MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

September 21, 2020 Meeting Agenda
7:00 p.m.

I.	**Public Comment**	
II.	**Minutes of August 2020 Planning Commission workshop**	**Approval**
	Minutes of August 2020 Planning Commission meeting	**Approval**
III.	**Plan Review**	
	St. Thomas More Revised Site Plan	**Review/Approval**
IV.	**Zoning**	
	Temporary sign regulations	**Review**
	Downtown Revitalization Zone	**Discussion**
V.	**Comprehensive Plan Update**	
	Chapter 4 Land Use	**Review**
	Chapter 3 and Chapter 4 Maps	**Review**
	Chapter 5 Transportation	**Review**
	Comp Plan Survey	**Review**
VI.	**Additional Public Comment**	

Cindy Unangst is inviting you to a scheduled Zoom meeting.

Topic: September Planning Commission Meeting
Time: Sep 21, 2020 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting
https://us02web.zoom.us/j/86375676092?pwd=NDgwNDFEOWtLbHFYeVNKS3FveVZ0UT09

Meeting ID: 863 7567 6092
Passcode: 474068
One tap mobile
+13017158592,,86375676092#,,,,,,0#,,474068# US (Germantown)

Dial by your location
+1 301 715 8592 US (Germantown)

Meeting ID: 863 7567 6092
Passcode: 474068
Find your local number: https://us02web.zoom.us/u/kc3owiH6aw

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

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

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Virtual Workshop **August 12, 2020**

The virtual workshop of the Middletown Planning Commission took place on Wednesday, August 12, 2020 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Ex-officio member Jean LaPadula, 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). Residents present: Gene Fleeman.

AUGUST MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW – none

ZONING –

Temporary sign regulations – Commission members reviewed and discussed proposed edits for signage for new businesses as well as other changes to existing temporary sign regulations, and reviewed comments from the Zoning Administrator as well.

COMPREHENSIVE PLAN UPDATE

Mission Statement – Commissioner LaPadula introduced her proposed mission statement and statement of values to the commission members. There was discussion about whether they were appropriate for inclusion in the comprehensive plan.

Chapter 3 Natural Resources – Cindy discussed some of the edits made after last months' review. There was discussion on edits needed for the floodplain and wetlands map.

Chapter 4 Land Use – Cindy reviewed her comments and proposed changes to the chapter, and there was discussion of those items. This chapter will be back before the commission in September since Cindy will have additional information by then on land use percentages.

Workshop adjourned at 8:30pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

DRAFT

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting **August 17, 2020**

The regular meeting of the Middletown Planning Commission took place on Monday, August 17, 2020 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Commission members David Lake, Rich Gallagher, Commissioner Jean LaPadula (Ex-officio), Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Patty Guyton (Recording Secretary). Others present: Gene Fleeman (Resident at 209 South Jefferson Street).

AUGUST MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None.

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

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

III. PLAN REVIEW - None

IV. ZONING

Temporary Sign Regulations – The proposed changes are to modify the language of the Middletown Municipal code by changing the height and square footage of Construction, Non-Profit Advertising Events, and Business Identification signs to not exceed 4 feet in height and 16 square feet; language would be added to 17.36.150.B. to state that temporary signs that fall under the category of no permit required should be taken down after the allowed duration of time (45 days). Adding a section on feathered flags, advertising for new businesses, and temporary real estate signs. There was discussion about our temporary sign definition, and it was determined that the time frame of 45 days would be removed and the word 'limited' would be added in front of 'duration.'

17.36.150 - Temporary signs.

"Feather flag." A vertical portable temporary sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand that is used to advertise a company and draw attention to an event or business, and has a maximum height of 12 feet.

B. A permit is not required for the following types of temporary signs which shall not exceed a duration of 45 days:

1. A temporary real estate sign advertising the sale or lease of the property on which the sign is displayed. For residential, commercial or industrial 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.~~

4. Construction signs. Such signs may only be installed after the issuance of a zoning certificate~~permit~~, may not exceed one sign per street frontage, may not exceed four~~six~~ (~~4~~6) feet in height and may not exceed sixteen ~~twenty-four~~ (16~~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 and four (4) feet in height, 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 sixteen~~twenty-four~~ (16~~24~~) square feet in size and four~~six~~ (~~4~~6) feet in height, and shall be removed after four (4) weeks from installation ~~upon completion of the effort being advertised~~.

7. Political signs shall not exceed six (6) square feet in size and four (4) feet in height

8. Garage/yard sale signs shall not exceed six (6) square feet in size and four (4) feet in height. Such signs may be displayed only one day prior to the sale and must be removed within one day after the sale;

9. Signs advertising new businesses shall be allowed to advertise the opening of the establishment for the first three months from date of certificate of occupancy. Such signs shall not exceed six (6) square feet in size and the business shall be limited to three (3) in number. The sign shall be situated on the same property as the business which it is advertising.

10. 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:

   g. The sign is no greater than thirty (30) inches wide and four (4) feet in height (forty-eight (48) inches high in size).

C. A permit which necessitates a duration limit is required for the following types of temporary signs:

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. A maximum of one (1) feather flag is allowed per 50 feet of frontage with a maximum of three (3) flags. Feather flags may be displayed for a period of fourteen consecutive days per calendar quarter up to four times per calendar year, with a temporary sign permit required for each display period.

3. A temporary real estate sign advertising the sale, development or lease of the property on which the sign is displayed. For commercial and industrial property, the sign shall not exceed thirty-two (32) square feet in size and four (4) feet in height.

4. Temporary Business Identification. A temporary sign which identifies the opening or existence of a new business. Such signs shall not exceed sixteen~~twenty-four~~ (16~~24~~) square feet in size, four (4) feet in height, and shall be valid for a period of no longer than six~~two~~ months from the date of issuance.

5. [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:

   j. The sign is no greater than thirty (30) inches wide and four (4) feet~~forty-eight (48) inches~~ high in size.

There was discussion after reviewing the changes to the Temporary sign regulations, that some of the language needs to be changed and defined more clearly. The allowed duration of time should be no longer than 45 days unless stated otherwise with a permit. The height limit for all signs should state four (4) feet and needs to be included in each section of the plan. Cindy will apply these changes. Cindy will re-submit them to the Planning Commission in the September meeting.

V. COMPREHENSIVE PLAN UPDATE

Mission Statement – There was discussion on reviewing the Mission statement and Statement of Value versions that Commissioner LaPadula and Commission Chairman Carney submitted and combining them to make one statement before submitting it to the Town board. One commission member did not like some of the wording about Middletown being a Historic district. Commission member would like it if the language could be changed to "Old Town Middletown or something like that", since Middletown does not have a historic district.

Action: Tabled until the September meeting to allow time to look at both versions and make changes.

Chapter Three - Natural Resources – The Planning Commission received the proposed changes to the Comprehensive Plan Chapter 3 Natural Resources. There was discussion about taking out the section on Geology and Mineral Resources because Frederick County states that there are no known mineral resources identified as having commercial value in the Middletown region. Cindy will apply the changes proposed by the Planning Commission and submit them to the Town board for review. The GIS specialist is scheduled to work on the floodplains map. Cindy will submit the new map to the Planning Commission at the September meeting.

Chapter Four – Land Use – The Planning Commission received the proposed changes to the Comprehensive Plan Chapter 4 – Land use. There was discussion about needing to change the name of Chesterbrook Apartments to its new name Middletown Valley Apartments. There was also discussion about taking the demolition site plan review paragraph out of the Historic Sites section and adding it to the Site Plans section. Cindy will make the proposed changes and submit them at the September meeting.

VI. ADDITIONAL PUBLIC COMMENT – Gene Fleeman (209 South Jefferson Street) stated that he agreed with the Commission member about changing the wording and signage about Middletown being a Historic District. The wording and signage should have "Small Town Middletown or Old Town Middletown" or something similar to that.

Meeting adjourned at 8:28 PM.

Respectfully submitted,

Patty Guyton
Recording Secretary

DRAFT

Middletown Planning Office

MEMORANDUM

Date: 9/17/2020
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **SAINT THOMAS MORE ACADEMY REVISED SITE PLAN**
Tax Map Parcel #03-0140334
Applicant: Saint Thomas More Academy (Jim Merkel – Board President)
Property Owner: St. Thomas More Academy Inc.
Plan Dated: September 3, 2020
Date Received: September 8, 2020

GENERAL INFORMATION

Proposal: Amendment to site plan to add one classroom addition and breezeway to the school property instead of previously approved temporary classroom structure

Location: 103 Prospect Street, between East Main Street and Franklin Street.

Zoning: R-2 Residential. This district permits churches, schools, libraries, museums and parks, playgrounds, and family day care homes, as well as single-family dwellings, two-family dwellings and duplexes.

Present Use: Private school

COMMENTS

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

1. **Minutes from previous site plan approval on April 20, 2020 –**

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).

2. **Use** – The use is a private school with 85 students and 15 staff with approximate hours of operation from 8:00am-3:15pm Monday thru Friday which was approved by the Planning Commission on July 16, 2012. An amendment to the hours of operation was approved by the Planning Commission on October 15, 2012, which in effect deleted the approximate hours of operation from the approved site plan. Typically, the regular hours of operation are 7:00am-3:30pm Monday through Friday for regular school activities. From 3:30-6:00pm, Monday through Friday, a small group of children numbering 6 or less, but occasionally up to 10, stay after school for the homework club. All club members are picked up no later than 6pm. Three days a week, various student clubs meet after school until 4:30pm, which could include 8-20 children.

3. **Previous conditions of approval** – The previous conditions of approval were to include the building height on the plans which was subsequently submitted and shown as 14.5 feet, 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 didn't become a permanent structure without approval from the Planning Commission. Frederick County would not approve the temporary structure as it did not meet their definition of a temporary building, so the applicant has had to revise the plans. The County stated that the proposed structure would have to include bathrooms which was not cost conducive for the applicant. Without the necessary bathrooms, the structure would need to be attached to the existing building by a breezeway. A modular building, such as one the County would approve, is not an option for the previously planned location due to access issues to that area of the property.

4. **Plan revisions** - Due to a sewer line on the north side of the building, and the necessity of a breezeway to the classroom structure, the applicant is proposing to relocate the structure to the south side of the existing building. The applicant has stated that this revision will involve the least amount of change to the existing site plan (they will not need to move the dumpsters or add

a driveway to the lower parking lot), and it will meet the needs of the County. It is staff's understanding that the dimensions and appearance of the structure would be just as it was previously approved with the addition of the breezeway.

5. **Site plans required for approval by planning commission** – According to Section 17.32.230, site plans are required for all institutional 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 of the property is proposed to change, the site plan does require approval by the planning commission. The planning commission is being provided a concept plan that shows the proposed location of the classroom building and breezeway. The structure is proposed to be constructed on site with the same look as the previously approved temporary classroom structure.

6. **Yard requirements** – As an addition to the existing building, the addition would need to meet the setback requirements for a school use in the R-2 District which are a 40-foot front yard setback, a 100-foot rear yard setback, and 100-foot side yard setbacks. (Section 17.16.070) According to the concept plan submitted, the front yard setback shown is 51 feet which meets the regulations, but the side yard setback shown is only 25 feet. The existing building does not meet the setback requirements for the district except for the rear yard setback and thus is a non-conforming structure. The proposed addition on the south side of the existing building would further increase the existing nonconformity.

7. **Temporary use** – The previous submittal was for a temporary 20 x 40 modular building 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. Staff questions whether this proposal is still for a temporary use or whether the applicant intends for it to be permanent.

8. **Parking** – Section 17.32.060B of the Middletown Municipal Code states that the minimum number of parking spaces for schools is subject to site plan approval. The Code also states that parking requirements may be waived or reduced by the planning commission in any instances based on a demonstrated hardship. The approved site plan showed existing parking of 15 spaces which included one handicapped parking space, and 16 overflow parking spaces. The proposed classroom building location would eliminate current spaces on the south side of the existing building. The applicant will need to show how those lost parking spaces would be added elsewhere.

9. **Additional information needed** – A site plan would need to be submitted for review and approval showing all setbacks. The Planning Commission might also want to see a sketch of what the proposed structure would look like as viewed from Prospect Street.

10. **Approval by Frederick County** – An external improvements application will need to be filed with the Frederick County Permits department.

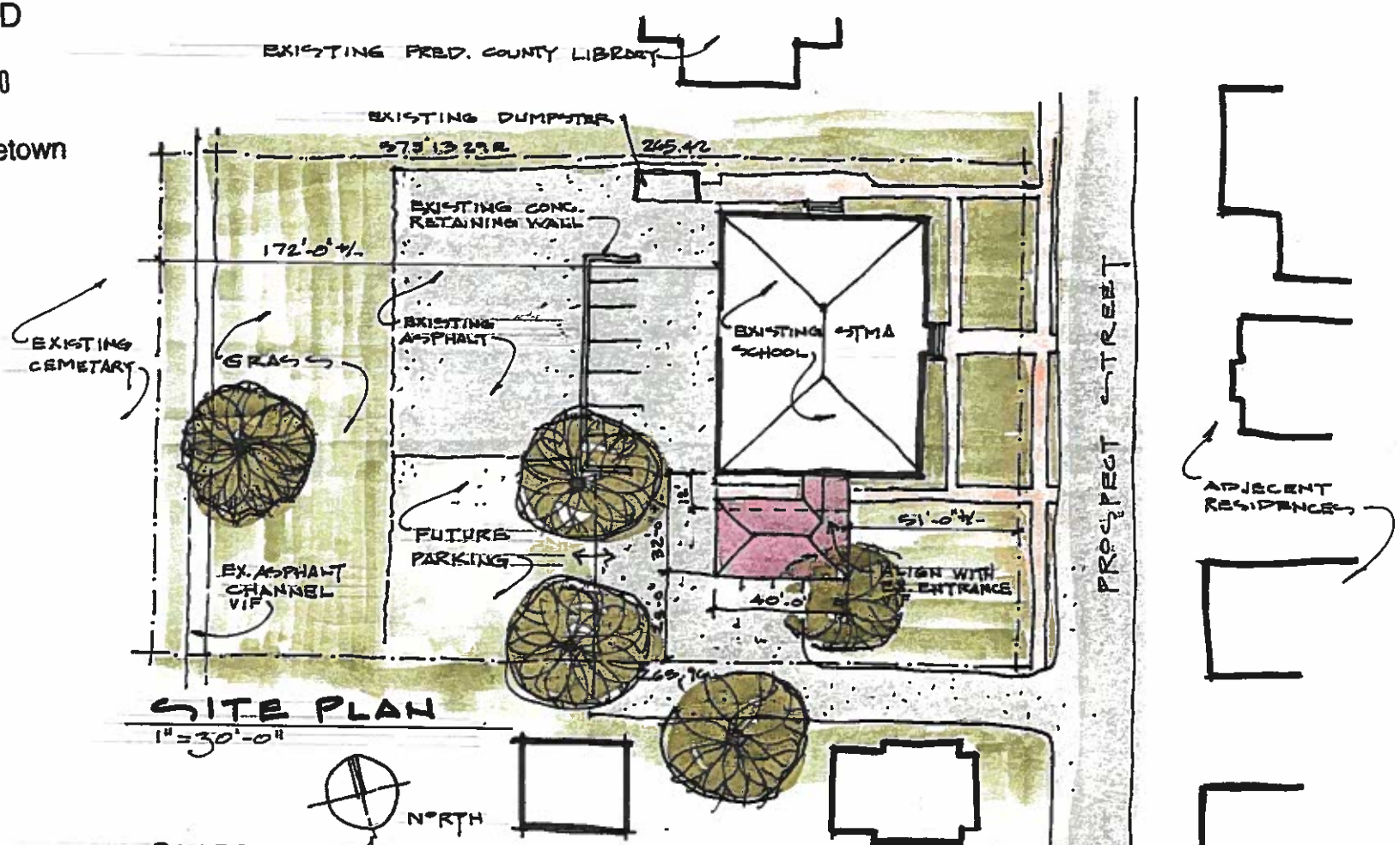
This review will be included in the Middletown Planning Commission materials for the September 16, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be September 21, 2020.

