AGENDA FOR THE TOWN MEETING

February 9, 2015
7:00 p.m.

Red Indicates –	Action Item
Green Indicates –	Ordinance Introduction
Blue Indicates –	Link to Additional Information

PLEDGE TO THE FLAG

CALL TO ORDER

CONSENT AGENDA

- Financial Statements
- Town Minutes
  - January 12th – Town Meeting

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- Ordinance 15-02-01 – Zoning Text Amendments
- Discussion of Sequence of Construction for West Green Street Improvements and Impacts to Town Events, Residents, and Businesses
- Review of Water Service Disconnect Procedures with e-Billing

REPORT OF COMMITTEES:

Water/Sewer	Commissioner Falcinelli
Public Works	Commissioner Bussard
Planning Commission Liaison	Commissioner Goodman
Parks & Recreation	Commissioner Ventre
Finance	Commissioner Dietrick
Public Information Committee	Commissioner Falcinelli

NEW BUSINESS:

- Discussion of Restrictions on Field Use Due to Wet Conditions
- Discussion of Priorities for FY 2016 Budget
- Request from Girl Scout – Stenciling Storm Drains To Raise Community Awareness about the Function of Storm Drains Link to the Chesapeake Bay

PUBLIC COMMENTS:

ANNOUNCEMENTS:

ADJOURNMENT

Town of Middletown
CIP Funds & Expenditures
General Fund
Fiscal Year 2015
For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
OPERATING REVENUE			
Revenue	$ 2,745,349	$ 2,143,586	$ (601,763)
OPERATING EXPENSES			
Expenses	2,441,340	1,976,688	(464,652)
OPERATING SURPLUS (LOSS)	**$ 304,009**	**$ 166,898**	**$ (137,111)**
OTHER FUND			
POS - Development	$ 78,300		$ (78,300)
POS - Walking Trail Land Purchas	42,000		(42,000)
West Green Street Loan			
RETAINED EARNINGS	333,488		(333,488)
Interest	3,105	47	(3,058)
Other	7,000		(7,000)
TOTAL OTHER FUNDS	$ 463,893	$ 47	$ (463,846)
TOTAL FUNDS AVAILABLE	**$ 767,902**	**$ 166,945**	**$ (600,957)**
CIP PROJECTS & PURCHASES			
West Green St Improvements	$ 1,000,000		$ (1,000,000)
Franklin - Patching, Mill & Over	115,000		(115,000)
Broad Street Road Construction	70,000		(70,000)
SWM Fence Replacements	9,000		(9,000)
Salt Building - Equipment Storag	35,000		(35,000)
Walking Trail Land Acq - East Ma	42,000	323	(41,677)
Remsberg Park Picnic Tables	3,000		(3,000)
Remsberg Park - Walking Trail an	45,000		(45,000)
Wiles Branch Pavilion and Tottle	24,500		(24,500)
Wiles Branch Walking Trail Resur	21,000	7,650	(13,350)
Foxfield Walking Path Overlay	23,940		(23,940)
Cone Brach Gazebo Roof Replaceme	5,000	4,885	(115)
Computer Replacements	5,200	6,981	1,781
Municipal Center - HVAC Replacem	85,000	7,219	(77,781)
Maintenance Equipment	47,000	1,875	(45,125)
Backhoe Lease	15,158	13,973	(1,185)
Historical Society Donation	5,000	5,000	
Total CIP Costs	**$ 1,550,798**	**$ 47,906**	**$ (1,502,892)**
OPERATING & CIP SURPLUS (LOSS)	**$ 767,902**	**$ 166,945**	**$ (600,957)**

Town of Middletown
CIP Funds & Expenditures
General Fund
Fiscal Year 2015
For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Cash Reserves	$ 1,242,019	$ 1,185,085	$ (56,934)
TOTAL CASH SURPLUS	**$ 2,009,921**	**$ 1,352,030**	**$ (657,891)**

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2015
For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
REVENUE			
LOCAL TAX			
Real Property	$ 1,096,228	$ 1,039,061	$ (57,167)
Tangible Personal Property	34,505	24,844	(9,661)
Public Utilities	9,907		(9,907)
Franchise (Cable)	48,231	22,823	(25,408)
Penalties & Interest	9,241	6,544	(2,697)
	$ 1,198,112	$ 1,093,272	$ (104,840)
STATE SHARED TAX			
Admission & Amusement	$ 40,926	$ 19,673	$ (21,253)
Highway Gasoline & Licenses	95,043	107,016	11,973
	$ 135,969	$ 126,689	$ (9,280)
COUNTY SHARED TAX			
Income Taxes	$ 778,572	$ 282,512	$ (496,060)
Tax Equity Grant	581,111	581,061	(50)
	$ 1,359,683	$ 863,573	$ (496,110)
LICENSES AND PERMITS			
Beer, Wine and Liquor	$ 1,950		$ (1,950)
Business / Traders	4,900	27	(4,873)
Planning / Zoning Fees	9,500	34,036	24,536
	$ 16,350	$ 34,063	$ 17,713
PARKS AND RECREATION			
Pavillion Fees	$ 1,900	$ 830	$ (1,070)
	$ 1,900	$ 830	$ (1,070)
POLICE PROTECTION			
State Grant	$ 25,835	$ 12,918	$ (12,917)
	$ 25,835	$ 12,918	$ (12,917)
MISCELLANEOUS			
Community Events			
Parking Citations			
Bank Shares Grant	2,500	1,491	(1,009)
Miscellaneous & Donations	5,000	10,751	5,751
	$ 7,500	$ 12,242	$ 4,742
OPERATING REVENUES	**$ 2,745,349**	**$ 2,143,587**	**$ (601,762)**
State Grants & Interest	$ 130,405	$ 47	$ (130,358)
TOTAL REVENUE	**$ 2,875,754**	**$ 2,143,634**	**$ (732,120)**

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2015
For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
EXPENDITURES			
LEGISLATIVE			
Commissioner's Salary	$ 12,000	$ 7,000	$ (5,000)
Communications	3,480	1,832	(1,648)
Dues & Subscriptions	7,370	7,325	(45)
Office Supplies & Exp	3,600	2,064	(1,536)
Advertising	750	231	(519)
Meetings & Conventions	9,000	2,187	(6,813)
	$ 36,200	$ 20,639	$ (15,561)
EXECUTIVE			
Burgess Salary	$ 6,000	$ 3,000	$ (3,000)
	$ 6,000	$ 3,000	$ (3,000)
ELECTION			
Clerk Fees			
Other Administrative Expenses		31	31
		$ 31	$ 31
GENERAL SERVICES			
ADMINISTRATION			
Administrative Salary	$ 196,663	$ 126,409	$ (70,254)
Postage & Printing	200		(200)
Communications	10,167	3,665	(6,502)
Computer Expenses	22,400	17,649	(4,751)
Office Supplies & Exp	30,401	13,075	(17,326)
Office Maintenance	47,262	17,784	(29,478)
Dues & Subscriptions	150		(150)
Professional Services	3,600	1,470	(2,130)
Meetings & Conventions	100	130	30
Water and Sewer Grant	102,740	203,219	100,479
	$ 413,683	$ 383,401	$ (30,282)
OPERATIONS			
Maintenance Capital Outlay			
Vehicle Capital Outlay		95,654	95,654
Director Salary	91,107	51,939	(39,168)
Maintenance Salary	45,417	20,606	(24,811)
Communications	6,797	4,669	(2,128)
Supplies & Expenses	13,334	7,992	(5,342)
Dues & Meetings		124	124
Landscaping/Beautification			
Maintenance & Repairs	21,174	14,029	(7,145)
Tools & Equipment	3,069	1,198	(1,871)
	$ 180,898	$ 196,211	$ 15,313

