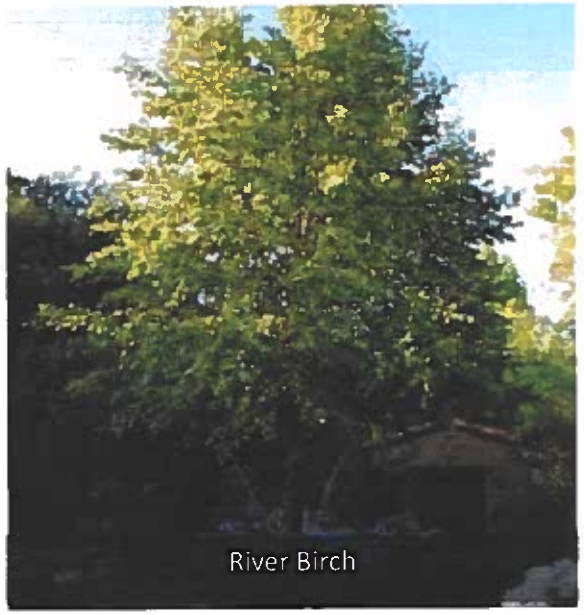
PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	QUANTITY
	ACER RUBRUM	RED MAPLE	2"-2 1/2" CAL.	B & B	15
	BETULA NIGRA	RIVER BIRCH	2"-2 1/2" CAL.	B & B	13
	ILEX OPACA	AMERICAN HOLLY	5' - 6' HT.	B & B	22
	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	5' - 6' HT.	B & B	17
	LIQUIDAMBAR STYRACIFLUA 'ROTUNDILOBA'	SEEDLESS SWEETGUM	2"-2 1/2" CAL.	B & B	13
	PINUS VIRGINIANA	VIRGINIA PINE	5' - 6' HT.	B & B	14
	AMELANCHIER CANADENSIS	SERVICEBERRY	5' - 6' HT.	B & B	14
	CERCIS CANADENSIS	EASTERN REDBUD	5' - 6' HT.	B & B	10
	CRATAEGUS VIRIDIS "WINTERKING"	WINTERKING HAWTHORN	2"-2 1/2" CAL.	B & B	10
	CLETHRA ALNIFOLIA	SUMMERSWEET	24"-30" HT.	3 GAL. CONT.	33
	ILEX GLABRA	INKBERRY HOLLY	18"-21" HT.	3 GAL. CONT.	36
	ITEA VIRGINIANA	VIRGINIA SWEETSPIRE	24"-30" HT.	3 GAL. CONT.	27
	JUNIPERUS VIRGINIANA 'KOSTERI'	KOSTERI JUNIPER	24"-30" HT.	3 GAL. CONT.	19
	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	24"-30" HT.	3 GAL. CONT.	20
	VIBURNUM TRILOBUM	DWARF AMERICAN CRANBERRY BUSH VIBURNUM	24"-30" HT.	3 GAL. CONT.	28

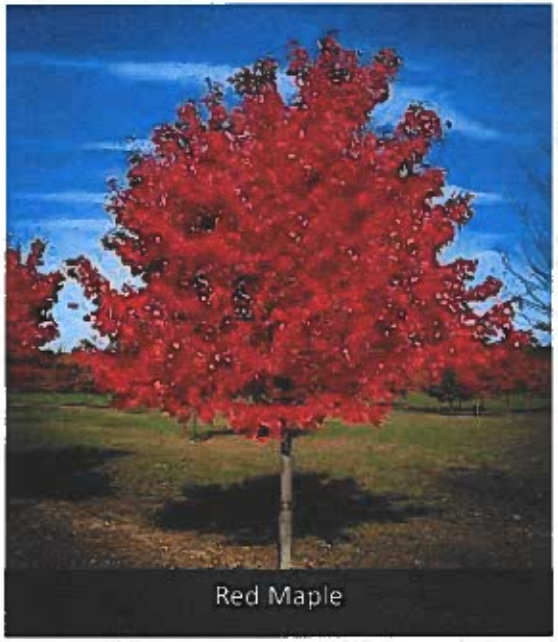
NOTE: ALL LANDSCAPED AREAS, EXCEPT AREAS WITHIN SWM FACILITIES, SHALL BE LOCATED WITHIN MULCHED BEDS. ALL OTHER EXPOSED AREAS SHALL BE SEEDED.

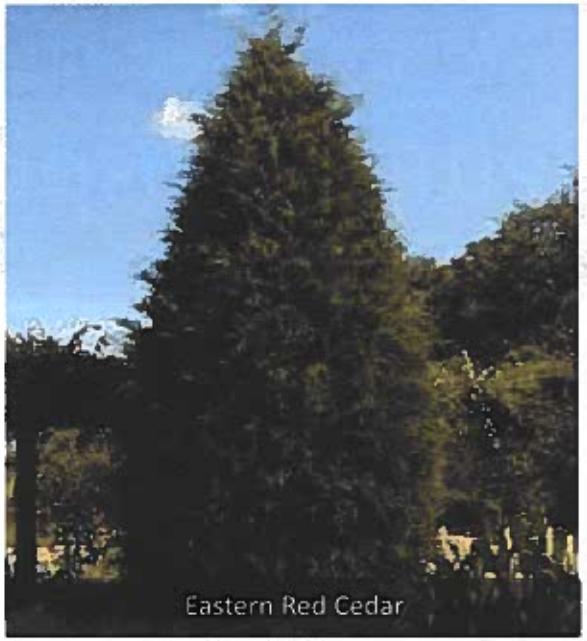

Seedless Sweetgum


American Holly


River Birch

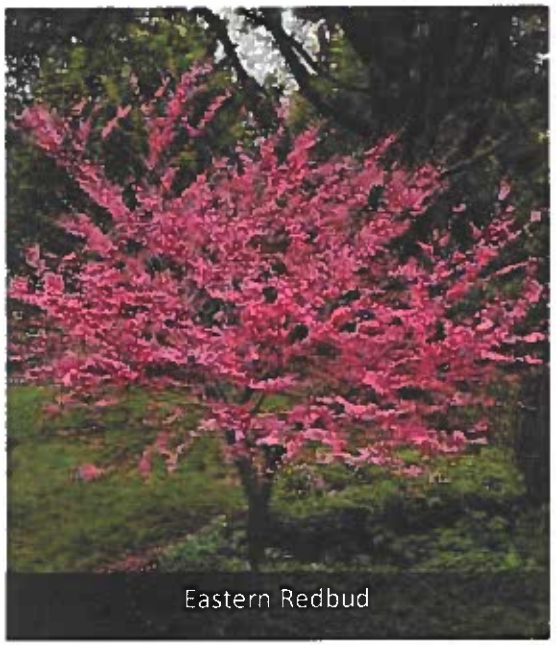
Landscape Images


Red Maple

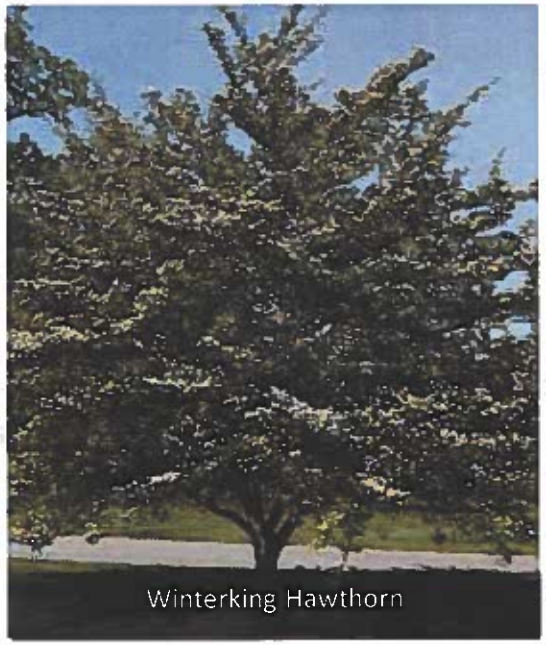

Eastern Red Cedar

Virginia Pine

Landscape Images



Eastern Redbud



Winterking Hawthorn

Inkberry Holly

Landscape Images

Dwarf American Cranberry

Kosteri Juniper

Northern Bayberry

Landscape Images

Serviceberry Shrub

Virginia Sweetspire

Summersweet

Landscape Images

Middletown Planning Office

MEMORANDUM

Date: 5/5/2020
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MEMORIAL PARK STORAGE SHED REPLACEMENT SITE PLAN**
Tax Map Parcel #03-126811
Applicant: Middletown Burgess & Commissioners
Property Owner: Middletown Burgess & Commissioners
Plan Dated: February 20, 2020
Date Received: March 2, 2020

GENERAL INFORMATION

Proposal: Construction of a replacement storage shed for MVAA Softball

Location: Memorial Park – 310 South Church Street

Zoning: OS Open Space (2.96 acres). The Open Space district permits parks, playgrounds, golf courses, public and private recreational uses and cemeteries, along with schools, churches, community centers and other public buildings and those accessory uses commonly associated with them.

Present Use: Existing park

COMMENTS

The following issues should be considered in your review of this Site Plan which was tabled on April 20, 2020:

1. **Draft Minutes from site plan review during workshop on March 11, 2020 –**

   Memorial Park Storage Shed Replacement Site Plan – Cindy stated the reason for the proposed replacement shed and that the applicant might resubmit plans for a slightly smaller shed so that it doesn't need approval by Frederick County.

2. **Use** – The proposed use is for a 10-foot by 15-foot storage shed to be erected at Memorial Park to replace a 6′x8′ shed which is in poor condition. The new shed would be able to store the lawn tractor used regularly for conditioning the field, which is currently stored at a neighbor's house. The proposed shed would be placed out of sight of park users behind the bathroom building where the horseshoe pits are currently located. Town officials have stated that the horseshoe pits are essentially never used.

3. **Lot requirements** – The building setbacks for the open space district are 50-foot front and rear yards and 15-foot side yards. The request materials do not indicate the proposed distance from the side lot line, but a visit to the site with a measuring wheel showed the distance to the property line to be about 30-feet. The height of the storage shed needs to be provided.

4. **Water and Sewer requirements** – No water is being proposed for the storage shed.

5. **Approval by Frederick County** – The storage shed will need building permit approval from Frederick County.

This review will be included in the Middletown Planning Commission materials for the May 18, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be May 13, 2020.

Memorial Park

Request to Build MVAA-funded Softball Field Shed

MVAA Softball is requesting the Town's approval for MVAA to fund the removal and replacement of their storage shed (6' x 8') (currently located at the backstop) with a new one, slightly larger at 10' x 15' at Memorial Park. The goal will be for the shed to maintain a similar style to other buildings at the park. We intend to place the shed well out of sight to park users, behind the bathroom building. A prior conversation with Drew Bowen and Burgess John Miller indicated that the horseshoe pits back there were okay to remove in the process since they are essentially never used. MVAA is happy to remove them and re-establish grass there. The new shed will be able to store the lawn tractor used regularly for conditioning the infield. This tractor is currently stored at a neighbor's house but can't be stored there forever, thus the request for us to build a larger shed than what we currently have.