Cc: Patricia Newmark, St. Thomas More Academy Dean

RECEIVED

SEP 0 8 2020

Town of Middletown



PROPOSED ADDITION TO

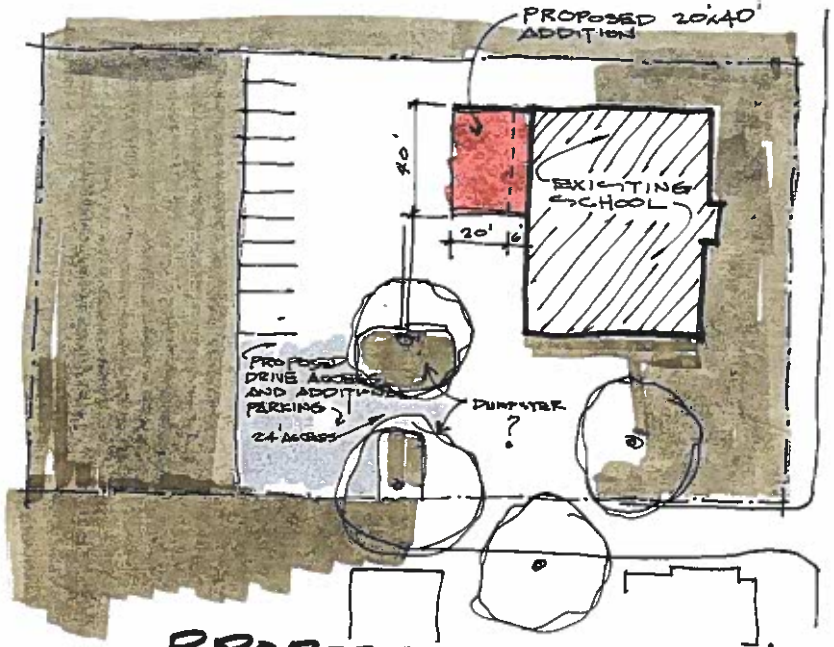
SAINT THOMAS MORE ACADEMY

103 PROSPECT STREET MIDDLETOWN MARYLAND 21703

TAX ID# 03-140334

CONCEPT 09032020 GARY D. BAKER, RA

SITE PLAN INFO BASED ON SITE PLAN BY B&R DESIGN GROUP, FREDERICK MD. 2012

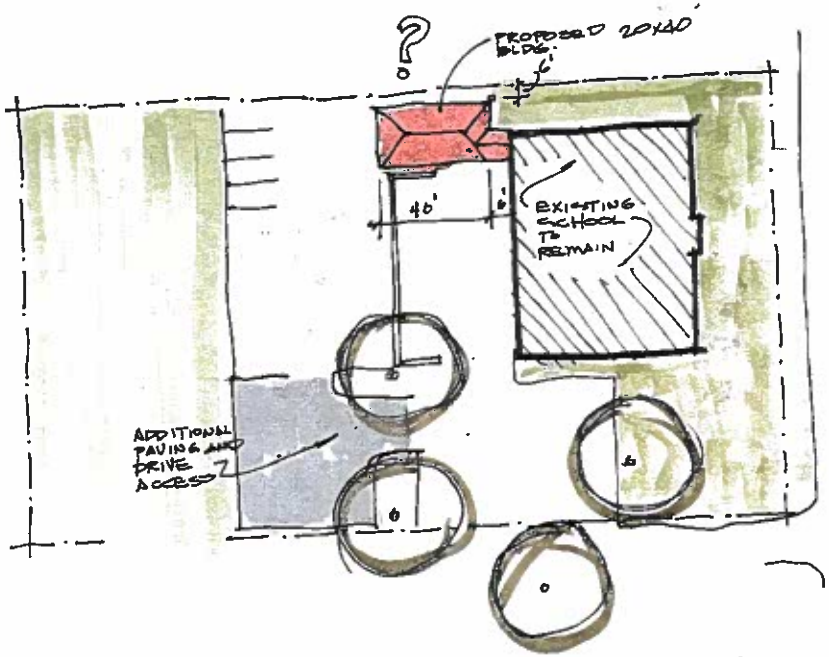


PROPOSED SITE PLAN

1"=30"

OPTION "A"

GARY D. BAKER RA.



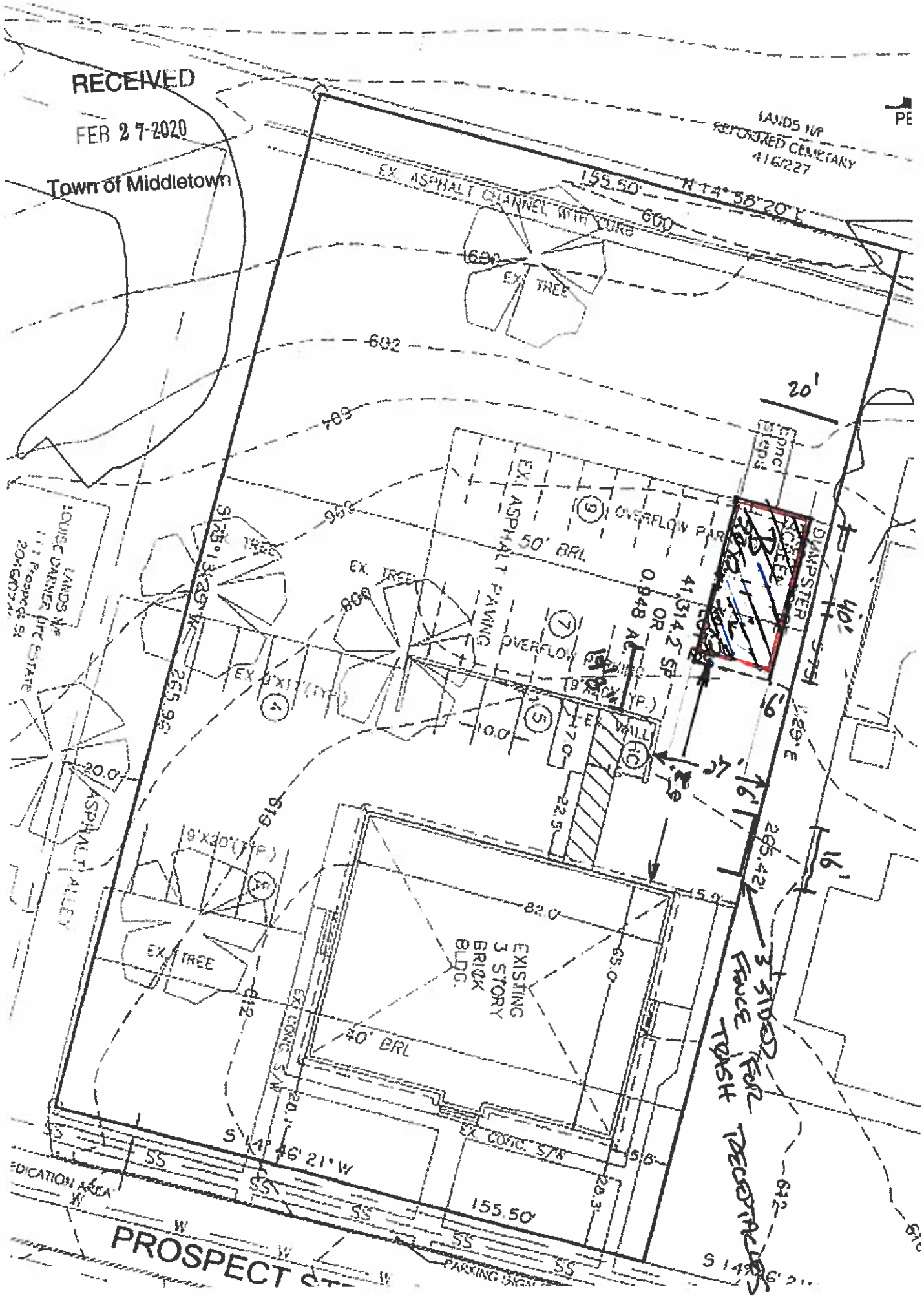
PROPOSED SITE PLAN

1"=30"

OPTION "B"

GARY D. BAKER, RA.

12 SOUTH CHURCH STREET
100 EAST MAIN STREET
EAST MAIN STREET
UNK
100 PROSPECT STREET
PROSPECT
102 PROSPECT STREET
104 PROSPECT STREET
111 PROSPECT STREET
106 PROSPECT STREET


RECEIVED
FEB 27 2020
Town of Middletown
LANDS NF
REFORMED CEMETARY
416227
155.50'
N 14° 38' 20" E
EX. ASPHALT CHANNEL WITH CURB
600
602
EX. TREE
20'
EX. ASPHALT PAVING
50' BRL
OVERFLOW PARKING
41,314.2' SF
0.948 AC.
DUMPSTER ENCL.
10' WIDE
EX. TREE
EX. 8"X12" (TYP.)
10.0'
EX. WALL
22.5'
20.0'
ASPHALT ALLEY
9'X20' (TYP.)
EXISTING 3 STORY BRICK BLDG.
82.0'
65.0'
40' BRL
EX. CONC. S/W
155.50'
S 14° 46' 21" W
PROSPECT ST
PARKING SIGN
3' FENCE FOR TRASH RECEPTACLES
LANDS OF
LOUISE OWNER NF
111 Prospect St
20160274
EDUCATION AREA

Cindy Unangst

From: Hessong, Gary <GHessong@FrederickCountyMD.gov>
Sent: Friday, September 18, 2020 2:11 PM
To: Cindy Unangst
Cc: Bonomo, Ashlye
Subject: RE: St. Thomas More Academy proposed structure
Attachments: Current Project - Project Markups Listing.pdf

Cindy,

Attached are the building plan review comments that were released on7/30. This is based on the application received on7/14. We have not seen a resubmittal. Once a resubmittal is received that satisfactorily addresses the hold comments the permit will be approved. Their main objection appears to be the bathroom requirement.

The options that have been discussed and provided in writing, have included the following:

1) Modular (portable) classrooms which do not require bathrooms.

   - *Modular (portable) classroom buildings are premanufactured and do not have bathrooms. This is the method that Frederick County Public Schools has taken over the years to address temporary overcrowding conditions. They are typically brought in on wheels and anchored to the ground with tie downs.*

2) Permanent classroom buildings detached from the school which require bathrooms. (This is the option for which the current application was reviewed as mentioned above).

   - *A permanent classroom building detached from the school will require bathrooms because it is a permanent stand-alone structure separate from the existing school. It may be intended to initially address overcrowded conditions but eventually will have other permanent uses. This approach requires bathrooms. Permanent buildings are required to declare their use and occupancy which code review is based on and in most if not all cases bathrooms are required.*

3) A permanent addition to the existing school that would not require bathrooms (because it is a permanent addition).

   - *A permanent addition attached to the existing school would not require bathrooms. Permanent buildings are required to declare their use and occupancy which code review is based on and in this instance the structure is not free standing so it would not have the bathroom requirement and could be used for more permanent uses in the* future.

4) The architect could provide another solution that meets code requirements but may not have been considered by DPP. At this time no other solutions or possibilities have been presented by an architect representing STM.

Any questions, let me know.

Thanks

Gary Hessong

Division of Planning & Permitting

30 North Market Street
Frederick, Maryland 21701
GHessong@FrederickCountyMD.gov
301-600-2028

From: Cindy Unangst [mailto:cunangst@ci.middletown.md.us]
Sent: Thursday, September 17, 2020 12:18 PM
To: Hessong, Gary <GHessong@FrederickCountyMD.gov>
Cc: Bonomo, Ashlye <ABonomo@FrederickCountyMD.gov>
Subject: St. Thomas More Academy proposed structure

[EXTERNAL EMAIL]

Hi Gary – Based on our conversation from Monday, could you put in writing a brief review of why the proposed structure that they submitted to the County could not be approved by the County, as well as what the County would approve?

It would be greatly appreciated!

Thanks in advance!

Cindy

Cynthia K. Unangst
Staff Planner
Sustainability Committee Co-Chair
Like and Follow us on Facebook at https://www.facebook.com/middletowngreenteam/

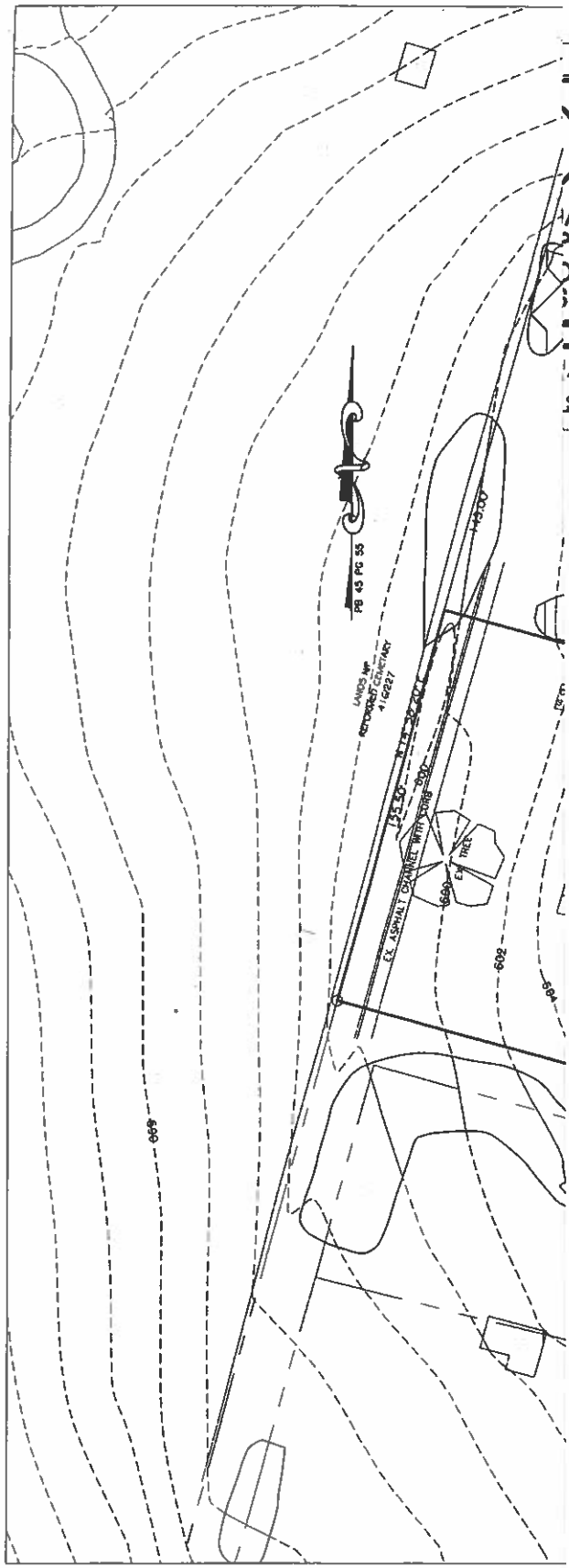
31 West Main Street
Middletown, MD 21769
301-371-6171
cunangst@ci.middletown.md.us
www.middletown.md.us

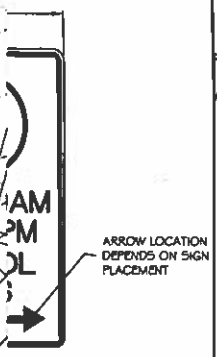
ProjectDox

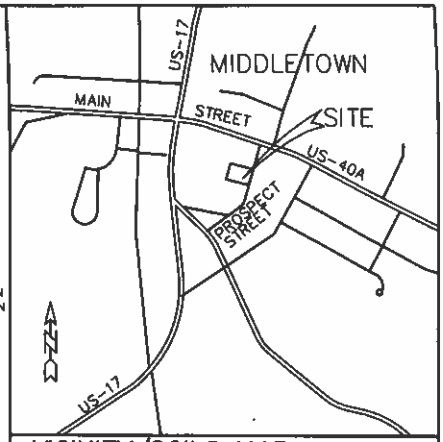
Current Project - Project Markups Listing

290046 - NONRESBLDG - ACCESS - NRSEDU

File Name	Markup Name	Markup Text	Markup Date	Created by
Page 1_ St Thomas More Academy Non Res building.pdf	MJR	This appears to be a permanent structure, so it is required to have compliant restrooms within its footprint.	07/30/2020	Matthew Rowley
Page 1_ St Thomas More Academy Non Res building.pdf	MJR	Please indicate fire extinguisher locations.	07/30/2020	Matthew Rowley
Page 1_ St Thomas More Academy Non Res building.pdf	MJR	Please indicate types of proposed door locks.	07/30/2020	Matthew Rowley
Page 5_St. Thomas More Academy Non Res Building.pdf	MJR		07/30/2020	Matthew Rowley
Page 5_St. Thomas More Academy Non Res Building.pdf	MJR	The referenced drawings have not been found.	07/30/2020	Matthew Rowley
Page 5_St. Thomas More Academy Non Res Building.pdf	MJR		07/30/2020	Matthew Rowley
Page 5_St. Thomas More Academy Non Res Building.pdf	MJR	The referenced roof framing plan has not been found.	07/30/2020	Matthew Rowley
Page 5_St. Thomas More Academy Non Res Building.pdf	MJR	Must be 30" min. below finished grade.	07/30/2020	Matthew Rowley
Page 4_St. Thomas More Academy Non Res Building.pdf	MJR	Please provide ground snow load and wind load.	07/30/2020	Matthew Rowley
Page 4_St. Thomas More Academy Non Res Building.pdf	MJR	Please provide code analysis including occupant load.	07/30/2020	Matthew Rowley
Page 4_St. Thomas More Academy Non Res Building.pdf	MJR	Please provide structural design information for the deck.	07/30/2020	Matthew Rowley
Page 4_St. Thomas More Academy Non Res Building.pdf	MJR	Please provide mechanical and electrical information.	07/30/2020	Matthew Rowley
Page 2_St. Thomas More Academy Non Res Building.pdf	MJR		07/30/2020	Matthew Rowley
Page 2_St. Thomas More Academy Non Res Building.pdf	MJR	Please demonstrate compliance with 2018 IBC Table 602.2.	07/30/2020	Matthew Rowley







VICINITY/SOILS MAP

Tax Map 0501 Parcel 0680 SCALE: 1"=1000'

SOILS: MyB – (B) Myersville–Catoctin–Urban land complex, 3 to 8 percent slopes

SITE PLAN NOTES:

1. ZONING: The site is zoned Residential (R2)
2. AREA: The site area is approximately 41,314 SF OR 0.948 acres
3. EXISTING USE: Office PROPOSED USE: Private School
4. PROPERTY INFORMATION: Map 501 Parcel 0680
5. OWNER: Board of County School Commission of Frederick County
   191 South East Street
   Frederick, MD 21701

5a. APPLICANT: Saint Thomas More Academy
   P.O. Box 879
   Buckeystown, MD 21717

6. AREA SUMMARY: 41314 SF OR 0.948 AC.
   EXISTING BUILDING – 5330 SF OR 0.122 AC. } ±48% IMP.
   EXISTING PAVING – 14610 SF OR 0.335 AC. }
   EXISTING GREEN SPACE – 21374 SF OR 0.490 AC.
   TOTAL GROSS FLOOR AREA – 15,990 SF
7. PARKING SUMMARY:
   PARKING REQUIREMENTS FOR A SCHOOL USE WILL BE DETERMINED BY THE PC
   PARKING PROVIDED:
   EX 10' x 17' SPACES = 9
   9' X 20' SPACES = 5
   HANDICAP SPACES = 1
   PARKING PROVIDED = 15 SPACES
   OVER FLOW PARKING PROVIDED = 16
8. BUILDING SETBACKS:
   REQUIRED: Front = 40' Side = 100' Rear = 100'
   PLATTED: Front = 50' Side = 15' Rear = 50'
   EXISTING: Front = 28.1' Side = 15.6' Rear = 172.3'
   BUILDING HEIGHT – Unknown – Existed since 1910
9. LIGHTING:
   Existing lighting is building mounted.
   Any future pole mounted lighting shall be approved by the Planning Commission.
10. WETLANDS/FLOODPLAIN:
    There is no wetlands located on this site.
    There is no floodplain located on this site per FEMA panel #24021C0260D.
11. STORMWATER MANAGEMENT:
    Stormwater Management is provided in accordance with the MD 2008 SEC. 1.2.2 design criteria < 5,000 SF DISTURBANCE.
12. TRASH:
    Trash pickup will be provided by a private company.
13. FORESTATION:
    The site is exempt from the Forest Conservation requirements under section 18.40.013 L for real estate transfers.
14. HANDICAP ACCESSIBILITY:
    The site will be in conformance with the State of Maryland Accessibility Code.
15. Topography from Frederick County GIS and boundary is per plat book 45 pg. 55.
16. ~~[illegible]~~
17. Site population for St. Thomas More Academy is approximately 105 students and 19 staff.
18. The water and sewer classification on site is W-1 and S-1.