Town of Middletown
Statement of Revenue & Expenditures
General Fund
Fiscal Year 2015
For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
PROFESSIONAL SERVICES			
Independent Accounting	$ 12,500	$ 28,100	$ 15,600
Legal - Development			
Legal - Ordinances	7,500	1,596	(5,904)
	$ 20,000	$ 29,696	$ 9,696
PLANNING & ZONING			
Salary & Fees	$ 50,182	$ 27,495	$ (22,687)
Other Expenses	1,300	1,628	328
	$ 51,482	$ 29,123	$ (22,359)
MAIN STREET PROGRAM			
Manager Salary	$ 43,577	$ 25,821	$ (17,756)
Town Contribution	8,800	9,036	236
	$ 52,377	$ 34,857	$ (17,520)
PUBLIC SAFETY			
Fire Dept. Donation	$ 20,000	$ 20,000	
School Crossing Guards	17,121	7,452	(9,669)
Community Deputy Program	326,657	163,152	(163,505)
	$ 363,778	$ 190,604	$ (173,174)
SANITATION & WASTE REMOVAL			
Resident Trash & Yard Waste	$ 277,613	$ 164,183	$ (113,430)
RECREATION AND CULTURE			
Park Salary	45,754	26,970	(18,784)
Park Electric	1,800	1,544	(256)
Maintenance & Repairs	39,795	14,728	(25,067)
Mowing	25,451	14,742	(10,709)
Remsberg Park - Interest	17,847	10,796	(7,051)
Remsberg Park - Principal	105,702	61,296	(44,406)
	$ 236,349	$ 130,076	$ (106,273)

Town of Middletown

Statement of Revenue & Expenditures

General Fund

Fiscal Year 2015

For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
HIGHWAYS AND STREETS			
Salary	$ 83,562	$ 49,911	$ (33,651)
Street Lighting	152,400	82,414	(69,986)
Storm Water Management	7,050	858	(6,192)
Snow Removal	63,000	9,068	(53,932)
Repairs & Resurfacing	94,500	361,574	267,074
Signs		3,509	3,509
Truck Repair & Operation	25,000	15,681	(9,319)
Equipment Repairs & Ops	10,000	3,507	(6,493)
Mowing	31,744	18,432	(13,312)
Interest	7,418	4,430	(2,988)
East Green St - Principal	11,500		(11,500)
Case Loader - Principal	15,158	13,973	(1,185)
	$ 501,332	$ 563,357	$ 62,025
OTHER EXPENSES			
MT Historical Society - CIP	$ 5,000	$ 5,000	
Donations	100		(100)
Travel - Mileage	2,500	1,831	(669)
Community Events	38,129	37,807	(322)
Payroll Taxes	52,753	25,387	(27,366)
Insurance - Property	12,748	7,306	(5,442)
Insurance - Employee	114,823	96,415	(18,408)
Retirement/Pension	67,363	51,401	(15,962)
Web Page & Directory	4,000	2,875	(1,125)
Real Estate Taxes	712	712	
Other	3,500	2,776	(724)
	$ 301,628	$ 231,510	$ (70,118)
TOTAL EXPENDITURES	**$ 2,441,340**	**$ 1,976,688**	**$ (464,652)**
INCOME (LOSS) Exc. Cash Reserves	**$ 434,414**	**$ 166,946**	**$ (267,468)**
CASH RESERVES	**$ 1,242,019**	**$ 1,185,085**	**$ (56,934)**
SURPLUS / (DEFICIT)	**$ 1,676,433**	**$ 1,352,031**	**$ (324,402)**

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
REVENUE			
Water Revenue	$ 588,919	$ 267,537	$ (321,382)
Sewer Revenue	565,791	267,394	(298,397)
Penalties/Reconnects	14,600	11,954	(2,646)
Rain Barrel Sales	1,575		(1,575)
General Fund Grant/Misc	102,740	102,740	
TOTAL OPERATING REVENUE	**$ 1,273,625**	**$ 649,625**	**$ (624,000)**
EXPENDITURES			
ADMINISTRATIVE			
Office Salaries	$ 52,890	$ 25,686	$ (27,204)
Communications	7,100	6,190	(910)
Postage	10,222	10,280	58
Office Supplies/Expense	12,800	11,969	(831)
Legal - Other	8,500	5,330	(3,170)
Meetings & Seminars	250	392	142
Advertising	500	994	494
Uniforms	2,800	1,060	(1,740)
Dues/Subscrip/Certifications	500	390	(110)
Travel	200		(200)
Payroll Taxes	19,192	12,714	(6,478)
Insurance - Prop. & Liability	8,000	4,637	(3,363)
Insurance - Workers Comp	13,868	4,006	(9,862)
Insurance - Health	45,836	29,456	(16,380)
Retirement/Pension	22,143	18,102	(4,041)
Real Estate Taxes	292	292	
Rain Barrel/Educational Programs	3,150	3,600	450
Waterline / I & I Loans	33,056	32,498	(558)
Sub-Total	$ 241,299	$ 167,596	$ (73,703)
Vehicles & Equipment			
1999 Truck	$ 3,700	$ 314	$ (3,386)
2008 Truck	3,200	1,527	(1,673)
2013 Truck	3,400	940	(2,460)
Misc Equipment	3,700	52	(3,648)
Bobcat Mini-Excavator		254	254
Case Backhoe		160	160
Sub-Total	$ 14,000	$ 3,247	$ (10,753)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Salaries	$ 138,865	$ 74,571	$ (64,294)
Water Distribution System			
Supplies	2,500	1,937	(563)
Repairs & Maintenance	51,650	44,286	(7,364)
Water Meters	65,250	6,947	(58,303)
Water Line Break Repairs	5,000	2,231	(2,769)
Chemicals	500		(500)
Tools & Equipment	1,000	269	(731)
Sub-Total	$ 125,900	$ 55,670	$ (70,230)
Water Plant/Reservoir/Booster/Tower/BS Wellhouse			
Electric	$ 31,370	$ 8,231	$ (23,139)
Supplies	2,000	741	(1,259)
Repairs & Maintenance	28,650	13,283	(15,367)
Chemicals	17,372	6,913	(10,459)
Tools & Equipment	2,400	990	(1,410)
Testing & Analysis	9,000	6,420	(2,580)
Sub-Total	$ 90,792	$ 36,578	$ (54,214)
Abandoned Well Costs			
TOTAL WATER EXPENSES	**$ 355,557**	**$ 166,819**	**$ (188,738)**
SEWER			
Salaries	$ 124,154	$ 66,906	$ (57,248)
Sewer Collection System			
Cone Branch PS	22,000	5,668	(16,332)
Brookridge South PS	9,700	7,084	(2,616)
Foxfield PS	6,500	2,855	(3,645)
Sanitary Sewerlines & Manholes	10,500	7,732	(2,768)
I & I Accrual	75,000	43,750	(31,250)
Sub-Total	$ 123,700	$ 67,089	$ (56,611)