The existing shed is in poor condition and blocks half of the view from behind the backstop. This will be removed by MVAA, and we'll establish some grass in its place. Opening up the backstop for spectators will be another advantage of this project. We plan to add one more set of bleachers when funding is available, situated symmetrically behind the backstop with the current bleachers, so there is more room for parents to enjoy watching their kids play!

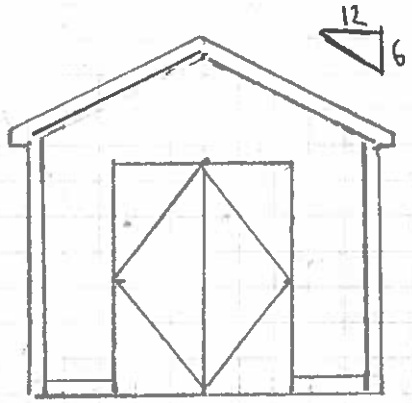
We appreciate the Town's consideration in this small project. The 10' x 15' size meets the Frederick County size requirement for NOT needing a permit. The work will be completed by one of the softball coaches, Rob Melby, who has extensive experience in building construction, and is vastly overqualified to build a shed. Sketches of the shed follow on the next pages.

Thank you,

Jon Lobenstine, MVAA Director of Facilities
Emil Kahihikolo, MVAA Director of Softball

R. A. Melby

MVAA SOFTBALL SHED



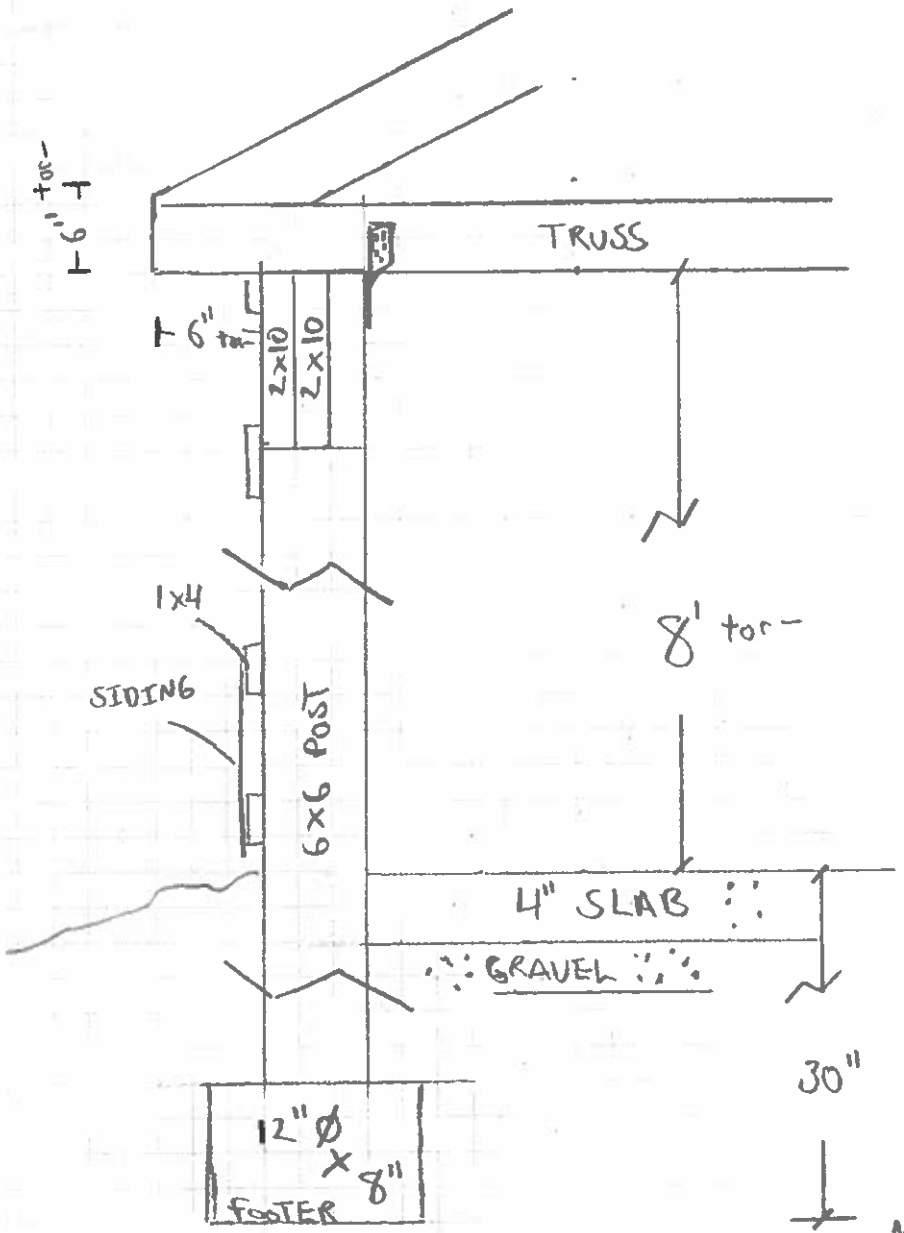
NORTH ELEV.

NOTES

1. Siding will be Metal or wood Painted "Park Brown"
2. Shed will be built in a pole barn Manor.
3. concrete floor
4. Brown gutters
5. Shingles to Match Bathroom in Color and Style
6. Roof Pitch to Match Bathrooms.
7. Doors will be Painted Cedar
8. All materials, fastners and workmanship will be done to code or Better.

R.A. MELBY

MVAA SOFTBALL SHED



SECTION VIEW

NTS

Middletown Planning Office

MEMORANDUM

Date: 5/7/2020
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **REVISED SITE PLAN FOR 13 WEST MAIN – ANTIETAM GALLERY**
Tax Map Parcel #03-013055
Applicant: Jim Kehoe
Property Owner: Jim Kehoe
Plan Dated: June 2, 2013
Date Received: June 3, 2013

GENERAL INFORMATION

Proposal: Change of use of existing building to include a gallery and framing business in addition to the ice cream parlor. No new building square footage is proposed.

Location: 13 West Main Street, on northwest corner of Garage Drive and West Main Street.

Zoning: TC Town Commercial. This district permits eating and drinking establishments, as well as retail sales and business services. The TC district is intended to provide areas for frequently used retail, service and employment establishments while maintaining the basic character of the area in which they are located.

Present Use: ice cream parlor

COMMENTS

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

1. **Proposed use** – The proposed use is for the addition of an art gallery and picture-framing business to the second floor of More Ice Cream. There are four rooms on the second level. One room would be used for taking framing orders with samples on the walls. A second room would be decorated with art. The third room would be a work area for employees, and the fourth room would be used for storage. The gallery would most likely be open Thursdays – Sundays from 10-5pm and by appointment other days of the week. Mr. Kehoe would run the business with the help of one employee two days a week to help with framing work.

2. **Current use** – The current use of this building is an ice cream parlor with seating on the first floor and on the large covered porch. The second level contains two rooms with art hanging on the walls which are mostly Middletown High School sports images. The third room is an

employee break room, and the fourth room is used for storage. The ice cream parlor is currently open 1-8pm Fridays, Saturdays and Sundays, although it typically has expanded hours during the summer months.

3. **Parking** – Based on the square footage (Section 17.32.060), the eating establishment use requires one parking space per 90 square feet of gross floor area or three seats, whichever requirement is greater. The parking spaces needed for the ice cream parlor based on square footage (936 square feet) is 11 spaces. In 2018 when the Planning Commission conditionally approved the ice cream parlor, the approval included a waiver of three of the required 11 spaces. Eight parking spaces are provided in the parking lot behind the business. Based on the square footage of the second floor of 870 square feet, the parking spaces needed for the retail use would be 6 spaces. (Retail shops require a minimum of one parking space per 150 square feet; other commercial requires a minimum of one parking space per 300 square feet). Section 17.32.060 does allow the planning commission to waive or reduce the parking requirements in the town commercial district or any other instances based on a demonstrated hardship. When the ice cream parlor was approved, the parking lot at the corner of East Green Street and North Church Street had not been designated as a municipal parking lot. That lot is only a short walk from 13 West Main Street.

4. **Signage** – As indicated in the accompanying letter, the applicant would like to add a sign approximately 18 inches by 30 inches to hang on two chains below the existing freestanding sign in the front yard. All signage will need to be approved by the zoning administrator. According to Section 17.36.050, each business may have a maximum of three signs for each street on which the property fronts. Types of signs permitted are wall, monument, projecting, window or canopy/awning.

5. **Site plans required for approval by planning commission** – According to Section 17.32.230, site plans are required for all commercial buildings unless all of the following conditions are met: A. There is no change in the amount of parking needed; B. The intensity of use has not changed; C. There are no exterior structural changes; D. The building or use has not been grandfathered; E. The building or site meets all existing regulations for the district in which it is located. Since the intensity of use and the amount of parking needed are proposed to change, the site plan does require approval by the planning commission.

6. **Approval by Frederick County** - A change of use application will need to be filed with the Frederick County Permits department.

This review will be included in the Middletown Planning Commission materials for the May 18, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be May 13, 2020.

May 4, 2020

Cindy Unangst
Middletown Town Planner
301-371-6171 ext. 103

Dear Cindy,

Pursuant to our conversation of several days ago, I wanted to put on paper my desire to move the Antietam Gallery to the upstairs area of 13 West Main.

A real estate investor wants to buy the Antietam Gallery property in Sharpsburg. I think it is a 50/50 proposition. If that happens I want to be prepared to move the Antietam Gallery business to Middletown.

There are four rooms upstairs. The first room is 15 x 16. I wanted to use that room as the area to take framing orders. There would be moulding samples on one wall and an order taking counter. The rest of that room would contain framed art on the walls. The second room is also 15 x 16 and would be decorated with art, mostly depicting Middletown and Frederick County scenes. There would be some Civil War art.

The third room is also 15 x 16 and would be the work area. The fourth room is 10 x 15 and would be storage.

I would be open five days per week. The main purpose would be to take custom framing orders from long-time patrons. The Antietam Gallery is mainly a service business. I would hope to take two to four orders per day. Certainly there would be some retail traffic.

I would use the existing More Ice Cream parking lot. It is rarely, if ever filled. The only times it would ever be filled would be on a busy Friday, Saturday or Sunday night. Or in the winter when Main Cup employees park there.

I would like to add a sign approximately 18 x 30 and hang it on two chains to the bottom of the More Ice Cream sign in the front yard. I would add Antietam Gallery to the More Ice Cream parking sign hanging on the garage and direct customers to park there.

