



**AGENDA FOR THE
BURGESS & COMMISSIONERS AND
PLANNING COMMISSION**

DINNER MEETING

May 6, 2019

6:30 p.m.

- 1. Planning Issues Update**
 - a. Cross Stone Commons
 - b. Coblentz Property – Middletown Glen
 - c. Miller Property - Screening
 - d. Dowd Property – Access; Easements; and Traffic Flow

- 2. Self-Storage Facilities Text Amendment**

- 3. Parking Regulations for Apartments**

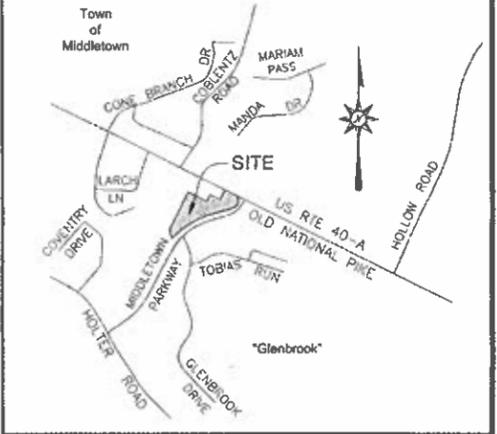
- 4. Unsafe Properties Regulation – Proposed Ordinance 19-03-01**

- 5. Comprehensive Plan Update**
 - a. Draft Timeline
 - b. Community Outreach

- 6. Discussion of Mother-in-Law Suites Above Detached Structures**

SHEET INDEX:

- Layout Sheet..... 1
- Grading & Utility Sheet..... 2
- Landscape Plan..... 3
- Lighting Plan..... 4
- Detail Sheet..... 5
- Exhibits:
- Building Setback Modifications..... A
- Parking Setback Modifications..... B
- Loading Space Exhibit..... C
- Lighting IsoLine Contour Exhibit..... D



VICINITY MAP SCALE: 1" = 100'
TAX MAP 50405 PARCEL 549-202

GENERAL NOTES:

- The subject of this Plan is a two-story parcel known as "Parcel 549-202" located in the Block 43 of Page 132 and "Parcel 549-202" located in Block 44 of Page 132.
- The Project Site (consisting of the two parcels described above) is zoned General Commercial (GC) located within the Town of Middletown, Maryland approximately 7.8 acres and is proposed to be developed as a Commercial use including the addition of Shopping Center use set forth in the Town of Middletown Zoning Ordinance. The proposed Shopping Center is a commercial use including 26,526 s.f. of a building and 228 parking spaces (2-100). All proposed buildings shown (1-4) will be set back from the Town of Middletown General Commercial zone.
- Shopping Center Use is a Special Exception Use and was approved by the Town Board of Appeals on May 8, 2013.

General Commercial - Shopping Center District Standards

Minimum Required Lot Frontage - 200'	Proposed Lot Frontage - 1,550'
Minimum Required Lot Area - 6.00 ac	Proposed Lot - 7.8 ac
Minimum Allowed Building Height - 35'	Proposed Bldg Ht. - 35' or less

GC Building Parameters:	Min. # Required	Proposed
Front:	40'	140' (Minimum is assessed for building)
Side:	20'	20' (Minimum is assessed for building)
Rear:	40'	140' (Minimum is assessed for building)

Shopping Center Setback - Buffer Requirements:

The 17' R.O.W. of the Middletown County Ordinance, all buildings in Shopping Center are required to be set back 50' from the property line and 100' from a street line.

A buffer zone of 100' is required for all paved areas adjacent to the R.O.W.

Setback Requirements (Revised with this plan)

Building #	Required Setback	Proposed Setback	Modification	Distance from Building to Edge of Right of Way
1	17'	50'	33'	132'
2	17'	50'	33'	132'
3	17'	50'	33'	132'
4	17'	50'	33'	132'

Paving:

The project site shall be paved property along 1/2 of its property lines (Street Side & NW Side). The following shall also be paved: parking lot, drive aisles and modifications required for access, beginning with the southern corner of the site and moving clockwise around the site.

Area	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Modification Proposed
1	100	100	100	20'
2	100	100	100	20'
3	100	100	100	20'
4	100	100	100	20'

Notes: As a compensating measure, a 6" high white vinyl privacy fence as well as a landscape screening is proposed along these lots (See "Landscape Plan" sheet 3 for further details).

Along Middletown Parkway frontage, required setbacks to 100' proposed minimum setback is 12.5' Modification of 27' is required.

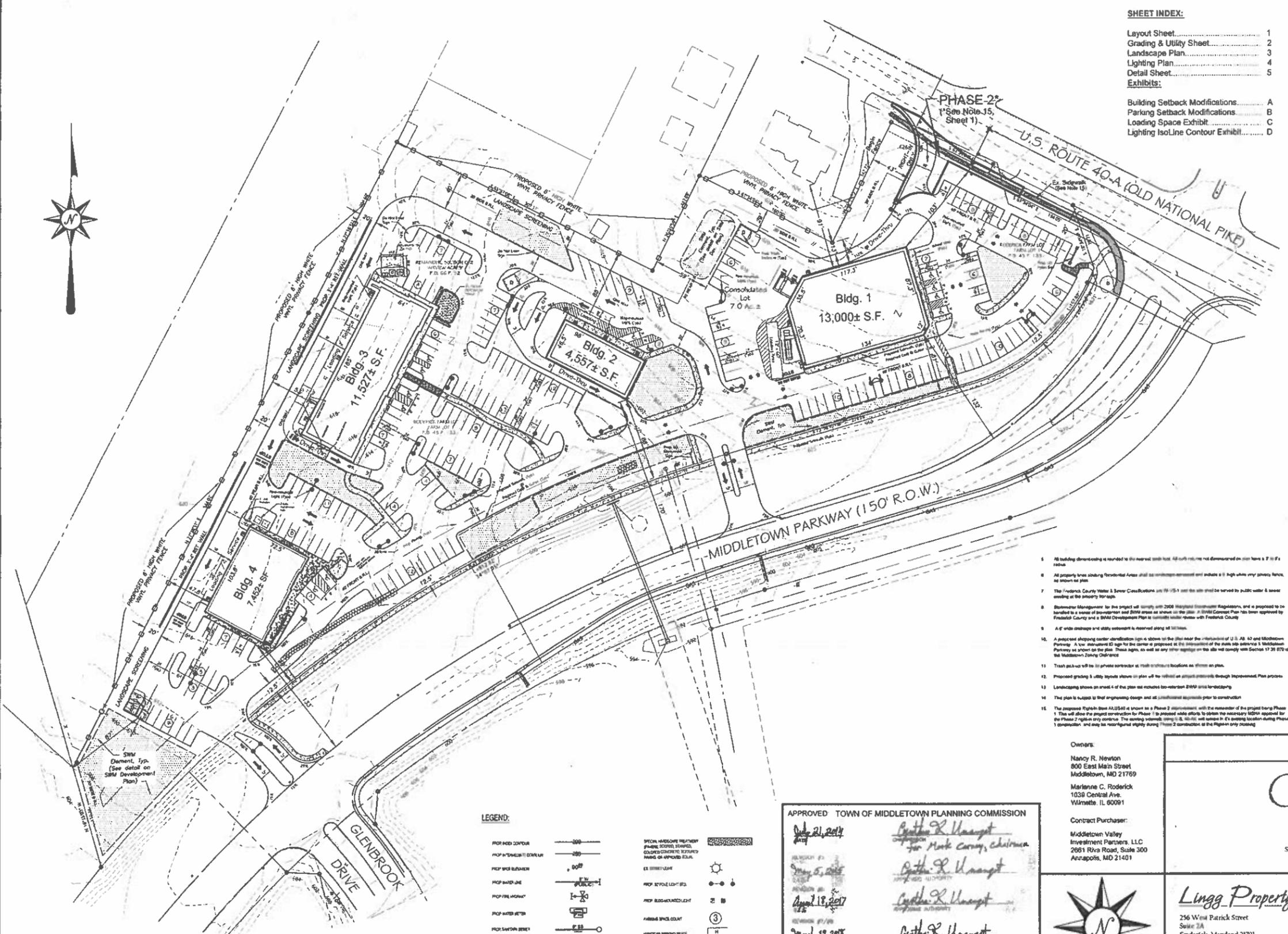
The above modifications are requested by separate letter accompanying the submission in accordance with Section 17.20 (b) of the Town of Middletown Zoning Ordinance.

Parking & Loading Requirements:

Parking: Shopping Center Parking required per 114-250 sq ft of the Middletown Zoning Ordinance = 118 parking spaces per 1,800 sq ft of commercial building space.

Loading: 228 230' parking spaces provided.

Per 11-20-74, Item (2) loading spaces are required (25,000-40,000 sq ft) Four (4) loading areas are provided on this plan.