TOWN OF MIDDLETOWN PLANNING COMMISSION

APPROVED: Cynthia L. Unangst 7/18/2012
PLANNING COMMISSION CLERK DATE
For Mark Carney Chairman 10/15/2012

R

omments
nditions

SITE PLAN

SAINT THOMAS MORE ACADEMY

TAX ID # 03-140334
SITUATED AT 103 PROSPECT STREET
MIDDLETOWN, MD 21703
MIDDLETOWN ELECTION DISTRICT NO. 3
FREDERICK COUNTY, MARYLAND

SCALE:	1" = 30'
DRAWN BY:	JML
CHECKED BY:	REC
DATE:	JUNE, 2012
SHEET:	1 OF: 1
PROJECT:	04-199C
	SP-1

MEMORANDUM

Date: 9/10/2020

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Temporary sign regulations

After the August Planning Commission meeting, I contacted Town Attorney, Brandy Peeples, to ask her the question about grandfathering of temporary signs. She informed me that she had just sent a legal opinion to the Town of Myersville regarding their sign regulations as they are also looking to revise their Code. The legal opinion pertains to the Reed vs. Town of Gilbert case from 2015 in which the U.S. Supreme Court rendered that sign regulations must be content-neutral. Ms. Peeples gladly shared the legal opinion with us, which follows this memo. Also attached is a Model sign code rough draft that she has provided for our review. Our current sign regulations are not content-neutral, and this would seem like a good time to make the necessary changes. I have also received nine sign ordinances from MML from municipalities that have recently enacted content-neutral sign regulations or are discussions of sign regulations in light of the Supreme Court decision. I have perused all those documents and have found at least a couple of them to be helpful in seeing how our temporary sign regulations might be revised to be content neutral.

The ones I found most useful were the following:

http://gloucester.granicus.com/MetaViewer.php?meta_id=62352 Specifically pages 59-74 of the document

http://ww.charmeck.org/Planning/Rezoning/2019/086-104/2019-103%20approved%20sign%20regulations.pdf October 2019. Some of this I found could be helpful.

https://planningpa.org/wp-content/uploads/Model-Sign-Plan-2.pdf This is from 2019. Some of this could be helpful as well.

I would appreciate feedback on how the commission members might want to proceed forward at this point. If we want to continue looking at changes to our sign code, my hope would be to focus for now on just the temporary sign regulations.

PEEPLES LAW

TEL 301-327-9814 FAX 866-277-7137
47 East All Saints Street Frederick, MD 21701
brandy@peeples-law.com | peeples-law.com

March 20, 2020

Mayor & Town Council
Town of Myersville
Myersville Town Hall
301 Main Street
P.O.Box 295
Myersville, Maryland

RE: Town of Myersville Sign Regulations

The Honorable Mayor and Town Council:

Pursuant to your request, I have undertaken a review of the Town of Myersville's (the "Town's") signage regulations codified at §165-17 of the Myersville Town Code in order to see if the Town's regulations remain valid in light of recent decisions rendered by the United States Supreme Court, and in particular, how the seminal case of *Reed v. Town of Gilbert*, 135 S. Ct. 2218,192 L. Ed. 2d 236, (2015) applies to signage.

Legal Background

Fundamentally, the First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws abridging the freedom of speech. U.S. Const. amend. I. Under that Clause, a government, including a municipal government vested with state authority, has no power to restrict expression because of its message, its ideas, its subject matter, or its content. Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.

A. The Reed Case

The *Reed* case involved Good News Community Church ("Church") and its pastor, Clyde Reed, who wished to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different locations, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the

event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Shortly thereafter, Reed filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F. 3d 966, 979 (2009). It reasoned that, even though an enforcement officer would have to read the sign to determine what provisions of the Sign Code applied to it, the "'kind of cursory examination'" that would be necessary for an officer to classify it as a temporary directional sign was "not akin to an officer synthesizing the expressive content of the sign." Id., at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code's distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code's sign categories were content neutral. The court concluded that "the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert's creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign." 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court's decision in *Hill v. Colorado*, 530 U. S. 703, 120 S. Ct. 2480, 147 L. Ed. 2d 597 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071-1072. As the court explained, "Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed" and its "interests in regulat[ing] temporary signs are unrelated to the content of the sign." Ibid. Accordingly, the court believed that the Code was "content-neutral as that term [has been] defined by the Supreme Court." *Id.*, at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073-1076.

The United States Supreme court reversed the decision of the prior courts. Because the Supreme Court found that Town's Sign Code defined and categorized certain different types of signs, i.e. "Temporary Directional Signs," "Political Signs," and "Ideological Signs" and subjected each of those categories to different restrictions, the Supreme Court held that the Town of Gilbert's sign regulations were content based and could not withstand strict scrutiny and were not narrowly tailored to serve a compelling Town interest.

B. Content-Based versus Content-Neutral.

Prior to *Reed*, courts generally presumed sign ordinances were valid and, in their review, would look to the intent behind the adoption of the ordinance, striking down only those ordinances where the court found evidence that the city "adopted (the sign regulation) to suppress speech with which the government disagreed" (commonly known as content-based).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *Reed, supra, at 2227.* This commonsense meaning of the phrase "content based" requires a court to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be "'justified without reference to the content of the regulated speech,'" or that were adopted by the government "because of disagreement with the message [the speech] conveys," *Ward v. Rock Against Racism*, 491 U. S. 781, 791, 109 S. Ct. 2746, Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

When a local government's ordinance is content-neutral, courts review it with a much more relaxed standard, upholding regulations that meet the criteria below (often referred to as reasonable time, place, and manner restrictions). These ordinances:

- Do not reference the content of the sign.
- Are narrowly tailored to serve a significant governmental interest (rather than compelling interest).
- Leave open ample alternative channels for communication of the information.

Myersville Sign Code

Importantly, in *Reed*, the Town of Gilbert's sign code required permitting for signs, but then listed out categories or types of signs exempt from permitting, including "political signs," "ideological signs," and "temporary directional signs." The ordinance in Reed also placed different physical restrictions on the separate types of signs. The Supreme Court found this ordinance content-based because the regulation "on its face" looked to the message on the proposed sign to determine how the city would regulate it.

Following the *Reed* decision, it would appear that several sections of the Town Code pertaining to signage speak to the content of the signs. For example, Section D regarding "Signs exempt from Zoning Certificate" purports to speak to the content of certain temporary signs, including real estate signs, political signs, etc. That the Town differentiates types of signs based on content is a red flag for a Constitutional challenge.

To this end, and to avoid any future potential lawsuits, it would be my recommendation that the Town amend and/or rewrite §165-17 to avoid any appearance of its regulations being content based. In my professional legal opinion, further I would recommend that a rewrite of this section include:

1. A Statement of Purpose whereby the Code clearly states that the Sign regulations do not intend to have content-based restrictions or content-based enforcement.

2. A Substitution Clause which provides that for every commercial sign allowed, any noncommercial message could be legally substituted. Substitution clauses help protect against allegations of discrimination (based on content) because they always allow a noncommercial message on any sign. Many ordinances inadvertently define signs in terms of advertising and, as a result, may be interpreted as allowing only commercial messages.

3. A Severability Clause, where in the event any one provision of the Town Code relating to signs is found to be unconstitutional, such provision does not invalidate the entire ordinance.

Any new sign ordinance should regulate signage based upon time, place, or manner and should not favor commercial speech over noncommercial speech. As it relates to the Town's current sign ordinance, the Section D as mentioned above speaks to "advertising," which is commercial in nature and seems to give a preference to commercial speech. Moreover, any new sign ordinance should not allow for any discretionary approval by Town Staff; should, in the event permits are required, establish time parameters within which to approve or deny a Zoning Certificate; and,should provide for appeal or judicial review of same.

In closing, to begin the rewrite process, I think it would be productive to have a meeting with Town staff (Brandon and Kristin) to review the §165-17 of Code for the purpose of identifying problematic areas of the code and to formulating a strategy in undertaking its rewriting.

Very truly yours,

Brandy A. Peeples

cc: Brandon Boldyga, Myersville Planning & Zoning Administrator

IMLA Model Sign Code – 4th Rough Draft

This Model proposes a content neutral sign code developed based on the decision of *Reed v. Town of Gilbert, ___U.S.___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444, 25 Fla. L. Weekly Fed. S 383 (U.S. 2015)*. The sign code recognizes that government signs are government speech intended to ensure public safety. These government signs include those described and regulated in the Manual on Uniform Traffic Control Devices and signs that are necessary to identify properties and to implement the laws of the state. The skeleton of this Model derives from the Washington County, Oregon sign regulations which were found to be content neutral by the United States District Court for Oregon, Portland Division in *Icon Groupe, LLC v. Washington Cnty.*, 2015 U.S. Dist. LEXIS 67682 (D. Or. May 26, 2015).

This Model accepts at face value the Supreme Court's unanimous view that governments may regulate signs. In *City of Ladue v. Gilleo*, 512 U.S. 43, 48, 114 S. Ct. 2038, 2041-2042, 129 L. Ed. 2d 36, 42-43, (U.S. 1994) writing for a unanimous court Justice Stevens explained that "While signs are a form of expression protected by the Free Speech Clause, they pose distinctive problems that are subject to municipalities' police powers. Unlike oral speech, signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. It is common ground that governments may regulate the physical characteristics of signs -- just as they can, within reasonable bounds and absent censorial purpose, regulate audible expression in its capacity as noise. See, e. g., *Ward v. Rock Against Racism*, 491 U.S. 781, 105 L. Ed. 2d 661, 109 S. Ct. 2746 (1989); *Kovacs v. Cooper*, 336 U.S. 77, 93 L. Ed. 513, 69 S. Ct. 448 (1949)." In *Ladue,* the Court concluded that the City's regulation banning almost all residential signs went too far in restricting speech. At the same time the Court noted that its decision did not eliminate the city's ability to restrict some types of signs: "Nor do we hold that every kind of sign must be permitted in residential areas. Different considerations might well apply, for example, in the case of signs (whether political or otherwise) displayed by residents for a fee, or in the case of off-site commercial advertisements on residential property. We also are not confronted here with mere regulations short of a ban." *City of Ladue v. Gilleo*, 512 U.S. 43, 58, 114 S. Ct. 2038, 2045, 129 L. Ed. 2d 36, 49, (U.S. 1994). Thus, *Ladue* teaches us that governments may impose limits on some signs and impose regulations short of a complete ban.

In *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507, 101 S. Ct. 2882, 2892, 69 L. Ed. 2d 800, 814-815 (U.S. 1981) a majority of the Justices of the Supreme Court concluded that a government could distinguish between commercial and non-commercial speech when regulating signs: "Finally, in *Central Hudson Gas & Electric Corp. v. Public Service Comm'n*, 447 U.S. 557 (1980), we held: 'The Constitution . . .

accords a lesser protection to commercial speech than to other constitutionally guaranteed expression. The protection available for a particular commercial expression turns on the nature both of the expression and of the governmental interests served by its regulation.' Id., at 562-563 (citation omitted). We then adopted a four-part test for determining the validity of government restrictions on commercial speech as distinguished from more fully protected speech. (1) The First Amendment protects commercial speech only if that speech concerns lawful activity and is not misleading. A restriction on otherwise protected commercial speech is valid only if it (2) seeks to implement a substantial governmental interest, (3) directly advances that interest, and (4) reaches no further than necessary to accomplish the given objective. Id., at 563-566.

"Appellants agree that the proper approach to be taken in determining the validity of the restrictions on commercial speech is that which was articulated in *Central Hudson*, but assert that the San Diego ordinance fails that test. We do not agree."

Despite concluding that San Diego's ordinance regulating billboard's survived the *Central Hudson* test, four members of the majority reached the conclusion that the city's ordinance was facially unconstitutional because it allowed commercial speech at certain locations where it prohibited non-commercial speech. "It does not follow, however, that San Diego's general ban on signs carrying noncommercial advertising is also valid under the First and Fourteenth Amendments. The fact that the city may value commercial messages relating to onsite goods and services more than it values commercial communications relating to offsite goods and services does not justify prohibiting an occupant from displaying its own ideas or those of others." *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 512-513, 101 S. Ct. 2882, 2895, 69 L. Ed. 2d 800, 818 (U.S. 1981)

Because *Metromedia* offers scant support for developing content based regulations of commercial signs, i.e., regulations that use the message to define whether the sign is commercial, this Model does not attempt to distinguish regulations of commercial versus non-commercial signs, but prohibits commercial signs in some locations. Arguments can be made and definitions constructed that could effectively allow or prohibit signs based on whether they are commercial versus non-commercial, but where commercial signs are allowed, Metromedia informs the conclusion that non-commercial signs must also be allowed.

Where this Model uses time limits or size limits, those should be considered as illustrative only and are not intended to form a part of the Model except for illustrative purposes.

ARTICLE ____. - SIGNS

DIVISION I. - GENERAL PROVISIONS

Findings, purpose and intent; interpretation.

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging

aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the [governing body] or Board of [Adjustment, Appeals, Zoning Appeals].

Comment: *Adopters of sign laws should be careful to consider how special permits, variances and other limitations are applied to signs. First Amendment principles dealing with prior restraint of speech may come into play and would need to be addressed. As mentioned throughout the adopters of this Model should review it carefully with their attorney to be sure that they have a sound legal basis for adoption.*

(c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

(d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(e) These regulations distinguish between portions of the City/County/Town designed for primarily vehicular access and portions of the City/County/Town designed for primarily pedestrian access.

(f) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City/County/Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Comment: The previous sections (a) through (g) were taken directly from the Local Government Association of Virginia's Model Sign Code with only minor revisions if any and one Comment.

(h) These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or this City/County/Town. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

Section 1. Definitions.

1.1 Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

1.1.1 Sign area:

1.1.1.1 the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or

1.1.1.2 where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

1.1.2.3 Sign face: The entire display surface area of a sign upon, against or through which copy is placed.

1.1.3 Electric. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

1.1.4 Flashing. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, must be considered a flashing sign.

1.1.5 Freestanding. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

1.1.6 Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Comment: *This model recognizes, as did the Supreme Court in Reed v. Town of Gilbert, ___U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015), that the government must speak and in doing so is not regulated as private individuals under the First Amendment. While the Government often speaks directly, its speech can often be found in requirements of law that demand members of a community, residents and property owners to post notices to protect the rights afforded by the government. This form of speech finds protection in this Model in recognition of legal requirements that a property owner must post a property against trespassing, solicitors and others to enforce property rights and privacy; or where a property owner must warn of dangers on the property to protect public safety and limit liability such as warning of dangerous animals, high voltage, sinkholes, gun or weapon usage among other dangers. While these postings are sometimes voluntary, all are required by the government to be in a certain form and should constitute the government's speech (they would not be*

considered private speech under the axiom: actus me invito factus non est meus actus). Compelled speech generally finds little support under First Amendment analysis and in the cases decided by the Supreme Court. Nevertheless, compelled commercial speech such as warning labels on cigarette packaging and requirements imposed by the SEC on business communications affecting investors have been sustained. Here the types of compelled speech that fall within the government speech definition are forms of speech required by law to warn of dangers or to assert rights protected by the law. A community attempting to rely on these forms of compelled speech as with the rest of this Model should only do so after a full review and analysis by its attorney.

1.1.7 Ground Mounted. A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

1.1.8 Highway Sign. A Freestanding sign, Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway.

1.1.9 Integral. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

1.1.10 Marquee. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

1.1.11 Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

1.1.12 Outdoor Advertising. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Comment: *This definition is content based under the literal interpretation of Reed v. Town of Gilbert as it requires one to determine from reading or looking at the sign if a product is being advertised that is not sold, manufactured or distributed on or from the premises. However, based on the concurring opinion of Justice Alito and the opinions of Justice Kagan and Justice Breyer, to say that a majority of the Court would reach the conclusion that defining "outdoor advertising" or "off premise" amounts to a content based restriction seems a stretch.*

1.1.13 Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

1.1.14 Projecting. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

1.1.15 Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

1.1.16 Temporary. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

1.1.17 Flat Wall (Façade-Mounted). A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

1.1.18 Digital Billboard. A sign that is static and changes messages by any electronic process or remote control.

1.1.19 *Vehicle sign* means any sign attached to or displayed on a vehicle.