I would also expect the loyal Antietam Gallery customers to become more familiar with Middletown and patronize other businesses and restaurants. Most of them already are aware of what Middletown has to offer and are already cognizant of More Ice Cream.

Cindy, thank you for your attention to this matter and I will keep you informed concerning the Sharpsburg property.

Very truly yours,

James H. Kehoe

MEMORANDUM

Date: 4/27/2020

To: Burgess & Commissioners and Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Forest Conservation Ordinance proposed changes per changes in State regulations

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Last year Maryland Senate Bill 234 Natural Resources – State and Local Forest Conservation Funds (effective October 1, 2019) was passed which made changes to the State's Forest Conservation Act. This bill requires a few changes to the Town's Forest Resource Ordinance. Here is a summary:

- The bill adds mitigation banking to the forest conservation fund.
- The annual report requirements have been revised to require additional information on the number of acres for which the fees were collected, and the number of acres forested, afforested, or conserved using the fees.
- The bill also requires the local governments to submit to the Maryland Forest Service:
    - A general plan identifying appropriate and potentially available areas for mitigation projects.
    - Detailed accounting procedures for accurately tracking money received into and expended out of the forest conservation fund.
    - The method that the local government will make the forest conservation fund plans and accounting procedures available to the public.

In accordance with State law, the Town must send all FRO text amendments to the Maryland Department of Natural Resources for review and approval. The amendments were sent to the State on September 2, 2019, with revisions sent on January 2, 2020. Approval of the proposed changes was received from MD DNR on February 11, 2020.

Attached is a text amendment with proposed changes to the Middletown Forest Conservation Ordinance to bring it in line with the new state regulations. The Planning Commission shall review the proposed amendment and shall submit its recommendations or comments to the Burgess & Commissioners. Both the Planning Commission and the Burgess and Commissioners are required to hold a public hearing on the text amendment before it is approved.

ORDINANCE NO. 20-03-01

AN ORDINANCE TO AMEND TITLE 16, CHAPTERS 40.028 AND 40.030 OF THE CODE OF THE TOWN OF MIDDLETOWN PERTAINING TO THE FOREST CONSERVATION FUND REQUIREMENTS IN ORDER TO COMPLY WITH RECENT AMENDMENTS BY THE STATE TO LOCAL FUND REQUIREMENTS; TO AMEND THE REQUIREMENTS FOR PAYING MONEY INTO THE FUND; TO AMEND THE TOWN REPORTING REQUIREMENTS TO THE STATE; TO PROHIBIT THE TOWN FROM COLLECTING MONEY FOR DEPOSIT INTO THE FUND UNLESS THE REPORTING REQUIREMENTS HAVE BEEN SATISFIED.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, Chapters 16.40.028 and 16.40.030 of the Middletown Municipal Code be, and hereby is amended to add additional language concerning the Forest Conservation Fund. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 16 - SUBDIVISIONS

16.40.028 - Middletown forest conservation fund.

A. There is established a forest conservation fund in the town of Middletown.

B. If a person subject to this chapter demonstrates that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished **AND APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE**, the person shall contribute money into the Middletown Forest Conservation Fund:

   1. Until September 30, 2014, at a rate of thirty (30) cents per square foot of the area of required planting;

   2. After September 30, 2014, at a rate adjusted for inflation as determined by the state annually by regulation.

C. Money contributed instead of afforestation or reforestation under this section shall be paid within ninety (90) calendar days after development project completion.

D. The town shall accomplish the reforestation or afforestation for **THE EQUIVALENT NUMBER OF ACRES FOR** which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money.

E. Money deposited in the local forest conservation fund:

   1. May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, and preparation, maintenance of existing forests, and achieving urban canopy goals;

   2. Shall be deposited in a separate forest conservation fund; and

   3. May not revert to the general or any other fund.

F. Sites for Afforestation or Reforestation Using Fund Money.

1. Except as provided in subsection (G)(2) of this section, the reforestation or afforestation requirement under this section shall occur in the county and watershed in which the project is located.

2. If the reforestation or afforestation cannot be reasonably accomplished in the town and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.

G. EVERY TWO YEARS, THE TOWN SHALL PROVIDE TO THE MARYLAND DEPARTMENT OF NATURAL RESOURCES A GENERAL PLAN IDENTIFYING APPROPRIATE AND POTENTIALLY AVAILABLE AREAS FOR MITIGATION PROJECTS AND DETAILED ACCOUNTING PROCEDURES FOR ACCURATELY TRACKING MONEY RECEIVED INTO AND EXPENDED OUT OF THE FOREST CONSERVATION FUND. THE MITIGATION PLANS AND ACCOUNTING PROCEDURES SHALL BE MADE AVAILABLE TO THE PUBLIC.

1. THE TOWN:

(1) MAY NOT COLLECT MONEY FOR DEPOSIT INTO ITS FOREST CONSERVATION FUND UNLESS THE TOWN HAS SUBMITTED TO THE DEPARTMENT OF NATURAL RESOURCES THE GENERAL MITIGATION PLAN AND ACCOUNTING PROCEDURES REQUIRED UNDER SUB-SECTION G. OF THIS SECTION; AND

(2) SHALL ENSURE THAT THE EQUIVALENT NUMBER OF ACRES FOR WHICH MONEY IS COLLECTED AND PAID INTO ITS FOREST CONSERVATION FUND IS MITIGATED IN ACCORDANCE WITH AFFORESTATION, REFORESTATION, AND CONSERVATION PRIORITIES AND TECHNIQUES AUTHORIZED UNDER §5-1607 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND.

16.40.029 *{Unchanged}*

16.40.030 - Annual report and biennial review.

A. On or before March 1 of each year, the town shall submit to the Department of Natural Resources an annual report which contains:

1. The number, location, and type of projects subject to the provisions of this chapter since the last annual report;

2. The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the one hundred (100) year floodplain, in connection with a development project;
3. The amount of reforestation and afforestation fees and noncompliance penalties collected and expended, **THE NUMBER OF ACRES FOR WHICH THE FEES WERE COLLECTED, AND THE NUMBER OF ACRES REFORESTED, AFFORESTED, OR CONSERVED USING THE FEES**; and
4. The costs of implementing the forest conservation program.
5. The size, location, and protection of any local forest mitigation banks which are created under the forest conservation program;
6. The number, location, and type of violations and type of enforcement activity conducted in accordance with this chapter; and
7. To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

B. The town shall submit the necessary documentation to comply with COMAR 08.19.02.04 which provides for Department of Natural Resources biennial review of the local forest conservation program.

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

INTRODUCED ON THE _____ DAY OF _____ ,2020

PASSED ON THE _____ DAY OF _____, 2020

EFFECTIVE DATE: _____, 2020

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

_____
Andrew J. Bowen, Town Administrator

BY:_____
John D. Miller, Burgess

MEMORANDUM

Date: 5/5/2020

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Accessory structures zoning code changes

CURRENT REGULATIONS

17.32.170 - Modifications to yard requirements.

A.. Allowable Projections of Structure into Yard and Other Modifications to Yard Requirements.

B. Side Yards Not Required for Second-Story Residential Uses in Nonresidential Structures.

C. Allowable Projections of Business Structures into Yards.

D. Allowable Projections of Accessory Buildings into Yards. One-story accessory buildings with a **maximum height of twenty-five (25) feet** may project into yards provided that: (1) the **building does not occupy more than thirty (30) percent of the rear yard**; (2) when more than ten (10) feet from the building, it may project into the side or rear yards providing it projects no closer than six feet to the side or rear lot lines; (3) garage accessory buildings entered from alley or street in the case of double frontage lots are not closer than ten (10) feet to the street or alley line; (4) one-story accessory structures on townhouse lots may be located up to two feet of a side property line and six feet of a rear property line provided the accessory structure is no more than eighty (80) square feet in size; (5) **any accessory structure greater than twenty (20) feet in height must provide an additional one foot of setback for each one foot of additional height**; (6) all accessory structures defined as sheds must be located to the rear of the principal structure.

PROPOSED: Allowable Projections of Accessory Buildings into Yards. The following regulations apply to any accessory building, use or structure within the Town.

Location. All accessory buildings and structures shall be located behind the front building line of the principal building.

Easements. No accessory building or structure, except for public utility panels or boxes, shall be erected in any easement areas. All accessory buildings or structures shall be a minimum of one foot off easements.

Height. Accessory structures shall not exceed 15 feet, measured at the peak of the roof. Accessory structures may not exceed the height of any principal building on a lot.

Size. Accessory buildings or structures may project into yards provided that: (1) An accessory structure shall be limited in size, when located on a residential zoned property, to the following. **(a) The total**

square footage of all floors of the accessory structure shall not exceed the *footprint* of the principal dwelling. (b) The **cumulative** area of **all** accessory structures may not exceed the following, based on the residential zone.

Zone	Minimum Lot Size	**Cumulative square footage allowed for all accessory structures**
R-20		
Single family dwelling	20,000	10% of **rear** yard not to exceed 2,000 square feet
R-1		
Single family dwelling	10,000	10% of **rear** yard not to exceed 1,000 square feet
R-2		
Single family dwelling	6,000	10% of **rear** yard not to exceed 600 square feet
Two family dwelling	4,000	10% of **rear** yard not to exceed 400 square feet
Duplex	6,000	10% of **rear** yard not to exceed 600 square feet
R-3		
Single family dwelling	6,000	10% of **rear** yard not to exceed 600 square feet
Two family dwelling	4,000	10% of **rear** yard not to exceed 400 square feet
Duplex	6,000	10% of **rear** yard not to exceed 600 square feet
Multi-family dwelling	4,000	10% of **rear** yard not to exceed 400 square feet

The square footage allowed for business purposes in an accessory structure shall be 600 square feet. (2) When more than ten (10) feet from the building, it may project into the side or rear yards providing it projects no closer than six feet to the side or rear lot lines; (3) garage accessory buildings entered from alley or street in the case of double frontage lots are not closer than ten (10) feet to the street or alley line; (4) one-story *or 10 feet in height, or a maximum of 15 feet with roof*, accessory structures on townhouse lots may be located up to two feet of a side property line and six feet of a rear property line provided the accessory structure is no more than eighty (80) square feet in size.

No accessory structure may be used for living, *sleeping or other occupancy*.

Home Owners Association. It is the homeowner's responsibility to have the accessory structure approved by his or her homeowners' association where applicable. A Zoning Certificate from the Town does not negate a homeowners' association's covenants and/or restrictions.