BASE NOTES:

- The boundary information shown herein is based on a boundary survey by DMW, Inc. on or about July, 2012. Topographic and existing features information in the area being developed is based on a Field Run Survey performed by DMW, Inc. on July, 2012, and supplemented with existing available records.
- Deed Reference: Roderick Farm Lot, Farm Lot 1, Tax Map 80, Parcel 214, P. 8, 45 P. 133 & Remainder, Section One, Fairview Acres, Tax Map 561, Parcel 549, P. 8, 56 P. 52.
- There are no wetlands within the area being developed.
- Subject area is located in zone "C" as per Flood Insurance Rate Map, Panel No. 240-21C02800 and Panel No. 240-21C02700 both dated Sept. 19, 2007.
- There is no 100 yr flood plain on the subject property.
- Slopes on the site, per the Soil Survey of Frederick County, Maryland are as follows:
C=C: Calcutta Spotsylvania complex, 8-15% slopes
M=H: Mt. Zions gravelly silt loam, 3-8% slopes
M=H: Myerstown silt loam, 3-8% slopes
M=C: Myerstown silt loam, 8-15% slopes
M=C: Myerstown-Calcutta-Urbana complex, 3-8% slopes
- No forest exists on the site. No trees with a d.b.h. of 30" or greater exist on the site.
- Information concerning existing underground utility locations, in some instances, may have been obtained from available information provided by third parties. The contractor must determine the exact location and elevation of all existing basins and utility crossings by digging test pits by hand with in advance of the start of excavation. The contractor must contact "wise utility" at 1-800-257-7777 at least 48 hours prior to the start of excavation. If determinations are less than shown on this plan or less than (12) inches, whichever is less, contact the project engineer of record and the utility company before proceeding with any construction. Clearances less than noted may require revisions to the plan.

LEGEND:

PROPOSED CONTOUR	--- 0.00 ---	SPECIAL WETLAND TREATMENT (POND SCOUR, STABILIZED, COAGULANT/CLAY, FERTILIZER, OR APPROVED ECLA)	[Symbol]
PROPOSED INTERIOR CONTOUR	--- 0.00 ---	EXISTING LIGHT	[Symbol]
PROPOSED BOUNDARY	--- 0.00 ---	PROPOSED FLOODING	[Symbol]
PROPOSED DRIVE	--- 0.00 ---	PROPOSED REBAR/ANCHOR LIGHT	[Symbol]
PROPOSED DRIVE	--- 0.00 ---	PROPOSED SIGN CONTOUR	[Symbol]
PROPOSED DRIVE	--- 0.00 ---	WETLAND PERIOD SPIKE	[Symbol]
PROPOSED DRIVE	--- 0.00 ---	WETLAND POND	[Symbol]
PROPOSED DRIVE	--- 0.00 ---	WETLAND ACCESSIBLE POINT	[Symbol]

PLAN REVISIONS:

NO.	REVISIONS	BY	DATE
1	REVISED PER 08/14/13 PC COMMENTS.	DAL	8/16/13
2	REVISED PER ADDL. PC COMMENTS TO ADD SHRUB PLANTINGS AT PARKWAY/ALT-40 W/L.	DAL	11/01/13
3	REVISED PER CHL. REVISED ID SIGN CONFIGURATION.	DAL	01/14/14
4	REVISED TO ADD PHASE 2 LINE FOR RIGH-IN ONLY, ADD NOTE 15 TO SHEET 1.	DAL	09/29/14
5	REVISE BLDG AS FOOTPRINT, PARKING, AND UTILITY CONNECTIONS TO MATCH ARCHITECTURE.	DAL	04/15/15
6	REDLINE REV. SHIFT H/C SPACES AT BLDG. AS REVISE DUMPSTER, ADD CONC. TRANS. PADS.	DAL	04/16/17
7	REDLINE REV. REVISE BUILDING #4 FOOTPRINT, SIDEWALK, & ADD FENCED OUTDOOR SEATING.	DAL	02/09/18
8	REVISED PER PEAKING CONDITIONS OF APPROVAL FROM 3/18/18 PC MEETING.	DAL	03/28/18
9	REDLINE DUMPSTER AT BUILDING #4.	DAL	04/27/18

APPROVED TOWN OF MIDDLETOWN PLANNING COMMISSION

[Signatures and dates: July 21, 2017; May 5, 2018; April 18, 2018; Revised 07/18; Revised 03/2018; May 7, 2018]

CERTIFICATION:

I HEREBY CERTIFY THAT AS A LICENSED LANDSCAPE ARCHITECT IN THE STATE OF MARYLAND AND AS THEREFORE QUALIFIED TO PREPARE THIS SITE PLAN, I PUBLICLY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH OUR PROFESSIONAL STANDARDS OF CARE AND THAT THE REPRESENTATION OF THE INFORMATION CONTAINED HEREON IS QUALIFIED AND CORRECT IN THE BASE NOTES AND GENERAL NOTATIONS SHOWN ON THIS PLAN.

[Signature: David A. Wingo]
DAVID A. WINGO
REGISTERED LANDSCAPE ARCHITECT
NO REGISTRATION NO. 3040

Owners:

Nancy R. Newton
800 East Main Street
Middletown, MD 21769

Marianne C. Roderick
1038 Central Ave.
Wilmette, IL 60091

Contract Purchaser:

Middletown Valley
Investment Partners, LLC
2661 Riva Road, Suite 300
Annapolis, MD 21401



SITE PLAN - Layout Sheet

Cross Stone Commons

(Newton Property)

SITUATED ON MIDDLETOWN PARKWAY AND U.S. RT. 40
TOWN OF MIDDLETOWN
FREDERICK COUNTY, MARYLAND

Lingg Property Consulting

256 West Patrick Street
Suite 2A
Frederick, Maryland 21701
T: (301) 644-2121
F: (301) 698-3221
LinggPC@verizon.net

Land Use Consulting
Lead Planning & Design
Project Management
Site Planning
Subdivision Planning
Planning & Zoning, Entitlements Consulting
Development Rights & Approval Strategies Consulting

SCALE: 1" = 30'
INITIAL DWG DATE: June 2015
SHEET 1 OF 5
LPC PROJECT NO. DG42-01
DWG PROJECT NO. 12708

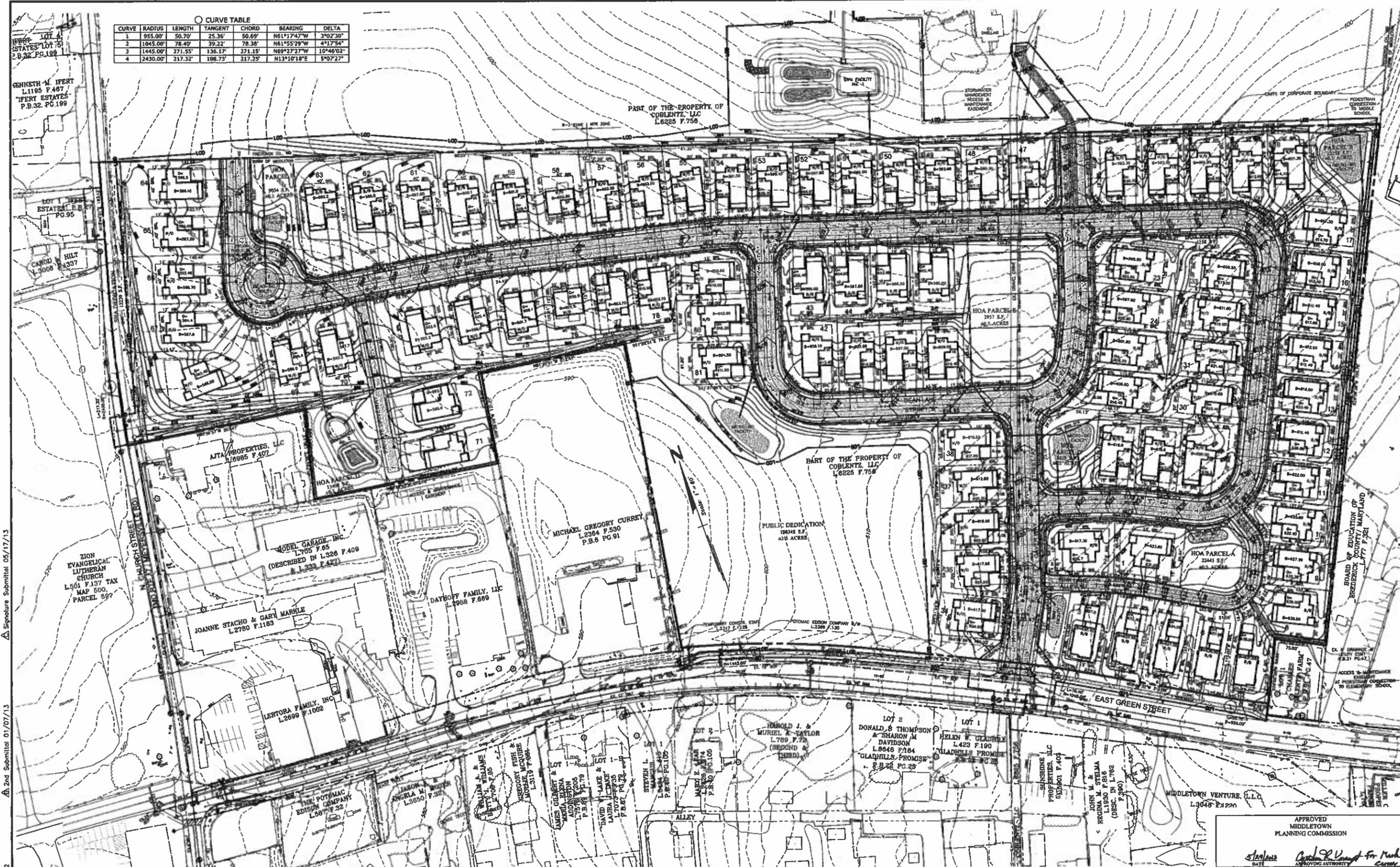
DMW
DAFT MCCUNE WALKER INC.