Town of Middletown
STATEMENT OF REVENUE and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
Wastewater Treatment Plants			
East Wastewater Treatment Plant			
Electric	$ 33,000	$ 17,981	$ (15,019)
Supplies	10,500	2,747	(7,753)
Repairs & Maintenance	44,100	22,172	(21,928)
Chemicals	39,724	14,727	(24,997)
Tools & Equipment	8,400	4,803	(3,597)
Testing & Analysis	23,000	12,332	(10,668)
Sludge Hauling Expense	56,400	27,310	(29,090)
Sub-Total	$ 215,124	$ 102,072	$ (113,052)
West Wastewater Treatment Plant			
Electric	$ 20,000	$ 9,370	$ (10,630)
Supplies	2,500	1,281	(1,219)
Repairs & Maintenance	15,450	12,938	(2,512)
Chemicals	49,458	30,714	(18,744)
Tools & Equipment	1,000	34	(966)
Testing & Analysis	8,758	4,424	(4,334)
Sludge Hauling Expense	22,650	10,062	(12,588)
Sub-Total	$ 119,816	$ 68,823	$ (50,993)
TOTAL SEWER EXPENSES	**$ 582,794**	**$ 304,890**	**$ (277,904)**
TOTAL WATER/SEWER EXPENSES	**$ 1,193,650**	**$ 642,552**	**$ (551,098)**
CONTINGENCY FUND - 6.7%	**$ 79,975**	**$ 43,051**	**$ (36,924)**
ADJUSTED WATER/SEWER EXPENSES	**$ 1,273,625**	**$ 685,603**	**$ (588,022)**
NET INCOME (LOSS)	**$ 0**	**$ (35,978)**	**$ (35,978)**

Town of Middletown
CIP FUNDS and EXPENDITURES
WATER & SEWER
Fiscal Year 2015
For the 7 Months Ended January 31, 2015

	ANNUAL BUDGET	YTD ACTUAL	OVER (UNDER) BUDGET
FUNDING SOURCES			
Operating Revenue	$ 1,273,625	$ 649,625	$ (624,000)
Operating Expenses	1,193,651	642,552	(551,099)
OPERATING INCOME (LOSS)	**$ 79,974**	**$ 7,073**	**$ (72,901)**
Debt Service Fee - New Homes	$ 137,400	$ 69,024	$ (68,376)
Capital Improvement Fees	128,736	60,990	(67,746)
Improvement/Tap Fees	120,000	91,600	(28,400)
Water Meter Sales	16,700	5,452	(11,248)
Water Tower & Land Leases	168,044	57,032	(111,012)
General Fund Grant	100,479	100,479	
TOTAL OTHER REVENUE	**$ 671,359**	**$ 384,577**	**$ (286,782)**
TOTAL FUNDS AVAILABLE	**751,333**	**391,650**	**(359,683)**
DEBT SERVICE COSTS			
Principal Payments			
MVB Line of Credit			
CDA - Water Tower	98,650		(98,650)
MDE - East WWTP	200,800	(200,800)	(401,600)
Brookridge WTP	16,700		(16,700)
Interest - All Loans	53,283	28,566	(24,717)
TOTAL DEBT SERVICE COSTS	**$ 369,433**	**$ (172,234)**	**$ (541,667)**
WATER & SEWER PROJECTS			
Reservoir - Raw Water Meter & Pot	$ 5,500		$ (5,500)
Booster Station - Pumping Connect	8,000		(8,000)
Reservoir - Dual Feed Cover	60,000		(60,000)
Maganese Removal System	120,000		(120,000)
TOTAL WATER & SEWER PROJECTS	**$ 193,500**		**$ (193,500)**
TOTAL CIP COSTS	**$ 562,933**	**$ (172,234)**	**$ (735,167)**
TOTAL FUNDS REMAINING	**$ 188,400**	**$ 563,884**	**$ 375,484**

BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND

TOWN MEETING MINUTES

REGULAR MEETING **January 12, 2015**

The first monthly meeting of the Burgess and Commissioners of Middletown was called to order on January 12, 2015, by Commissioner Falcinelli at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Larry Bussard, Rick Dietrick, Tony Ventre and Christopher Goodman.

Jerry Donald with Frederick County Council was present to introduce himself and let the Commissioner know that if they need anything to feel free to call.

Roger Wilson, Government Affairs & Policy Director with Frederick County was also present to introduce himself.

CONSENT AGENDA
Financial Statements
West Green Street Improvements – Public Meeting schedule
YMCA Women's Trialthon – Sunday, September 27, 2015
FCPS moving forward with intersection improvements to East Green Street and Schoolhouse Drive
Town Minutes – December 8, 2014 Regular meeting
Commissioner Bussard motioned to accept this consent agenda as presented, seconded by Commissioner Ventre and passed unanimously.

PERSONAL REQUESTS FOR AGENDA:

Unfinished Business:
Sanitary Sewer Overflow Policy - Drew stated that staff has drafted a policy if the town should experience a Sanitary Sewer Overflow on what to do.
Motion by Commissioner Ventre to approve the Sanitary Sewer Overflow Policy as presented, seconded by Commissioner Bussard. Motion carried.

REPORTS OF COMMITTEES –
WATER & SEWER – Commissioner Falcinelli reported:
Spring flow – 111,000 gals. Per day, EWWTP treated 231,000 gals. And the WWTP treated 246,000 gals.
Water & Sewer meeting will be January 28th at 7pm.
PUBLIC WORKS – Commissioner Bussard reported:
Staff took down Christmas trees and decorations at Municipal center.
We've had several snow & ice events the guys have been out clearing the streets. We've had some minor damages to equipment which have been repaired in house by staff.
West Green Street project is moving forward.
Sold the 1997 dump for $5,800.
PLANNING COMMISSION – Commissioner Goodman reported:
Library requested a storage container on their property through the end of January.

Cross Stone Commons – denied public work agreements
Zoning Code – going through the code to make updates.
Chesterbrook Property – BOA scheduled for January 13 at 7pm. for a variance to the height.
PARKS & RECREATION – Commissioner Ventre reported:
Dog Park sub-committee to meet to go over design and get a cost. Would like to schedule public meeting with the Brookridge South residents sometime next month.
FINANCE – no report
PUBLIC INFORMATION – no report

NEW BUSINESS:
Review of Zoning Code Updates – Sections 17.04 & 17.08 – Drew stated that the Planning Commission is going through and updating the Zoning Code section by section. The first sections being submitted are 17.04 & 17.08 which are basically definitions. Cindy did not receive any comments from the Board. Public Hearing will be scheduled for February 5th.
Discussion of 250th Anniversary of the Founding of Middletown – It was the consensus of the Board to have all our events in 2017 make the 250th Anniversary as their focus.

PUBLIC COMMENT: None

ANNOUNCEMENTS:

ADJOURNMENT
Meeting adjourned at 7:16pm.

