



AGENDA FOR THE TOWN WORKSHOP

August 2, 2018

7:00 p.m.

Community Deputy Report

PUBLIC HEARINGS:

Ordinance No. 18-06-01

AN ORDINANCE TO AMEND THE REQUIREMENTS FOR A DEMOLITION PERMIT; TO ALLOW DEMOLITION OF CERTAIN STRUCTURES UNDER 500 SQUARE FEET WITH THE AUTHORITY OF THE ZONING ADMINISTRATOR; TO MAKE OTHER LANGUAGE AND STYLISTIC CHANGES

Ordinance No. 18-06-02

AN ORDINANCE TO AMEND PROVISIONS PERTAINING TO THE USE OF STORAGE CONTAINERS; TO AUTHORIZE THE ZONING ADMINISTRATOR TO ESTABLISH CONDITIONS ON THE USE OF STORAGE CONTAINERS AND TO DELETE SPECIFIC REQUIREMENTS FOR SUCH USE; TO REPEAL PROVISIONS PERMITTING THE CONTINUED USE OF STORAGE CONTAINERS IN EXISTENCE ON THE DATE OF ENACTMENT OF THE ORIGINAL STORAGE CONTAINER ORDINANCE; TO AUTHORIZE THE USE OF STORAGE CONTAINERS IN THE TOWN COMMERCIAL (TC) AND GENERAL COMMERCIAL (GC) ZONING DISTRICTS; TO MAKE OTHER LANGUAGE AND STYLISTIC CHANGES.

STAFF REPORTS:

Staff Planner

Engineer's Report

Main Street Manager

Regular Workshop Items

ANNOUNCEMENTS:

- *National Night Out – Tuesday, August 7, 2018 from 6:00PM to 8:00PM at the Middletown Carnival Grounds*

ORDINANCE NO. 18-06-01

AN ORDINANCE TO AMEND THE REQUIREMENTS FOR A DEMOLITION PERMIT; TO ALLOW DEMOLITION OF CERTAIN STRUCTURES UNDER 500 SQUARE FEET WITH THE AUTHORITY OF THE ZONING ADMINISTRATOR; TO MAKE OTHER LANGUAGE AND STYLISTIC CHANGES

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.32, Section 17.32.160 of the Middletown Municipal Code be, and hereby is amended as follows. Language being repealed and deleted is designated by being in ~~brackets and stricken through~~. New language is designated by being in **BOLD CAPITAL LETTERS**:

TITLE 17 ZONING

CHAPTER 17.32 - DESIGN STANDARDS GENERALLY

17.32.160 - Demolition site plan—Required in all districts.

- A. In all districts, a proposal and permit application for the demolition of any building or structure, as defined in Section 17.04.030, shall require site plan approval by the Town of Middletown Planning Commission prior to the issuance of a permit for said demolition. The demolition site plan shall show:
1. The dimensions and boundaries of the property and the location of all improvements thereon;
 2. The location of the building or structure proposed to be demolished;
 3. The location of all adjacent properties and structures **(TO INCLUDE FENCES AND ACCESSORY STRUCTURES)**;
 4. The proposed date and time of demolition, the anticipated length of time for demolition, and the proposed manner or type of demolition to be used;
 5. The identity of the person(s) or entity that will perform the demolition and information confirming the experience and professional credentials of such person(s) or entity;
 6. Information describing any type of explosive or incendiary device proposed to be used in performing the demolition;

7. A **SAFETY PLAN THAT OUTLINES THE** ~~{plan-of-safety}~~ precautions to be taken for the demolition **IN ORDER** to **ENSURE** ~~{protect}~~ the safety **AND PROTECTION** of persons and surrounding properties;
8. The location of all existing public utilities on the property and in the area and confirmation of a plan for the discontinuance of utility service to the structure or building proposed to be demolished prior to the ~~{proposed}~~ demolition **TAKING PLACE**;
9. Assurances that the proposed demolition will be in compliance with all federal, state and local laws, ordinances and regulations including, but not limited to, any and all laws and regulations governing "Hazardous Materials" and the disturbance and/or removal of "Hazardous Materials" from the property; and
10. A proposal and plan for any grading, seeding, sodding, or post demolition restoration of the demolition site.

Upon any demolition site plan approval granted by the planning commission and upon the issuance of a demolition permit (**ZONING CERTIFICATE**) by the Town of Middletown, all such demolitions and post demolition restoration shall be completed within ninety (90) days of issuance of a demolition permit unless otherwise approved by the Middletown Planning Commission.