101 EAST SECOND STREET, SUITE 201, FREDERICK, MD 21701
101.698.9040 | 301.698.9041 | WWW.DMW.COM

A TEAM OF LAND PLANNERS, LANDSCAPE ARCHITECTS,
ENGINEERS, SURVEYORS & ENVIRONMENTAL PROFESSIONALS

LAND DESIGN BY: LPC/Daw
PRELIMINARY ENGINEERING FEATURES BY: DMW
DRAWN BY: DMW/LPC
AUTOCAD VERSION 2008
DRAWING FILE PATH: D:\Projects\CrossStone-SitePlan-7/18/18-01.dwg
Site Plan/CrossStone-SitePlan-7/18/18-01.dwg

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	955.00'	50.70'	25.36'	50.69'	N61°17'47"W	3°02'30"
2	1045.00'	78.40'	39.22'	78.38'	N61°55'29"W	4°17'54"
3	1445.00'	271.55'	136.17'	271.15'	N69°27'27"W	10°46'02"
4	2430.00'	217.32'	108.73'	217.25'	N13°10'18"E	5°07'27"



1st Submittal 11/15/12
 2nd Submittal 01/07/13
 Signature Submittal 05/17/13

APPROVED
 MIDDLETOWN
 PLANNING COMMISSION

 DATE: _____

REVISION	DATE	REVISION	DATE	BY	DATE
BASE DATA		CADD			
DESIGNED					
DRAWN					
REVIEWED					
RELEASE FOR					
BY					

Owner/Developer:
HAILEY DEVELOPMENT, L.L.C.
 3905 NATIONAL DRIVE, SUITE 105
 BURTONSVILLE, MD 20886
 PHONE: 1-301-476-7716
 CONTACT: RICH THOMETZ

PRELIMINARY PLAN

RODGERS CONSULTING
 Knowledge • Creativity • Enduring Values

19847 Century Boulevard
 Suite 200
 Germantown, Maryland 20874
 Ph: 301-948-4700 (Main)
 Ph: 301-253-6609 (Frederick)
 Ph: 301-948-6256
 www.rodgers.com

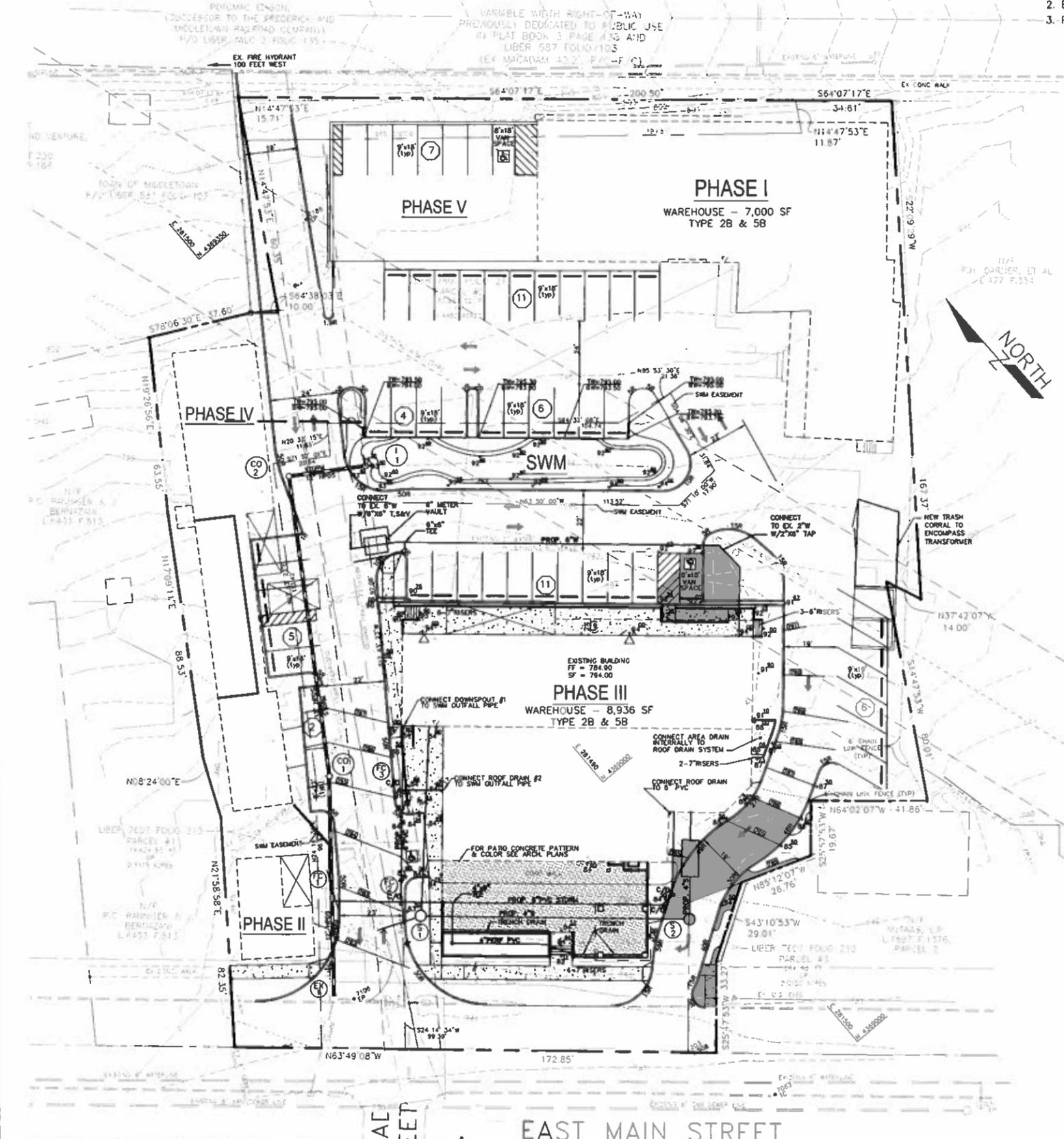
Coblenz Property
 L.6225 F.756
 Election District No. 3
 Town of Middletown, Frederick County, Maryland