Respectfully submitted,

Ann Griffin
Office Manager

ORDINANCE NO. 15-02-01

AN ORDINANCE TO AMEND TITLE 17, CHAPTERS 17.04 AND 17.08 OF THE MIDDLETOWN MUNICIPAL CODE TO CORRECT STATUTORY REFERENCES TO CONFORM WITH THE ANNOTATED CODE OF MARYLAND; TO MAKE CERTAIN STYLISTIC CHANGES IN THE LANGUAGE USED IN THE CODE; TO ENACT NEW DEFINITIONS; TO REPEAL AND REVISE CERTAIN DEFINITIONS; TO REDUCE THE TIME PERIOD FOR WHICH A ZONING CERTIFICATE IS VALID FROM TWO YEARS TO ONE YEAR; TO AUTHORIZE THE ZONING ADMINISTRATOR TO EXTEND THE TIME PERIOD OF VALIDITY FOR A ZONING CERTIFICATE.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.04, Sections 17.04.010, 17.04.020 and 17.04.030 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through.]~~ New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS:**

TITLE 17 - ZONING

Chapter 17.04 - ADOPTION, PURPOSE AND DEFINITIONS

17.04.010 - Adoption.

~~[Under]~~ **THIS TITLE HAS BEEN ADOPTED PURSUANT TO** the authority granted by ~~[Article 66B]~~ **LOCAL GOVERNMENT ARTICLE, SECTION 5-213 AND THE LAND USE ARTICLE** of the Annotated Code of Maryland, ~~[the following ordinance codified in this title for the control of]~~ **FOR THE PURPOSE OF CONTROLLING AND REGULATING** zoning. ~~[is adopted and this title]~~ **IT HAS BEEN ADOPTED AND** amends and recodifies the zoning ordinance adopted March 3, 1969, and readopted December 17, 1974.

~~[This zoning ordinance has been prepared]~~ **THE PROVISIONS OF THIS TITLE ARE** for the purpose of promoting the health, safety and general welfare of the Town of Middletown. It defines residential, commercial and industrial districts in the community in a manner reflective of the ~~[master development]~~ **COMPREHENSIVE** plan. ~~[Each district sets forth]~~ **REGULATIONS ENACTED FOR EACH DISTRICT ESTABLISH** allowable uses, lot areas, height of structures, advertising sign requirements and other pertinent ~~[data.]~~ **REQUIREMENTS AND RESTRICTIONS.** Filing procedures, fees and procedures of the board of appeals are also established.

17.04.020 - Purpose.

A. This title is made in accordance with the Middletown ~~master~~ **COMPREHENSIVE** plan and is designed for the following purposes:

1. – 8. *{Unchanged}*

B. *{Unchanged}*

17.04.030 - Definitions.

For the purpose of this title certain terms or words used in this chapter shall be interpreted as follows:

Words used in the present tense include the future. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended, or arranged to be used."

"Accessory use or building" means a use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. An accessory building is not attached by any part of a common wall or common roof to the principal building.

"Active adult community" means a community designed and planned exclusively for independent home living by active adults with households occupied by at least one resident who is fifty-five (55) years of age or older. The community shall be designed to provide the following benefits:

1. An attractive environment for older active adults which is suitable for their special needs, including smaller dwelling units which are more appropriate for older adults without children, and smaller yards resulting in reduced privately owned property requiring homeowner maintenance;

2. Open space and recreation areas for active older adults to be owned and maintained by a homeowners' association;

3. A pattern of development which preserves trees, outstanding natural topography and geographical features and prevents soil erosion;

4. A creative and flexible approach to the use of land and related physical development which results in a community design and housing types uniquely different from other residential communities not specifically designed for active adults;

5. An efficient use of land resulting in smaller networks of utilities and streets and thereby promoting lower unit costs per house;

6. An environment in harmony with the overall subdivision and surrounding development.

"Agriculture or agricultural" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses thereto.

"Alley" means a right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

"Amend or amendment" means any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a zone; or any repeal or abolition of any map, part thereof, or addition thereto.

"Animal boarding place" means any building or buildings used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, or other domestic animals for profit, but not to include those animals raised for agricultural purposes.

"ARTERIAL STREET" MEANS A CONTINUOUS ROUTE THROUGH AREAS THAT TYPICALLY CARRY MODERATE TO HIGH VOLUMES OF TRAFFIC.

Automobile Garage, Private. "Private automobile garage" means an accessory building or portion of a main building designed, arranged, or used for the housing of private motor vehicles, only one of which may be a commercial vehicle.

"Automobile parking space" means a permanently surfaced area of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

"Automobile repair and service station" means a building, lot or both in or upon which the business of general motor vehicle repair or body and fender repair is conducted, but excluding junk and/or auto wrecking business.

"Automobile sales lot" means a lot arranged, designed or used for the storage and display for sale of any motor vehicle or any type of trailer, provided the trailer is unoccupied, and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

"Automobile service station" means any area of land, including buildings and other structures thereon that are used to dispense motor vehicle fuels, oils and accessories at retail, where repair service is incidental, and no storage or parking space is offered for rent.

"Basement" means that portion of a building below the first floor joists.

"Bed and breakfast home" means a facility that serves the traveling public with sleeping rooms and at least one meal per day for overnight guests only in a setting reflecting a residential rather than a commercial character.

"Billboard" (see "sign") means a structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located.

"Board" means the Middletown board of appeals.

~~["Boarding house" means a dwelling in which, for compensation, lodging, or meals, or both are furnished to not more than five guests. A boarding house shall not be deemed a home occupation.]~~

"Building" means a structure having one or more stories and a roof, designed primarily for the permanent shelter, support or enclosure of persons, animals or property of any kind.

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

"Building setback line" means a line beyond which the foundation wall and/or any enclosed porch, vestibule or other enclosed portion of a building shall not project as determined by the yard requirements.

Cellar. See "basement."

"Cemetery" means a place used for the permanent interment of dead human bodies ~~[of]~~ **OR** the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

"Child care center" and "nursery school" mean an individual agency or institution offering or supplying group care to children who have not the same parentage, for a portion or all of a day and on a regular schedule for more than once a week. Such child care centers shall be licensed by the Maryland **STATE** Department of **EDUCATION, OFFICE OF** ~~[Human Resources]~~ Child Care ~~[Administration]~~ and be subject to any regulations administered by that department.

"CLUBS, LODGES AND FRATERNAL ORGANIZATIONS" MEANS AN ORGANIZED SOCIETY OF PERSONS ASSOCIATED TOGETHER FOR A COMMON CAUSE.

"COLLECTOR STREET" MEANS A STREET WHICH, IN ADDITION TO PROVIDING INGRESS TO PROPERTIES ABUTTING THEREON, IS INTENDED TO COLLECT

TRAFFIC FROM OR DISTRIBUTE IT TO A SERIES OF LOCAL ACCESS STREETS WITHIN A NEIGHBORHOOD.

"Commercial vehicles" see "Restricted vehicles."

"Commission" means the Middletown planning commission.

"Commissioners" means the town commissioners of Middletown.

"Community center" means the use of property for a building which serves a public function, to be used for cultural, recreational or social activities, including senior centers, and similar community or government facilities.

"Comprehensive plan" means the policies, statements, goal, and interrelated plans for private and public land use, transportation and community facilities documented in texts and maps which constitute the guide for the town's future development. For the purpose of this definition, "master plan" or "plan" shall refer to the Middletown Comprehensive Plan, as adopted in accordance with **THE LAND USE** Article ~~[66B]~~ of the Annotated Code of Maryland.