MEMORANDUM

Date: 5/6/2020

To: Burgess & Commissioners and Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: BUILDING HEIGHT AND 'STORY' CODE REFERENCES

In reviewing the definitions and references to building height in the Middletown Municipal Code below, here are some questions that the Town Board and Planning Commission might want to consider:

1) Include the language 'whichever is greater' to building height regulations (as shown in 17.17.150D), or delete the word 'or' and replace it with 'and'?
2) No land in Middletown is currently zoned MB Mixed Business district. In updating the Comp Plan, it should be determined whether any land should be zoned as such. If the Town decides to zone any land as MB in the future, will a maximum height of 50 feet be appropriate?
3) The two properties in town designated as SC/LM Service Commercial/Light Manufacturing (Industrial district) are on East Green Street and include Fountaindale Auto and the property just east of there that includes the landscape business and is mostly a gravel lot. If either property were sold or re-developed, would the maximum designated height of 45-feet be appropriate for those sites?

Building, height of. "Height of building" means the vertical distance from grade plane to the average height of the highest roof surface. As used herein, "grade plane" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty (20) feet or more.

17.16.050 - Building height regulations and unit limitations for structures in <u>residential districts</u>.

No building will exceed two and one-half stories or thirty-five (35) feet in height. No one structure in any residential district may contain or include more than twelve (12) individual and separate dwelling units within the structure.

17.17.150 - Development standards. (<u>Overlay zoning districts</u>)

A. Density. The overall density of the project shall be in conformance with the R-3 zoning district.

B. Lot Area and Yard Requirements. The minimum lot area single-family dwelling shall be six thousand (6,000) square feet. The minimum lot area per duplex (two dwelling units) shall be eight thousand (8,000) square feet. The minimum lot width per structure for a single-family dwelling shall be sixty (60) feet, and the minimum lot width per structure for a duplex shall be forty (40) feet per duplex unit. The minimum yard areas shall be as follows:

1. Front yard: fifteen (15) feet from a public street;
2. Side yard: eight feet for a single-family dwelling; eight feet one side only for a duplex dwelling (one side per dwelling);
3. Rear yard: twenty (20) feet (except that a detached garage accessory structure accessed via a rear alley system shall have a rear yard setback of eighteen (18) feet: or except that a detached garage accessory structure accessed via a front-loaded driveway shall have a rear yard setback of four feet.)

These minimum standards may be modified by the planning commission, in accordance with the master plan design guidelines.

C. Accessory Structures. The minimum side yard setback for an accessory structure shall be three feet.

D. **Height Limitation. Building height is limited to a maximum of two and one-half stories or thirty-five (35) feet in height, whichever is greater.**

17.20.015 - <u>MB mixed business district</u>.

C. Required Lot Area, Lot Width, and Yards in the MB District. The following requirements apply in the MB district:

1. Minimum area of lot size: one acre;
2. Setback requirements for front, rear, and side yard: thirty (30) feet; provided, however, **that for any lot on which a structure exceeding thirty (30) feet in height is situated, the thirty (30) foot setback requirement shall be increased by one foot for every foot of the structure which exceeds thirty (30) feet in height.** Additionally, for any

portion of a structure which is adjacent to a residential district or state highway, the setback requirement is one hundred (100) feet for that portion of the structure which is adjacent to such residential district or state highway;

3. **Structure height: fifty (50) feet;**

4. Lot width: one hundred (100) feet. The planning commission may, however, permit a lot width of not more than fifty (50) feet if the planning commission approves a landscaping plan which, in the commission's opinion, provides an adequate buffer for adjacent property.

17.20.030 - Building regulations in <u>commercial districts</u>.

No building shall exceed three (3) stories or thirty-five (35) feet in height or exceed sixty thousand (60,000) square feet in size.

17.24.020 - Building height regulation in <u>industrial districts</u>.

No building in the SC/LM district shall exceed three stories or forty-five (45) feet in height.

17.28.040 - Required lot area, lot width, and yards in <u>open space district</u>.

A. The following requirements apply in the OS district:

1. Minimum area: not specified;
2. Front yard: fifty (50) feet;
3. Rear yard: fifty (50) feet;
4. Side yard: fifteen (15) feet.

B. **For structures higher than twenty-five (25) feet**, the yard requirements shall be as follows:

All yards: Between the foundation and the nearest lot line, a distance of 2.5 times the height of the structure shall be maintained.

17.30.040 - Required lot area, yards and other restrictions. (<u>Ag district</u>)

The following restrictions are applicable in the agricultural district:

A. Minimum lot or parcel size: twenty-five (25) acres;

B. Front yard: fifty (50) feet;

C. Rear yard: fifty (50) feet;

D. Side yard: fifty (50) feet;

E. **Height:** The restrictions for properties located within the R-20 district apply. Structures, such as silos, barns or other structures, which are typically used solely for agricultural purposes may be a maximum of fifty (50) feet in height;

17.32.170 - Modifications to yard requirements.

D. Allowable Projections of **Accessory Buildings** into Yards. **One-story** accessory buildings with a **maximum height of twenty-five (25) feet** may project into yards provided that: (1) the building does not occupy more than thirty (30) percent of the rear yard; (2) when more than ten (10) feet from the building, it may project into the side or rear yards providing it projects no closer than six feet to the side or rear lot lines; (3) garage accessory buildings entered from alley or street in the case of double frontage lots are not closer than ten (10) feet to the street or alley line; (4) one-story accessory structures on townhouse lots may be located up to two feet of a side property line and six feet of a rear property line provided the accessory structure is no more than eighty (80) square feet in size; (5) any accessory structure greater than twenty (20) feet in height must provide an additional one foot of setback for each one foot of additional height; (6) all accessory structures defined as sheds must be located to the rear of the principal structure.

17.32.180 - Modifications to height limitations.

A. **Public and Semipublic Buildings may Exceed Height Limitations**. Public buildings, places of worship, medical care facilities, institutions, may exceed the height limits to a **total height of seventy (70) feet** providing all yards required in the particular district are increased one foot for each two feet in excess of the height limitation.

B. **Architectural or Mechanical Appurtenances may Exceed Height Limitations**. Chimneys, church steeples, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, spires, radio and television towers, grain elevators, or other such architectural and mechanical appurtenances are exempt from height regulations except that freestanding structures must be set back a distance equal to the height of the structure when located adjacent to an R district and set back one-half the height of the structure when located adjacent to TC, GC, OS and SC/LM districts.

17.42.030 - Applicability; general provisions. (Residential Cluster Development)

B. The following provisions shall apply to any residential cluster development, regardless of the general requirements of the R-20 zoning district:

6. The maximum height limitation shall be that established for the R-20 zoning district.

BUILDING HEIGHT DEFINITIONS

Middletown

1

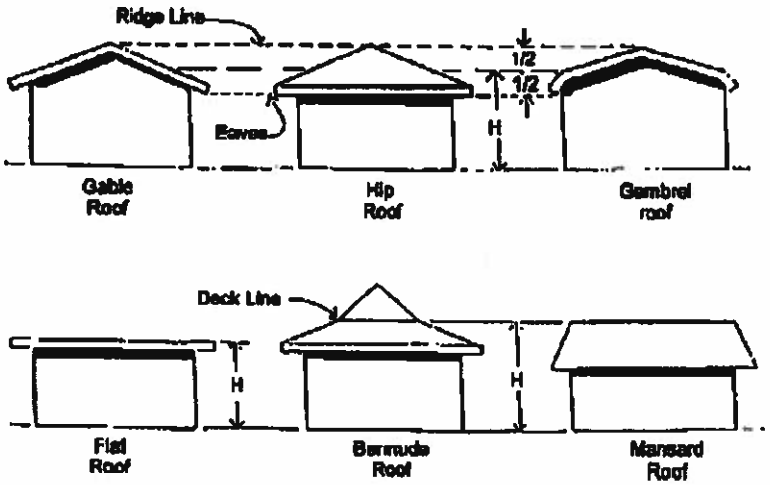
Building, height of. "Height of building" means the vertical distance from grade plane to the average height of the highest roof surface. As used herein, "grade plane" means a reference plane 2 representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

3 "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty (20) feet or more.

Frederick City

- **Building Height**

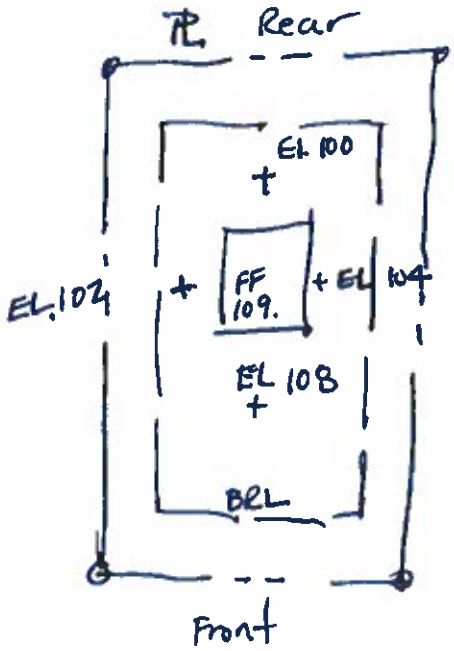
  The height is measured from the average finished grade ground level along the front facade to either the highest point of a flat roof or to the point one-half the distance between the eaves and the highest point of a pitched roof.



H = Height of building for zoning purposes

① "average ht of highest roof surface": how is this defined
Frederick City does a good job defining. would seem reasonable to use their examples.

② Grade Plane:
For illustration purposes lets assume the 6 ft distance from the bldg.



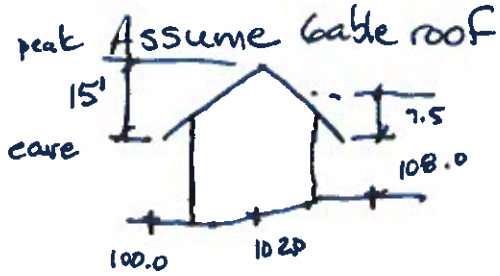
spot elevations taken at 6 ft from the building. This illustrates a typical walk out elevation on a RESIDENTIAL STRUCTURE.

Calculation of the "reference plane"
"the lowest points within the area" establish the reference plane
my opinion the highest pt is discarded therefore

$$\frac{100+102+104}{3} = \frac{306}{3} = 102$$

elevation 102 is the reference plane.

Assume Gable roof



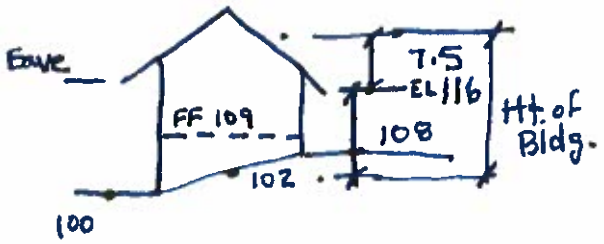
"Average Ht of Highest Roof Surface"
Eave = 0 ft Peak = 15 ft.

$$\frac{0+15}{2} = 7.5 \text{ ft}$$

(2) cont

Height of Building:

grade plane + avg ht. of highest roof surface



Grade plane elv = 102.0
Eave elevation = 116.0
avg ht roof = 7.5

116 − 102 = 14ft + 7.5ft

Ht of Bldg. = 21.5 ft

∴ Discussion this method disregards the appearance of the facade from the street elevation. See sketch below. Does it matter?