SCALE: 1"=60'
 JOB No. 0747N
 DATE: Nov. 2012
 PLOT No. PP-1
 SHEET No. 2 OF 9

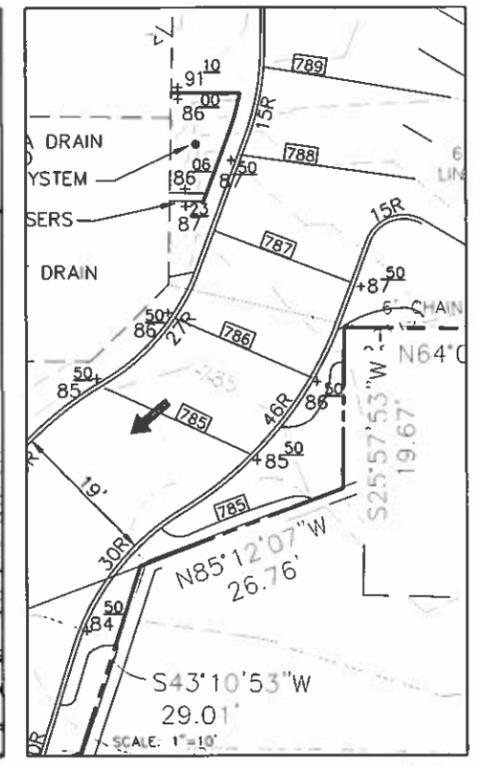
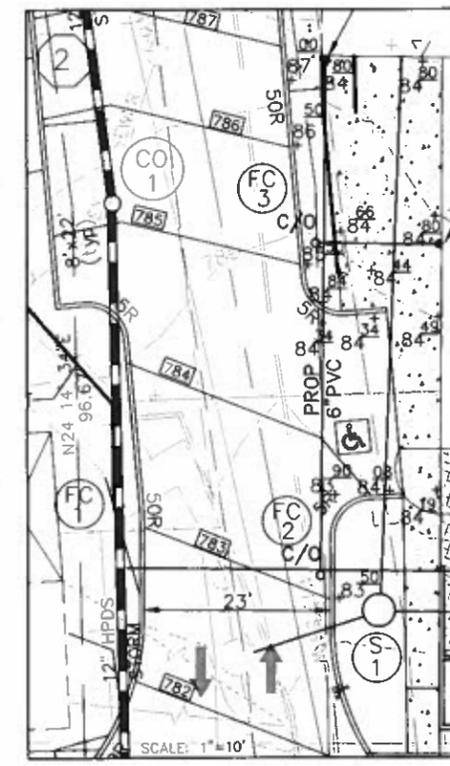
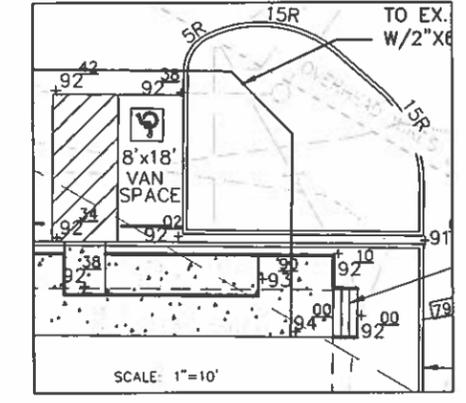
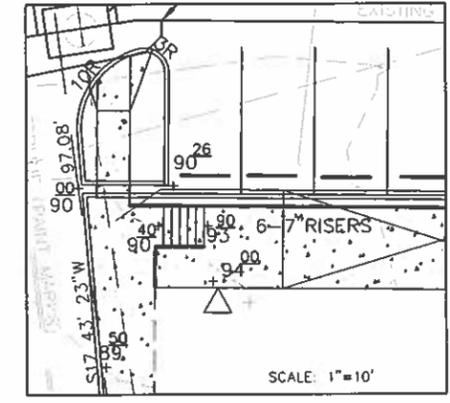
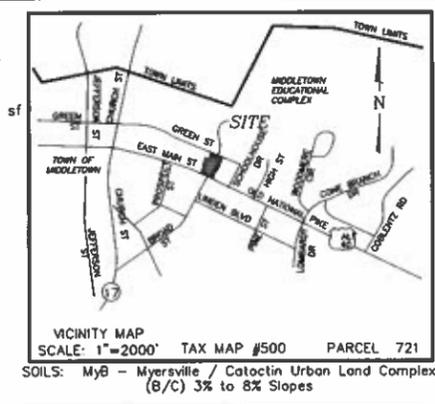
NOT FOR CONSTRUCTION

H:\MD-Frederick\Coblenz\pub\cad\Plot Plans\Preliminary Plan\02-PRELIM PLAN.dwg May 26, 2013, 9:21am

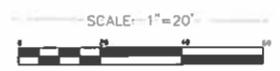
EAST GREEN STREET



- SITE ANALYSIS**
1. SITE AREA: 1.839 Acres or 80,107 sf
 2. EXISTING USE: Warehouse = 7,000 sf & Hardware Store 4,194 sf
 3. PROPOSED USE: Phase I - Warehouse = 7,000 sf
Phase III - Restaurant/Market Cust. area = 4,194 sf
Phase IV - Vacant
Phase V - Vacant



BROAD STREET
EAST MAIN STREET
(U. S. ROUTE 40A; OLD NATIONAL PIKE)
(EX MACADAM 317' F/C-F/C)
(66' Right-of-Way)



OWNER/APPLICANT
MILLER COMMERCIAL PROPERTIES LLC
8600 MYERSVILLE ROAD
MIDDLETOWN, MD. 21769
Attn: ANN MILLER
(P) (703) 902-9537

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 2238
Expiration Date 11-24-15

TOWN OF MIDDLETOWN PLANNING COMMISSION
APPROVED: _____ DATE: _____

ARCHITECT
SETH HARRY & ASSOCIATES, INC.
605 MORGAN STATION ROAD
WOODBINE MARYLAND 21797
TEL 410 489 4725 FAX 410 489 7554
www.setharry.com

CIVIL ENGINEER
CMS ASSOCIATES LLC
4925 Ellis Lane
Ellicott City, Maryland 21043
Tel: (410) 988-2436
Contact: Geoffrey L. Ciniere, PE
www.cms-engineering.net

MILLER COMMERCIAL PROPERTY SITE PLAN
121 & 203 EAST MAIN STREET
TAX ID: 03-136094 & 03-136108
TOWN OF MIDDLETOWN
MIDDLETOWN ELECTION DISTRICT 3
FREDERICK COUNTY, MARYLAND

PLAN NO: C-1
SCALE: AS NOTED
DATE: 03/19/2014
SHEET 1 OF 1
FILE NO: 13-005



MIDDLETOWN VALLEY BANK
PARCEL - A
VALLEY CENTER
L. 1077 F. 205
P.B. 20 PG. 16

CONC. CURB (TYP.)

CROSSWALK

N 30°

N 30° 00' 00" W 300.00''

N 30° 00' 00" W 200.00''

N 30° 00' 00" W 200.00''

N 30° 00' 00" W 200.00''

STORM DRAIN



MEMORANDUM

DATE: February 4, 2019

TO: Burgess and Commissioners

FROM: Andrew J. Bowen, Town Administrator

SUBJECT: Town Code Conflict in General Commercial (GC) Zoning District

ISSUE

There is a conflict in the Town Code Section 17.20.020.C. and Section 17.48.340.E. How should the Town Board address this conflict?

BACKGROUND

The developer of the Dowd Estate has filed a Preliminary Site Plan proposing Self-Storage on the property which is zoned GC. Under GC (17.20.020.C.) Special Exceptions, it listed all of the special exceptions uses as **PRINCIPAL**, if approved by the Board of Appeals; but when you look under Specific Standards for Special Exceptions (17.48.340.E.), it states that Self-Storage may be permitted only as an **ACCESSORY** use. The Town Board requested an opinion from the Town's Attorney to advise the Town Board how to address this conflict. The attorney's opinion pointed out, under *statutory construction*, the status last enacted is deemed to have repealed the inconsistent term of the former.

Section 17.20.020.C. was passed in 2007 and Section 17.48.340.E. was passed in 1997. Therefore, under statutory construction, a self-storage facility can be allowed as a primary use as a Special Exception in the GC.

RECOMMENDATION

Staff has no recommendations, but offers the following options for the Town Board to consider:

1. Do nothing. Use the concept of statutory construction to deem the self-storage as an principal use to be permitted only and an accessory use to be inconsistent.
2. Remove the line E. from 17.48.340. That would remove any inconsistency.
3. Redebate the entire issue of self-storage in GC and decide what you want today and enact and repeal a new ordinance with what the Town Board wants today.

If the decision of the Town Board is to enact any type of ordinance to address this issue, staff would suggest the new ordinance to address a couple of things to avoid any problems in the future. They are:

- i. The Town should define the following words in Zoning Section
 - a. Self-Storage
 - b. Storage
- ii. The Town has three (3) commercial zoning districts. Only GC uses the wording in the Special Exception of "*principal uses*", does the Town Board want these three (3) commercial districts to be consistent when it comes to Special Exceptions.

ATTACHMENTS

Code Section 17.20.020.C. & Section 17.48.340.E.

• **17.20.020 - GC general commercial district.**

- A. Purpose. The GC district is intended to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The uses permitted in this district are of such character as to provide for comparative shopping needs, service and repair needs, office uses, specialized commercial and entertainment activities and those establishments which cater primarily to the motoring public.

The location of such areas should be such that stores and commercial activities can be grouped together in an attractive and convenient manner at locations that will not infringe on residential areas. It is also essential that areas for this district be on major thoroughfares in order to provide for vehicular accessibility.

- B. Uses Permitted in the GC District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Clubs, lodges, fraternal organizations;
2. Public buildings, structures and services;
3. Retail sales: paint, wallpaper, hardware, food, apparel, appliances, jewelry, fabric, furniture, furnishings, office equipment and supplies, general merchandise, equipment rental, floral items, plants, plumbing, heating and electrical;
4. Eating and drinking establishments;
5. Personal services—laundry, barber, beauty, funeral;
6. Office and business services—contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;
7. Repair services—electrical appliances, furniture, upholstery, jewelry repair, clothing, shoe;
8. Professional offices and services—medical, dental, legal, engineering, veterinary, architectural, design;
9. Commercial recreation—theaters, bowling alleys, amusements;
10. Places of worship;
11. Light assembly and fabricating: clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys, books. (Subject to [Section 17.20.080](#));
12. Storage, wholesale and warehouse buildings: indoor storage of goods and material which will be sold, processed or disposed of on or off premises. (Not, however, to include auto wrecking, junk or other salvage storage or truck or shipping terminals.) (Subject to [Section 17.20.080](#));
13. Public safety services, subject to site development plan approval;
14. Farmers' markets;
15. Museums;
16. Medical care facilities.