"Condominium" means a communal form of individual ownership of individual units of property which are supported by collectively held facilities and areas and which is subject to or established under the provisions of the Real Property Article, Section 11-101 et seq., Annotated Code of Maryland; provided, however, to be considered as a condominium under the provisions of this title, there must be at least five separate and individual units subject to one condominium regime which are intended for use solely for residential purposes.

"County" means Frederick County, Maryland.

"Court" means an open, unoccupied and unobstructed space other than a group of buildings.

"Demolition" means the destruction or partial destruction of buildings, structures, facilities or material by use of fire, water, explosives, mechanical or other means.

"Development" means any activity, other than normal agricultural activity, which materially affects the existing condition or use of any land or structure.

"Dwelling" means a building or portion thereof arranged or designed to provide living facilities for one or more families, but not including a tent, cabin, ~~[mobilehome]~~ **MOBILE HOME**, bus or a room in a motel or hotel.

Dwelling, Attached. "Attached dwelling" means a building arranged or designed to provide living facilities for more than one family. Individual units will be separated by a common wall.

Dwelling, Detached. "Detached dwelling" means a building designed to provide living facilities for one family entirely separated from any other building or structure by space on all sides.

Dwelling, Duplex. "Duplex dwelling" means two dwelling units arranged or designed to be located on abutting and separate lots and separated from each other by a continuous vertical party wall, without openings from the lowest floor level to the highest point of the roof which lies along the dividing lot line, and such dwelling is separated from any other structure by yards or other green areas on all sides.

Dwelling, Multiple-Family. "Multiple-family dwelling" means a building containing three or more dwelling units (**FOR EXAMPLE, TOWNHOUSES AND APARTMENTS** ~~[townhouse, apartments and garden apartments]~~).

Dwelling, One-Family. "One-family dwelling" means a building containing not more than one dwelling unit.

Dwelling, Two-Family. "Two-family dwelling" means a building containing not more than two dwelling units, arranged one above the other or side by side, not, however, to include duplexes.

"Dwelling unit" means a building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking facilities.

"EASEMENT" MEANS A GRANT OR RESERVATION, EITHER EXPRESS OR BY IMPLICATION, BY A PROPERTY OWNER FOR THE USE OF SUCH PROPERTY BY OTHERS FOR A SPECIFIC PURPOSE OR PURPOSES.

Educational Institution, Private. "Private educational institution" means every private school or educational or training institution, however designated, which offers a program of college, professional, preparatory, high school, junior high school, elementary, kindergarten or nursery school instruction, or any combination thereof, or any other program of trade, technical, or artistic instruction, but such term does not include any educational institution of the county board of education. No private educational institution shall be deemed a home occupation.

"Eleemosynary or philanthropic institution" means a private, nonprofit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which insures to the benefit of any member of such organization or individual.

"Enclosed structure" means any structure with a roof overhead and attached to the principal structure.

"Family" means an individual or two or more persons related by blood or marriage, or legal adoption and/or a group of people including not more than two persons not related by blood or marriage. In all cases, foster children placed by an agency licensed to operate in Maryland **AND HOUSED** ~~[. Housed]~~ on the premises are considered as members of the family.

"Family day care home" means a residence in which care is given in lieu of parental care to children for less than twenty-four (24) hours a day for which compensation is paid. Such family day care homes shall be registered by the Maryland **STATE** Department of **EDUCATION, OFFICE OF**

~~[Human Resources]~~ Child Care ~~[Administration]~~ and be subject to any regulations administered by that department.

"Farm" means a [~~parcel of~~] **TRACT OF** land not less than twenty-five (25) acres in size used for agriculture as defined hereinabove.

Floor Area of Building, Total. "Total floor area of building" means the total number of square feet of floor area in a building, excluding cellars, uncovered steps and uncovered porches; but including the total floor area of accessory buildings on the same lot. All horizontal measurements shall be made between interior faces of walls.

"Frontage" means the length of the front property line of the lots, or tract of land abutting a public street, road or highway, or rural right-of-way.

"Home occupation" means an occupation conducted entirely within a dwelling and/or accessory structure by a member or members of a family residing therein. ~~[Boarding and rooming houses, tourist]~~ **BED AND BREAKFAST** homes and private educational institutions shall not be deemed home occupations.

"Home owners association" means an incorporated, nonprofit organization operating under recorded land agreements through which: (1) each lot and/or home owner in a planned unit or other described land area is automatically a member; and (2) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and (3) the charge, if unpaid, becomes a lien against the property.

~~["Hospital, sanitarium or sanatorium" means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. The term "hospital" shall also include sanitariums and sanatoriums, including those wherein feeble-minded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are treated or cared for.]~~

"Hotel" means any building containing ten (10) or more guest rooms, where, for compensation, lodging, meals or both are provided for ten (10) or more guests, excluding a fraternity or sorority house, school or college dormitory, tourist home, motel or apartment hotel as defined in this chapter.

"Industrial park" means a tract of land for industrial use developed according to a plan for occupancy by a group of industries and equipped with streets and necessary utilities.

"INFRASTRUCTURE" MEANS THE BUILT FACILITIES THAT ARE REQUIRED IN ORDER TO SERVE A COMMUNITY'S DEVELOPMENTAL AND OPERATIONAL NEEDS. THE INFRASTRUCTURE INCLUDES SUCH THINGS AS ROADS AND WATER AND SEWER SYSTEMS.

"Junk yard" means any land used for the abandonment, storage, keeping, collecting or baling of paper, rags, scrap metal, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of two or more unlicensed or inoperative automobiles or other vehicles, machinery, or parts thereof.

"Kennel" means any place or premises, other than a pet shop or veterinary clinic, used in whole or in part for the ~~[commercial]~~ housing, boarding or care of eight or more dogs or cats at any one time and in any combination. No kennel may house, board or care for more than fifteen (15) dogs or cats, in any combination, at any one time.

"LAND USE" MEANS THE TYPES OF BUILDINGS AND ACTIVITIES EXISTING IN AN AREA OR ON A SPECIFIC SITE. LAND USE IS TO BE DISTINGUISHED FROM ZONING, THE LATTER BEING THE REGULATION OF EXISTING AND FUTURE LAND USES.

"Large retail/commercial establishment" means a retail establishment (store) with any commercial retail uses or a combination of such commercial retail uses comprised of greater than twenty-five thousand (25,000) square feet and less than sixty thousand (60,000) square feet of total floor area.

"Lot" means a ~~[parcel]~~ **TRACT** of land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as required, and having frontage on a public right-of-way unless where excepted elsewhere in this title, provided, however, a lot in a shopping center shall be controlled by the provisions of Section 17.20.070 of this code.

Lot Area, Net. "Net lot area" means the total horizontal area included within the rear, side and front lot or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses.

Lot, Corner. "Corner lot" means a lot abutting on two or more streets at their intersection which does not exceed one hundred thirty-five (135) degrees.

"Lot depth" means the average distance between the front lot line and the rear lot line.

Lot Frontage, Minimum, at Front Lot Line. "Minimum lot frontage at front lot line" means the least permissible width of a lot measured horizontally along the front lot line.

Lot Line, Front. "Front lot line" means the street line running along the front of the lot separating it from the street. In a through lot, both lines abutting the street shall be deemed to be "front lot lines." A corner lot shall be deemed normally to have two front lot lines.

Lot Line, Rear. "Rear lot line" means the lot or lines generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten (10) feet long or the lot comes to a point at the rear, such lot line is assumed to be a line not less than ten (10) feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of such front lot line.