House below Road

House above Road

(3) "story": Seem very clear to me.

"A basement shall be counted as a story if it is used for business or dwelling purposes."

Opinion: Why is it counted if it is below grade

IBC: International Building Code (current building code)

Basement: below grade story or above grade story

MEMORANDUM

Date: 5/6/2020

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Temporary sign regulations

CURRENT REGULATIONS

"Temporary sign." Any sign or banner which has for its purpose the advertising, announcement or display of information pertaining to an event, condition or situation that is intended to be limited in scope, duration of time not to exceed forty-five (45) days, including, but not limited to, commercial sales events, concerts, plays and other commercial or cultural events.

"A-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.

17.36.150 - Temporary signs.

A. Temporary commercial advertising signs of any size are not permitted in any district unless they comply with the requirements of this chapter, and such signs are deemed to be and shall constitute a public nuisance. The town may immediately remove any such sign(s), without prior notice to the owner or other responsible person(s). The erection or installation of such signs shall be deemed a violation of this chapter and the owner or other person responsible for the sign shall be subject to a fine and enforcement measures as provided for in this chapter.

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

1. A temporary real estate sign advertising the sale or lease of the property on which the sign is displayed. For residential property, the sign shall not exceed six (6) square feet in size. For commercial and industrial property, the sign shall not exceed thirty-two (32) square feet in size.

2. Signs advertising subdivision openings, open houses or other real estate events being held within the town limits. Such signs may not exceed four (4) square feet in size per sign, and such sign(s) may only be displayed between the Friday before the event after 12:00 noon and 8:00 a.m. on the following Monday morning after the event. In the event that the Monday is a legal holiday, the sign must be removed by 8:00 a.m. on the following Tuesday morning. In the event that Friday is a legal holiday, the sign may be placed on the Thursday before the event after 12:00 noon.

3. Temporary and seasonal produce stand signs. Such signs shall not exceed twenty-four (24) square feet in size and no such sign shall exceed six (6) feet in height.

4. Construction signs. Such signs may only be installed after the issuance of a zoning permit, may not exceed one sign per street frontage, may not exceed six (6) feet in height and may not exceed twenty-four (24) square feet in size. A construction sign shall be removed prior to the issuance of a certificate of occupancy.

5. Contractor/artisan job site sign. Such signs shall not exceed six (6) square feet in size, shall be installed only on the property at which the work is being performed and shall be removed upon completion of the job or construction.

6. Temporary non-profit signs advertising events, activities, recruiting or fundraising efforts by community service groups, religious groups, children's or youth organizations, or student organizations. Such signs shall not exceed twenty-four (24) square feet in size and six (6) feet in height, and shall be removed upon completion of the effort being advertised.

7. Political signs shall not exceed six (6) square feet in size.

8. Garage/yard sale signs shall not exceed six (6) square feet in size. Such signs may be displayed only one day prior to the sale and must be removed within one day after the sale;

9. A-frame/sandwich board/T-frame signs which are placed in front of or adjacent to a business establishment for the announcement of daily specials or featured promotions provided that the following conditions are met:

   a. The sign is situated on the same property as the business which it is advertising;

   b. The sign is only displayed during the business hours of the establishment and is removed and stored within the principal or covered accessory building of the establishment during non-business hours;

   c. The sign is not placed in a location that impedes vehicular or pedestrian traffic, impedes access to parking or obstructs the sightlines of either;

   d. The sign is not fastened to or erected on a sign pole;

   e. The sign is only placed at grade and is not elevated or suspended above grade and does not protrude or project from any other structure;

   f. The placement of the sign complies with the setback requirements of its respective zoning district;

   g. The sign is no greater than thirty (30) inches wide and forty-eight (48) inches high in size.

C. A permit is required for the following types of temporary signs:

1. Temporary Residential Subdivision Signs. A temporary real estate sign advertising a subdivision within which the sign is located not exceeding seventy (70) square feet in size and located no closer than twenty-five (25) feet to the property line. Temporary shall be until construction is complete.

2. Special Event Sign. A temporary sign noting an event of general interest, such as a locally sponsored carnival or grand openings. Such signs shall be removed within five days after the conclusion of the event. A permit shall be valid for a period of no longer than ninety (90) days from the date of issuance. Such signs shall not exceed thirty-two (32) square feet in size.

3. Temporary Business Identification. A temporary sign which identifies the opening or existence of a new business. Such signs shall not exceed twenty-four (24) square feet in size and shall be valid for a period of no longer than two months from the date of issuance.

4. [A-Frame/Sandwich Board/T-Frame Signs.] A-frame/sandwich board/T-frame signs which are placed at a location other than the property location of the business sponsoring the sign and which announces daily specials, featured promotions, or the location of the business. the issuance and holding of a permit for such signs is subject to the following conditions being met:

   a. The sign is situated in a TC town commercial district or a GC general commercial district and is situated within a one thousand five hundred (1,500) feet radius of the business which it is advertising;

   b. Only one sign is permitted for any one street;

   c. Only two off-site signs are permitted for any one business establishment;

   d. The individual, owner, or other person or entity sponsoring the sign must provide to the town written authorization from the property owner permitting the placement of the sign on the owner's property;

   e. The sign is only displayed during the business hours of the establishment sponsoring the sign, after which hours the sign must be removed;

f. The sign is not placed within any public right-of-way and is not placed in a location that impedes vehicular or pedestrian traffic, impedes access to parking or obstructs the sightlines of either;

g. The sign is not fastened to or erected on a sign pole;

h. The sign is only placed at grade and is not elevated or suspended above grade and does not protrude or project from any other structure;

i. The placement of the sign complies with the setback requirements of its respective zoning district;

j. The sign is no greater than thirty (30) inches wide and forty-eight (48) inches high in size.

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

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

Middletown

MIDDLETOWN PLANNING COMMISSION

2019
ANNUAL REPORT

Approved _____, 2020 by Middletown Planning Commission

BURGESS & COMMISSIONERS
John Miller, Burgess (4/2016-4/2020)
Jennifer Falcinelli, Burgess Pro-tem (4/2018-4/2022)
Larry Bussard (4/2018-4/2022)
Richard Dietrick (4/2018-4/2022)
Chris Goodman (4/2016-4/2020)
Tom Catania (4/2016-4/2020)

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)
Tom Catania, Comm. Ex-Officio (4/2016-4/2020)
Dixie Eichelberger, Alt. (6/2017-2/2021)
Eric Ware, Temp. Alt. (12/2018-5/2022)

Middletown Board of Appeals
Daphne Gabb, Chair (4/17-5/19, 5/2019-5/2022)
Thomas Routzahn (1/2017-1/2020)
Tim Coakley (1/2017-1/2020)
Alex Kundrick, Alternate (3/2017-3/2020)

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 2019 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**
2011 Estimate	4,163	27
2012 Estimate	4,272	109
2013 Estimate	4,295	23
2014 Estimate	4,313	18
2015 Estimate	4,321	8
2016 Estimate	4,336	15
2017 Estimate	4,372	36
2018 Estimate	4,439	67
2019 Estimate	4,514	75

TEN YEAR PERIODS OF POPULATION GROWTH based on Census

1970 – 1980	486
1980 – 1990	86
1990 – 2000	834
2000 – 2010	1,468
	2,874

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 - 2019

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:
1. Middletown Valley Center 821 East Main Street	4	GC	Discussion of retail, office and self-storage development (1/21)
1B. Self-storage Facility 821 East Main Street	3	GC	Discussion of self-storage facility (12/16)

SITE PLANS

Name	Units	Zoning	Request for:
2A. Valley School 30 East Green Street	1	R-2	Approval of addition of shed to property (Approved 2/18)
2B. Water Storage Tank 4A Ashky Court	1	OS	Approval of water storage tank to replace reservoir (Approved 3/18)
2C. Miller Property Demolition 203 East Main Street	3	TC	Approval of demolition of three vacant buildings (Approved 4/19)
2D. Asian Café Corner of E. Green & N. Church Streets	1	TC	Approval of revisions to overflow parking lot use (Approved 5/20)
2E. Miller Property 203 East Main Street	1	TC	Approval of revisions to parking spaces (Approved 6/17)
2F. Tabor Barn Demolition 10 Boileau Drive	1	TC	Approval of demolition of barn (Approved 9/16)
2G. Hollow Creek Prof. Center 821 East Main Street	3	GC	Approval of retail and office development (Approved 10/21)

MASTER PLANS

Name	Units	Zoning	Request for:
None			

PRELIMINARY PLANS

Name	Units	Zoning	Request for:
None			

MASS GRADING/SWM PLANS

Name	Units	Zoning	Request for:
None			

IMPROVEMENT PLANS

Name	Units	Zoning	Request for:
3A. Franklin Commons Corner of Franklin & Broad Streets	18	R-3	Re-approval of plans for construction of multi-family dwellings (Approved 3/18)
3B. Water Storage Tank 4A Ashky Court	1	OS	Approval of water storage tank to replace reservoir (Approved 7/15)
3C. Miller Property 203 East Main Street	1	TC	Approval of redline revisions to lighting/fencing (Approved 9/16)

FOREST CONSERVATION PLANS

Name	Units	Zoning	Request for:
4A. Water Storage Tank 4A Ashky Court	1	OS	Approval of FCP and PFCP plans for water storage tank (Approved 3/18)
4B. Water Storage Tank 4A Ashky Court	1	OS	Approval of FFCP plan for water storage tank (Approved 6/17)
4C. Hollow Creek Prof. Center 821 East Main Street	3	GC	Approval of PFCP for retail/office development (Approved 11/18)

SUBDIVISION PLATS

Name	Units	Zoning	Request for:
None			

ADDITION PLATS

Name	Units	Zoning	Request for:
5. Zion Lutheran Church West Green Street	2	TC	Addition of partial lot to another church-owned lot (Approved 2/18)

FINAL PLATS

Name	Units	Zoning	Request for:
None			

RE-ZONING REQUESTS:

None

ANNEXATIONS:

None

TEXT AMENDMENTS:
Text Amendments recommended to Burgess and Commissioners for adoption. (Municipal Code Number)

Self-storage facility text amendment – Planning Commission reviewed and commented on adoption of revisions to provisions pertaining to self-storage facilities, including definitions relating to such. (Sections 17.04.030, 17.48.340) [PC commented 4/15, 7/15 and 8/19; B&C adopted 8/26/2019]

Accessory structures text amendment – Planning Commission reviewed and commented on adoption of revisions to accessory structures. (Section 17.32.170.D) [PC commented 11/18]

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

Applicant	Request	Location	Motion	Date
A. Habitat for Humanity	variances of 9.2′ for side yard setbacks	211 S. Jefferson	Approved	3/26
B. Ayers	variance to allow RV in front yard setback	331 S. Church St.	Approved	7/18
C. Parra	variance of 8′ from 18′ setback for a pool	517 Glenbrook Dr.	Approved	10/17

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:
Action taken by the Town in the year 2019 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. Future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west, and a collector from US 40-A north to I-70. With the annexation of the Memar Property, a section of northern alignment, west of Coblentz Road, will be built by the developer.