- C. Special Exceptions in the GC District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of [Section 17.44.060](#)
1. Residential uses;
 2. Gasoline stations;
 3. Greenhouses, nurseries;
 4. Private and commercial schools—dance, business trade;
 5. Shopping centers;
 6. Lumber and other building material—retail;
 7. Vehicle repairs and services;
 8. Hotels and motels;
 9. Vehicle sales;
 10. Animal kennels and clinics;
 11. Nursery schools and child care centers;
 12. Light vehicle repair limited to a vehicle weight maximum of one-ton capacity. Repair and service shall be limited to lubrication, brakes, exhaust systems, wheel alignment, installation of accessories and parts, and installation of tires;
 13. Self-storage rental spaces for storage of personal goods.

(Ord. No. 15-05-01, § 1, 5-11-2015, eff. 10-1-2015; Ord. 07-12-01 § 1 (part), 2008; Ord. 07-01-01 § 2 (part), 2007; amended after public hearing, 4-6-00; Ord. 182 § 6.1, 1976)

- **17.48.340 - Self-storage.**

Self-storage facilities in the GC and SC\LM commercial districts are subject to the requirements of the district in which the property is located except as provided in this section:

- A. Middletown planning commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;
- B. The hours to which one may have access to the self-storage facility shall be limited as established by the board of appeals;
- C. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street.
- D. Concept plan, including parking provisions, review and recommendation required by the planning commission;
- E. This use may be permitted only as an accessory use to a primary business.

(Ord. No. 15-08-01, § I, 8-14-2015, eff. 10-4-2015; Ord. 182 § 10.5.7 (part), 1976)

Draft Excerpt from Planning Commission Minutes

April 15, 2019

IV. ZONING

Self-storage Facilities Regulations Code Conflict – This is a discussion by the Planning Commission concerning the conflict in the Town Code regarding storage facilities as a primary versus accessory use. This is a clarification discussion prior to the next Joint Town Board/Planning Commission meeting on May 6, 2019 at 6:30pm. The Planning Commission would like direction on this issue not just as it relates to the Middletown Valley Center site development, but for any future development which may occur.

- **Town Administrator Memorandum to the Burgess And Commissioners Regarding this Town Code Conflict** - The Staff Planner reviewed the memorandum from the Town Administrator to the Burgess and Commissioners which included the Town Attorney's opinion regarding the statutory construction of the Town Code meaning the status last enacted (Town Code 17.20.020) is deemed to have repealed the inconsistent term of the former (Town Code 17.48.340). The memorandum also provided recommendations for the Town Board to consider which included:
 - Doing Nothing and letting statutory construction determine self-storage as a principal use to be permitted.
 - Remove the line E from 17.48.340 which removes any inconsistency
 - Re-debate the entire self-storage in GC and enact and repeal a new ordinance to include definitions for storage and self-storage, and remove any inconsistencies regarding "principal uses" within the town commercial zoning districts.

The Planning Commission believes that doing nothing does not address the problem, and that there does not seem to be much interest in re-debating this issue of the Town Code. The Commission proposes that the Town Board determine the definitions for self-storage, storage, principal uses, personal goods, and household goods.

- **Suggestions Regarding Town Code 17.48.340 – Self Storage –**
 - **17.48.340.B** – It was suggested that the hours of accessing the self-storage facility should be removed from the responsibilities of the Board of Appeals and placed within the responsibility of the Planning Commission as part of the site plan review.
 - **17.48.340.C** – The Code currently states that the property shall have access to a street designated as an arterial or collector street. It does not allow access from an adjacent property. If the Town Board determines that access from an adjacent property is acceptable, then this subsection must be modified to reflect this.
 - **17.48.340.E** – The Planning Commission suggests that this subsection is no longer relevant and be eliminated from the Town Code.

Action: None taken.

Public Comment from residents in attendance:

Bernard Pond (105 Manda Drive) – At the next Joint Town Board/Planning Commission Meeting please emphasize the following points:

- Lighting at the proposed self-storage will be 10-12 feet higher than Safeway. It will affect my neighborhood.
- Prefer that all storage at the location be inside individual self-storage units.
- Architecturally, please avoid the colors purple, orange and bright yellow.
- Please be considerate when determining hours of operation for that proposed site.

John Huegelmeyer (110 Manda Drive) – Also when at the next Joint Town Board/Planning Commission Meeting please emphasize the following points:

- Please go to great lengths to define what goes in to storage. Current language is from a previous project and is not enough.
- Definitely opposed to parking of any type of vehicle in storage because of the noise that is generated when vehicles are worked on at that location.
- If boats and trailers parked in the public town parking lots are a problem, please do not let them become our problem by placing them in self-storage lots.
- If vehicles are going to be allowed at the self-storage, please place them at the entrance area to the storage business.

The Planning Commission thanked the residents for bringing their concerns forward. The Commission is cognizant of other issues like lighting encroaching on neighborhoods from these types of developments. Regulations in place for new developments will address that concern. Perhaps there are other lighting options to consider for those older developments in town.

Respectfully,

Annette

John D. Miller
Burgess

Commissioners
Jennifer J. Falcinelli
Larry K. Bussard
Thomas S. Catania
Richard L. Dietrick
Christopher I. Goodman

Middletown
Founded in
1767



Joint meeting: May 6, 2019

Definitions:

Self-Storage:

Frederick City-

Self-Storage Center - A building or group of buildings divided into separate compartments to be used for temporary storage space by individuals or businesses.

Frederick County -

Self-storage units - a building or group of buildings consisting of individual, self-contained units leased or rented to individuals, organizations, or businesses for self-service storage of personal property and where no commercial transactions are permitted other than the leasing and rental of the storage unit.

New Market -

Mini-Storage - A building or group of buildings divided into separate spaces or compartments leased to individuals, organizations or businesses on an individual basis for self-service storage of personal property. Also known as self-storage.

Walkersville -

Self-storage warehouse facility - A building or group of buildings divided into separate compartments, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

Storage:

Storage - NOUN

1. The action or method of storing something for future use.

'the chair can be folded flat for easy storage'

as modifier 'the room lacked storage space'

- 1.1 The retention of retrievable data on a computer or other electronic system.

'data storage' as modifier 'a storage capacity of two megabytes'

- 1.2 Space available for storing something, in particular allocated space in a warehouse.

'Cooper had put much of the furniture into storage'

- 1.3 The cost of storing something in a warehouse.

- *Oxford Dictionary*

Principal use or primary use:

The General Commercial District Code, 17.20.020B addresses permitted uses in the GC District. My interpretation is that the "permitted uses" included would be the "primary or principal use" based on the fact that these are allowed, by Code, without any additional special review or appeal, ex. Board of Appeals.

The General Commercial District Code, 17.20.020C addresses uses allowed by "special exception" in the GC

District, these uses would need to go to the Board of Appeals for approval.

17.20.020 - GC general commercial district.

A. Purpose. The GC district is intended to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The uses permitted in this district are of such character as to provide for comparative shopping needs, service and repair needs, office uses, specialized commercial and entertainment activities and those establishments which cater primarily to the motoring public.

The location of such areas should be such that stores and commercial activities can be grouped together in an attractive and convenient manner at locations that will not infringe on residential areas. It is also essential that areas for this district be on major thoroughfares in order to provide for vehicular accessibility.

B. Uses Permitted in the GC District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Clubs, lodges, fraternal organizations;
2. Public buildings, structures and services;
3. Retail sales: paint, wallpaper, hardware, food, apparel, appliances, jewelry, fabric, furniture, furnishings, office equipment and supplies, general merchandise, equipment rental, floral items, plants, plumbing, heating and electrical;
4. Eating and drinking establishments;
5. Personal services—laundry, barber, beauty, funeral;
6. Office and business services—contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;
7. Repair services—electrical appliances, furniture, upholstery, jewelry repair, clothing, shoe;
8. Professional offices and services—medical, dental, legal, engineering, veterinary, architectural, design;
9. Commercial recreation— theaters, bowling alleys, amusements;
10. Places of worship;
11. Light assembly and fabricating: clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys, books, microbreweries (Subject to Section 17.20.080);
12. Storage, wholesale and warehouse buildings: indoor storage of goods and material which will be sold, processed or disposed of on or off premises. (Not, however, to include auto wrecking, junk or other salvage storage or truck or shipping terminals.) (Subject to Section 17.20.080);
13. Public safety services, subject to site development plan approval;
14. Farmers' markets;
15. Museums;
16. Medical care facilities.

C. Special Exceptions in the GC District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

1. Residential uses;
2. Gasoline stations;
3. Greenhouses, nurseries;
4. Private and commercial schools—dance, business trade;
5. Shopping centers;
6. Lumber and other building material—retail;
7. Vehicle repairs and services;

8. Hotels and motels;
9. Vehicle sales;
10. Animal kennels and clinics;
11. Nursery schools and child care centers;
12. Light vehicle repair limited to a vehicle weight maximum of one-ton capacity. Repair and service shall be limited to lubrication, brakes, exhaust systems, wheel alignment, installation of accessories and parts, and installation of tires;
13. Self-storage rental spaces for storage of personal goods.