1.2 Prohibited Signs.

Signs are prohibited in all Districts unless:

1.2.1 Constructed pursuant to a valid building permit when required under this Code; and

1.2.2 Authorized under this Code.

1.2.3 A property owner may not accept a fee for posting or maintaining a sign allowed under Section 1.3.2 and any sign that is posted or maintained in violation of this provision is prohibited.

1.2.4 In residential zones or on property used for non-transient residential uses, commercial signs are prohibited.

Comment. *This provision 1.2.4 may limit home occupations and transient residential uses, so should be considered carefully if adopted. An alternative might be to provide "except for those properties on which a home occupation or a transient residential use has been approved."*

1.3 Authorized Signs.

The following signs are authorized under Section 1.2.2 in every District:

1.3.1 Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs are allowed in every zoning district which form the expression of this government when erected and maintained and include the signs described and regulated in 1.3.1.1, 1.3.1.2 , 1.3.1.3 and 1.3.1 when erected and maintained pursuant to law.

1.3.1.1 Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

Comment: *The Federal Highway Administration has established uniform standards for signs that regulate traffic or that are erected and maintained within road rights of way or adjacent property. These uniform standards are intended to be used by the owners of private property that is open to the public to reduce confusion and limit the risk of accident. While these signs are content specific they serve an extraordinarily important public function.*

1.3.1.2 Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case larger than [***insert size limitation here***]. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

Comment: *The local government should establish a required dimensional limitation on identification signs based on the size of the structure and its distance from the public road if the structure is visible from the public road. The design and dimensions should conform to reasonable standards set to ensure that emergency responders can identify the property if necessary.*

1.3.1.3 Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.

Comment: *As noted in Reed v. Town of Gilbert some content based signs are necessary to protect the public and are likely to survive strict scrutiny. Signs prohibiting trespassing or solicitors; warning of the dangers of "high voltage" or other hidden dangers may be required for a person to assert property rights or to protect a property owner from liability. A local government should establish dimensional limitations, quantity limitations and other regulations designed to ensure the purpose of the sign is furthered while protecting the aesthetics of the community and protecting traffic and other public safety goals.*

1.3.1.4 A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use and as provided in Section 1.3.7.

Comment: *Flags can be problematic. Most communities want to regulate them, to avoid the used car lots and other businesses that use multiple flags to attract attention. On the other hand, communities that adopt laws that restrict the flags face condemnation for restricting the American Flag. While an argument can be made that displaying the federal, state and local flags merely affirm the government's adoption of those symbols, a person may wish to express different views by using flags as speech. IMLA believes that if flags are allowed as provided in 1.3.1.4, they are not likely to be found to be government speech and restrictions on other flags are not likely to survive a challenge under a strict scrutiny analysis. For that reason, IMLA suggests limitations as described in Section 1.3.7.*

1.3.1.5 The signs described in Sections 1.3.1.1, 1.3.1.2 , and 1.3.1.3, are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

1.3.2 Temporary Signs, Generally.

1.3.2.1 Temporary signs allowed at any time:

a) A property owner may place one sign with a sign face no larger than [two (2) square feet] on the property at any time.
b) A property owner may place a sign no larger than[8.5 inches by 11 inches][in one window on the property at any time.

1.3.2.2 One temporary sign per [0.25] acre of land may be located on the owner's property for a period of [thirty (30) days] prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate Where the size of the property is smaller than [0.25] acres these signs may be posted on the property for each principal building lawfully existing on the property.

1.3.2.3 One temporary sign may be located on a property when:

a. the owner consents and that property is being offered for sale through a licensed real estate agent;

b. if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and

c. for a period of [15 days] following the date on which a contract of sale has been executed by a person purchasing the property.

1.3.2.4 One temporary sign may be located on the owner's property on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than [two days in a year and the days must be consecutive] and may not use this type of sign in any [Commercial District] for more than [14 days in a year and the days must be consecutive]. For purposes of this Section 1.3.2.4 a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward.

Comment: This Section offers an opportunity for signs for garage sales, yard sales and the like. Often the state regulates these types of activities by imposing time limits on how often they can be conducted. It might be possible to refer to those state laws to allow for the necessary signage, but without regulating content those signs could be used for other purposes as they may here. Should the community allow signs for other purposes? By allowing one temporary sign at all times, the community adopting this model does so. Thus, a person can post a notice of a birth, a special birthday, an anniversary, a wedding or other important event or choose to use the sign for other purposes entirely without any restriction being imposed on its content.

1.3.2.5 During the 40 day period December 1 to January 10, a property owner may place [insert number] temporary signs on the property and may use lights that do not exceed [ ] lumens as measured at the property line between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form a sign.

1.3.2.6 A property owner may place and maintain one temporary sign on the property on [July 4].

1.3.2.7 A person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per[0.25 acre] at any one time to [2]plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property.

Comment: *This restriction conflicts with the provisions in 1.3.2.2 which allows multiple signs based on the number of issues and candidates are on a ballot. The law post Reed will likely help to describe how these two rules can be effected. An option might be to amend this Section 1.3.2.7 to read: It is the intent of this Code to limit the aesthetic impact of signs on properties to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety, the accumulation of signs adversely affects these goals, property values and public safety, accordingly a person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per[0.25 acre] at any one time to [2]plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property unless a court having jurisdiction determines that additional signs must be permitted and then the signage must be limited to the fewest signs and the smallest accumulated sign area permissible under the court's determination.*

1.3.2.8 The sign face of any temporary sign, unless otherwise limited in this Section 1.3.2 must not be larger than [two (2) square feet].

Comment: Section 1.3.2 allows property owners to place temporary signs on their property during certain time periods and allows the property owner to select whatever message the owner chooses during those periods. This provision complies with both Reed v Town of Gilbert and City of Ladue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36, 1994 U.S. LEXIS 4448, 62 U.S.L.W. 4477 (U.S. 1994) as it allows a property owner the ability to make use of the property for free expression but in a manner designed to reduce clutter and advance aesthetic interests of the community without any content based limitations.

1.3.3 For purposes of this Section (1.3) the lessor of a property is considered the property owner as to the property the lessor holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessors of a property then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property must be deemed to be the property that the lessor has the sole right to occupy under the lease.

1.3.4 Signs not in an enclosed building and not exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property.

1.3.5 Flags as follows:

1.3.5.1 Single-family Zoning Districts. In a single-family zoning district, [two flags and one flag pole] per premises. Each flag must be a maximum of [15] square feet in area. The flag pole must be a maximum of [25] feet in height or no higher than the highest point of the principal building's roof, whichever is lower. [Flag poles must meet the minimum yard setback requirements for a principal building.]

1.3.5.2 Nonresidential Zoning Districts. In a non-residential zoning district, one flag per [25] feet of frontage on a right-of-way up to a maximum of [six flags and six flag poles] per premises. Each flag must be a maximum of [24] square feet in area. Flag poles must be a maximum of [50] feet in height but no higher than the highest point of the nearest principal building's roof on the premises. [Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.]

Optional for Car lots:

1.3.5.3 Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

1.3.6 Vehicle signs must be covered if the vehicle is parked on the same property for longer than [] hours so that the sign is not visible from a public way.

1.4 Permit required.

1.4.1 *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 1.4.6 of this Article.

1.4.2 *Application for permit.*

(1) An application for a sign permit must be filed with the [Code Official/Zoning Administrator] on forms furnished by that department. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances. An application for a temporary sign must state the dates intended for the erection and removal of the sign. An application for any sign must state the date when the owner intends to erect it and provide a bond sufficient to allow the City/County/Town to remove it if it is not properly maintained or if it is abandoned.

(2) The Code Official/Zoning Administrator or designee must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application [within ---days after receipt]. Any application that complies

with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances must be approved.

3) If the application is rejected, the Code Official/Zoning Administrator must provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

1.4.3 *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City/County/Town Council must accompany all sign permit applications.

1.4.4 *Bond.* The applicant must submit a bond in an amount and from an issuer approved by the Code Official to protect the City/County/Town from the cost of removing the sign should it no longer be allowed under the laws of the [county/city/town], state or federal government. If the permit is issued a condition of the permit must be that the bond is maintained and increased or decreased based upon the then current estimates of the costs of removal of the sign. If the sign is removed without cost to the City/County/Town the Code Official must release the bond but may execute upon it should the City/County/Town be held responsible for or incur any cost in removing the sign.

1.4.5 *Duration and revocation of permit.* If a sign is not installed and a use permit issued within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit must be void. The permit for a temporary sign must state its duration, not to exceed 30 days unless another time is provided in this code or the zoning ordinance. The City/County/Town may revoke a sign permit under any of the following circumstances:

(1) The City/County/Town determines that information in the application was materially false or misleading;

(2) The sign as installed does not conform to the sign permit application;

(3) The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or

(4) The Code Official/Zoning Administrator determines that the sign is not being properly maintained or has been abandoned.

1.4.6 *Permits not required.* A sign permit is not required for signs:

1. Described in Sections 1.3. with a total area of up to [thirty two (32) square feet and a maximum height of eight (8) feet];

Comment: *The decision as to which signs should require a permit ought to be carefully considered based on considerations of staffing, control and enforcement. The issue discussed above regarding the total number of signs applies here as well to the total area limitations and the potential conflict addressed.*

2. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished; or
3. Minor signs when no more than [two per parcel]. Additional minor signs are permitted in certain districts with a permit.

1.4.7 *Appeals.* If the Code Official/Zoning Administrator denies a permit the applicant may appeal under [insert here the cite to the provision for appeals from decisions of the Code Official].

Comment. *This draft does not address the issue of prior restraint that may be affected by a denial of a permit and the requirement of a speedy appeal. This issue is being left to future drafts.*

1.5 Specific Sign Regulations by District

The following sign regulations must apply to all Use Districts as indicated.

1.5.1 Residential Districts

1.5.1.1 Scope:

This Section (1.5.1) must apply to all Residential Districts.

1.5.1.2 Size:

A. When a sign is authorized on a property, the sign must not exceed [two (2) square feet in area]. Where attached dwellings exist on a property the total square footage of signs must not exceed [two square feet per dwelling unit and must not exceed a total of twelve (12) square feet in area per structure].

B. For Residential Developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must be controlled according to the following:

(1) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.

(2) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.

(3) Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet.

1.5.1.3 Location:

Permitted signs may be anywhere on the premises, except in a required side yard or within [ten (10) feet] of a street right-of-way.

1.5.1.4 Height:

The following maximum heights must apply to signs:

A. If ground-mounted, the top must not be over [four (4) feet above the ground]; and

B. If building mounted, must be flush mounted and must not project above the roof line.

1.5.1.6 Illumination:

Illumination if used must not be blinking, fluctuating or moving. Light rays must shine only upon the sign and upon the property within the premises.

1.5.1.7 The following signs are not allowed: Highway Signs, Portable Signs, Marquee Signs, Digital Billboard, Outdoor Advertising Sign, and Projecting Sign.

1.5.2 Commercial and Institutional Districts

1.5.2.1 Scope:

This Section (1.5.2) must apply to all [insert appropriate titles Commercial Districts and the Institutional District].

1.5.2.2 Number and Size:

For each lot or parcel a sign at the listed size may be authorized:

A. [insert name of district] signs must not exceed [thirty-five (35) square feet]. [For additional standards for the [insert name of district] District see Section [if additional standards apply insert here]].

B. [insert appropriate district titles here: Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM)] signs must not exceed the following [area requirements based on the speed limit and number of traffic lanes of the adjacent public street:

Maximum Speed Limit	No. of traffic lanes	Max. Sq. Footage of sign
30 mph or less	3 or less	32 sq. ft.
35 mph or more	3 or less	50 sq. ft.
30 mph or less	4 or more	40 sq. ft.
35 mph or more	4 or more	72 sq. ft.

]

C. Two (2) or more lots or parcels having a combined linear frontage of [eighty-five (85) feet] may combine their sign areas allowed by Section 1.5.2.2 B. for the purpose of providing one

common free-standing or ground-mounted sign. The sign must not exceed [one hundred fifty (150) square feet].

D. Corner Lots:

Where a lot fronts on more than one street, only the square footage computed for each street frontage must face that street frontage.

E. If not otherwise regulated as to maximum sign area in this code, signs are governed by the following:[

Maximum Sign Area	Street Frontage
20 sq. ft.	85 ft. or less
25 sq. ft.	86-90 ft.
30 sq. ft.	91-99 ft.
35 sq. ft.	100 ft. or more

]

F. Commercial Center:

Signs used for Commercial Centers must be allowed as follows:

(1) [Only one (1) sign of one hundred fifty (150) square feet must be permitted for centers less than five (5) acres and greater than one (1) acre].

(2) [A maximum of two (2) signs of four hundred (400) square feet must be permitted for complexes for five (5) to fifty (50) acres].

(3) [A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of more than fifty (50) acres].

(4) Individual businesses are allowed a face building mounted sign pursuant to Section 1.5.2.2 A. and B.

Comment: To be clear, the limits that are included are from one county's sign law and should not be used by others without thoughtful consideration as to the specific needs and values of the community.

G. Highway Signs:

Highway signs, [except/including Digital Billboards and Outdoor Advertising Signs], must be permitted only in the [insert appropriate district here, for example: General Commercial (GC) District]. Such signs must not exceed three hundred (300) square feet per face, nor must the face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following must apply:

(1) Minimum spacing must be as follows:

Type of Highway	Minimum space from Interchange (in feet)	Minimum space between signs on same side of Highway (in feet)

Interstate Hwy	500	1000
Limited Access (Freeway)	500	1000
Other Roads	None	500

2) For the purpose of applying the spacing requirements of Section (1) above, the following must apply:

(a) Distances must be measured parallel to the centerline of the highway;

(b) Measurements for the spacing between signs must be based on when the construction of the sign:

i. Received final approval by the Code Official measuring from the first sign to have received that approval; or

ii. If the Code Official has not given final approval to a sign that will be limited by the spacing requirement once it is constructed, then

1)Measured from the first sign given a building permit that is not cancelled or void at the time of measurement; or

2)When no permit has been issued that is still valid, measured from the first fully complete application for a building permit received by the Code Official that has not been cancelled or which is void; and

(c) A back-to-back, multiple signs on one freestanding pole, double-faced or V-type sign must be considered as one sign.

1.5.2.3 Location:

A. Flat Wall Signs may be located on any wall of the building.

B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and [fifteen (15)] feet above driveways or alleys.

C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 1.5.1.2 B. and 1.5.2.2 F. may be located anywhere on the premises except as follows:

(1) A ground-mounted sign must not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.

(2) A freestanding sign must not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of [eight (8) feet six (6) inches] and provided the location complies with the Manual on Uniform Traffic Control Devices.

D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than [eight (8) feet six (6) inches (8' 6")]. The maximum vertical dimension of signs must be determined as follows:

Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

E. Wall signs must not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.

F. Permitted highway signs, including digital billboards, may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of-way.

G. No portion of a digital billboard must be located within two hundred and fifty (250) linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

1.5.2.4 Height:

A. Ground-mounted signs must not exceed four (4) feet in height from ground level.

B. Freestanding signs must not exceed twenty-eight (28) feet in height from ground level.

C. Highway signs, including digital billboards, must not exceed thirty-five (35) feet in height from ground level.

1.5.2.5 Content:

A. Any of the signs pursuant to this Section (1.5.2) may be changeable copy signs.

B. The primary identification sign as allowed under 1.3.1.2 for each firm must contain its street number. The street number must be clearly visible from the street right-of-way.

1.5.2.6 Illumination:

Must be as provided in Section 1.4.6.

1.5.3 Industrial

1.5.3.1 Scope:

This Section must apply to the Industrial District.

1.5.3.2 Number and Size:

A. One (1) sign for each street frontage, each with a maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage must be permitted.

B. One freestanding or ground-mounted sign not exceeding fifty (50) square feet per lot or parcel.

C. The maximum size and number of signs that the owner or owners of an Industrial Park development may erect and maintain at the entrances to the development must be controlled according to the following:

(1) A maximum of two (2) signs of three hundred (300) square feet per face must be permitted for industrial parks or complexes of less than ten (10) acres;

(2) A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of ten (10) acres or more. More than three (3) signs may be approved through [a Type I procedure], provided the total sign area does not exceed twelve hundred (1200) square feet.

1.5.3.3 Location:

Must be as provided in Section 1.5.2.3.

1.5.3.5 Illumination:

Must be as provided in Section 1.5.6.

1.5.4 Agriculture District

1.5.4.1 Scope:

This Section must apply to the [insert appropriate language describing rural/agricultural and forestry areas] outside the [insert appropriate designation such as: Urban Growth Boundaries].

1.5.4.2 Size:

a. Signs other than highway signs must have a maximum area that does not exceed thirty-two (32) square feet per sign.
b. Highway signs must comply with Section 1.5.2.G

1.5.4.3 Location:

a. Signs other than highway signs must be at least twenty-five (25) feet from a right-of-way, and must be at least twenty-five (25) feet from an adjacent lot.
b. Highway signs must be
    a. at least twenty-five feet from a right of way and must be
    b. at least 250 feet from a residence on an adjacent property; and
    c. comply with the distance and spacing requirements of Section 1.5.2 G.

1.5.4.4 Illumination:

As provided in Section 1.5.6.