The State Highway Administration has funded the Main Street streetscape project and the notice to proceed to construction was received on September 6, 2016. The limits of the project extend from the western edge of town to the eastern edge of town, and includes the replacement of water mains from Coblentz Road to Eastern Circle. The SHA scope of work includes replacement of storm water lines in the Main Street SHA right-of-ways and relocating some utility lines, new signage, traffic patterns, and replacement or installation of curb, gutter and sidewalks. The project also includes landscaping and planting of new trees. The project is expected to be completed Summer of 2020.

The Town began discussion with Frederick officials for a Rural Transportation Program in conjunction with Frederick County and other interested municipalities. This program would provide transit service within the Town limits on one scheduled day per week.

WATER SUPPLY AND DISTRIBUTION:

The Town depends on 23 wells, 4 major groups of springs, two reservoirs, and a 400,000-gallon elevated water storage tank to supply water to the Town. The current total withdrawal permitted by the Town is 387,000 gallons per day (gpd). The average daily use for 2019 was 310,000 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and there were no violation levels in 2019. The Town completed an engineering study of the existing reservoir and is moving forward with construction of a stadium style ground storage tank. This new tank will be built within one of the existing reservoirs. Construction will begin in 2020. In addition, the project will remove the abandoned 6″ suction water line from the reservoir to the booster station and replace it with a 16″ suction supply line to the Town. This will provide the Town with dual suction lines for water supply to the Town.

WASTE WATER TREATMENT FACILITIES:

The East Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek is designed to process 350,000 gpd of sewerage. The current discharge permit for the plant is 250,000 gpd. Average daily flows for 2019 were 302,537 gpd. The discharge permit for the West WWTP at Catoctin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2018 were 373,015 gpd. The 2019 numbers are high and over the permit allotments due to the unusually wet weather.

PARKS AND GREENWAYS:

Walking trails were completed in 2019 that connect to the footbridge over Cone Branch Creek across Franklin Street from the Primary School, and Remsberg Park, for continuation of the walking trail system around the Town. Once the SHA streetscape project is completed, a walking trail sign will be installed on the Cone Branch Trail off East Main Street.

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 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, MD, Inc. is a 501c3 organization that supports the economic development of the Town. In February 2019, Main Street Middletown, MD Inc. became the proud owners of 19 and 21 West Main Street. The money was raised through donations and grants from many entities, including

Preservation Maryland, MD Heritage Area Authority, and the Department of Housing and Community Development's Community Legacy Fund. Upon the purchase, Main Street Middletown, MD Inc also worked with the Maryland Historical Trust that placed a perpetual easement on the historic exterior of the property.

Main Street Middletown continued with the Façade Improvement Program with funds being reimbursed to Pyramid Rocks, LLC, owner of the Dr. Lamar House at 200 West Main, and with the Middletown Valley Bank.

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

No updates to the Zoning Code were completed in 2019 aside from the text amendment listed above.

COMPREHENSIVE PLAN REVIEW

Since there have been no policy changes made in recent years to warrant an update to the Town's Comprehensive Plan, the update process will begin in 2020 to be completed in conjunction with the availability of the 2020 Census data. 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.

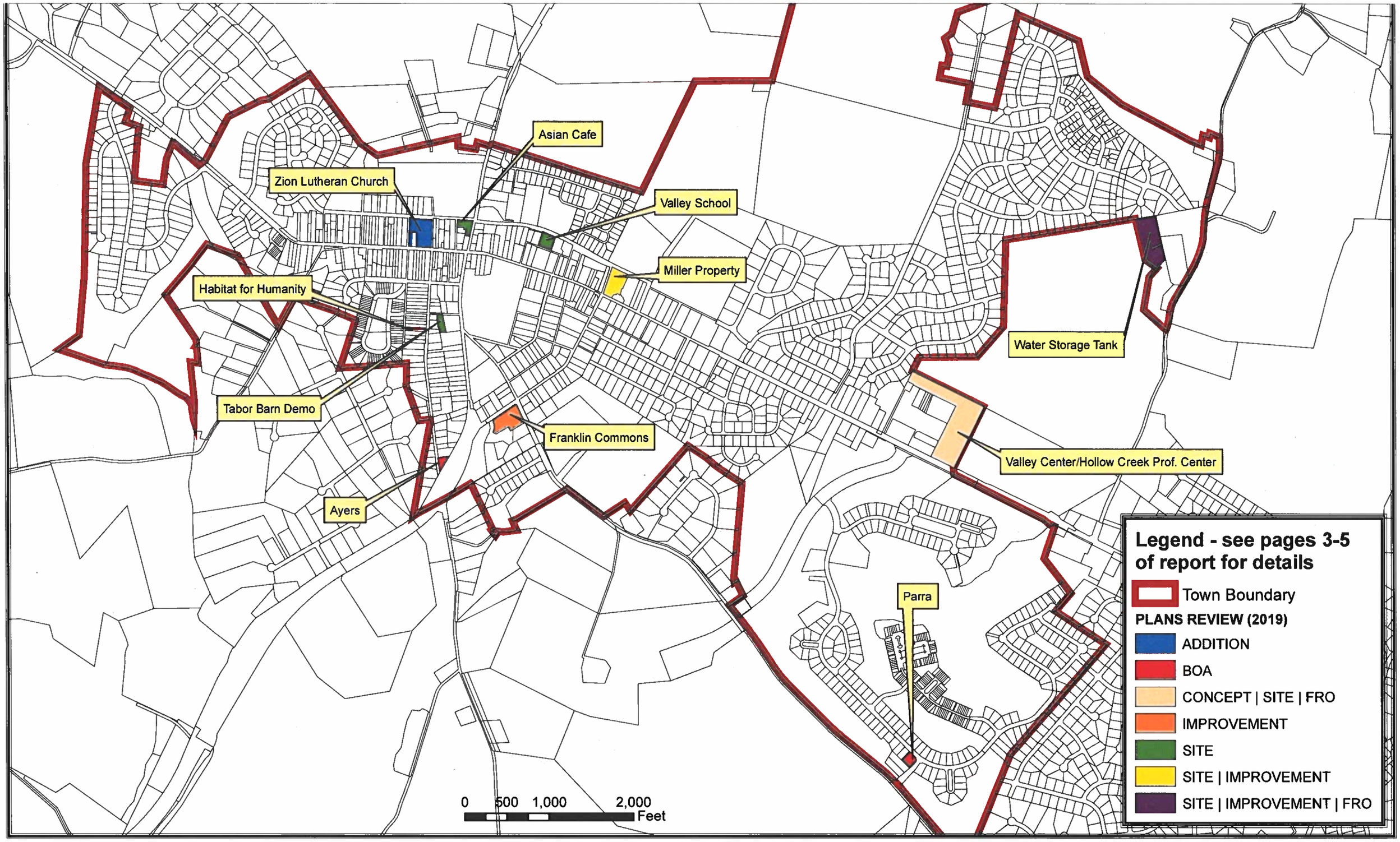
2. Review policies that would provide guidance for sustainability and climate change resiliency as it effects the town and future annexations.

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.

Permits Issued

TYPE	1996-2000	2001	2002	2003	2004	2005	5 yr.	2006	2007	2008	2009	2010	5 yr.	2011	2012	2013	2014	2015	5 yr.	2016	2017	2018	2019	5 yr.
Single - Family	**168**	75	106	92	45	22	**340**	30	31	12	17	23	**113**	10	12	5	8	4	**39**	8	25	28	23	
Multi-Family	**0**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	0	0	1	0	0	**1**	0	0	0	0	
Duplex	**0**	0	0	0	0	0	**0**	1	0	0	0	0	**1**	0	0	0	0	0	**0**	0	0	0	0	
Townhouse	**0**	0	0	42	15	0	**57**	16	19	23	24	0	**82**	0	0	0	0	0	**0**	0	0	0	0	
Apartments	**1**	0	1	0	0	0	**1**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	0	0	0	0	
Interior Improvements	**0**	9	11	20	19	22	**81**	18	20	19	12	19	**88**	15	11	12	15	17	**70**	16	25	19	17	
Additions	**0**	6	15	15	28	20	**84**	8	12	2	6	2	**30**	6	7	4	2	4	**23**	1	4	4	4	
Pools & Hot Tubs	**23**	7	9	9	16	4	**45**	8	12	7	4	3	**34**	2	6	5	2	1	**16**	2	6	3	6	
Decks & Porches	**106**	18	38	36	64	39	**195**	37	41	31	27	28	**164**	32	19	9	15	21	**96**	14	16	18	23	
Accessory Structure	**66**	14	15	24	23	16	**92**	18	13	14	9	9	**63**	6	5	7	8	15	**41**	11	15	10	20	
Fences	**66**	18	27	41	36	29	**151**	23	16	25	24	20	**108**	16	24	13	15	16	**84**	23	19	15	27	
Demolitions	**7**	1	1	0	1	2	**5**	0	2	0	2	1	**5**	2	1	2	1	3	**9**	5	5	2	3	
Propane Tanks	**0**	1	1	3	6	6	**17**	3	4	2	2	1	**12**	6	2	4	1	0	**13**	0	1	2	2	
Trailers	**0**	3	2	0	0	3	**8**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	2	0	1	1	
Pump Station	**0**	1	0	0	0	0	**1**	0	0	1	0	0	**1**	0	0	0	0	0	**0**	0	0	0	0	
Signs	**16**	8	6	4	4	7	**29**	5	7	2	5	6	**25**	7	8	6	10	8	**39**	3	4	7	6	
Solar panels	**0**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	0	0	4	37	20	**61**	25	7	8	4	
New Commercial	**15**	2	4	0	0	0	**6**	0	0	0	0	1	**1**	0	0	2	0	2	**4**	1	0	4	2	
Commercial Conversion	**0**	4	5	7	6	8	**30**	1	2	7	3	3	**16**	4	6	5	5	8	**28**	1	4	4	4	
Industrial Conversion	**0**	2	0	0	0	0	**2**	0	0	0	0	0	**0**	0	0	0	0	0	**0**	0	0	0	0	
Office Conversion	**0**	4	4	0	1	4	**13**	14	3	0	5	2	**24**	0	3	0	0	3	**6**	0	1	3	1	
Other									2	1	2	2	**7**	5	4	4	6	4	**23**	1	4	5	4	
Total Permits	**468**	173	245	293	264	182	**1157**	182	184	146	142	120	**774**	111	108	83	125	126	**553**	113	136	133	147	



Middletown 2019 Annual Report Map

Chapter 1 INTRODUCTION

Purpose of the Plan

~~The purpose of~~ t~~T~~he Middletown Comprehensive Plan ~~is to~~ provides a framework to guide future decision-making concerning growth, development and the provision of public services. ~~As such,~~ t~~T~~he Plan for the Town ~~should~~ reflects the community values of its residents and elected officials. These values are expressed through the Plan's goals and objectives which envision a desired future condition for the community. The goals and objectives are the basis for recommendations ~~which are to be found~~ contained in the Plan and are the basis for future actions the Town will take ~~in~~ regarding ~~to~~ development proposals, rezonings, annexations and public works projects.