(Ord. No. 18-10-01, § II, 12-10-2018; Ord. No. 15-05-01, § I, 5-11-2015, eff. 10-1-2015; Ord. 07-12-01 § 1 (part), 2008; Ord. 07-01-01 § 2 (part), 2007: amended after public hearing, 4-6-00; Ord. 182 § 6.1, 1976)

Everett WA:

“Principal building” means the primary or predominant building on a lot.

“Principal use” means the primary or predominant use of any lot or building.

Food for thought: Require the developer to submit, during the plan submittal stage, what the Principal use will be.

Household Good:

Personal property other than real estate, belonging to an individual or his or her immediate family and including (but not limited to) appliances, books, clothing, furnishings, and furniture.

Read more: <http://www.businessdictionary.com/definition/household-goods.html>

Personal Goods or Personal Property:

Possessions other than real estate or buildings. Personal property is movable and includes tangible (appliances, car, furniture, jewelry) and intangible (bonds, right to a benefit, shares or stocks) items whose ownership belongs to the individual. Also called chattels.

Read more: <http://www.businessdictionary.com/definition/personal-property.html>

Hours of Operations:

Regarding hours of operations, Town Attorney John Clapp provided an opinion on this issue on October 10, 2012 (included). He found no support in the Town Code to grant “authority of Planning Commission to exercise such authority.” Mr. Clapp went on to say that the Planning Commission only has “those powers expressly given to it by the legislature or the Town Board” and therefore it “does not have the authority to imposed hours of operation restrictions as part of the site plan approval.” There are two incidences below that the Planning Commission has been given the power to address hours of operations.

In my opinion, allowing Board of Appeals to regulate hours of operations as directed in Town Code provides a checks and balance initiative between The Burgess and Commissioners, Planning Commission and Board of Appeals.

Middletown Code currently allows the Board of Appeals to address hours of operations in the following sections,

- 17.48.250 – Vehicle repair and service
- 17.48.330 – Antique malls
- 17.48.340 – Self-storage
- 17.48.270 – Accessory retail sales and repair
- 17.48.350 – Commercial tour bus parking

Middletown Code currently allows the Planning Commission to address hours of operations in the following sections,

17.20.080 – Fabrication, light assembly and storage uses, due to noise, light and pedestrian or vehicle traffic

17.48.390 – Community Center, places of worship, libraries, and public schools, at time of concept plan submission

Required Parking - Residential:

Municipality	Multifamily dwellings (or apartments)	Townhouses
Middletown	3 per dwelling unit	3 per dwelling unit
Brunswick	2 - 3 per unit depending on # of bedrooms	2 per dwelling unit + 0.5 per bedroom, per unit
Emmitsburg	2 per dwelling unit	2 per dwelling unit
Frederick City	min. 1.5 per dwelling unit max. 2.5 per dwelling unit	min. 2 per dwelling unit max. 3 per dwelling unit
Mount Airy	2 per dwelling unit	3 per dwelling unit
Myersville	2.5 per dwelling unit	2.5 per dwelling unit
New Market	2 per dwelling unit + 0.5 per bedroom over 2 bedrooms	2 per dwelling unit + 0.5 per bedroom over 2 bedrooms
Thurmont	2 per dwelling unit + 1 per five units	2 per dwelling unit + 1 per five units
Walkersville	3 per dwelling unit	3 per dwelling unit
Woodsboro	2 per dwelling unit	2 per dwelling unit

Required Parking – Commercial:

Parking spaces required for commercial uses					
Municipality	General commercial	Office uses	Retail store	Restaurants	Shopping centers
Middletown	1 per 300 square feet	1 per 300 square feet	1 per 150 square feet	1 per 90 square feet or 1 per 3 seats	5.5 per 1,000 square feet
Brunswick	2.5 - 5.5 per 1,000 square feet	2.5 - 5.5 per 1,000 square feet			
Emmitsburg	1 per 300 square feet	1 per 300 square feet	1 per 250 square feet	1 per 100 square feet + 1 per 2 employees	2 per 1,000 square feet
Frederick City	1 per 300 square feet	1 per 1,000 square feet	1 per 350 square feet	1 per 4 seats	1 per 250 square feet

Mount Airy	1 per 250 square feet	1 per 250 square feet	1 per 150 square feet	1 per 90 square feet or 1 per 2 seats	1 per 200 square feet
Myersville	1 per 300 square feet	1 per 300 square feet	1 per 150 square feet	1 per 80 square feet or 1 per 3 seats	
New Market	varies	1 per 300 square feet	1 per 200 square feet	1 per 150 square feet or 1 per 3 persons	1 per 200 square feet
Thurmont	1 per 400 square feet	1 per 400 square feet	4 per 1,000 square feet	1 per 50 square feet or 1 per 4 seats	4 per 1,000 square feet
Walkersville	1 per 200 square feet	1 per 250 square feet		1 per 100 square feet	1 per 200 square feet
Woodsboro	1 per 300 square feet	1 per 300 square feet	1 per 300 square feet		5.6 per 1,000 square feet

Cindy Unangst

From: John R. Clapp [johnrclapp@verizon.net]
Sent: Wednesday, October 10, 2012 4:54 PM
To: Cindy Unangst
Subject: Planning Commission

Cindy:

I looked in the question regarding the authority of the Planning Commission to regulate and impose restrictions on the hours of operation of businesses as part of the site plan approval. I find no support for the authority of the PC to exercise such authority.

The general purpose of the PC is, as stated in section 16.04.020, to implement the subdivision regulations which are for the purpose of controlling erosion and sedimentation, protecting from flooding, properly arranging streets, public school sites and open space for traffic; addressing the arrangement of utilities, firefighting apparatus, recreation, light and air, and avoiding congestion of population. The final plat approval process requires the PC to review and approve a plat to insure that it includes various matters as set forth in Section 16.24.010. Design standards are set out in Chapter 16.28. None of these provisions give authority for the PC to regulate the hours of operation of a business as part of plat approval.

Similarly, the site plan approval process for commercial and other uses set forth in sections 17.32.030 *et seq.* Contains no provisions which would authorize the PC to impose restrictions on hours of operation of businesses. There are requirements to be included in the site plan such as topography, street locations, building layouts, utilities and storm water management, but no requirement that the PC address hours of operations in this process.

When the Burgess and Commissioners wanted to address such ^{vehicle repair in PC} restrictions, they did so. For instance, as you noted, in granting special exceptions, the Board of Appeals has been given the authority, in some instances, to impose such restrictions. See, for example, sections 17.48.250(D) and 17.48.270(E). Section 17.32.110(B) ^{outdoor events} requires certain outdoor events to end by dusk, and Section 17.20.015(F)(2) ^{MB District} limits noise during certain hours.

No similar authority has been granted to the Planning Commission as part of site plan approval. I have also reviewed the state statutes which authorize planning commissions, and I find no authority granted to a PC to impose these types of restrictions. Since the Planning Commission has only those powers expressly given to it by the legislature or the Town Board, in my opinion, it does not have the authority to impose "hour of operation restrictions" as a part of the site plan review and approval process.

Incidentally, as of October 1, 2012, Article 66B of the Maryland Code has been repealed and replaced with a new Article, namely "Land Use Article" which now contains, generally, the provisions (as revised) that were in Article 66B.

John
John R. Clapp
Clapp & Carper, LLC

17.48.250 - Vehicle repair and service—Town commercial district.

Vehicle repair and service facilities in a town commercial district are subject to the requirements of that district except as herein provided:

- A. All repair work shall be performed within the building.
- B. Parking space requirements to be determined by site plan review of the planning commission after special exception approval.
- C. No storage of vehicle parts or machinery shall be allowed outside.
- D. Hours of operation shall be addressed by the board of appeals.
- E. A concept plan shall be submitted to the planning commission for review and recommendation.

(Ord. No. 15-08-01, § I, 8-14-2015, eff. 10-4-2015; Ord. No. 11-03-04, § II, 3-14-2011; Ord. 182 § 10.5.7 (part), 1976)

17.48.330 - Antique malls.

Antique malls in the SC/LM district are subject to the requirements of that district except as herein modified and provided:

- A. Concept plan review and recommendation is required by the Middletown planning commission to include a parking designated area and sidewalks;
- B. **Hours of operation shall be addressed by the board of appeals;**
- C. Parking shall be provided at a rate of one space per three hundred (300) square feet of leasable floor area;
- D. Signs shall be limited to fifty (50) square feet in size and shall be affixed to the building;
- E. The property shall have access to a street identified as an arterial or collector street as designated in the town comprehensive plan.

(Ord. No. 15-08-01, § 1, 8-14-2015, eff. 10-4-2015; Ord. 182 § 10.5.7 (part), 1976)

17.48.340 - Self-storage.

Self-storage facilities in the GC and SC\LM commercial districts are subject to the requirements of the district in which the property is located except as provided in this section:

- A. Middletown planning commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;
- B. ~~The hours to which one may have access to the self-storage facility shall be limited as established by the board of appeals;~~
- C. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street.
- D. Concept plan, including parking provisions, review and recommendation required by the planning commission;
- E. This use may be permitted only as an accessory use to a primary business.