1.5.4.5 Maximum number of signs:

DRAFT

Acreage	No. of Signs
0 – 20	2
21 – 40	3
41 – 60	4
61 & over	5

1.5.5 Supplemental Criteria in all Districts

1.5.5.1 Temporary Signs:

Temporary signs are subject to the following standards:

A. Must not on one property exceed a total of sixteen (16) square feet in area;

B. Must not be located within any right-of-way whether dedicated or owned in fee simple or as an easement;

C. Must only be located on property that is owned by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or on public property;

D. Must not be illuminated except as allowed in 1.5.1.6 or 1.5.6 based on the District in which the sign is located; and

E. Must be removed within fourteen (14) days after the election, sale, rental, lease or conclusion of event which is the basis for the sign under 1.3.2 or if a different standard is required in Section 1.3.2 must be removed within the time period required by that Section.

1.5.5.2 Bench Signs:

On street benches provided:

A. The benches must not be higher than four (4) feet above ground;

B. Limited to fourteen (14) square feet in area;

C. The benches are not located closer than five (5) feet to any street right-of-way line;

D. Benches are located in a manner not to obstruct vision;

E. Must be included as part of the total permitted sign area of the premise on which it is located.

1.5.5.3 Integral Signs:

There are no restrictions on sign orientation including whether it is freeway-oriented. Integral sign must not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but must not be illuminated internally.

1.55.4 Private Traffic Direction:

Illumination of signs erected as required by the Manual on Uniform Traffic Control Devices must be in accordance with Section 1.5.6. Horizontal directional signs flush with paved areas are exempt from these standards.

1.5.5.5 Original Art Display

Original art displays are allowed provided that they meet the following requirements:

A. Located [designate where they are allowed such as: Urban Growth Boundary];

B. Must not be placed on a dwelling;

C. Must not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;

D. Must be no more than sixty-four (64) square feet in size, per lot or parcel;

E. Compensation will not be given or received for the display of the original art or the right to place the original art on site; and

F. Must not be illuminated.

1.5.6 Illumination

No sign must be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

1.5.6.1 No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, must be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

1.5.6.2 When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing must not exceed three hundred (300) milliamperes rating for white tubing or one hundred (100) milliamperes rating for any colored tubing.

1.5.6.3 When fluorescent tubes are used for the interior illumination of a sign, such illumination must not exceed:

A. Within Residential districts:

Illumination equivalent to four hundred twenty-five (425) milliamperes rating tubing behind a Plexiglas face with tubes spaced at least seven inches, center to center.

B. Within land use districts other than Residential:

Illumination equivalent to eight hundred (800) milliampere rating tubing behind a Plexiglas face spaced at least nine (9) inches, center to center.

1.5.6.4 Digital billboards allowed pursuant to Section 1.5.2.2 G must:

A. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;

B. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;

C. Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;

D. Change from one message to another message no more frequently than once every ten (10) seconds and the actual change process is accomplished in two (2) seconds or less;

E. Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction; and

F. Not be authorized until the Code Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital billboard.

1.5.7 Prohibited Signs

The following signs or lights are prohibited which:

1.5.7.1 Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

1.5.7.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;

1.5.7.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;

1.5.7.4 Are roof signs except as allowed in Section 1.5.5.4;

1.5.7.5 Are freeway-oriented signs except as allowed as Highway signs;

1.5.7.6 Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti; or

1.5.7.6 Are portable signs that do not comply with the location, size or use restrictions of this Code.

1.5.8 Procedures

Applications for a sign permit must be processed through [insert appropriate permitting procedure here].

1.5.9 Nonconformity and Modification

Except as provided in Section 1.5.9.2 of this Chapter, signs lawfully in existence on the date the provisions of this Code were first advertised, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming. Provided, however, a sign constructed during the period of time following the day on which the Supreme Court released its opinion in *Reed v. Town of Gilbert, ___U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015)* and the date the provisions of this Code were first advertised for adoption must not be considered a non-conforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the Supreme Court's decision in *Reed v. Town of Gilbert, ___U.S.___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015).*

Comment: This section attempts to address two issues common to regulation. 1. The race to vest – often a person who sees a regulation being proposed attempts to establish a vested right before the regulation can take effect where notice and public hearing are required. This race to vest often leads to a flurry of activity that can be difficult to process and allows uses that are considered undesirable to flourish while the government attempts to limit them. Allowing an ordinance to apply to properties based on the date it is first advertised provides a more fair solution allowing the government to provide public notice and give thoughtful contemplation to the issues involved rather than engaging in a race to adopt a measure before its utility is thwarted by a rash of construction and that insures the limited effect on individual property owners and the community as whole that the public process embraces. 2. The effect of a regulated business enjoying a period where there is no regulation due to a court decision. Clearly, the Supreme Court did not aim to eliminate sign regulation; it only sought to eliminate content based sign regulation. Rather than allow the decision in Reed v. Gilbert to extend authority beyond its intent, the Model limits the effect of an unregulated period by recognizing that signs constructed during that period do not deserve protection from the application of the law.

1.5.9.1 For the purpose of amortization, these signs may be continued from the effective date of this Code for a period not to exceed ten (10) years unless under a previous regulation the signs were to be amortized and in that case the amortization period must be as previously required or ten years whichever is less.

1.5.9.2 Signs which were nonconforming to the prior Ordinance and which do not conform to this Code must be removed immediately.

1.5.10 Compliance

Any sign which is altered, relocated, replaced or must be brought immediately into compliance with all provisions of this Code.

Middletown

Downtown Revitalization Zone Incentive Program

DRAFT

Purpose:

The Downtown Revitalization Zone (DRZ) Incentive Program was created to stimulate significant investment in Middletown's timeless, older buildings in the Main Street District. The Burgess & Commissioners have prioritized economic development and revitalization of these buildings to keep Middletown a vibrant, thriving town. The potential benefits of this program include revitalization of vacant buildings, increased jobs, increased property tax revenues, preservation of building facades and voluntary programs geared to historic preservation of our historical and architecturally significant buildings.

Qualifications:

- The revitalization project must be within the Downtown Revitalization Zone (see map)
- A minimum of $250,000 must be invested in the revitalization project (excluding purchase price)
- The façade of the building must be preserved, and a Concept Plan must be provided that demonstrates consistency of downtown character in size, scale, and materials.
- A Development Agreement will be used to detail the obligations of both parties and specifying the standards and conditions that will govern development of the property. Staff will develop a standard Developers Agreement for Board approval to use for these projects.

Incentives:

- **Tap Fee Mitigation $25,000 (Improvement $7,000, Water $9,000 & Sewer $9,000 – per tap)**

  - **Improvement Fee – 100% waived**

  Water & Sewer tap fee discounts are available through a Middletown Economic Development Grant, not to exceed the funded amount of the grant program.

  - **Water Tap Fee - 50% discount**
  - **Sewer Tap Fee - 50% discount**

- **Deferred payments of Water & Sewer tap fees** – Payments may be deferred to coincide with cash flow and be defined and secured in the Development Agreement. Payments to be made quarterly, over a maximum of 5 years or at point of sale. Payment term begins when the Certificate of Occupancy is issued.

- **Parking requirements are decreased by 50% in the Downtown Revitalization Zone:**
  - Residential – one space per dwelling unit
  - Office building – one space per 600 square feet
  - Retail – one space per 300 square feet
  - Eating establishment – one space per 180 square feet or 6 seats, whichever is greater
  - Other commercial – one space per 600 square feet
  - Community centers, funeral homes, clubs/lodges, other recreational establishments -one space per 200 square feet

  Additional parking waivers may be granted by the Planning Commission

- **Expedited navigation through Planning Commission/Board of Appeals** – A DRZ Planning Commission checklist will be provided of required documents and once received, reviews and approvals will be expected to be 30 days or less.

- **Waive all Planning Commission/Board of Appeals Fees except for sign permit fees**. (over $3,000 savings)

- **Kick-Off meeting with Middletown staff and at least one elected official**

- **Consultation with Middletown's Main Street manager** to review all potential grants, tax credits and historical preservation opportunities (see below)

MAIN STREET
MIDDLETOWN

Incentives for the Property Developer

WELCOME TO MIDDLETOWN! Thank you for choosing Middletown, Maryland, and welcome to our community! Main Street Middletown, MD Inc. is the local nonprofit with a mission to support the downtown historic business district as the economically thriving center of our community. We do this through the nationally acclaimed National Main Street Program by implementing a historic preservation-based economic development strategy. Simply put, we love our historic buildings and character, as well as the businesses that own and occupy these unique spaces. We work to bring folks (read potential customers) downtown through advertising campaigns in print, digital, and TV and host several festivals. We support businesses through financial incentives, host monthly meetings, often with technical assistance, and we encourage business owners to work together and cross promote each other.

MAIN STREET's FINANCIAL INCENTIVE: The workhorse financial incentive that Main Street Middletown MD Inc. offers is our **Façade Improvement Program.**

How it Works: Each year, Main Street Middletown applies for state funds to fill our coffers based on upcoming work, so each year our fund amount is different, based on demand. Property owners complete an application (which can be downloaded at www.mainstreetmiddletown.org), the Main Street Design Committee reviews the package for completeness and forwards the application to the state. The State reviews the proposed project for potential impacts to the historic character of the property. Usually the review period is about 1-week long. Once Main Street gets the "Ok" from the State, we alert you so that you can move forward with those specific tasks.

When the work is complete, the property owner will provide another set of documentation, consisting of proof of payment for the described work, and photos of the finished project to Main Street Middletown. We proof the submittal for completeness and then request the state for reimbursement.

Reimbursement varies from community to community. The way Main Street Middletown, MD Inc has set up our reimbursement rate is UP TO 50% of your costs up to our funding amount provided by the state. The maximum amount that can be refunded is $50,000.

ADDITIONAL INCENTIVES: There are additional tax credits that can be used for many of Middletown's properties since many properties are considered historic and are contributing resources to Middletown's National Register Historic District. If you need assistance in determining if the property you are interested in is considered a contributing historic property, please feel free to call the Main Street Manager, Becky Axilbund at 301-371-6171, Extension 111.

Town of Middletown Tax Credit – for improvements made to commercial structures within the Town, the new assessed value of the improved property will be taxed at 20% the first year, 40% the second year, 60% the third year,, 80% the fourth year, and the full amount in the fifth year after project completion. For more information about this incentive, please contact the Town Administrator, Drew Bowen at 301-371-6171.

Maryland Sustainable Communities Rehabilitation Tax Credit – this program provides a State income tax credit and is available for commercial, income producing properties, including office, retail, and rental housing. Visit the Maryland Historical Trust to view requirements and forms, or call staff at 410-514-7628.

Federal Historic Preservation Tax Credits – administered by the National Park Service, this program provides a federal income tax credit based on the qualified rehabilitation costs of a certified historic structure (many properties in Middletown are considered a certified historic structure). This program is coordinated through the Maryland Historical Trust and additional information can be obtained through calling 410-514-7620.

LAST, BUT NOT LEAST, the Main Street Manager, the Main Street Board of Trustees, and our regional and statewide partners are advocates for small business owners. We are here to help you! We encourage you to please contact us. We are always excited to discuss new projects and assist you in this endeavor.

CONTACT:
Becky Axilbund,
Main Street Middletown Manager
19 West Main Street, Middletown, MD 21769
301-371-6171, Extension 111
www.MainStreetMiddletown.org

BAxilbund@ci.middletown.md.us

Downtown Revitalization Zone

Town of Middletown - Frederick County

DRZ CHECKLIST OF DOCUMENTS NEEDED FOR PC REVIEW

1. DRZ application and/or development agreement
2. Concept plan submitted with DRZ application
3. Site plan that includes the following information:
   a. General plan of development for the property showing the entire tract to be developed/redeveloped and drawn to scale
   b. Property address, name and addresses of owner, developer, and the designer, surveyor or engineer
   c. Scale, north point, and date
   d. Approval block for the planning commission with a space for date and signature.
4. Information as to Existing Physical Conditions.
   a. Boundaries of the land being developed/redeveloped in heavy outline and acreage. Names of adjacent property owners shall be included on the plan.
   b. Topography – contours at five-foot intervals, if warranted by the particular property being developed.
   c. Physical features – buildings, utilities, and any other significant physical items, with the sizes and grades of any water or sewer lines.
   d. Locations, widths and names of all existing roads, streets, alleys or other public ways within or adjoining the site or intersecting any street that bounds it; utility or other rights-of-way or easements.
5. Information as to Proposed Development/Redevelopment.

   a. Buildings. Layout and dimensions of buildings.

   b. Open Spaces. Portions of the property intended to be reserved for public use or for the joint use of property owner, with an explanation of the provisions or conditions of such conveyance or reservation and the proposed arrangements for ownership and maintenance.
   c. Utilities. Locations for utilities and drainage facilities, with easements for same along all property lines.
   d. Building setback. Proposed building lines along all streets, with the amount of setback indicated.
   e. Proposed uses of property.
   f. Proposed method of storm water management for the site if necessary due to area of land disturbance.
   g. Landscaping if necessary/planned
   h. Outdoor lighting plans including photometric data and foot-candle readings
   i. Architectural rendering including materials proposed and elevations and showing any exterior structural changes
   j. Parking and loading (if needed) spaces proposed
   k. In cases of condominium or multi-family projects (apartment, townhouse, etc.) the following additional items shall be shown:

      I. Location of each unit/building;
      II. Total number of units in each building;
      III. Number of parking spaces in each off-street parking area, and total thereof;
      IV. Interior road or street access, whether public or private.

Chapter 4 LAND USE

Since one of the major purposes of the Comprehensive Plan is to guide future decision making on development, it is important to look at past and existing patterns of land use as background information for future land uses. Existing land uses will, to a large extent, determine future land use decisions.

Middletown has developed similarly to many small towns with a mixture of residential and commercial development along the main intersecting streets in Town (Main Street, Church Street, and Jefferson Street). Most of the commercial activity is concentrated in two primary locations: along West Main Street from Church Street to Elm Street which is considered the town commercial district (TC) and on the eastern side of Town along and adjacent to Middletown Parkway. Residential development predominated on the edges of the town commercial district and on the surrounding parallel streets to Main and Church Streets. More recent development has included residential on the east and north edge of Town, the development of Remsberg Park land to the south with ballfields and other recreational activities, and the Cross Stone Commons commercial area on Middletown Parkway.

While Middletown is the focus for development in the Middletown Valley, substantial development has occurred beyond the limits of the Town both east and west. To the east is the Fountaindale Subdivision and commercial development along US 40A. To the west are the Brookridge North Subdivision, West Middletown Estates and Picnic Woods Estates. The entire Middletown Valley has continued to be a desirable area for residential development, often conflicting with the existing agricultural activities.

EXISTING LAND USE

The existing land use in the Town of Middletown shows the predominate land use is residential with 52% in this category. This compares with 26% of the land in residential use in 1969. The majority of the residential use is single-family dwellings which are located throughout the Town. Multi-family residential and townhouse development is located in several specific locations. The Middletown Valley (formerly Chesterbrook) Apartments are located at the south end of Broad Street in Middletown with other multi-family development located closer to the center of Town. Townhouse developments are located in two areas on the west side of Town and include Jefferson Village and Creamery Row, and on the east side of Town in the Glenbrook Planned Unit Development (PUD).

Commercial development accounts for 4% of the land use in Middletown compared to 2.8% in 1969. Primary locations of commercial activity include the downtown area along Main and Church Streets, the Town Center Plaza located on the eastern edge of Town, and the Cross Stone Commons shopping center on Middletown Parkway. Commercial uses in the downtown area are interspersed with residential and institutional uses, however, and there are specific pockets of separate commercial areas. The commercial area near the intersection of Church and Main Streets extends along Main Street from Church Street to Summers Drive and along Church Street from Green to Washington Streets. On the western edge of Town, commercial uses are located near Main Street and Walnut

Street. Other spots of commercial activity are located at the intersection of Boileau Drive and Church Street and on East Main Street and Broad Street.

Public and semi-public land accounts for 12% of the land area in Middletown. This category includes churches, cemeteries, and other institutional or non-profit land holdings. The percentage of public and semi-public land has decreased in Middletown since 1969. Open space/recreation and parkland is approximately 32% of the land in Middletown as compared to 1% in 1969. This category includes land specifically dedicated or reserved for open space, as well as undeveloped land which has the potential for development. Undeveloped land includes land owned by the Fire Department off Fireman's Way, and the Dowd property east of the Town Center Plaza which is slated for development as a professional center with some additional retail uses.

The Existing Land Use Map, Figure 4-1, following this section shows the existing land use as of 2020.

ZONING

The first official Middletown Zoning Ordinance was adopted in 1969. It outlined different zoning districts and provided development regulations for those districts. Since that time, the Zoning Ordinance and Zoning Map have gone through numerous amendments to further refine and reflect the objectives of the Town. For example, provisions for the Industrial zone were amended in 1985 changing the zoning to the Service Commercial/Light Manufacturing District which included both map changes and text changes. Another example was the addition of the R-20 Residential District in 1988 which provided a transition zone from the Town's denser development to the County's less dense residential development.

There are 8 zoning districts in use in Middletown which encompass all the land area in Town. There are four residential districts, three commercial districts, and an open space district. The largest zoning district in terms of land area is the OS Open Space District which includes the Richland Golf Course. The second largest zoning district in terms of land area is the R-1 Residential zone which includes approximately 294 acres (24% of the total land area in Town). An overlay district was added to the zoning code in 2008 and is known as the Neo-Traditional Residential (NTR) Overlay District. This district can be overlain only on the R-3 zoning district and provides for smaller setbacks and the inclusion of alleys with greater design guidelines than the other residential districts. The Middletown Glen subdivision off East Green Street was developed using the NTR regulations. The Current Zoning Map, Figure 4-2, following this section shows the existing zoning as of 2020.

It is important to note the difference in land use and zoning. A particular zoning on a property can provide for different land uses and in some cases the existing land use is non-conforming and would not be permitted under present regulations. A non-conforming use is one which existed prior to the adoption of the specific regulation. There is one remaining non-conforming use property in Middletown which is the BP Station located on East Main Street.