Lot Line, Side. "Side lot line" means any lot line other than a front lot line or a rear lot line.

Lot, Through. "Through lot" means an interior lot, fronting on two parallel or approximately parallel streets.

"Medical or dental clinic" means any building or group of buildings occupied by medical practitioners and related services for the purpose of providing health services to people on an out-patient basis.

"MEDICAL CARE FACILITY" MEANS ANY INSTITUTION WHICH RECEIVES IN-PATIENTS AND OUT-PATIENTS AND PROVIDES MEDICAL, PSYCHOLOGICAL, SURGICAL, OR SIMILAR SERVICES.

~~["Mobilehome"]~~ **"MOBILE HOME"** means any vehicle or similar portable structure having no foundation other than wheels, jacks, or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

~~["Mobilehome]~~ **MOBILE HOME** park or ~~[mobilehome]~~ **MOBILE HOME** subdivision" means any site, lot, or ~~[parcel]~~ **TRACT** of ground maintained or intended for the purpose of supplying a location or accommodation for two or more ~~[mobilehomes]~~ **MOBILE HOMES** for living purposes and including all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.

"Motel" means any group of dwelling units combined or separate, used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facilities.

"MUSEUM" MEANS A COMMERCIAL ESTABLISHMENT FOR PRESERVING AND EXHIBITING ARTISTIC, HISTORICAL, SCIENTIFIC, NATURAL, OR MAN-MADE OBJECTS OF INTEREST. A MUSEUM OR GALLERY MAY INCLUDE THE SALE OF THE OBJECTS, MEMORABILIA, CRAFTS OR ARTWORK.

"Nonconforming" means a use of a building or of land lawfully existing at the time this and/or previous ordinances or amendments thereto became effective and which does not conform with the use regulations of the zone in which it is located.

"Nursing home" includes rest homes, convalescent homes and homes for the aged and means a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries, not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital, but who do require care in excess of room and board and who need medical, nursing, convalescent, or chronic care.

"OPEN SPACE" MEANS PARKS, STREAMS AND PONDS, HOMEOWNERS' ASSOCIATION COMMON AREAS AND AREAS OF LAND NOT COVERED BY STRUCTURES, DRIVEWAYS, OR PARKING LOTS.

"OVERLAY ZONING DISTRICT" MEANS A DISTRICT THAT IS SUPERIMPOSED ON PORTIONS OF ONE OR MORE UNDERLYING GENERAL USE-BASED ZONING DISTRICTS THAT ALLOW APPLICATION OF ADDITIONAL STANDARDS ADDRESSING A SPECIAL PURPOSE.

"Planned unit development" or "PUD" means a planned, larger-scale development, greater than twenty (20) acres, which may contain a variety of residential and nonresidential building types, land uses and common open space.

"PLAT" MEANS THE MAP OF A SUBDIVISION SHOWING THE NUMBER AND DIMENSIONS OF LOTS, PUBLIC AND PRIVATE RIGHTS-OF-WAY, AND EASEMENTS. THE FINAL PLAT MUST BE FILED AND RECORDED WITH THE COUNTY CLERK IN THE COUNTY PLAT BOOK.

"Private club" means an incorporated or unincorporated association for civic, social, cultural, religious, literary, fraternal, political, recreational, or like activities, operated for the benefit of its members and not open to the general public.

"Professional office" means rooms and/or buildings used for office purposes by a member of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, veterinarians, etc., but not including medical or dental clinics or veterinary clinics.

"Public safety services" means fire, police, or emergency medical services (EMS) provided to the community and authorized pursuant to the appropriate governing body and shall include building and facilities reasonably necessary to store and maintain equipment and house personnel.

"Public utility" means any use or structure which provides to the general public such services as water, sewerage, sewage treatment, electricity, piped gas or telecommunications.

"Recreational equipment" means any mobile apparatus specifically designed for recreational activities and including utility trailers, travel trailers, pickup campers, motorized dwellings, tent trailers, boat trailers, houseboats or storage containers used for transporting, recreational equipment.

"Restricted vehicles" means:

A. A motor vehicle with permanent outside dimensions greater than eight feet wide or eight feet tall, or twenty-two (22) feet long; or

B. A motor vehicle with externally mounted work equipment that causes the outside dimensions to be greater than eight feet wide, or eight feet tall, or twenty-two (22) feet long; or

C. A trailer or semitrailer; or

D. Recreational equipment with permanent outside dimensions greater than eight feet wide, or eight feet tall, or twenty-two (22) feet long are deemed to be restricted vehicles.

"RIGHT-OF-WAY" MEANS AN EASMENT FOR THE PURPOSE OF CROSSING THE PROPERTY OF ANOTHER.

"Road" means and includes street, highway, avenue, lane, marginal access street, service drive, alley, bridge, viaduct or any segment thereof.

"Screening" means the use of fencing, walls, vegetation or berms to shield or obscure an object or use from view from adjoining and nearby properties.

"SETBACK" MEANS THE DISTANCE BETWEEN A BUILDING OR STRUCTURE (NOT INCLUDING GROUND-LEVEL PARKING LOTS OR OTHER PAVED SURFACES) AND PROPERTY LINES OR FROM OTHER BUILDINGS.

"Shed" means a structure of no more than one story with a maximum height of fifteen (15) feet that is not intended for the storage of cars or trucks.

"Shopping center" means one or more retail and/or commercial establishments on a lot greater than one acre, planned, developed, owned and managed as a unit with off-street parking provided on the property and related in size, type and number of shops to the trade area that the unit serves.

"Sign" means any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, direction, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry which is located upon any land or any building, in or upon a window or canopy, or indoors in such a manner as to attract attention from outside the building.

Sign, Business. "Business sign" means a sign which directs attention to a business, commodity, service or other activity conducted upon the premises upon which the sign is located.

Sign, Directional or Information. "Directional or information sign" means a sign describing the location of a community or institution of public or quasipublic nature or the opening of an event of public interest, but not including signs pertaining to real estate.

Sign, Personal Service. "Personal service sign" means name plates or signs designating home occupations, accessory uses, such as a doctor's office, or similar use, or advertising exclusively the sale of farm products produced on the premises.

Sign, Billboard. See "Billboard."

Sign, Real Estate. "Real estate sign" means a sign advertising for sale, lease, rental, or development of any particular premises or directing attention to the opening and location of a new subdivision, neighborhood, or community.

"Site development plan" or "site plan" means the plan showing the location of existing and proposed buildings, structures, paved areas, storm water management, walkways, vegetative cover, landscaping, screening and other matters which may be required with regard to a site proposed for development.

"Solar collection system" means a panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.

"Solar collection system, building-mounted" means a solar collection system which is connected to or mounted upon a principal or accessory building.

"Solar collection system, freestanding" means a solar collection system which is not connected to or mounted upon a principal or accessory building.

"Special exception" means a grant of a specific use that would not be appropriate generally or without restriction and be based upon a finding that certain conditions governing specific exceptions as detailed in the zoning ordinance exist, that the use conforms to the town ~~[master]~~ **COMPREHENSIVE** plan and is compatible with the existing neighborhood.

"Storage container" means a prefabricated "sea container" or "C container" or similar object which is or resembles a modified trailer, tractor-trailer, railroad car or intermodal shipping container and which is manufactured or used primarily for storage or shipping purposes.