For purposes of this section, fences of any type shall not be considered a "structure" and shall, therefore, be exempt from this requirement. **ANY STRUCTURES THAT ARE UNDER 500 SQUARE FEET, AND ARE NOT CONSIDERED A CONTRIBUTING RESOURCE TO THE MIDDLETOWN HISTORIC DISTRICT, SHALL ONLY REQUIRE REVIEW AND APPROVAL BY THE ZONING ADMINISTRATOR.**

- B. All site plans for demolition shall be submitted a minimum of thirty (30) days prior to a regularly scheduled planning commission meeting. The planning commission may require bonds or guarantees to ensure restoration of the site. **ALL PLANS FOR DEMOLITION OF STRUCTURES LESS THAN 500 SQUARE FEET SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR A MINIMUM OF THIRTY (30) DAYS PRIOR TO THE PROPOSED DEMOLITION.**

C. Notices. In addition to posting a public notice sign on the property advising of the proposed demolition, an applicant seeking to demolish a building or structure hereunder shall be required to give written notice thereof to all adjacent and contiguous property owners not more than ten (10) days after submitting the demolition permit application and the demolition site plan to the Town of Middletown Planning Commission, advising of the date, time and manner of the proposed demolition. A record of such notice shall be made to the planning commission, **OR TO THE ZONING ADMINISTRATOR FOR PROPOSED DEMOLITIONS OF LESS THAN 500 SQUARE FEET.**

D. Responsibility for Damages and Indemnification. An applicant who demolishes any building or structure in the Town of Middletown shall repair and restore, at its sole cost and expense, any adjacent, contiguous, nearby or other property or structure which is damaged, in whole or in part, by the demolition **PERFORMED ON THEIR PROPERTY.** An applicant who demolishes any building or structure in the Town of Middletown shall be liable for any personal injury, property damage, or business interruption caused by or arising from, in whole or in part, the demolition, including by or from the release of any particulate matter and other hazardous material.

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

INTRODUCED ON THE _____ DAY OF _____, 2018
PASSED ON THE _____ DAY OF _____, 2018
EFFECTIVE DATE: _____, 2018

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

ORDINANCE NO. 18-06-02

AN ORDINANCE TO AMEND PROVISIONS PERTAINING TO THE USE OF STORAGE CONTAINERS; TO AUTHORIZE THE ZONING ADMINISTRATOR TO ESTABLISH CONDITIONS ON THE USE OF STORAGE CONTAINERS AND TO DELETE SPECIFIC REQUIREMENTS FOR SUCH USE; TO REPEAL PROVISIONS PERMITTING THE CONTINUED USE OF STORAGE CONTAINERS IN EXISTENCE ON THE DATE OF ENACTMENT OF THE ORIGINAL STORAGE CONTAINER ORDINANCE; TO AUTHORIZE THE USE OF STORAGE CONTAINERS IN THE TOWN COMMERCIAL (TC) AND GENERAL COMMERCIAL (GC) ZONING DISTRICTS; TO MAKE OTHER LANGUAGE AND STYLISTIC CHANGES.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.32, Section 17.32.045 of the Middletown Municipal Code be, and hereby is amended as follows. Language being repealed and deleted is designated by being in ~~brackets and stricken through~~. New language is designated by being in **BOLD CAPITAL LETTERS**:

TITLE 17 ZONING

CHAPTER 17.32 – DESIGN STANDARDS GENERALLY

17.32.045 - Storage and disposal containers.

A. Except as otherwise provided in this section, storage and disposal containers are prohibited in the Town of Middletown, and no person who owns, leases, occupies or has charge of any premises or property, in whole or in part, shall place, keep or maintain a storage or disposal container on the premises or property. For purposes of this section, "disposal container" means a large capacity container such as a dumpster, a bagster bag, (dumpster in a bag), or similar large object which is used to hold trash, waste or debris.