Table 4-1 shows the eight zoning districts in Town with the amount of developed and undeveloped acreage in each category. This table includes acreage of some parcels which are developed but not to the fullest extent allowed by the zoning regulations.

Percent of Total Acreage by Zoning District as of October 2020

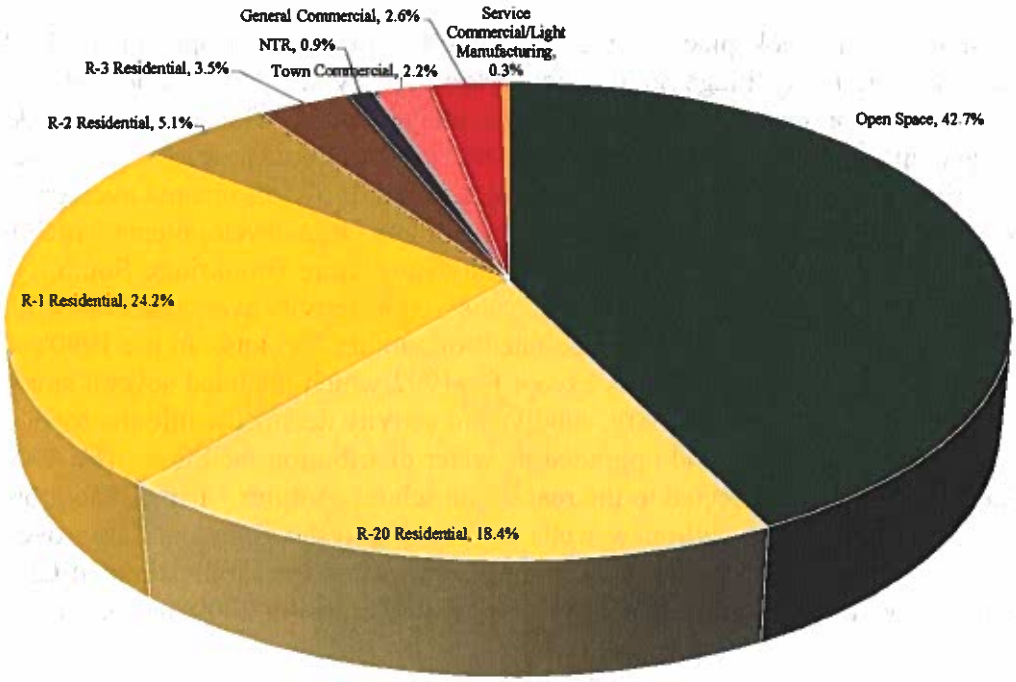


TABLE 4-1
MIDDLETOWN, MARYLAND
DEVELOPED & UNDEVELOPED ACREAGE BY ZONING DISTRICT

Zoning District	Acres Developed	Acres Percentage	Undeveloped	Percentage	Total
Open Space	n/a	n/a	n/a	n/a	518
R-20 Residential	129	58%	94	42%	223
R-1 Residential	273	94%	16	6%	294
R-2 Residential	63	84%	12	16%	62
R-3 Residential + NTR	63	100%	0	0%	53
Town Commercial	27	100%	0	0%	27
General Commercial	24	75%	8	25%	32
Service Commercial/ Light Manufacturing	4	100%	0	0%	4
Total Acres	583	82%	130	18%	1213

Source: Frederick County Planning Department and Middletown Planning Staff 2020

SUBDIVISION ACTIVITY

History

Major subdivision activity took place in the late 1970's with the development of the Woodmere Subdivision and the Jefferson Village Subdivision. However, by the 1980's, subdivision activity was minimal due in part to a sewer moratorium in the early 1980's. This restraint on development continued to have an impact on Town growth thru the 1980's although several properties proposed annexation. During the years 1982 to 1989, there were a total of 57 lots created averaging 7 new lots per year. By 1990, subdivision activity increased due to three large developments which had been in the planning stages since the late 1980's. Those subdivisions were Brookridge South, North Pointe and Sections I and II of Foxfield. From 1990-2000 subdivision activity averaged 29 new lots per year. In addition, approved but not recorded lots accounted for another 595 lots. In the 1990's, the average lot size generally increased from the 1980's except for 1992 which included several small parcels in the older downtown area. In the late 1990's, subdivision activity declined while the town constructed the new east end sewerage facility and upgraded its water distribution facilities. The 400,000 gallon elevated water storage tank was erected to the rear of the school complex. The distribution lines were pressure zoned throughout town while new wells were added to the system and improvements were made in the watershed area. With consciously planned efforts and the subdivisions of Glenbrook and Foxfield moving forward, an increase in subdivision activity began in 2000, as can be seen in Table 4-2.

Table 4-2
FINAL APPROVED SUBDIVISION PLATS: 2010-2020

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
# of Lots	0	3	0	0	81	0	0	0	2	0	0
Avg. Lot Size (acres)		0.3			0.3				0.3		

Source: Middletown Planning Staff 2020

Site Plans

Whenever a new commercial or industrial use, or a change of use, is proposed, a site plan for development of the property must be approved by the Middletown Planning Commission, unless criteria are met in which it can then be approved by the Zoning Administrator. A site plan may include road access, parking, lighting, signage, stormwater management, landscaping, architectural review and trash dumpsters. The purpose of the site plan is to coordinate permitted activities on the site and to minimize the impact the proposed use will have on neighboring properties.

In 2007, the Town Code was modified to require a demolition site plan be reviewed and approved by the Middletown Planning Commission along with the demolition permit application. Although the regulations represent an increase in public review, they do not prohibit the demolition of a building be it historic or otherwise. Increased development pressure can be expected to be a threat to historic

structures and sites as economic considerations may encourage demolition rather than re-use. (See Section 17.32.160, Middletown Municipal Code)

ANNEXATIONS

Another major aspect of development is the annexation of land into the Town. Annexations increase the size of the corporate limits typically through landowner petition. All annexations require a public hearing process and referral to the County and State for comment. The County must review the annexation in light of the current county zoning classification. If the proposed annexation is inconsistent with the current county zoning, then the County must decide whether to grant a waiver of zoning consistency if requested. If the County does not grant the waiver then the five-year rule applies in which the municipality must wait five years before the new zoning classification is applied. When the zoning change is from one residential zone to another, the five-year rule will not kick in unless the density change of the proposed zoning is denser by 50 percent or greater. Since 1972, there has been over 859 acres of land annexed into Middletown and 33 acres de-annexed from Middletown. The annexed area has more than doubled the size of the corporate limits of Middletown.

The changes to the zoning district acreage as a result of annexation are as follows:

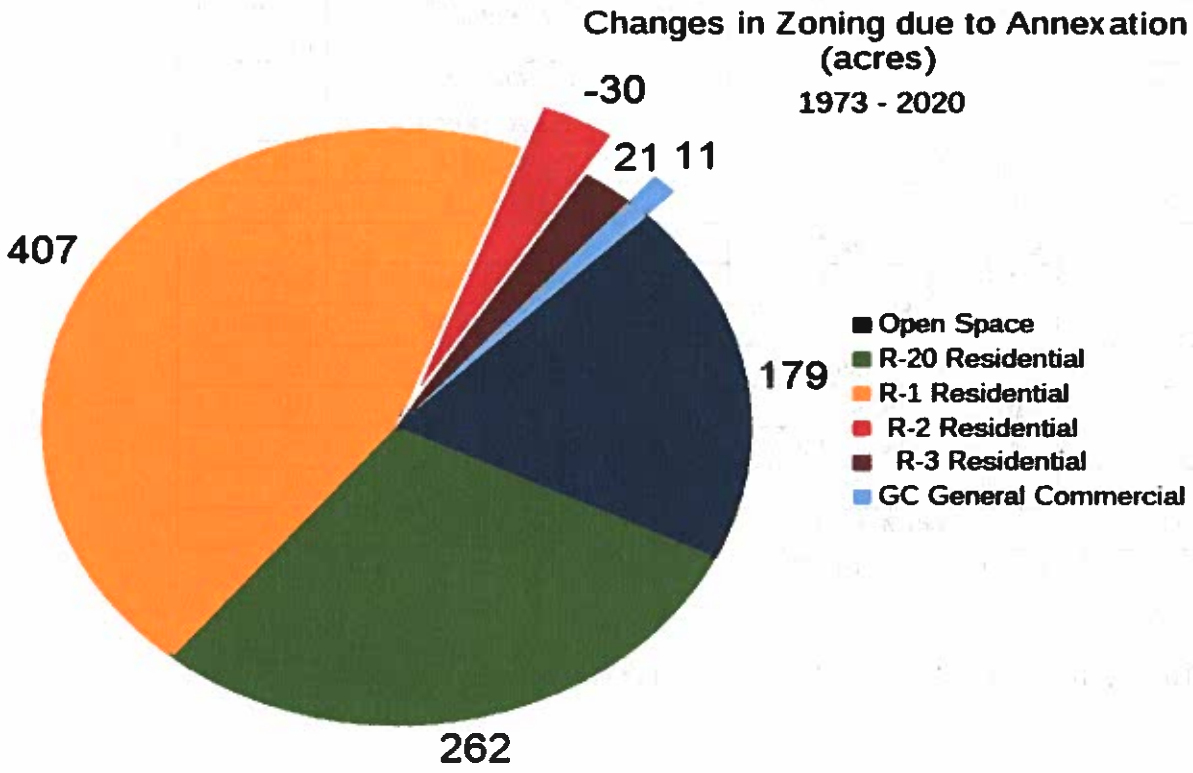


TABLE 4-4

ANNEXATIONS: 1972-2020

Approved Year	Name	Acreage	Location	Zoning
1972	Woodmere South	5	S Woodmere S. Subd.	R-1
1973	Airview/Valley Center	43	N & S side Main St.	R-1, GC
1973	Board of Education	50	Green St.	O-S
1979	De-Annexation Middletown South	-33	W MD 17, S Town	R-2
1988	Egon Elsner	0.776	Val-E-Drive (Jesserong Dr.)	R-1
1989	Lancaster	3	Washington St.	R-2
1989	Valley Land Investors	73	S US 40-A, W Town	R-1
1990	Middletown Sewer Plant	16	S US 40-A, S Town	O-S
1991	Coblentz Ltd Ptnrshp	30	E Coblentz RD	R-20
1991	Glenbrook	289	S US 40-A, E Town	R-1, R-3, GC
1992	Routzahn	10	N E. Main St., W Coblentz Rd	R-1
1992	Coblentz Ltd Ptnrshp	14	W Coblentz Rd	R-20
1993	J.H. Remsberg	13	W Holter Rd	R-1
1994	Cone Branch pump stn	0.5	-	OS
1997	Coblentz Ltd Ptnrshp	118	E. Coblentz Rd	R-20
2000	Johnson (Foxhole)	6	E. Coblentz Rd	R-20
2000	Well Fields (4 Parcels)	16	W. Hollow Rd	OS
2002	Fred. Co. Public Schools	17	Franklin St.	OS
2002	Middletown Vol. Fire Dept.	4	Franklin St.	OS
2013	Middletown County Park	74	Coblentz Road	OS
2018	Memar Corp (Admar)	94	Coblentz Road	R20

Source: Middletown Planning Staff 2020

The location of annexed and de-annexed land is shown on Figure 4-3.

HISTORIC SITES

The historical past of Middletown is easily recognized even to the casual observer in both the Town and the surrounding Region. This evidence of the past is seen throughout Frederick County, but especially in Middletown with its early development as a turnpike town. The 1990 Frederick County Comprehensive Plan recognized the importance of the historic past and in 1991, the County began a four year project to complete a county-wide historic sites inventory. This project began in the late

1970's, but lapsed in the early 1980's because of loss of funds. The survey was resumed in February 1991 with the aid of a matching grant from the Maryland Historical Trust, the state historic preservation agency.

The benefits of historic preservation are both tangible and intangible. The tangible benefits include: construction related jobs, increased tourism, and returning vacant structures to the tax rolls. The intangible benefits include a greater appreciation of historic heritage and stability of the neighborhood. Sites recognized in and around the Middletown corporate limits during the survey are as follows:

Airview Survey District (F-4-38): Airview, an early 20th century private real estate development at the east end of Middletown, has large residences in the vernacular, Queen Anne, Colonial Revival, and bungalow styles built about 1898-1930. Among the houses is an outstanding example of the Queen Anne style, the George Gaver House (1898-99), at 701 E. Main Street, and the first documented concrete block house in Frederick County, "Gray Haven" (1906), 709 East Main Street. The development was a direct result of the opening of the 1896 trolley line which linked Middletown and Frederick.

Middletown Survey District (F-4-39): Middletown's Survey District is centered on the intersection of Main Street and Church Street and includes the original 1767 planned town west of the intersection, the early 19th Century additions of Keller, Wise, and Grove, and the late 19th and early 20th Century extensions of East Main Street and the Prospect Street development. The later additions were partly influenced by the 1896 Frederick and Middletown Electric Railway and other factors such as the building of a school with necessary street access. The district involves 338 buildings and structures and includes 118.5 acres. The architecture of the different sections is clearly distinguishable, with the log, stone, and brick buildings of the pre-1850 period concentrated in the original section and along Jefferson Street through Keller's Addition. Late 19th Century commercial buildings are clustered along Main Street in the original section. The eclectic residential styles of the 1890's through the 1930's are apparent in the East Main Street and Prospect Street areas. Middletown is an excellent representative of "turnpike town" development, with the added influence of the electric trolley, which opened the Middletown Region to wider contact with other parts of the County and the larger interstate region. Middletown is also significant for its role as a hospital center after the 1862 Civil War Battles of South Mountain and Antietam and as the 18th and 19th Century religious center of the middle and upper Middletown Valley.

Spoolsville Survey District (F-4-44): Spoolsville was a rural industrial community established about 1800 around the Bowlus Flour Mill (demolished) on Little Catoctin Creek, west of Middletown. It presently includes mostly residential buildings of log, stone, brick, and frame, built from about 1800-1870. Among the 24 contributing structures are two remnants of the commercial life of the community which developed from the mill industry and the location of the village on the busy National Road, a blacksmith shop and a wagon shop. The principal dwellings are the Bowlus Mill House, a circa 1800 stone house with fine interior craftsmanship in the German vernacular style evident in its trim and mantels, and the Adam Koogle House, a brick house of about 1830-40 on the old National Road, which is associated with the wagon shop. The district also includes several late 19th Century agricultural buildings and a circa 1920 steel truss bridge. This 1920 steel truss bridge was removed and replaced with a more modern bridge with larger capacity. The old bridge was relocated to the Glenbrook subdivision for use as a bridge in the golf cart path, and stream crossing.

J. Homer Remsberg Farmstead (F-4-23)

The Remsberg Farmstead is located on both sides of Holter Road, just outside the southeastern town limit of Middletown. The domestic group consists of a circa 1857 brick dwelling with a two-bay main section and a side wing with a two-story porch. The domestic outbuildings include a deteriorated brick smokehouse, a frame summer kitchen, two chicken houses, and other structures. On the north side of Holter Road is the agricultural group centered on a large frame bank barn of about the same date as the house. The bank barn was burned by arsonists in July 1992 after the survey documentation was completed. Other agricultural buildings include a circa 1923 concrete block dairy barn, a wagon shed/corn crib, a hog barn and two silos. The farmstead represents the agricultural development of Frederick County from principally grain-producing farms in the mid-19th Century to the dairy operations of the 20th Century.

Historic Sites and Survey District Map – Figure 4-4

DRAFT

Figure 3-1
8/18/2020

Floodplain and Wetland Map

Middletown, Maryland

Middletown

Legend

- Water Feature
- Parcel
- Town Boundary
- Wetland
- Floodplain

Source: Floodplain from Maryland iMap created by FEMA and a given local community for the National Flood Insurance Program (NFIP) updated 2/25/2020. Wetland provided by Maryland iMap created by U.S. Fish and Wildlife Service, National Wetland Inventory modified 8/2/2019. Frederick County and Middletown Planning Department.