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

"Street" means a public or dedicated way, or a public proposed right-of-way, widening, or extension of an existing street or public way shown on any plan approved by the **PLANNING** commission.

"Structural alteration" means any change in the structural members of a building, such as walls, columns, posts, beams or girders.

"Structure" means an assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, ~~[gospel and]~~ circus tents, reviewing stands, platforms, stagings, observation towers, radio and T.V. broadcasting towers, water tanks, trestles, open sheds, ~~[coal~~

~~bins]~~, shelters, fences, walls, signs, **SWIMMING POOLS,** power line towers, pipelines, railroad tracks and poles.

"SUBDIVISION" MEANS THE DIVISION OF A LOT, TRACT, OR PARCEL OF LAND INTO TWO OR MORE LOTS, PLATS, SITES, OR OTHER DIVISIONS OF LAND FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR OF BUILDING DEVELOPMENT. IT INCLUDES RESUBDIVISION AND, WHEN APPROPRIATE TO THE CONTEXT, RELATES TO THE PROCESS OF RESUBDIVIDING OR TO THE LAND OR TERRITORY SUBDIVIDED.

"Swimming pool" means any ~~[artificial]~~ structure, basin, chamber or tank, either above or below ground, containing in depth more than eighteen (18) inches of water, used or intended to be used for the primary purpose of swimming, diving, wading, or recreational bathing.

Theater, Indoor. "Indoor theater" means a building designed and/or used primarily for the commercial exhibition of motion pictures or stage presentationS to the general public.

"Townhouse" means one of a group of three or more attached dwelling units divided from each other by party walls and each having separate front and rear or front and side entrances from the outside.

"TRACT" OR "PARCEL" MEANS A LOT OR PARCEL OF LAND UNDER SINGLE OWNERSHIP OR CONTROL.

"Trailer" means a vehicle that has no motive power, and is designed to carry people or property and to be towed by a motor vehicle.

"Use" means the principal purpose for which a lot or the main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

"Variance" means a modification only of density, bulk or area requirements in the zoning ordinance where such modifications will not be contrary to the public interest and where, owing to conditions peculiar to the property, and the results of any action taken by the applicant, a literal enforcement of the ordinance would result in unnecessary hardships.

"Video lottery facility" means a facility at which video lottery terminal players play video lottery terminals.

"Video lottery terminal" means any machine or other device that, on insertion of a bill, coin, token, ticket, coupon or similar item, or on payment of any consideration:

1. Is available to play or simulate the play of any game of chance in which the results, including the options available to the video lottery terminal player, are randomly and immediately determined by the machine or other device; and

2. By the element of chance, may deliver or entitle the video lottery terminal player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.

"Video lottery terminal" means and includes a machine or device:

1. That does not directly dispense money, tokens, or anything of value to winning video lottery terminal players; and

2. Described in this definition that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.

"Video lottery terminal" does not include a machine or device that is available to play the Maryland State lottery conducted under Sections 9-101 et seq., of the State Government Article of the Annotated Code of Maryland.

"Video lottery terminal player" means an individual who plays a video lottery terminal in a video lottery facility.

"Yard" means open space on the same lot with a building or group of buildings, lying between the building or outer building of a group and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except as provided in this title.

"Yard Sales" means sales of items limited to those items normally found at residential premises and shall not include heavy commercial, industrial or agricultural equipment.

Yard, Front. "Front yard" means open space extending across the full width of lot between the front line or the proposed front street line and nearest line of the building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any enclosed portion thereof.

Yard, Rear. "Rear yard" means open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building.

Second story overhang, roof overhang, unenclosed porches, or similar architectural features are excluded from the measurement if they do not project more than six feet **INTO THE REAR YARD**.

Yard, Side. "Side yard" means open space between the side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the foundation of the building, porch or projection thereof, extending from the front yard to the rear yard.

"Zone" means an area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open space are required; lot areas, building height limits,

and other requirements are established; all of the foregoing being identical for the zone in which they apply.

"Zoning administrator" means an officer of the town, appointed by the burgess with advice and consent of the commissioners, who administers the zoning regulations and acts as secretary to the board of appeals.

"Zoning certificate" means **AN OFFICIAL DOCUMENT** ~~[a written statement]~~ issued by the zoning administrator, authorizing buildings, structures or uses consistent with the terms of this title and for the purposes of carrying out and enforcing its provisions.

"Zoning map" means the zoning map of the Town of Middletown together with all amendments thereto subsequently adopted.

SECTION II. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.08, Sections 17.08.060, 17.08.100 and 17.08.110 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through.]~~ New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS:**

TITLE 17 - ZONING

Chapter 17.08 - ADMINISTRATION AND ENFORCEMENT

17.08.030 - Zoning certificate required.

It is unlawful to commence the excavation for or the construction of any building, including accessory building, signs and ~~[12/81]~~ fences, or to commence the moving, alteration, or change of use of any land or buildings, including accessory buildings, until the zoning administrator has issued a zoning certificate for such work.

17.08.060 - Zoning certificate may be outdated.

THE WORK OR PROJECT WHICH IS THE SUBJECT OF A ~~[A]~~ zoning certificate must be completed in full in **ONE YEAR** ~~[two years]~~ or restored to original condition; however, the **ZONING ADMINISTRATOR** ~~[Board of Appeals]~~ may ~~[grant a one-year extension of the zoning certificate after the two-year limitation expires]~~ **EXTEND THAT ONE YEAR PERIOD FOR AN ADDITIONAL ONE YEAR PERIOD.**

17.08.100 - Approval of zoning amendment.

A. *{Unchanged}*

B. Where the purpose and effect of the proposed amendment is to change the zoning classification, the burgess and commissioners shall make findings of fact in each specific case, including, but not limited to, the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation of the planning commission and the relationship of such proposed amendment to the town's ~~[master]~~ **COMPREHENSIVE** plan; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the burgess and commission shall be kept.

C. An application for a reclassification shall not be accepted for filing by the burgess and commission if the application is for the reclassification of the whole or any part of land the reclassification of which has been opposed or denied by the burgess and ~~[commission]~~ **COMMISSIONERS** within twelve (12) months from the date of the local legislative body's decision. No **SUBSTANTIAL** change in or **MAJOR** departure from the proposed amendment, as recommended by the planning commission, shall be made unless the same is resubmitted to the commission for its further recommendations. No amendments, supplement or change shall be adopted contrary to the recommendations of the planning commission except by a majority vote of the burgess and ~~[commissioner]~~ **COMMISSIONERS**.

17.08.110 - Enforcement.

A. Pursuant to ~~[Section 3 of Article 23A]~~ **LOCAL GOVERNMENT ARTICLE, SECTIONS 6-101 ET. SEQ.** of the Annotated Code of Maryland, any violation of any of the provisions of this ~~[zoning ordinance]~~ **TITLE** is a municipal infraction. If, after investigation, a municipal infraction is believed to have been committed, the zoning administrator or his or her authorized agent shall be authorized to serve a citation or a warning to the property owner and other person or persons committing the infraction. The citation or warning shall be served in accordance with the provisions of **SECTION 6-103 OF THE LOCAL GOVERNMENT** Article ~~[23 A, Section 3(B)(3)(ii),]~~ Annotated Code of Maryland.