(Ord. No. 15-08-01, § 1, 8-14-2015, eff. 10-4-2015; Ord. 182 § 10.5.7 (part), 1976)

17.48.270 - Accessory retail sales and repair.

Accessory retail sales and repair in the SC/LM district are subject to the requirements of that district except as herein provided and modified:

- A. The retail sales or incidental repair of products are limited to those stored, manufactured or warehoused on the premises.
- B. The area of retail sales or repair shall not exceed twenty-five (25) percent of the floor space owned, occupied or leased by an individual tenant within the building devoted to manufacturing, storage or warehousing of the product or material.
- C. The retail portion of the building shall conform to the parking requirements for retail stores or shops as set forth in Section 17.32.060(B).
- D. Access to the property shall be from a major street (arterial or collector) as designated in the town comprehensive plan.
- E. **Hours of operation wherein the premises are open to the general public shall be addressed at time of review by the board of appeals.**
- F. In no case shall the sign identifying the business or businesses located on the premises or within the building exceed fifty (50) square feet in size. Such a sign shall be located on the building and not be freestanding and conform to Chapter 17.36.

(Ord. No. 15-08-01, § 1, 8-14-2015, eff. 10-4-2015; Ord. 182 § 10.5.7 (part), 1976)

17.48.350 - Commercial tour bus parking.

Commercial tour bus parking facilities in the SC/LM district are subject to the requirements of that district except as modified in this chapter:

- A. Concept plan review and recommendation by the Middletown planning commission for commercial tour bus parking is required; at a minimum the concept plan shall require:
 1. Minimum fifty (50) foot setback and naturally landscaped buffer and screening from all residential districts;
 2. All parking areas be paved and provide a paved turnaround with no backing onto public streets permitted;
 3. All lighting is directed on-site;
 4. Proposed sign sizes and location.
 5. Minimum lot area of forty thousand (40,000) square feet.
- B. **The hours of operation and schedule of arrivals and departures shall be limited as established by the board of appeals.**
- C. No passenger parking or loading is permitted on-site.
- D. Minor maintenance repairs only are permitted, not to include vehicle engine work, body repair work, drive train repairs or pumping/sanitizing of toilet holding tanks.
- E. No more than five buses/coaches may be parked at any one time.
- F. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street.

(Ord. No. 15-08-01, § I, 8-14-2015, eff. 10-4-2015; Ord. 182 § 10.5.7 (part), 1976)

17.20.080 - Fabrication, light assembly and storage uses.

Fabrication, light assembly and storage uses are permitted in the town commercial and general commercial zoning districts only in structures existing as of the date of adoption of the ordinance codified in this title, provided the following. New structures may be allowed only upon the grant of a special exception by the Middletown Board of Appeals:

- A. A site plan is approved by the Middletown Planning Commission in accordance with Section 17.20.050:
- B. During the site plan process, an engineer's certificate may be required regarding noise, dust, vibration and odor for review. The certificate shall certify that the proposed operation will not increase the impacts from the above noise, dust, vibration and odor beyond other permitted uses detectable at the property line. Hours of operation may be restricted by the planning commission due to noise, light and pedestrian or vehicle traffic.

(Amended after public hearing, 4-6-2000: Ord. 182 § 6.7, 1976)

17.48.390 - Community centers, places of worship, libraries and public schools.

The following conditions shall be satisfied in order to grant a special exception for a community center in the residential districts:

- A. Minimum Lot Area: Forty thousand (40,000) square feet.
- B. Minimum Lot Width: Two hundred (200) feet.
- C. Minimum Setbacks: Forty (40) foot front yard, fifty (50) foot side yard, and fifty (50) foot rear yard.
- D. Building Coverage: Twenty-five percent (25%) maximum.
- E. Screening and buffers shall be provided and shall be reviewed by the planning commission as part of the concept plan review and recommendation process.
- F. At the **time of concept plan submission**, a statement identifying all accessory uses including **hours of operation, frequency of activity**, and average number in attendance shall be submitted for review and approval by the planning commission.
- G. In making their determination, the board of appeals should consider particularly the effect upon adjacent property of the following:
 1. Signs and lighting;
 2. Extent and appearance of structure(s);
 3. Traffic generation and movement;
 4. Parking and loading;
 5. Emission of noise, odors, fumes, vibration or other hazards.
- H. Access: The lot shall have direct access to or have access within two hundred (200) feet of a collector road.

(Ord. No. 15-08-01, § I, 8-14-2015, eff. 10-4-2015; Ord. No. 10-10-02, § VIII, 10-25-2010)

ORDINANCE NO. 19-03-01

AN ORDINANCE TO REPEAL TITLE 15, CHAPTER 15.08 OF THE MIDDLETOWN MUNICIPAL CODE; TO ENACT TITLE 8, CHAPTER 8.24 PERTAINING TO UNSAFE BUILDINGS; TO STATE THE PURPOSE AND SCOPE OF CHAPTER 8.24; TO DEFINE CERTAIN TERMS; TO PROHIBIT THE MAINTENANCE OF UNSAFE BUILDINGS IN THE TOWN OF MIDDLETOWN; TO ESTABLISH PROCEDURES FOR ISSUING VIOLATION NOTICES, ABATEMENT ORDERS AND CONDUCTING APPEAL HEARINGS; TO ESTABLISH PENALTIES FOR THE VIOLATION OF THE ORDINANCE; TO AUTHORIZE WAIVERS OR OTHER RELIEF IN CASES OF NEW OWNERS, CONTRACT PURCHASERS AND CASES WHERE GOOD CAUSE IS SHOWN.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 15, Chapter 15.08 of the Middletown Municipal Code be, and it hereby is, REPEALED:

SECTION II. BE IT FURTHER ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that the following be enacted as Title 8 – Health and Safety, Chapter 8.24 of the Middletown Municipal Code:

TITLE 8 – Health and Safety

CHAPTER 8.24 – Unsafe Properties

§8.24.010 – Purpose

The Burgess and Commissioners find that buildings and other structures within the Town which have been neglected or abandoned, have deteriorated or have been damaged can constitute a hazard to the health and safety of owners of the property or others in the vicinity of the property, can decrease property values, can cause property damage and negatively impact the general welfare of the community at large. The purpose of this Chapter is to prevent and alleviate such hazardous structures and to provide for the remediation of such structures.

§8.24.020 – Scope

A. Except as provided in sub-section B., the provisions of this Chapter shall be applicable to any building located on public or private property within the Town of Middletown.

B. The provisions of this Chapter are not applicable to any building for a period of ninety (90) days after an application for a site plan or zoning certificate has been submitted to the Town for the purpose of making improvements to the building.

§8.24.030 – Definitions

In this Chapter, the following terms shall have the meanings indicated:

“Building” – Any assembly of materials forming a construction or structure for occupancy or use including, among other things, houses, dwellings, garages, sheds, out-buildings, barns, shops, stores, warehouses, fences, walls, driveways, swimming pools, poles, signs, parking lots and any structure of any kind, or any part thereof.

“Unsafe Building or Structure” – Any building which:

- A. Poses an unreasonable risk to the health, safety and welfare of the owner, occupant or invitee of the building or to others who may be in the vicinity of the building or which poses an unreasonable risk of property damage; or
- B. Is no longer habitable or useful for the purpose for which it was originally intended because of fire, wind, flood, or other natural cause, neglect, vandalism or physical deterioration; or
- C. Is partially completed and which is not under construction pursuant to an existing, valid building permit issued by or under the authority of the Town of Middletown; or

- D. Is not structurally sound, weathertight, waterproof or vermin proof; or
- E. Is not covered by water-resistant paint or other permanent waterproof covering so as to protect said structure from the adverse effects of the elements or from physical deterioration; or
- F. Contains one of more exterior openings for a period of 60 days or more not covered by a functional door or unbroken glazed window or which is not, in the case of a vacant building, neatly boarded up and protected against the elements and from vandals and rodents and other animals; or
- G. In the case of parking lots and driveways, has been allowed to deteriorate to the point where deep and numerous potholes, cracks and voids in paving have developed which pose a risk of injury or of property damage or which deterioration has progressed to the point that a commercial business operating in such structures or on surrounding properties has been or is likely to be adversely affected.

§8.24.040 – Duty of Owner or Occupant

Every owner, occupant, tenant, agent or other person in control of any building (collectively, in this Chapter, “owner”) has a duty to maintain that building so as to prevent it from becoming an unsafe building. No owner, occupant, tenant, agent or other person in control of any building shall allow, maintain or cause to be maintained an unsafe building.

§8.24.050 - Enforcement

A. This Chapter may be enforced by the Burgess and Commissioners or such of its officer(s) that it designates, including, but not limited to the Zoning Administrator or the Town Administrator.

B. Any designated enforcement officer may enter onto property to determine if an unsafe building exists on the property if the enforcement officer has an articulable basis for believing an unsafe building exists on the property; provided, however, that no such enforcement officer shall be entitled to enter into the interior of any enclosed building on the property.