0 600 1,200 2,400 Feet

1 inch = 1,200 feet

Figure 4-1
8/18/2020

Existing Landuse Map
Middletown, Maryland

Middletown

Legend

- Streams
- Town Boundary

Landuse

- Commercial
- Institutional
- Open Space
- Residential

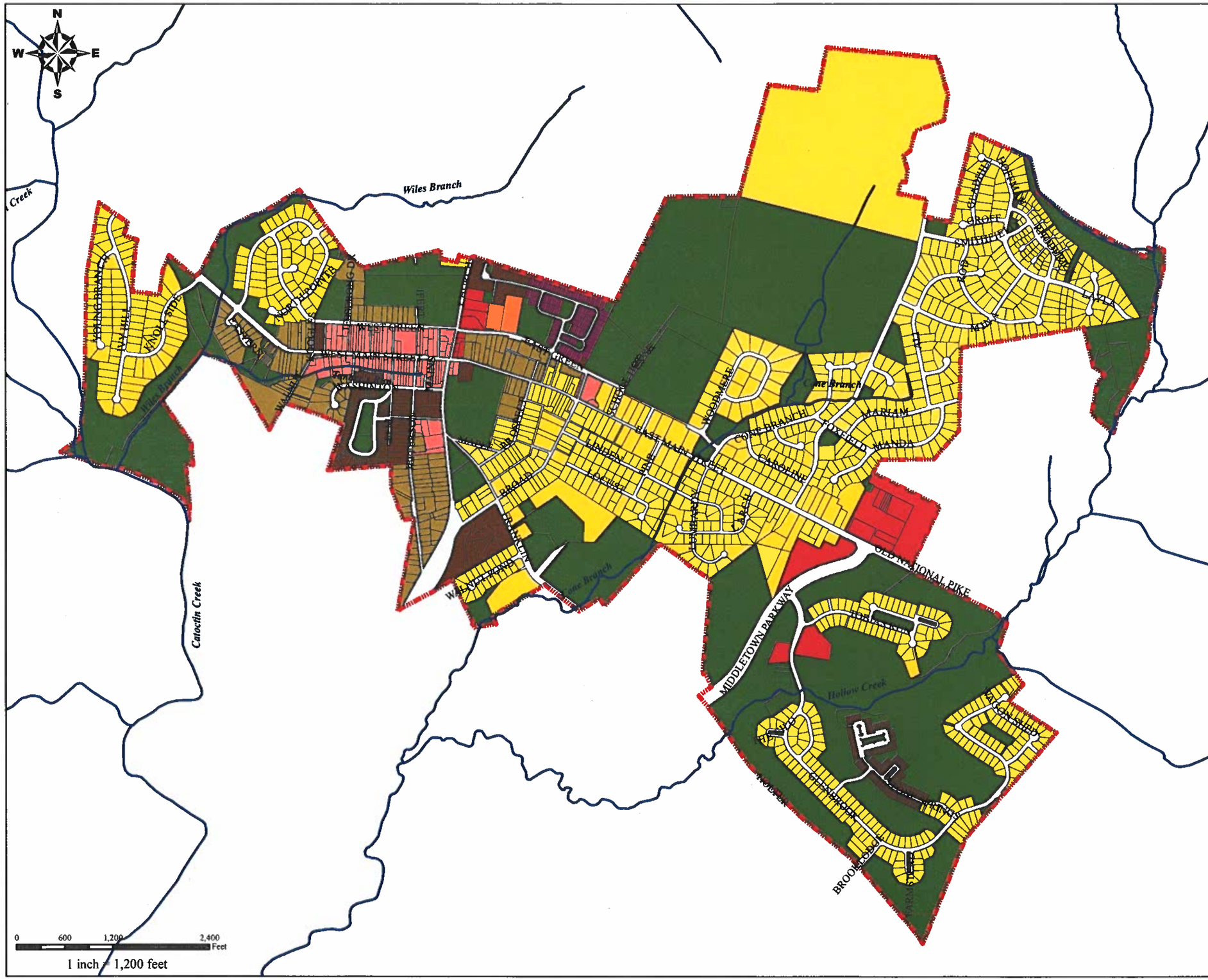
Source: Frederick County and Middletown Planning Department.

N
W
E
S

0 600 1,200 2,400 Feet

1 inch = 1,200 feet

Figure 4-2
8/18/2020



2010 Zoning Map

Middletown, Maryland

Middletown

Legend

- Stream
- Town Boundary

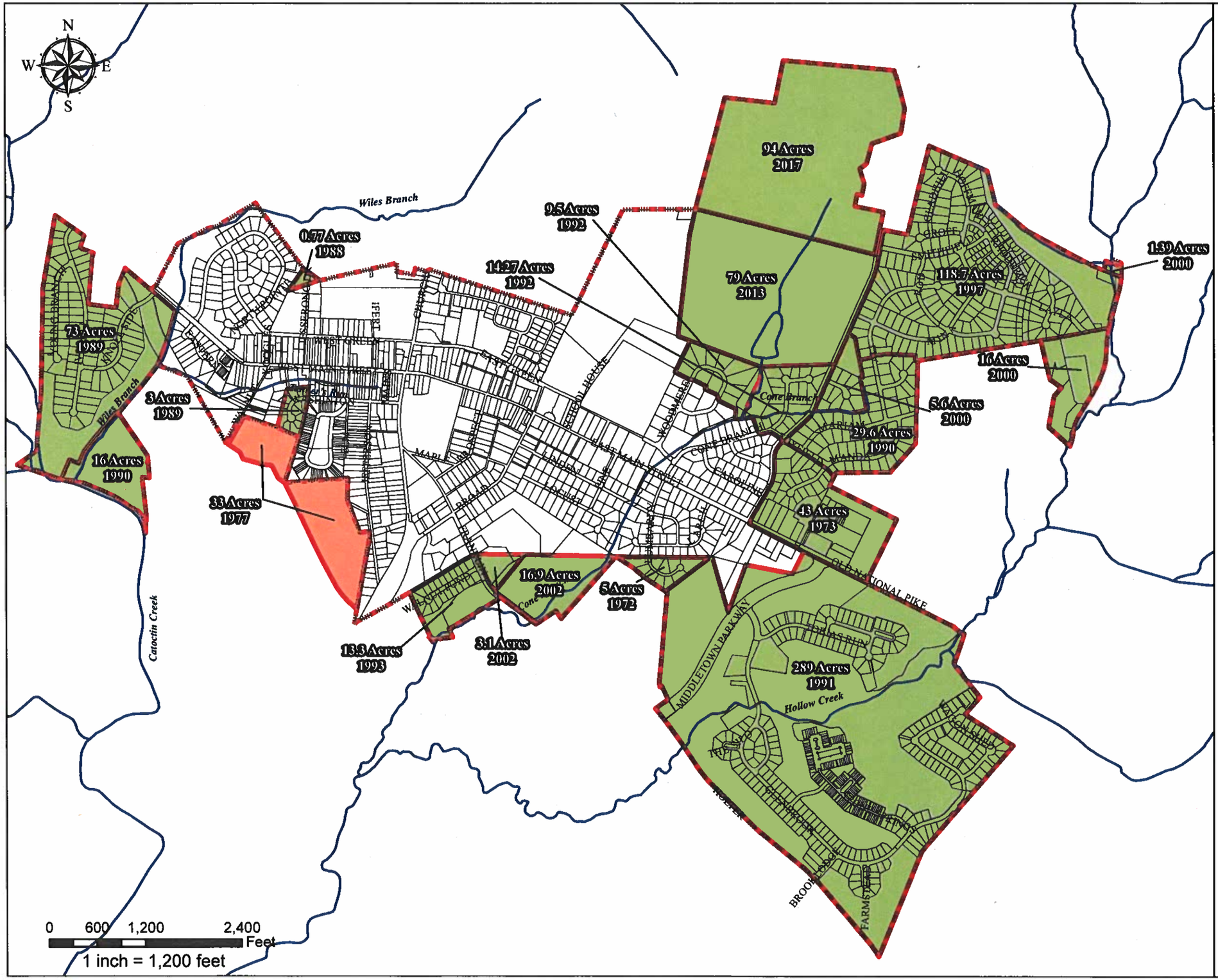
Town Zoning

- General Commercial
- Open Space
- R-1 Residential
- R-2 Residential
- R-20 Residential
- R-3 Residential
- R-3/Neo. Traditional Res.
- Service Comm./Lt. Manu.
- Town Commercial

Figure 4-3
3/13/2020

Annexations Map
Middletown, Maryland

Middletown



Legend

- Streams
- Town Boundary
- Parcel
- Annexation
- Deannexation

Source: Frederick County and Middletown Planning Department.

Figure 4-4
3/20/2020

Historic Sites and Survey Districts Map

Middletown, Maryland

Middletown

Spoolsville Survey District

Middletown Survey District

Airview Survey District

J. Homer Remsburg Farmstead

Old Hagerstown Road Bridge

Catoctin Creek

Wiles Branch

Cone Branch

Hollow Creek

MIDDLETOWN PARKWAY

OLD NATIONAL PIKE

0 600 1,200 2,400 Feet

1 inch = 1,250 feet

Legend

- Historic Site
- Stream
- Town Boundary
- Parcel
- Historic District

Source: Frederick County and Middletown Planning Department.

Chapter 5 TRANSPORTATION

The focus of the transportation plan is the movement of people and goods. The transportation system and the physical development of a community is inter-twined. In the case of Middletown, the name and very existence is due to its location between South Mountain and Braddock Mountain on the Old National Road. The need for additional roads and other forms of transportation increases as development occurs along the existing transportation routes.

The Old National Road, which became US 40-A, was one of the County's earliest toll roads. It created enough traffic to stimulate development of local trade centers and taverns or inns along its route. Farm to market routes developed as the population expanded. The expanding population also created the need for side roads and alleys in the Town itself. In addition to the importance of US 40-A, development in Middletown was also affected by the establishment of a trolley line. The trolley line resulted in the East Main Street extension and the Prospect's Addition Subdivision.

The purpose of this chapter is to inventory and analyze the existing transportation system. Towards this end, it will review the regional context of transportation, the existing local network, traffic counts, problem areas and issues related to transportation.

Regional Context of the Transportation System

The transportation system in the Middletown Region contains both inter (outside the region) and intra-regional (within the region) transportation connections. Three inter-regional road connections are I-70, US 40 and US 40-Alternate; all are east-west connections from Frederick west to Hagerstown and beyond. The existence of these inter-regional routes is important due to the limited access outside the Middletown Region because of the mountains. This is a factor in evaluating transportation alternatives to improve traffic congestion. The oldest of the three, US 40-A, is Main Street in Middletown and is a two-lane road for its entire length where it splits from US 40. The newest of the three, I-70, was built in the late 1960's and now carries most of the through County east-west traffic. The predominate north-south route through the Middletown Region is MD Rt. 17 which is a two-lane State rural road which winds from Smithsburg in Washington County south to Brunswick. MD Rt. 17 is Church Street in Middletown and intersects with Main Street (US 40-A) in the center of Town. Other major north-south roads in the Region are Old Hagerstown Road, Old Middletown Road, Holter Road and Harmony Road. All the other roads in the Region are rural local roads or subdivision streets. See Figure 5-1 Roads by Jurisdiction.

Local Road Network

Commented [CU1]: Should we include the number of miles of streets and roads?

The local road network in Middletown is predominately characterized by the relationship of the smaller streets to Main Street and to a lesser extent Church Street. The basic linear grid pattern with parallel streets is present in the Town street system but contains many interruptions which force traffic back to Main Street and Church Street. The street system has its origin in the original

layout of the Town with some of the original streets being Jefferson, Church, Elm, North (now Green) and South (now Washington) Streets.

About 350 ft. north of Main Street is Green Street which parallels Main Street. West Green Street has been upgraded with storm drain, curbs and gutter, and sidewalks from N. Church Street to just west of the AMVETS property, ~~is mostly open section (no curbs or gutters) and~~ It extends to the North Pointe subdivision, where it intersects with North Pointe Terrace, which intersects with West Main Street, opposite Eastern Circle. East Green Street ~~has been upgraded with curb, gutter, sidewalk and~~ includes turn lanes to the Middletown school complex and extends ~~subsequently~~ eastward, where it intersects with Cone Branch Drive.

~~The pavement width on West Green Street varies but has been improved in recent years to 20-40 feet from N. Church Street to North Pointe. The western end of Green Street also has some problems with vertical alignment which is being improved through development. One issue concerning Green Street is the lack of sidewalks, although some have been added through upgrades to the eastern section. This street serves the Middletown school complex and is heavily used by many school children.~~

South of Main Street are two main parallel roads which serve different parts of Town. On the west side of Town is Washington Street. This street extends from Church Street to its end in the Manor Ridge Subdivision. Both the pavement width and right-of-way varies along Washington Street. The other parallel road south of Main Street is Linden Boulevard. This street extends from Broad Street east to Larch Lane. Linden Boulevard primarily serves the Woodmere South Subdivision. Linden Boulevard is 38 ft. wide with a 50 ft. right-of-way, which is wider than most local streets in Town.

The grid street pattern is much more pronounced on the older, west side of Town. The streets running from Green Street to West Main Street include Garage Drive, Jefferson Street, Elm Street, Willow Street and Bussard, Summers and Koogle's Drive. Jefferson and Elm Street cross Main Street and extend past Washington Street. Generally, all of these streets are narrow in both pavement width and right-of-way with structures very close to the pavement. Most of these streets are now one-way. Walnut Street is a major road connection southwest of Town where it is named Bidle Road in the County. On the east side of Town, there is only one direct connection from north of Main Street to south of Main Street and that is where Lombardy Drive intersects with Main Street and becomes Cone Branch Drive, north of Main Street. Cone Branch Drive has access to Coblentz Road (County road) via Caroline Drive or Foxfield Pass. There are two connections from Main Street to Franklin Street (which is named Holter Road in the County). These two road connections are Prospect Street and Broad Street. These two streets are connected between Main and Franklin Streets by Locust Street. Broad Street is paved through to South Church Street (MD Rt. 17) but has been blocked to through traffic at that location. Pavement widths on Broad and Prospect Streets are 22-30 ft. Most of the other streets in Town serve mostly local use either in the older developed areas or in the newer subdivisions.

Many of the older streets in Town are approaching, or have passedt, their useable life and are in need of renovation. The State Highway Administration collects a gasoline tax from across the State and then distributes these funds to municipalities. Middletown is given a set amount of

money for each mile of local roads that Middletown agrees to maintain. This means that repairing and maintaining local streets and roads is the town's responsibility. Middletown maintains 24.7 miles of roads. Roads that were resurfaced in recent years include Manda Court, Manda Drive, Martha Mason, and Locust Boulevard. Washington Street will be resurfaced in 2021, and will include new sidewalks. Broad Street will undergo reconstruction in 2021. Streets in the subdivisions of Glenbrook, Foxfield, North Pointe and Cone Branch Estates, which were completed in more recent years, provide connections that have helped to alleviate traffic congestion at the intersection of US 40-A and MD Rt. 17 in downtown Middletown.

~~Current~~ Past Transportation Activity

~~In 1998 and 1999 the Town upgraded Green Street from N. Church Street (MD Rt. 17 north) to Schoolhouse Drive. The developer of the Cone Branch Estates subdivision completed the extension of E. Green Street to Cone Branch Drive near its intersection with E. Main Street (US 40-A) with the Town completing the section from Schoolhouse Drive to the Estates. At the western end of Green Street beyond the Amvets Post Home the developer of North Pointe Subdivision extended the street through that subdivision to West Main Street (US 40-A) opposite of Eastern Circle. These road sections have provided an alternate through traffic pattern in Middletown, paralleling Main Street, and have provided a secondary route if Main Street becomes blocked.~~

The developer of the Glenbrook Subdivision was required to construct a section of the southern parkway between East Main Street and Holter Road to State standards (150' right-of-way with 2 lanes of 24' wide pavement) and dedicate to the Town the entire right-of-way until such time the State would take over the road. The developer also constructed a street (Glenbrook Drive) which runs from the parkway in an eastward direction and connects with Holter Road, affording the development two accesses to Holter Road.

The developer of Foxfield constructed ~~a~~ collector streets (Smithfield Drive and Layla Drive) between Coblentz Road and Hollow Road. These~~is~~ streets are~~is~~ north of US 40-A and parallel~~s~~ that State Highway. A 150' right-of-way running in a north/south direction is also reserved through the subdivision for future extension of a parkway route as shown in the accompanying maps.

Middletown has~~is~~ also actively seek~~ed~~ing County and State participation in further study for a Middletown road south of Town shown in both this Plan and the Frederick County Middletown Regional Comprehensive Plan for a road from US 40-A at Brookridge South to Rt. 40-A at the Town Plaza Shopping Center. The County no longer has listed this as a Secondary Road Priority.

Middletown participated in the Maryland National Road Partnership Program to nominate the Old National Pike which runs through Middletown (Main St.) from Baltimore to the Pennsylvania line as an "All American Road". A ribbon-cutting ceremony to recognize the National Road as an All-American Road was held on May 8, 2003 at the Frederick Visitor's Center on Interstate 70. The National Road has also been designated as a Maryland Scenic Byway.

Traffic Volumes

Commented [CU2]: This section still needs to be updated.

Traffic volume data gives insight into the function of various roads throughout the Region and around the Town. Low traffic counts would indicate the function of the road is predominately local access while higher counts indicate the function of the road is more than just local access and includes through traffic movements. Traffic counts are available on State roads and on certain County roads in the Middletown area. The Traffic Count map, following this section of the Plan, shows the latest available traffic counts as well as some prior year's counts which can measure the increase in traffic volume over the years.

US 40-A east of Middletown has the highest non-interstate traffic volumes in the Middletown Region. Between 1971 and 1995 traffic increased 280% on US 40-A east of Middletown and 340% west of Middletown. MD Rt. 17 south of Middletown increased 430% and 350% north of Middletown, during that same period.

The Frederick County Division of Public Works is responsible for collecting traffic counts on the County road system, which assists in identifying trends and prioritizing improvements in the County. The counts are taken with machines which are typically in place for 2-3 days in the middle of the week. The numbers are referred to as the Average Annual Daily Traffic (AADT), which reflects the amount of traffic in both directions for a 24-hour period. The counts are done generally every three years, and seasonal and temporal variations in traffic levels can occur. The most recent counts done in the Middletown vicinity were made in ?? ~~2007 and 2008~~. See Figure 5-2, Traffic Volume map.

High traffic volumes on US 40-A and MD 17 and the percentage increase in these volumes indicate changes and events outside the Town limits. The two major causes of the traffic increases on these routes are the continued development in the rural areas of Frederick County and the development outside of Frederick County, in West Virginia and Washington County, Maryland. State Highway Administration improvements of MD 17 from Burkittsville to Middletown and MD Rt. 34 from West Virginia to Boonsboro have increased use of these routes. While the Town's transportation system is affected by outside development, the Town has no control over development in these areas.

US 40-A Congestion

The extent of through traffic in the center of Town on US 40-A has generated several studies of existing and projected traffic volumes as well as alternatives to relieve the traffic congestion. As a result of these studies, the Frederick County Middletown Region Plan (1997) designateds a southern route around Middletown and extending to I-70 and a collector to connect MD Rte.17 to the extension to I-70. The purpose of an alternative route in the form of a parkway is to remove the heavy traffic volume through the center of Town. Over the ~~past thirty~~ years, the Town has expended all of its efforts with SHA and the County to get action on this. At this time, the Town will identify both bypasses in the hope that one will be developed over time as development occurs.