The adoption of a Comprehensive Plan is ~~also~~ important in that it ~~can~~ provides the framework for consistent decisions. The Plan ~~can~~ gives succeeding administrations a better idea of what values have been expressed~~stated~~ through the public planning process.

A Comprehensive Plan has value to the staff planner, the Town Planning Commission, the elected officials, and the citizens. The planner ~~will~~ uses the ~~p~~Plan to evaluate land use proposals and to inform property owners about appropriate areas for development. ~~The e~~Elected officials ~~will~~ use the plan to make decisions which are consistent with an adopted course of action and to make progress on issues which are identified as needing action. ~~The c~~Citizens can use the Plan to judge the decisions of the planning body and elected officials, and to gauge the progress made in important areas of concern. Equally important is the coordination with County planning efforts since much of the public facility planning is controlled at the County level. Coordination with Town plans will enable the County to attempt to provide public facilities sufficient to meet the needs of the populace.

~~Another purpose of t~~The Comprehensive Plan is used to coordinate planning activities with other levels of government and regional planning agencies. The State of Maryland, through the Maryland Economic Growth, Resource Protection and Planning Act of 1992~~,~~ and its subsequent amendments, requires comprehensive plans to be updated at specified intervals. ~~and~~ Furthermore, the Act requires each municipal comprehensive plan to include elements that align with the state's core growth and development visions. These core growth and development visions expanded from the original 7 objectives to 12 ~~in the plan which will follow the 12 visions which were prepared~~ in the wake of the 1987 Chesapeake Bay agreement ~~with the addition of new visions in 2009 from~~ and Maryland Senate Bill #273 (effective October 2009) to help achieve Smart and Sustainable Growth. The 12 visions are as follows:

1. A high quality of life is achieved through universal stewardship of the land, water and air resulting in sustainable communities and protection of the environment;
2. Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals;
3. Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers;
4. Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of

land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources;

5. Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner;
6. A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers;
7. A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes;
8. Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged;
9. Land and water resources, including the Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources;
10. Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved;
11. Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection; and
12. Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state, and interstate levels to achieve these visions.

~~On October 1,~~ In 2006, the Maryland General Assembly enacted legislation that affects the laws governing municipal annexation and the makeup of municipal and county comprehensive plans. HB 1141, Land Use-Local Government Planning, amendeds Articles 23A (which provides most of the powers and limitations for municipalities in MD) and the Land Use Article (formerly Article 66B), Annotated Code of Maryland. It created new responsibilities for municipalities and counties related to annexations, and established new mandatory elements in all municipal and county comprehensive plans~~, the provisions of which take effect on October 1, 2009~~. A few of the legislation's key components are listed below.

1. Every municipal comprehensive plan must have a Municipal Growth Element and annexations must be consistent with these elements.
2. All municipal and county comprehensive plans must have a Water Resources Element.
3. Sensitive Areas Elements must address agricultural and forestlands intended for resource protection or conservation as well as wetlands.

~~Equally important is the coordination with County planning efforts since much of the public facility planning is controlled at the County level. Coordination with Town plans will enable the County to attempt to provide public facilities sufficient to meet the needs of the populace.~~

Goals

All successful planning begins with an idea of a desirable end result. These desired end results are the goals toward which actions are directed. The goals provide the framework for policies

and objectives to carry out the goals. The framework for the Plan can be stated in the four major goals below:

A. Provide for Quality Living Environment

Preserve and promote quality residential developments with adequate provision of public facilities and services and explore opportunities for safe and affordable housing. In addition, new development should be directed to designated development areas and shall be encouraged only where it can be served at a satisfactory level by existing or planned public improvements including roads, sewer, schools, water and park facilities. It is essential that in order to promote and ensure a quality living environment, improvements to the transportation system must be made. Specifically, extension of the Middletown Parkway should be kept as a top priority in Town and County plans.

Commented [CU1]: Eliminate this sentence?

B. Protection of Important Natural Resources and Historic Landmarks

The Town should require that the adverse impacts on the environment from development, including the impact on provision of public utilities, be minimized. It is important that the Town continue to ensure that flooding and erosion control steps are taken and that stormwater management and sediment control regulations are followed. The Town should also encourage the preservation of unique or historic landmarks, protection of the Town watershed and protection of Catoctin Creek and its tributaries. Promote concepts of a sustainable community to meet the needs of the present while ensuring that future generations have the same or better opportunities.

C. Encouragement of Sound Economic Base

The Town should provide for a variety of commercial and industrial areas which will be located ~~so as to~~to minimize the impact on adjoining land uses. It may also be helped by actions and recommendations of Main Street Middletown.~~groups such as the Downtown Revitalization Committee Main Street Maryland, and Middletown Valley Business Association~~. The Town's natural and historic assets should also be fully utilized by encouraging tourism through promotions such as ~~the Maryland Heritage Preservation and Tourism Program, and~~ the Heart of the Civil War Heritage~~Trails~~ Area. The Town will provide for an efficient and streamlined development review process.

D. Manage and Sustain Middletown's Future Growth

The Town should ensure that its future growth is managed properly, per the towns residential and commercial growth policies, by requiring new development provide the necessary water and sewer resources, traffic impact studies and subsequent needed improvements to the Town's transportation infrastructure, and recreational resources for the town's residents, as determined by the Planning Commission and the Town Board. Additionally, developments will receive a set ~~amount~~number of permits per year.

The Town of Middletown is committed to fiscally, socially and environmentally responsible land use development. Sustainable development integrates the needs of the Town and its residents in the present generation without sacrificing the ability of future

generations to meet their needs by balancing the economy, society and the environment in the process. In looking towards the future, the Town of Middletown will strive towards sustainable living and planning.

Sustainability in the Town will be guided by the following objectives:

Commented [CU2]: R. Gallagher – Should this be a goal or an objective? Make Sustainability goal E ?

- ~~Preservation of Open Space and environmental stewardship areas in Town to ensure that the natural environment and the views it provides citizens are preserved into the future. This would include preservation and expansion of fragmented or isolated woodlands into coherent greenways while providing water quality benefits for the Town's water resources.~~
- Continuation of the preservation of the greenbelt of open spaces and farmland established around the Town. This greenbelt physically separates Middletown from sprawl development in other areas of the County.
- Reduction of the total amount of impervious surface area within the existing Town limits of Middletown ~~through the use of~~using the latest stormwater management and pervious pavement designs.
- Continuation of its rain barrel partnership with the Interstate Commission on the Potomac River Basin (ICPRB) and the Chesapeake Bay Trust and investigation of other sustainable stormwater management practices.
- Reduction of energy consumption and carbon footprint through energy efficiency programs, clean energy programs, alternative transportation fleet options and recycled procurement programs as part of the Town of Middletown government policies.
- Promotion of Frederick County's single stream recycling program for residents and development and enhancement of government and business recycling programs in conjunction with the County program.
- Reduction of water consumption and wastewater production through enhanced water reuse programs and low-flow technologies.
- Continuation of the use of the brown biodegradable paper bags to all Town residents as part of its Yard Waste collection program that eliminates yard waste from the municipal solid waste disposal stream.
- Promotion of sustainable building practices using the U.S. Green Building Council's LEED program or a similar system for government and commercial construction projects.
- Cooperation with Main Street Middletown and Frederick County Public Schools to help educate the public, schools, professional associates, business and industry about creating a sustainable community and to establish sustainable policies for all commercial and County buildings and operations in the Town.

Commented [CU3]: R. Gallagher – suggests that all this detail be moved to an appropriate chapter. Cindy suggests that there be a chapter entitled Sustainability.

~~It will be the policy of Middletown that…~~

1. Preservation of Open Space and environmental stewardship areas in Town to ensure that the natural environment and the views it provides citizens are preserved into the future. This would include preservation and expansion of fragmented or isolated woodlands into cohesive greenways while providing water quality benefits for the Town's water resources.

~~1.~~2. Wetlands, streams, floodplains, forested areas, and steep slopes are not disturbed by development.

~~2.~~3. Streams and floodplains have vegetated buffers that help to restore the natural function of these areas. These buffers are planted in species native to Middletown and the surrounding area.

~~3.~~4. The Town actively seeks ways to lessen its impact on the environment by minimizing energy use, carbon emissions, water consumption, stormwater runoff, and implementing green design standards.

~~4.~~5. To the fullest extent practical, new development uses non-structural techniques and pervious paving to manage storm water and otherwise comply with the highest standards of the Maryland Department of the Environment.

~~5.~~6. Developers seeking annexation will plan their projects to the highest standards for community and environmental design using sustainable building practices.

~~6.~~7. Natural areas and farming remain the dominant use in the greenbelt.

~~7.~~8. An interconnected system of parks, shared use paths, and open spaces is created in and around Middletown. Every resident is within a five-minute walk from a community park and shared use path.

~~8.~~9. All residents and businesses in the Town of Middletown will participate in Frederick County's single stream recycling program.

~~9.~~10. An education program is put into place that teaches the public, school children, and business owners about sustainable development and sustainable living.

Planning in Middletown

This document is structured around ~~7~~ major components; population and housing, physical features, sensitive areas, water resources, municipal growth, land use, transportation and community facilities. Each of these components is a chapter in the Plan. Chapters 3 through 8~~6~~ include background information, issues, objectives, policies, and implementation recommendations. The implementation recommendations include specific actions which are necessary to carry out the goals and objectives of the Plan. This Middletown Comprehensive Plan is the fifth comprehensive update since the original Master Plan was adopted in 1969.

Commented [CU4]: R. Gallagher – Do we want to add sustainability as an 8th area?

~~Planning was initiated in Middletown on January 1, 1965, when a Planning & Zoning Committee was formed and given the task of preparing the appropriate ordinances to regulate development. The first meeting of the Planning & Zoning Commission occurred on January 19, 1965, at which time a State model zoning ordinance was adopted. This model zoning ordinance was amended from time to time and was in use until March 3, 1969, when the first Middletown Comprehensive Plan and Zoning Ordinance were adopted. Shortly thereafter, the Middletown Subdivision Regulations were adopted on March 17, 1969.~~

~~This Middletown Comprehensive Plan is the fourth comprehensive update since the original Master Plan was adopted in 1969. The target date for various housing and population projections used in the 1995 Plan was 2000.~~

Prior Middletown Comprehensive Plans sought to achieve a diversified community which avoided mixed land uses, provided easily accessible recreational facilities, and encouraged industrial and commercial development. The Plans also intended to provide for improved traffic patterns including a parkway around the downtown area. The Plans also intended for schools to serve as activity centers.

