

## 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 along West Main Street from Church Street to Elm Street which is considered the central business district (CBD). Residential development predominated on the edges of the CBD and on the surrounding parallel streets to Main and Church Streets. More recent development has included residential on the east and west edge of Town, a County park to the north, and the purchase of Remsberg Park land to the south for future ballfields and other recreational activities.

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 51.1% 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 entire Town. Multi-family residential and townhouse development is located in several specific locations. The 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 3.9% 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 and the Valley Shopping Center located on the eastern edge of Town. 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 14.2% 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 30.8% 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 the Coblenz property on East Green Street, land owned by the Fire Department on Franklin Street, properties fronting Middletown Parkway, and the Dowd property east of the Town Center Plaza.

The Existing Land use Map, Figure 4-1, following this section shows the existing land use as of 2009.

### 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 Hollow Creek Golf Course. The second largest zoning district in terms of land area is the R-1 Residential zone which includes approximately 289 acres (27% 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 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 Current Zoning Map, Figure 4-2, following this section shows the existing zoning as of 2009.

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. An example of this would be Ingall's Lumber Supply which is zoned R-1 Residential. Other examples of the difference between land use and zoning would be the residential development along West Main Street in the areas zoned Town Commercial.

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.

TABLE 4-1

MIDDLETOWN, MARYLAND  
DEVELOPED & UNDEVELOPED ACREAGE BY ZONING DISTRICT

Zoning District	Acres Developed	Acres Percentage	Undeveloped	Percentage	Total
Open Space	0	0%	436	100%	436
R-20 Residential	114	88%	15	12%	129
R-1 Residential	273	94%	16	6%	289
R-2 Residential	63	84%	12	16%	75
R-3 Residential + NTR	36	57%	27	43%	63
Town Commercial	27	100%	0	0%	27
General Commercial	18	56%	14	44%	32
Service Commercial/ Light Manufacturing	4	100%	0	0%	4
Total Acres	535	51%	520	49%	1055

Source: Frederick County Planning Department and Middletown Planning Staff 2009

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. 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 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 these improvements in place, a huge increase in subdivision activity began in 2000, as can be seen in Table 4-2.

Table 4-2  
FINAL APPROVED SUBDIVISION PLATS: 2000-2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
# of Lots	45	106	237	120	0	0	60	0	2	0
Avg. Lot Size (acres)	0.5	0.3	0.3	0.2			0.2		0.3	

Source: Frederick County Planning Department 2000 and Middletown Planning Staff 2009

Due to a state imposed moratorium on development approvals in 2003 due to water allocation and use issues, the adoption of the Residential Growth Policy, and the will of the town board, there has been little subdivision activity in the past six years.

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 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. Since 1983, 41 site plans have been approved by the Middletown Planning Commission. Most of the 41 approvals involved existing buildings in the downtown area either on Main Street or Church Street. Twenty-two of the approvals were for properties on Main Street and 11 site plans were for properties on Church Street. Major site plan approvals include the 47,000 sq.ft. Town Center Plaza (Valley Shopping Center) which was approved in 1985; 3,200 sq.ft. office space in the Church Street Business Center; 4,500 sq.ft. for renovation and addition to Granger’s Mutual Insurance Company; 1,800 sq. ft LDS Convenience Store, and 3,908 sq.ft. for a Middletown Branch library.

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 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 691 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 4-3  
CHANGES IN ZONING AS A RESULT OF ANNEXATION

Open Space	+105 acres
R-20 Residential	+168 acres
R-1 Residential	+407 acres
R-2 Residential	-30 acres
R-3 Residential	+21 acres
GC General Commercial	+11 acres

Source: Frederick County Planning Dept. and Middletown Planning Staff 2009

TABLE 4-4  
ANNEXATIONS: 1972-2009

Approved Year	Name	Acreage	Location	Zoning
1972	Woodmere South	5	S Woodmere S. Subd.	R-1
1973	Airview/Valley Center	48	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	.776	Val-E-Drive (Jesserong Dr.)	R-1
1989	Lancaster	3	Washington St.	R-2
1989	Valley Land Investors	72	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	.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

Source: Frederick County Planning Department and Middletown Planning Staff 2009

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. Among the 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 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 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 Catocin 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 Koogler 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

has been removed and replaced with a more modern bridge with larger capacity. The old bridge has been relocated to the Glenbrook subdivision for use as a bridge in the golf cart path, stream crossing.

J. Harmon 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.

In 2007, the Town Code was modified to now require a demolition site plan be reviewed and approved by the Middletown Planning Commission along with the demolition permit application. Although the new 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)

Historic Sites and Survey District Map – Figure 4-4

Protection of Historic Structures

At a Public Hearing on January 19, 2000 scheduled to review proposals for the creation of historic district(s) in Middletown, negative response from citizens present caused the Town Board to drop the matter and look for alternative ways to protect historic areas and structures by Zoning Ordinances, Building Codes and the use of a conservation district.