B. In a commercial or industrial zone, and upon application to and approval by the zoning administrator for a zoning certificate, storage and disposal containers may be placed, kept or maintained on premises or property for a period of no more than six consecutive months. The

zoning administrator may, upon application, extend the six-month period of time for another six-month or less period. **THE STORAGE OR DISPOSAL CONTAINER SHALL BE USED IN ACCORDANCE WITH THE CONDITIONS PLACED UPON IT BY THE ZONING ADMINISTRATOR, WHO SHALL GIVE DUE CONSIDERATION TO THE FOLLOWING: THE POSITIONING OR LOCATING OF THE STORAGE OR DISPOSAL CONTAINER IN SUCH A MANNER AS TO NOT OBSTRUCT OR OTHERWISE INTERFERE WITH THE SIGHT OF MOTORISTS OR PEDESTRIANS AND THEIR ABILITY TO SAFELY ENTER OR EXIT THE PROPERTY; AND LOCATING THE STORAGE OR DISPOSAL CONTAINER IN SUCH A MANNER AS TO MINIMIZE ITS IMPACT ON ADJOINING PROPERTIES.** [~~The storage or disposal container may be approved by the zoning administrator only if (1) the storage or disposal container is situated on the property in compliance with setback requirements as established for buildings in the district, (2) its placement and use satisfies all other zoning requirements, and (3) the storage or disposal container is either situated in the rear yard of the property or is screened in a manner approved by the zoning administrator so as to visually limit as much as reasonably practicable the appearance and presence of the storage or disposal container.~~] No storage or disposal container may exceed a height of twelve (12) feet or a width of eight feet. Storage and disposal containers may not be stacked on top of each other.

C. The zoning administrator may, upon application, approve the placing, keeping or maintaining of a storage or disposal container on property or premises in any zone if the storage or disposal container is to be used for and in connection with a construction, reconstruction or renovation project on the property or premises. The storage or disposal container shall be used in accordance with the conditions placed upon it by the zoning administrator. [~~Any storage or disposal container used in connection with such an approval~~] **ALL APPROVED STORAGE OR DISPOSAL CONTAINERS** shall be removed from the property or premises immediately upon the completion of the project or at such time as provided in the **ZONING ADMINISTRATOR'S** approval **LETTER**.

~~{D. — Any storage or disposal container which is located or situated on any property or premises on the effective date of the ordinance codified in this chapter shall be permitted to continue to remain in the same location on the property or premises for a period of three years from the effective date of the ordinance codified in this chapter. Thereafter, such storage container or disposal shall be removed or otherwise conform to the requirements of this section, and the failure to do so shall constitute a violation of this section.}~~

D. IN TOWN COMMERCIAL (TC) AND GENERAL COMMERCIAL (GC) DISTRICTS, BUSINESSES ARE PERMITTED TO PERMANENTLY PLACE A TRASH DISPOSAL CONTAINER ON THEIR PROPERTY PROVIDED IT IS ENCLOSED BY A FENCE OR OTHER STRUCTURE APPROVED BY THE ZONING ADMINISTRATOR THAT EFFECTIVELY SCREENS THE TRASH DISPOSAL CONTAINER FROM ADJOINING AND ADJACENT PROPERTIES. A ZONING CERTIFICATE / BUILDING PERMIT IS REQUIRED BEFORE THE CONTAINER IS PERMANENTLY PLACED ON A GC OR TC COMMERCIAL ZONED PROPERTY. THE TRASH DISPOSAL CONTAINER'S PLACEMENT ON THE PROPERTY SHOULD MINIMIZE ITS

IMPACT ON CUSTOMER / EMPLOYEE PARKING, AND PEDESTRIAN AND VEHICULAR TRAFFIC FLOW ON THE PROPERTY AND TO MEET OTHER PLACEMENT AND ZONING REQUIREMENTS AS DETERMINED BY THE ZONING ADMINISTRATOR.

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

INTRODUCED ON THE _____ DAY OF _____, 2018
PASSED ON THE _____ DAY OF _____, 2018
EFFECTIVE DATE: _____, 2018

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 7/30/2018

RE: Monthly Planning Update - August

Major Subdivisions:

Middletown Glen - Preliminary plans signed – May 29, 2013
Improvement plans conditionally approved – October 16, 2013
FRO planting at Remsberg Park completed – February 2017
All plats recorded at the Courthouse – May 17, 2016 - March 16, 2018

Site Plans, Plats and Minor Subdivisions:

Cross Stone Commons – Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014
Improvement Plan mylars signed – November 6, 2015
Architectural renderings for Building #4 approved – March 19, 2018
Next step – submit architectural renderings for building #2 for review/approval

Fire Station – BOA approved height variance request - October 20, 2016
Revised Site Plan conditionally approved – October 17, 2016 (Plans expire 10/17/19)
Improvement Plans conditionally approved – December 19, 2016 (Plans expire 12/19/19)
Improvement Plan mylars signed – May 30, 2017