Commented [CU5]: C. Kehne (5 Lauber Ct) – Since moving here 10 years ago, I have always wished that Middletown would support more businesses as seen here in 'commercial development to suit locals needs'. I would highly recommend seeing some efforts to get a (1) small hardware store. this is crazy driving 10 miles for a bolt, (2) a fast food store, i.e. McDonalds to allow more socially inclined seniors who fill up Frederick's McDs for small coffee meetings and fun each morning. This would save traveling for many.

Some of the goals of the previous ~~p~~Plans were achieved in the segregation of new residential development from other commercial and industrial uses. In addition, this residential development became a larger share of the Town's total land use acreage. However, other goals of the Plans were not achieved such as the provision of a complete parkway around Middletown or generally improved transportation patterns.

Over the past several years, Middletown has gained a new independence by the addition of a Town Staff Planner, Zoning Administrator, and Town Engineer and included documents such as approval of a Town Design Manual. In addition, the Town has instituted its own permitting authority, construction inspections, and is requiring annexation agreements for all new parcels coming into Town.

Commented [CU6]: Delete this paragraph?

Description of the Town & Regional Context

Commented [CU7]: R. Gallagher – suggests that from this point to the end of page 1-7 be moved to Chapter 2.

Middletown, located on the Maryland Historic National Scenic Byway, can be described as a historic small town which, over the last 35 years, has become increasingly linked with the Washington Metropolitan area as growth from this area has spread into Frederick County. It is included in the Heart of the Civil War Heritage Area, recently designated by the State, and boasts a large number of historic residences along the Old National Pike. An especially unique characteristic of Middletown is the view from Braddock Mountain. Due to the inter mountain terrain, many views of Middletown are available. Depending on traffic, both Baltimore and Washington are within an hour's drive from Town. Frederick County is now considered part of the Washington Metropolitan Statistical Area, and has a County population of 228,856 (2006) persons according to the Frederick County Planning Department. This is expected to increase to 331,700 by 2030. Middletown is located 40 miles northwest of Washington D.C. and 45 miles west of Baltimore and has a 2010~~2000~~ population of 4,136~~2,668~~ persons. The projected population for 2030 is 5,092 people.

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Middletown encompasses a land area of 1,142 acres and has the sixth largest population of 12 incorporated towns in Frederick County. It is largely a residential community within the agriculturally dominated Middletown Valley. Land uses ~~in the vicinity of~~near the Town include large scale residential development east of its border with agricultural and scattered residential north, west and south of the corporate limits. The downtown area includes small specialty commercial establishments and there is a small shopping center with a grocery store on the eastern edge of Town as well as a new shopping center with a CVS, restaurants, and other services. Frederick City provides a wide range of goods and services and is located 8 miles to the east over Braddock Mountain. Another city, Hagerstown (39,000 population), is located 14 miles west over South Mountain. Other incorporated areas in the Middletown Valley include Brunswick City (5,230 population), 8 miles south and Myersville (1,508 population), 5 miles north.

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Historic Development

Development in the Middletown Valley began about 1740 with English settlers. These were soon followed by German immigrants who came to dominate the Valley. The Town of Middletown was originally laid out by Michael Jesserong, who deeded building lots described as

being in the Town of Middletown[1]. The origin of the name is unclear, perhaps owing to the central location of the Town in the valley between the Catoctin and Blue Ridge (or South) Mountains.

Middletown has experienced many historical events that occurred during our nation's development. In 1755 Colonel George Washington accompanied General Braddock on the old Indian Trail that ran through the valley on his way to Fort Cumberland. Westward expansion occurred on Main Street including the construction of the Old National Pike in 1806 and in 1896 Car 11 of the Frederick Middletown Railway made its first run to Middletown. The Civil War brought both armies passing through Town on their way to the battles of South Mountain and Antietam. In the aftermath of those battles, Middletown opened its churches and homes to care for the wounded. Confederate General Jubal Early held the Town for ransom as recreated annually~~in the past~~ during the Heritage Days celebration.

Middletown was incorporated in 1834 with Jacob Hoffman serving as the first Burgess. In the early days, Middletown had large and thriving businesses owing a great deal to its location on the Old National Highway. At one time, Middletown was the voting place for the entire valley from the Mason-Dixon Line to the Potomac River. There were various trades and other business in addition to those serving the outlying agricultural area. Among the major businesses which were located in the Town were Hanover Shoe Company, the Valley Register Publishing Company, C.F. Main & Sons Ice Cream, Gladhill Furniture, Southern States Co-op, the Granger's Mutual Insurance Company, the South Mountain Creamery, L.Z. Derr General Store, Shafer's Plumbing & Heating, American Store, Arnett's Grocery, and the Middletown Cannery. For a variety of reasons, most of these companies have closed.

Recent development trends in the Middletown area show development east and west of Town and continued low density residential development in the agricultural areas. Since 1969, the corporate limits of Middletown have changed through both annexation and de-annexation of properties. As of August 2007, the land area of Middletown is 712 acres larger than the 1969 corporate limits.

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Include information about the 250th celebration

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Heart of the Civil War Heritage Area

Middletown is part of the Heart of the Civil War Heritage Area, which stretches across much of western Maryland and provides recognition and funding for places whose history is intertwined with the Civil War. The Heritage Areas program encourages communities to identify, protect, and promote their unique heritage and to capitalize on that heritage through economic development tourism initiatives. State funds and assistance will be made available for interpretive and infrastructure improvements in State-approved heritage areas.

The Town endorses the Maryland Heritage Areas Authority's Management Plan for the Heart of the Civil War Heritage Area. As part of the Heritage Area, a Target Investment Zone (TIZ) has been designated in Middletown. The Management Plan designates the Middletown TIZ for future activation. To be activated – and to receive the funding associated with having an active TIZ –

[1] George C. Rhoderick, Jr., The Early History of Middletown, 1989

the Town must submit a detailed work program showing how Heritage Area funds would be used.

The Management Plan of the Heart of the Civil War Heritage Area (HCWHA) was adopted and made a part of the comprehensive plans of Carroll, Frederick and Washington counties in 2006 and included the Town of Middletown within the boundaries of the certified HCWHA. Recognized in the CHWA Plan as the first Target Investment Zone for Frederick County, a designation indicating high potential for enhanced visitor services that creates opportunities for additional heritage area benefits, the Town supports the efforts of the certification of the CWHA Plan. In doing so the Town adopts by reference the Heart of the Civil War Heritage Area Plan.

Middletown is also a part of the Journey Through Hallowed Ground National Heritage Area. Citizens wishing to become involved in the Town's historical heritage activities can contact the Middletown Valley Historical Society and the Central Maryland Heritage League both located in downtown Middletown. Add National Historic Road info?

DRAFT

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 5/5/2020

RE: Monthly Planning Update – May

Major Subdivisions:

Foxfield Section 6 (Coblentz Road) – Active-adult special exception use recommended approval by PC to BOA – January 21, 2020

Board of Appeals hearing date – to be rescheduled

Site Plans, Plats and Minor Subdivisions:

Caroline's View/Horman Apartments (East Green Street)- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)

Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)
Revised Improvement Plan mylars signed – July 21, 2017
Next step – submittal of PWAs for approval and apply for building and grading permits

Cross Stone Commons (Middletown Parkway) – Revised Site Plan conditionally approved – 10/20/14

Improvement Plan mylars signed – November 6, 2015
FRO plantings completed – December 23, 2019
Next step – submittal of architectural renderings for building #2 for review/approval

Dowd Property (Alternate 40A) – Forest Stand Delineation approved – April 16, 2018

Revised Site plan conditionally approved by PC – October 21, 2019 (Plans expire 10/21/22)
Revised Preliminary Forest Conserv. Plan conditionally approved – November 18, 2019
Board of Appeals approved self-storage use – February 26, 2020 (Expires Feb. 26, 2021)
Revised Building renderings submitted for PC review – April 17, 2020
Next step – PC approval of architectural renderings; submission of FFCP and Improvement plans for PC review;

Franklin Commons (Franklin Street) -

Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)
BOA approved height variance request – July 12, 2018 (**BOA approval expired July 12, 2019**)
Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)
Next step – BOA approval of height variance request, then submittal of letter of credit and signing of PWA's

Jiffas (Summers Drive) – Forest Conservation Plan approved & Improvement Plan conditionally approved for commercial use – October 20, 2008 (no sunset provisions prior to November 14, 2010)

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 Park – Shed relocation plans submitted for review – March 2, 2020

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

Middletown Water Storage Tank (Ashky Ct.) –
Site Plan approved by PC – March 18, 2019 (Plans expire March 18, 2022)
Final Forest Conservation Plan conditionally approved by PC – June 17, 2019
Improvement Plans conditionally approved – July 15, 2019 (Plans expire July 15, 2022)

Miller Property (East Main Street) – Phase III Revised Site plan approved by PC – June 17, 2019
Phase III Redline Site & Improvement Plans conditionally approved – Sept. 16, 2019
Next step – submittal of Phase IV site plan for review and approval

More Ice Cream (13 W. Main St)–change of use (intensity) plan submitted for review – May 4, '20

Richland Driving Range (Glenbrook Drive)– Concept plan reviewed by PC – January 18, 2016
Revised Site Plan conditionally approved – January 15, 2018 (Plans expire January 15, 2021)
Improvement Plans reviewed and tabled by PC – September 17, 2018
Next step – submittal of improvement plans for review and approval

School Complex roadway plans (Schoolhouse Drive) – Improvement plans and FCP plans reviewed & approved by Town Board – May 8, 2017 (informed June 2017 funding was not approved for project)
SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17
(Planning Commission reviewed plans as courtesy to Town Board. No expiration date of approval due to type of plans – i.e., no structures, etc. – just changes to roadways, sidewalks.)

St. Thomas More Academy Site Plan revision (Prospect St) –
Revised site plan conditionally approved – April 20, 2020 (Expires April 20, 2023)
Revised site plan to be revisited in five years – April 2025

Annexations:

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

Admar Property – PC approval of consistency with zoning/comp plan – February 20, 2017
Public Hearing - April 5, 2018
Town Board passed annexation resolution – April 9, 2018

Text Amendments: Accessory structures – under review by Town Board
Residential parking requirements for townhouses and apartments – under review by Town Board
Forest Resource Ordinance amendments – under review by Town Board and PC

Reports: **Annual Planning Report draft will be reviewed by PC in April and May**

Grants: **MEA grant application was not approved**
Keep MD Beautiful grant application was not approved

Meetings: **Next Middletown Green Team Meeting – May 19, 2020**

Next Joint town board/planning commission workshop – July 6, 2020