The Middletown Downtown Revitalization Study conducted by Hyder (ARRO Engineering) was completed in connection with the (most recent) southern bypass study. It evaluated traffic movements through Middletown during the A.M. and P.M. peak (rush) hours. The results from the Origin & Destination Study indicated that the majority of the traffic through downtown in the A.M. peak is from the west and the south, heading east, and the reverse in the P.M. peak. The existing average daily traffic (ADT) in 1996 on US 40-A through Town was 13,500, which was expected to increase to over 23,300 by the year 2010 without any highway improvements. Based on 2019 data from the State of Maryland, that expected increase did not occur. The traffic volume on US 40-A just east of MD 17 was 11,653, and just west of MD 17 it was 8,560. Over Braddock Mountain, there is an approximate 70%-30% split in the peak hours, with the majority of the traffic heading east in the A.M., and west in the P.M. ~~Existing ADT on US 40-A over Braddock Heights is 18,000.~~ The traffic volume just west of the I-70 ramps along US 40-A in 2019 was 20,810.

While both southern and northern alternatives would relieve traffic congestion in downtown Middletown, the high traffic volumes through Braddock Heights would remain. The most recent study considered the possibility of an interchange on I-70 at Hollow Road, although it is not certain whether an interchange would be approved at this location. At the present time, the Town of Middletown has through the annexation process, commitments for dedication of rights-of-way through ~~the two subdivisions (~~Brookridge South subdivision and the Middletown Parkway was built as part of the Glenbrook subdivision development.~~) for a southern parkway.~~ In addition, right-of-way has been reserved through the Middletown South Subdivision and Holy Family Catholic Church. Sections of a northern collection road have been included in the Foxfield Subdivision.

In addition to problems created by high traffic volumes and the need for an alternative route, other traffic problem areas exist. As with many Towns which developed prior to the automobile, the older streets are narrower than what would be required under current standards. Development occurred in close proximity to the traveled roadways leaving little room for road improvements. Increased traffic has increased the problem created by narrow roadways. In particular, intersections of narrow streets become problem areas. Intersection problems in Town include the West Main Street/Walnut Street intersection and the Washington Street/Church Street intersection. The difficulty with the Walnut Street intersection is the angle and grade of the intersection and the problem with the Washington Street intersection is the steep grade from Church Street. All of the older downtown streets are narrow including particular problems with South Jefferson Street, Koogle Drive and Summers Drive. Due to existing historic structures at the intersection of Church Street and Main Street, widening options to make geometric improvements for increased pedestrian safety are not possible. Pedestrian safety improvements at intersections might be accomplished in the form of pavement markings, signing or signal improvements.

State Highway Administration Streetscape Project – Alternate 40(A)

The State Highway Administration funded the Main Street streetscape project and the notice to proceed to construction was received on September 6, 2016. The limits of the project extended from the western edge of town to the eastern edge of town, and included the replacement of water

mains from Coblentz Road to Eastern Circle. The SHA scope of work included 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 included landscaping and planting of new trees. The project was completed Fall of 2020.

Walnut Street Bridge Reconstruction

In 2013, the bridge on Walnut Street over Tanners Run was replaced due to its deterioration over time. The bridge is located approximately 500 feet from the intersection of Walnut Street and West Main Street. In addition to the replacement of the superstructure and the rehabilitation of the bridge abutments, roadway approaches and storm drainage improvements were made as well.

Parking Lot Improvements

The parking lot at the corner of East Green Street and North Church Street has recently been designated as a public parking lot and landscaping has been added to enhance the lot. The Elm Street parking lot was renovated in 2019 to add lighting, an EV charging station, planting beds and associated tree, shrub and flower plantings. A handicap access ramp was added to the back of the Municipal Center in 2020, and public parking spaces were added on West Green Street with the West Green Street improvements.

Alternative Transportation Options

Towns the size of Middletown generally cannot support public transportation services. At present, Frederick County's TransIT plus, which is a County operated transportation service, provides demand-response transportation service for medical assistance recipients (for medical appointments only, where public transit is not available), senior citizens and persons with disabilities. Local taxicab companies which operate 24-hour service, 7 days a week, also serve Frederick County. Virtually all other transportation is either vehicular or pedestrian. US 40 Alternate is designated by SHA as an on-road bicycle route, ~~although no~~ and with the recent streetscape project marked bicycle lanes are provided. As part of the statewide bikeway network, local officials should work with SHA to enhance opportunities to improve conditions for bicyclists including the provision of bicycle racks in the Main Street business district. No other on-road or off-road bicycle ways currently exist in the Town.

Commuter service to the Washington metropolitan areas is provided by Maryland Transit Administration (MTA) bus route 991 during weekdays at peak morning and evening hours. The service operates from the Park and Ride lot off MD Route 17 south of Myersville to the City of Frederick, Urbana and the Shady Grove Metro Station in Montgomery County. The 2007 Frederick County Transportation Development Plan has identified the Town of Middletown as a priority regional community for future expansion of shuttle route service from the Town to the City of Frederick/MARC commuter rail stations. The MARC commuter rail line carries passengers from locations in Frederick to Washington D.C.

Commented [CU3]: Update?

Sidewalks

Sidewalks provide a link for people and their community. Distances which could easily be traveled on foot will not be done if there isn't a safe, accessible sidewalk or path. As such, the sidewalk system can provide an important function in encouraging more pedestrian movements for nearby trips. The Town supports Frederick County in working with the Safe Routes to Schools Program to improve bicycle/pedestrian safety, in particular at intersection crossings, and provide pedestrian education and greater ADA accessibility.

The existence of sidewalks in Middletown is predominately in the oldest and newest areas of Town although new sidewalks have been installed along West Green Street and _____ in recent years. ~~The Town did begin working with the State Highway Administration on a Main Street Project that would revitalize much of RT 40 A through Town, but the project was placed on hold by SHA.~~ Church Street has sidewalks both north of Main and south of Main from Green Street south to Broad Street. Other streets which have sidewalks for a large portion of their length include Jefferson Street, Prospect Street and Broad Street. Major subdivisions which have been built since the 1970's which also have sidewalks include Jefferson Village, Brookridge South, North Pointe, Glenbrook, Cone Branch Estates and Foxfield. Notable areas where sidewalks are not present are in the Woodmere North and South Subdivisions, and Jefferson Street extended~~,~~ ~~and along West Green Street. Improvements to West Green Street are in the planning process.~~ To date, the Town has installed roughly 4 miles of sidewalks using the State Highway Retrofit program.

Commented [CU4]: Update?

Greenways/Paths

The undeveloped lands around Middletown provide an opportunity for a shared path or greenway system. These greenways and paths would be located on a combination of stream valleys, public lands and existing public road rights-of-way. Greenways would surround the town and connect with proposed county paths following the Catoctin Creek and following trolley lines from Myersville. The Town will support coordination with Frederick County to encourage shared use path connections between Middletown and the City of Frederick, Myersville and along Catoctin Creek.

Commented [CU5]: Should information be included about the pedestrian pathway off of Glenbrook Drive to connect with the County's Fountaindale subdivision?

Beginning at Remsberg Park, a path has been constructed on the east side of the Middletown Parkway to Main Street. From there it would need to traverse through the AC Jets property and continue through the Foxfield development using land from the existing right-of-way of the Middletown Parkway. This path would connect with the existing Foxfield Path on the perimeter of Foxfield. This existing Foxfield Path would continue through ~~any~~ the newly annexed land ~~that may be annexed~~ west of Coblentz Road, and then continue behind the Middletown Middle/High School complex. This path would also connect to the existing and planned paths in the Middletown County Park.

After crossing Route 17, the path would connect with North Pointe and then southward across Route 40A to the Wiles Branch Park paths. These paths would then continue south of Middletown connecting with Remsberg Park, forming a Greenway around Middletown. In addition, a path was recently constructed that ~~is planned to~~ connects the walkway on Cone Branch to a path starting from Route 40A to the Middletown Primary School and then onward to Remsberg Park; this pathway ~~would~~ ultimately connects the Remsberg Park and the Middletown Primary School to the Middle/High School complex and the Middletown County Park. See Figure 5-3, Greenway Map.

Transportation Issues

1. A major priority of the Middletown planning effort is the construction of a parkway to reduce through traffic in the center of Town. The Town can facilitate the construction of a parkway by reserving road right-of-ways during the development review process. Parkway roads can also be built to standards determined by the Town and funded by development. The most likely way to get developer built roads is through properties approved for development.

2. Road construction is governed by street design standards found in the Middletown Design Manual. New road construction needs to be better integrated into the character of the Town and to the relationship with Main Street. New roads should compliment the existing Town street pattern. The Town should consider the appropriate streets for bicycle lanes, or wider shoulders, and design these streets accordingly.

3. The recommendations for the roads around Middletown on the Frederick County Comprehensive Plan should be reviewed for acceptance into the Town.

Commented [CU6]: ??

4. The Town should study concepts for revitalization of downtown streets.

5. The Town should consider improvements to the sidewalk system for continuous connections throughout Middletown thus developing a uniform pedestrian experience.

Transportation Goals:

1. Provide safe, reliable circulation within the Town.
2. Improve transportation links with the roads outside of the Town limits.
3. Establish traffic count data levels for future planning efforts.

Transportation Objectives & Policies

1. Middletown will continue to pursue the identification and construction of a parkway, as well as alternative approaches to reducing through traffic along US Route 40-A. This includes participation by the Town in several ongoing studies being conducted by the Maryland Department of Transportation and the State Highway Administration.

Commented [CU7]: ??

2. The planned improvements to the transportation system shall correspond to and support the overall Municipal Growth Plan, including scaling of streets to foster community cohesiveness and the provision of inter-connected streets where possible.

3. Planned road improvements shown in the Comprehensive Plan will be required to be provided during development review with an emphasis on construction and dedication over reservation. In addition, the development review process will consider transit, bicycle and pedestrian improvement requirements.

4. Middletown will consider alternative transportation proposals which reduce traffic congestion. This can include improvements to sidewalk systems, and pedestrian shared use paths, consideration of road design to include bicycle path lanes or wider shoulders, and the role the Town government may play in ridesharing/carpooling programs. Furthermore, in recognition of the fact that US 40A has been designated as an existing or future bikeway by SHA, the Town could work to ensure that bicycle parking and other amenities and enticements are available to the long- distance bicyclists traveling between Central and Western Maryland and points west.

5. The Town will require dedication or reservation of land during subdivision review for potential greenway connections.

Transportation Plans

The purpose of the transportation proposals is to identify new road links, the type of road to be built, and other transportation proposals needed to facilitate the movement of people. A functional classification system has been adopted which designates local, collector and arterial road standards. The location of collector and arterial streets has been identified and mapped so

Commented [CU8]: ?

that reservation or dedication can be required during the development review process. Additional transportation proposals will also be discussed.

Functional Classification System – See Figure 5-4, Transportation Map.

Arterials - These are roads which support the County interstate system in providing longer distance connections from the rural areas outside of Town and linking Middletown with other communities in the County. They carry moderate to high volumes of traffic and typically provide access to the interstate system. They should have bicycle and pedestrian accommodations in the form of shoulders/sidewalks and/or parallel shared use paths. Arterial roads such as Holter Road and MD Rt. 17 will be within an 80 ft. right-of-way. The parkway alternative will require a 150 ft. right-of-way with limited access in accordance with State Highway Administration requirements. The Arterials listed on the Plan are as follows:

Northern parkway (new road connection)
Southern parkway (new road connection)
Middletown Parkway
MD 17 south of town limits
MD 17 north of town limits
Holter Road south of Middletown Parkway
Rt. 40-A/Main Street

Collectors - Collector roads support the arterial road system by carrying traffic from the local roads and subdivisions to the arterial road network. All Collector road improvements shall require bicycle and pedestrian accommodations in the form of shoulders/sidewalks and/or parallel shared use paths. Collector links have been identified on the Plan's Transportation Map; however, additional Collector links may be needed. Collectors identified are as follows:

Church Street
Franklin Street (north of southern parkway)
Coblentz Road
Layla Drive (between Hollow Road & Smithfield Drive)
Smithfield Drive
Glenbrook Drive to the second intersection with Stone Springs Lane
North Pointe Terrace up to first intersection with West Green Street
East Green Street
West Green Street ~~(planned upgrade)~~
Cone Branch Drive up to Foxfield Pass

Local Roads – Local roads provide direct access to abutting properties and are designed to handle relatively low traffic volumes. New Local roads have not been identified on the plans and shall be provided as individual properties develop according to the specific needs of the development. All local road improvements shall require curb, gutter and sidewalks with a pavement width of 32-36 ft., within a 50-60 ft. right-of-way.

DRAFT

Other Transportation Related Implementation Recommendations

While traffic movement is primarily related to the automobile, the Town can play a role in non-automobile related transportation efforts. Primarily, these efforts will be related to movement of people within the Town limits for recreation, shopping and schools. These include designation of greenways along stream valley areas for hiking and designation of a bicycle route through Town, as well as planning for on and off-street routes connecting to other communities.

Finally, the Town should explore the role that could be played in ride-sharing and carpooling. As a Town service, the Town could provide matching of people with destinations. This could be accomplished by simply matching individuals for pickup at homes or by provision of a ride-share parking lot.

DRAFT

Middletown 2020 Master Plan Update Survey

Q1 As a resident of Middletown, thinking about all of the things that make for a good hometown, how would you rate your quality of life in Middletown?

Excellent Good Fair Poor I am not a town resident

Q2 To what extent do you agree with the following statement?:
"The Town should develop long-term policies to encourage downtown business development and prioritize productive use of vacant properties."

Strongly agree Agree Disagree Strongly Disagree

Q3 The American Legion raised money to build the Memorial Hall building in memory of people who dies in service to their country during World War 1. After it was built, town residents raised money to help improve the inside of the building. It is one of only 2 such memorial buildings in the state of Maryland. This building has served as a community center but has been vacant for a number of years. To what extent do you agree with the following statement?
"This building is a town flagship that should be rehabilitated and preserved".

Strongly agree Agree Disagree Strongly Disagree

Q4 During a recent public meeting on updating the Middletown Master Plan, the preservation of green spaces and trees was identified as very important. To what extent do you agree with the following statement:
If wooded portions of property are removed to accommodate new housing or commercial development, the same amount (or greater) of wooded area should be planted elsewhere within the town.

Strongly agree Agree Disagree Strongly Disagree

Q5 As a follow up to question 4, to what extent do you agree with the following:
The town should try to increase its total amount of wooded areas and tree cover so that by the year 2040 there will be more forests and trees in Middletown than today.

Strongly agree Agree Disagree Strongly Disagree

Q6 A current ordinance in Middletown requires properties to be mowed and kept at certain maximums which has prevented some properties from becoming more naturalized. What is the level of your support for allowing the return of some mowed areas to wildland and naturalized areas?

Strongly agree Agree Disagree Strongly Disagree

Q7 Over many decades the town has created parks to meet the recreational needs of the community. Today there are about 2,000 square feet of parkland for every resident in town, which exceeds the amount typically found in towns and cities throughout America. Under the town's current development rules, new parkland will be added when future neighborhoods are built. How important is it that the town now work to connect its parks with new open spaces and trails in order to create an expanded and interconnected network of parks and open spaces throughout Middletown?

Extremely important Very important Somewhat important Not at all important

Q8 Traffic and congestion at the school complex in Middletown has long been a problem during school drop-off and pick-up. What can be done to encourage more students to take the bus or ride or walk to school. Select up to four:

Better organization of bus routes so that students aren't on the buses as long
More sidewalks and paths
Organization of walking groups
More crossing guards
I don't believe there is a problem with traffic and congestion during school drop-off and pick times
Other (Please specify)

Q9 What things listed below would most improve the quality of your life as a resident of Middletown? You may select up to five.

More local opportunities for shopping and commercial services
Improved recreation, parks, playgrounds, trails and programming
More connectivity to the natural environment
An active and thriving downtown district
More responsive town government
Stricter enforcement of property maintenance codes
Higher paying jobs in or nearer to Middletown
More opportunities for social interaction
Enhancing the beauty of the town
Better access to emergency medical facilities
Eliminating vacant storefronts in the downtown district
Planned residential and commercial growth
More opportunities for senior living and related services

Q10 At a recent public meeting on the Middletown Master Plan, people said they cared about keeping Middletown's "small town character", which was described as "family friendly", "a place where citizens help each other", and "a place with small town essence and charm".
In contract to "small town character", some municipalities have more of a "big city character" where people have greater opportunities for shopping, educational and cultural activities and are more likely to encounter a greater diversity of people, ideas, and places on a daily basis.

On the scale below from 1 to 10, with 1 being the most "small town character" and 10 being the most "big city character", select the number that matches your preference for Middletown 20 years from now.

1 2 3 4 5 6 7 8 9 10

Q11 Which category below includes your age?
Under 18
18-24
25-34
35-44
45-54
55-64
65-74
75-84
85 years or older

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 9/11/2020

RE: Monthly Planning Update – September

Major Subdivisions:

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

Board of Appeals approved special exception use – August 31, 2020

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

Hollow Creek Professional Center (Alt. 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)

Architectural renderings approved by PC – June 15, 2020

Next step – 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**)

BOA variance request submitted July 27, 2020

Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)

Next step – Board of Appeals hearing for height variance request – August 31st, 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

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

Middletown Water Storage Tank (Ashky Ct.) –
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

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 concept plan submitted – September 8, 2020
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: **Building height regulation changes – Public hearing – September 3, 2020**

Liquor store text amendment inquiries

Reports:

Grants:

Meetings: **Next Middletown Green Team Meeting – September 15, 2020**

Next Joint town board/planning commission workshop – October 5, 2020