Franklin Commons - Improvement Plans approved – Sept. 21, 2015 (**Plans expire 9/21/2018**)
Improvement Plan mylars signed – January 4, 2016
Resubmitted site plan conditionally approved – May 21, 2018
BOA approved height variance request – July 12, 2018
Next step – submittal of PWAs for approval and apply for building and grading permits

Caroline's View/Horman Apartments- 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

Cell Trends property – change of tenant – medical marijuana testing co. – approved July 3, 2018

Dowd Property – Forest Stand Delineation approved – April 16, 2018
Concept plan reviewed by PC – May 21, 2018
Next step – BOA review/approval of special exception for shopping center use

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

BOA hearing for variance requests (approval received) – March 29, 2016 (**Expired 3/29/17**)

SWM plans submitted to SCD and Frederick County – December 5, 2016

Next step – apply for variance requests for siting of duplex building

Miller (Ingalls) – Revised Concept Plan reviewed by PC – September 16, 2013

Site plan conditionally approved by PC – July 20, 2015

Improvement plans conditionally approved by PC – June 19, 2017 (Plans expire June 29, 2020)

Improvement plan mylars signed – January 2, 2018

Grading and SWM permits approved – March 26, 2018

Richland Driving Range – Concept plan reviewed by PC – January 18, 2016

Revised Site Plan conditionally approved – January 15, 2018 (Plans expire January 15, 2021)

Next step – submittal of improvement plans for review and approval

School Complex roadway plans – Improvement plans and FCP plans reviewed and approved by Town Board – May 8, 2017 (informed in June 2017 that funding was not approved for project)

SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17

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 – annexation petition sent to PC by Town Board – January 9, 2017

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: Request to add “microbrewery” as a permitted use in the TC District

Request by ZA to make changes to Demolition ordinance & Storage Container regulations

Reports: 2017 Annual Planning Report – approved by PC – April 16, 2018

2017 Annual FRO Report – submitted to MD DNR – March 7, 2018

Grants: MEA Smart Energy Communities grant application – award granted – May 2017

Meetings: Next Middletown Green Team Meeting – August 15, 2018

Next Joint town board/planning commission workshop – August 6, 2018



TO: The Burgess and Commissioners
FROM: Becky Axilbund, Main Street Manager
RE: August 2 Workshop
DATE: August 2, 2018

DATES TO REMEMBER:

Friday, August 3 - Becky Vacation, returning August 13

Friday, August 17 – Main Street Business Mixer at Dee Buchanan’s 8:30am

Saturday, August 25 – Middletown Pride, Valley Wide!

ORGANIZATION COMMITTEE:

- We were officially notified that we have been selected to receive the Maryland Heritage Area Grant in the amount of \$37,000. We are working with the State on the details of how and when we can access the funds and how to coordinate this with the timing of the close of the building. They can work with us and have already shown their willingness by letting us forego a second appraisal.
- Just an FYI about the Heritage Areas, since 2012, we have received over \$7000 from the Heart of the Civil War Heritage Area and over \$65,000 from the Maryland Heritage Area.
- We are still waiting to hear from the Community Legacy Grant application made for Acquisition.
- The Board voted to create an Ad-hoc Building Committee so that we can generate and prioritize a full list of work items that we can do now. This Ad-hoc Committee will have a representative from each of Main Street’s four core committees and will meet for the specific purpose of looking at signage, on-going cleaning, posting hours.

DESIGN:

- The Design Committee is working on a program to install signage into the open spaces in the Main Street District. Main Street Middletown is in the process of contacting property owners to see if they want to participate. In addition to adding posters, the Economic Development Committee is taking additional steps to help fill our spaces

ECONOMIC DEVELOPMENT COMMITTEE:

- The Economic Development Committee is also working on how to address the newly vacant properties we have in Middletown. We reached out to the County Office of Economic Development and we were given three concrete ideas to do now.
 1. Enter the Properties into Co-Star
 2. Ask one of the vacant properties to be the host for the monthly Real Share meeting where the OED meets with real estate brokers.
 3. Host our own tour of vacant properties – essentially, we have an Open House for the vacant commercial properties and invite realtors to tour all of the properties.

- The Economic Development Committee is hosting our quarterly business mixer on Friday, August 17, 2018 at 8:30am with the location at Dee Buchanan Studio of Dance. Our guest speaker will be Jud Ashman, our computer guru, and current mayor of Gaithersburg.
- We have a new volunteer coming to the EDC, Lauren Dees who is an employee at Middletown Valley Bank. Welcome, Lauren!