C. Upon determining that an unsafe building exists on any property, the Town shall provide written notice of the violation to the owner of the property or unsafe building. The notice shall identify the location and nature of the unsafe building and shall order the owner to repair the unsafe building or take other measures to abate the condition within a reasonable time, which time shall not be less than thirty (30) days from the date of the notice and order. The notice and order shall include the advice that the owner may request a hearing to contest the violation before the Board of Commissioners as provided in this section.

D. The notice and order shall be delivered personally to the owner of the property or by certified or registered mail addressed to the last known address of the owner of the property. If the owner of the property is unknown or the owner's whereabouts cannot be determined after reasonable efforts, then the notice and order may be given by posting the notice and order on the property in a conspicuous location. Notice to any one owner of the property shall be adequate notice to all owners of the property.

E. An owner of property for which a notice of an unsafe building and an order to abate the violation has been issued may contest the notice and order by requesting a hearing

before the Burgess and Commissioners. Such request must be submitted to the Town Administrator no later than ten (10) days from either the date on which the notice and order were served on the owner or on which the property was posted with the notice and order. The hearing shall be held no later than thirty (30) days from the date the request for hearing is received by the Town. At the hearing, the owner shall be entitled to question any witnesses against the owner, present any relevant and material evidence the owner deems appropriate, and may be represented by counsel. At the conclusion of the hearing, the Burgess and Commissioners may affirm or modify the order to abate the condition, may overrule the notice and order, or may make any other determination which it deems appropriate to the circumstances. The owner may request judicial review of the decision of the Burgess and Commissioners by filing a Petition for Judicial Review in the Circuit Court for Frederick County pursuant to Title 7, Chapter 200 of the Maryland Rules.

F. If the owner fails to timely request a hearing before the Burgess and Commissioners and fails to abate the unsafe condition within the time period stated in the notice and order, or if the property owner fails to abate the unsafe condition within the time period established by the Burgess and Commissioners after a hearing or within the time period established by the Court after judicial review, then the Town may make the required repairs as necessary, and the owner(s) of the property shall be jointly and severally liable for the cost of doing so. The cost of the repair shall constitute a lien on the property and may be collected in the same manner as taxes on the property.

§8.24.060 - Penalties

Any person who allows, maintains or causes to maintain an unsafe building is guilty of a municipal infraction which is punishable by a fine of One Hundred Dollars (\$100.00) per day. Each day an infraction continues shall be a separate infraction. Nothing contained herein shall preclude the Town from seeking any other remedy it may have at law or in equity, including, but not limited to, injunctive relief.

§8.24.070 - Contract Purchasers and New Owners

A contract purchaser or new owner of a property on which an unsafe building is located may seek relief from the requirements of this Chapter by applying to the Town for a waiver of these requirements or a waiver of any fines or liens already imposed. The application for a waiver shall include the address of the property, the date of any contract to buy, the expected date on which settlement on the transfer of title will occur, or, if settlement has already occurred, the date of such settlement, and the proposed plan to repair, remediate or abate the conditions of the unsafe building. If the Burgess and Commissioners accept the application for a waiver, the owner shall enter into a written agreement with the Town which shall provide for the repair, remediation or abatement of the unsafe building conditions within six (6) months from either the date of the settlement on the transfer of title or the date of the agreement, whichever is earlier. The agreement shall also provide that the waiver of fines, release of liens or other relief from the requirements of this Chapter shall only become effective upon timely completion of the remediation efforts and approval of such efforts by the Town Administrator or the Zoning Administrator. The Town may grant an extension of the six-month time period if it appears that

the owner has been pursuing remediation efforts diligently and in good faith and there is a likelihood of completion in the then-near future. Such extensions may be granted or denied in the sole discretion of the Burgess and Commissioners.

§8.24.080 - Hardship waivers

The Burgess and Commissioners may grant relief from the requirements of this Chapter upon a showing of good cause. An owner seeking relief under this section may make written application to the Town stating the nature of the violation from which relief is sought, the nature of the good cause, the specific relief sought, and the owner's plan to address the violation. As used in this section, and by way of example only, "good cause" includes, but is not limited to, disability or other medical condition which precludes an owner from addressing the violation or financial hardship. The grant of relief under this section is wholly discretionary on the part of the Burgess and Commissioners.

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

INTRODUCED ON THE 25th DAY OF MARCH, 2019

PASSED ON THE _____ DAY OF _____, 2019

EFFECTIVE DATE: _____, 2019

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

EXAMPLE ONLY

Conversations on the Comprehensive Plan

We are pleased to initiate a new step in our process of updating our comprehensive plan for Middletown. We are incorporating into the process this year 2-3 community conversations. These conversations will be for residents and neighbors to attend and share their goals, visions and wants and needs for our town. You can elect to come to one of the conversation dates. A third meeting will be held on the overall comprehensive Plan, what it is in the plan and the process involved. This is the first time for Middletown to have community meetings on the comprehensive plan. The information that is collected is intended to be incorporated into this update of our plan. It is important to note that not all ideas can be incorporated into the plan due to legal, financial and regulatory constraints; however, all ideas are valued and will be reviewed in a public meeting of the Burgess and Commissioner and the Planning Commission.

Our purpose in having these conversations is to gather broad input describing how you view the town today and your hopes and wants for the future-the vision for Middletown. This is the focus of chapter 1 of the comprehensive plan. The purpose of this data is to allow the Burgess and Commissioners and the Planning Commission to create the vision and goals for the Comprehensive Plan which will then be the foundation for the more specific chapters. These conversations differ from what is going on for the county's Liveable Frederick plan which begins with a plan and seeks input to that plan. We are beginning with citizen input to be used in helping create the vision and goals of the Middletown comprehensive plan before we write the new guiding document for Middletown.

The meetings will not be used to resolve or discuss differing opinions. The meetings begin with the assumption that there will be differing opinions. The job of our facilitators is to gather these ideas and opinions, not discuss or resolve them. The structure we will use is the standard SWOT - a simple structure that asks attendees to share what they see as Middletown's strengths, weaknesses, opportunities, and threats. Our facilitators will be focused on gathering as many responses to these four areas as possible. Once we have completed the SWOT and the community meetings our facilitators will gather ideas for possible inclusion into the comprehensive plan and to write a vision statement. This information will be aggregated once all meetings are done to create a single SWOT and collected vision statements.

There are some logistical matters to deal with as well. We will need to limit the attendees to 120. **We will need you to register for a session so we know a number attending.** All of this can be accomplished by going to our website and clicking on **Conversations on the Comprehensive Plan**.

Our primary facilitator is Jane Tamagna, a noted professional in this field. Any and all facilitators are professionals in the field and their qualifications can be viewed on our website on the front page under **Conversations on the Comprehensive Plan**. These professionals will guide the conversations. I have asked our elected and appointed officials to not attend these meetings so a free flow of ideas and visions from you prior to any discussion of the constraints that may have to be introduced can occur. All comments will be confidential. This means no one's name will be attributed to any statement in the final compilation of results or in any conversations. More details on the process being used, our facilitators and the site, dates and times are on our website and on the back of this page. **Join the conversation!**

Conversations on the Comprehensive Plan

The facilitator—Jane Tamagna—will attend the February 7 workshop of the Burgess and Commissioners to introduce herself, share her qualifications with the Board and explain her methods for conducting the meetings.

An excerpt of what Ms. Tamagna will share:

You are being invited to join the conversation, and it will be helpful for you to know what to expect. To gather input to a vision for the future, we use a simple discussion technique that asks participants to share what they see as the Town's strengths and weaknesses today as well as their ideas of future opportunities and threats that should be considered in planning. This is called a SWOT and is a standard method used to begin vision and objective planning. To get your ideas, we will break you into groups of no more than 20 and simply ask four questions: What do you see as the Town's strengths? Its weaknesses? Its future opportunities? Its future threats? We will ask one other thing from you at the meeting, and that is to participate in creating suggestions for vision statement - a statement that says "In ten years Middletown will be..." We will combine the results of all discussions to reflect the comprehensive collective view.

A few things we hope you will think about as you consider joining this discussion. All discussions will be confidential with no names attributed at any time. In addition, this will not be a time to argue or discuss issues. We expect a broad range of ideas, and this is exactly what Burgess Miller is asking us to collect. The question is not "what should we do," but "how do we see the Town today and what do we hope for and want for the future." The broad answer to this question is the starting point for comprehensive planning. As a result, as facilitators, our job is to gather the information, and this means keeping focus on getting all views on the table without arguing merits or positions.

There will be time - and opportunity - to dig into issues and solutions once the specific Plan chapters about topics such as transportation, land use, environmental areas, water resources and others are presented for input. And finally, while visions always bump into reality in the form of financial, regulatory, legal, and other constraints, beginning with the vision rather than the constraints is a powerful way to plan.

Jane's resume will be posted on our website

Dates for the community conversations are:

Saturday, February 16 at 1:00 at Zion Lutheran Church (basement)

Wednesday, February 20 at 7:00 at Zion Lutheran Church (basement)

Comprehensive Plan Overview and Process

Tuesday, February 26 at 7:00 at the Middletown Town Hall (meeting room)

For more information and for registration visit www.middletown.md.us