PROMOTIONS:

Events:

- Middletown Pride-Valley Wide – is a new event this year. Unlike Coloring the Street, or Vintage Vehicles, this event will be a little more spread out, so it may not appear to be as crowded; but we are receiving positive comments and interest about the event and anticipate a nice turn-out. The event will begin at 5:00pm with a parade of athletic teams and the marching band traveling down West Green Street (starting at Garage Alley) and ending at Willow. In addition to the parade (emceed by Burgess Miller), there will be several sports Mini-Clinics. These mini-clinics will have high-schoolers teaching younger kids a specific skill, such as dribbling a ball, or learning to catch a ball with a mitt. For the older kids, we are featuring a Rockwall that is being sponsored by Boggs Environmental. We will also have music, smores kits, face-painting and more. As a way to create more community spirit and bridge in the businesses, we are featuring a window decorating contest asking each business to show their Middletown Pride. Visitors to the event will be able to vote on their favorite decorated window. Main Street Middletown will provide prizes, for first place, adding the company photo and logo to our business listing page on the website (valued at \$50), second prize is a \$25 boost on our Facebook Page, and third prize will include a framed photo of the winner with the Middletown Knight Mascot.
- Each event that Main Street has hosted this year has been geared to a different audience that frequents the downtown area. For this event, we wanted to highlight the mutually beneficial relationship between the school community and the business community. Furthermore, being known for its high standards in Maryland, the Middletown schools are certainly a community asset and bring people to the area. We believe this will be a fun-evening with lots to do and to enjoy in our beautiful downtown setting.
- Vintage Vehicles 2019! – We are already promoting next year’s event by passing out fliers at the remaining car shows of this season. Mark your calendars and save the date for Saturday, June 8, 2019 for the 2nd Annual Vintage Vehicles.
- Coloring the Street 2019 – We are also planning ahead for April’s Coloring the Street in 2019, including writing a grant to assist with funding parts of the event through the Frederic County Arts Alliance (due in September 2018) and wrapping the Green Expo as part of the event this year. Due to the construction, dates and concerns with the Calendars, Main Street Middletown is happy to have the Green Expo be a part of and adjacent to Coloring the Street.

Communications:

- For FY 2019, we anticipate having approximately \$15,000 to spend specifically on out-of-county advertising. The Board will be working on specific recommendations on how we divide the funds and working with the FNP and Platinum PR to continue the momentum started with the event advertising campaigns
- Website – We are adding several new features to our website, including a new page on 19-21 West Main Street. We want to be able to tell more of the story of the history of the building, and the steps we will be taking to rehabilitate it. We also need a place to thank our grantors and donors. We have also added a new way to engage readers from the home page with a call to action to get involved with our events. We will be adding a second new page that is still under construction that will highlight available spaces in our community.

- Facebook Initiatives – We have a new feature in August called Friday Photo Fun where we have a close-up photograph of different characteristics in the Main Street district and are asking readers to name the location. We are also going to incorporate every-other Tuesday in August, September, and October as Tourist Tuesday to point out specific things to do in Middletown paired with another Frederick County tourism spot or activity. Creating an itinerary is a tried and true way to get people out exploring their backyard or entice visitors to our area. The third new feature we will incorporate on our Facebook Page is a direct link back to our website monthly to read the monthly blog/news. The purpose behind this to continue to increase and grow the traffic that flows to our website.

CHART OF GRANTS:

Grants for Main Street	Awarded	Amount	Notes
Grants in Progress			
Keep Maryland Beautiful	Awarded	\$1500	Need to Spend!
Community Legacy FY 17 – Façade Improvement	Awarded	15,000	\$11,000 remaining
Community Legacy FY 18 – Façade Improvement	Awarded	\$50,000	Received Application from 200 West Main & submitted to DHCD
<i>NOTE: MSM can use Façade Improvement Funds – only if our match is not state funds.</i>			
Grants Applied for FY 2019			
Maryland Heritage Area Grant – For Purchase	Awarded July 2018	\$37,000	
Community Legacy Grant – For Purchase		90,000	Application submitted in June 2018
Community Legacy Grant – Façade Improvement Program		\$10,000	Application submitted in June 2018
Technical Assistance Grant – for Architect/Contractor		\$17,400	Application submitted July 12
Main Street Banners		\$6300	Application submitted July 12
NonProfit Assistance		\$15,900	Application submitted July 12
FY 19 Grants Applied for Town			
Technical Assistance Grant for the Heritage Gallery		\$13,426	Application Submitted July 12
Main Street Improvement Grant		\$10,000	Application Submitted July 12

Thank you for your support of Main Street Middletown!