B. The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

1. The name and address of the person charged (or warned);

2. The nature of the violation;

3. The location of the violation;

4. The date(s) and time(s) of the violation;

5. The amount of the fine assessed (or possible of assessment);

6. The manner, location and time for which the fine may be paid (or violation corrected, if applicable);

7. The person's right to stand trial for the violation (if applicable);

8. A certification by the zoning administrator or his or her authorized agent attesting to the truth of the matters set forth **OR THAT THE CITATION IS BASED UPON AN AFFIDAVIT**; and

9. The effect of failing to pay the assessed fine or demand a trial within the prescribed time.

C. Whenever an alleged or possible municipal infraction comes to the attention of the zoning administrator, the procedure to be followed is:

1. That the zoning administrator will investigate whether an infraction has occurred;

2. That, if the zoning administrator reasonably [~~finds~~] **BELIEVES** that an infraction has occurred, he or she will issue a warning to the person or persons responsible in the form and manner as outlined in this section, with a reasonable time stated to abate or to prevent future infractions;

3. That, if the infraction continues or is allowed to occur after the reasonable time stated, the zoning administrator [~~will~~] **MAY** issue a citation to the person or persons responsible in the form and manner as outlined in this section. Notwithstanding the provisions of subsection (C)(2) of this section, the zoning administrator may issue a citation without the prior issue of a warning.

D. A fine not to exceed one thousand dollars ($1,000.00) may be imposed upon any person committing a municipal infraction. Each day such violation is permitted to exist shall be considered a separate infraction. All fines shall be payable to the town within twenty (20) calendar days of the service of the citation.

E. A person who receives a citation may elect to stand trial for the offense by filing with the zoning administrator a notice in writing of his or her intention to stand trial. The notice shall be given at least five (5) days before the date of payment as set forth in the citation. On receipt of the notice of intention to stand trial, the zoning administrator shall forward to the District Court of Maryland for Frederick County, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the district court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the district court for the municipal infraction shall be remitted to the town.

F. If a person who receives a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, the person is liable for the assessed fine. In that event, the person is liable for two times the amount of the fine, not to exceed one thousand dollars ($1,000.00) per infraction and the town may request adjudication of the case through the district court including the filing of a demand for judgment on affidavit. The district court shall schedule the case for trial and summon the defendant to appear and shall proceed in accordance with **SECTION 6-106 OF THE LOCAL GOVERNMENT** Article ~~[23A, Section 3(B)(5)]~~, Annotated Code of Maryland.

G. Adjudication of an infraction under this section is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

H. In a proceeding before the district court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in **TITLE 6 OF THE LOCAL GOVERNMENT** Article ~~[23A, Sections 3(b)(7) through (15)]~~ of the Annotated Code of Maryland, and the town shall be entitled to any relief authorized thereby. The town attorney is authorized to prosecute all municipal infractions under this section.

I. If a person is found by the district court to have committed a municipal infraction, he or she shall be liable for the costs of the proceedings in the district court.

J. Depending on the circumstances of each case and after consultation with the town attorney, the zoning administrator has the discretionary authority to reduce or suspend all or a portion of the fine payable through his or her office.

K. Nothing contained in this section shall prohibit or prevent the zoning administrator, or anyone else, from seeking other legal remedies, such as injunction, criminal prosecution, or damages in a civil action pursuant to ~~[Section 7.01 of Article 66B,]~~ **TITLE 11 OF THE LAND USE ARTICLE**, Annotated Code of Maryland as amended. The enforcement procedures and provisions set forth in this section apply only to zoning and related violations of this title and are independent of the enforcement procedures provided for municipal infractions under Title 1 of this Code.

L. References made in this section to provisions of the Annotated Code of Maryland shall pertain to such provisions as they may be amended from time to time.

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

INTRODUCED ON THE _____ DAY OF _____, 2015

PASSED ON THE _____ DAY OF _____, 2015

EFFECTIVE DATE: _____, 2015

ATTEST:

BURGESS AND COMMISSIONERS OF MIDDLETOWN

_____
Andrew J. Bowen, Town Administrator

By:_____
John D. Miller, Burgess

Middletown/Ordinance.Zoning.2015AmendmentsREVISED

Burgess and Commissioners
Middletown, Maryland

Strategic Priorites

Project/Item	Estimated Cost
Architectural Design Standards	$ 10,000
Booster Station - Starter Replacements with VFD's	$ 125,000
Broad Street Improvements (East Main - Locust Alley)	$ 230,000
Broad Street Improvements (Locust Alley - Franklin Street)	$ 290,000
Comprehensive Plan Update	$ 10,000
InvoiceCloud - E-Billing	$ -
Lombardy Court Overlay	$ 350,000
Main Street Waterline Replacement	$ 4,000,000
Manda Court Overlay	$ 125,000
Manda Drive Overlay	$ 275,000
Reservoir Liner Replacement and Reconstruction	$ 740,000
Streetlight Buyback Program and LED Upgrades	$ 1,300,000
Well #15 - Iron and Manganese Removal System	$ 120,000
Well Field Stream Erosion Repairs	$ 125,000
West Green Street Improvements	$ 1,700,000

Example

— specific, Feb mtg for approval

— meant clean-town rep w/them ?

Storm Drain Stenciling:
An Action Project to Help Save the Bay!

Objective of Project: To raise community awareness about the function of storm drains and their link to water quality.

General Information: Storm drains were designed to be the fastest and most efficient way of getting rainwater off streets and parking lots. Unfortunately, the water that flows into your storm drain carries trash and sediment from the street, nutrients in the form of fertilizers, toxics in the form of pesticides, household cleaners, gasoline and motor oil. All of the water in the storm drains ends up in your local stream, river and eventually, the Chesapeake Bay.

Stenciling storm drains in your community may discourage people from putting harmful items and trash in the drains!

Deposit Required!
The cost of borrowing a stencil kit is a **$25.00 deposit** (stencils and video must be returned). The check will be returned upon receipt of the stencils and video.

The Kit Includes:
Directions for stenciling
The use of 1- 4 sets of "Chesapeake Bay Drainage" "Don't Dump" stencils
Use of a "How To" video; and Mappler Instructions for uploading storm drain stencil data

Contact Information: Cindy Etgen, MD DNR, 1-877-620-8DNR EXT. 8716 or cindy.etgen@maryland.gov

Upload storm drain stencil data: While 'in the field': upload the location of the drain to our storm drain mapping site. Pictures are encouraged. Upload the location of stenciled and unstenciled drains in your working area. Students can then visit the updated map to see their data input! Instructions are on the next page.

Return the stencils after you are finished. Mail them back to MD DNR (use address above). Clean the stencils so that another group can use them in their neighborhood or community!

IMPORTANT! You must seek permission from your local Department of Public Works and community before stenciling any storm drains!

Stencil Mappler Instructions

To view map/data only (no manipulation) on any system:

www.imrivers.org/stencil

1. You must have the mappler application downloaded to your equipment of choice. To download free mappler app:

- If using an Android product:
  https://play.google.com/store/search?q=mappler+mobile&c=apps
  Select the first option, Mappler Mobile. OR select the Android Market app on the tablet and download from there.

- If using MAC product, visit iTunes and download Mappler Mobile for iphones & tablets. Select App Store from your Iphone or Ipad.

2. Open the Mappler Mobile. It should open to a map and may have a tutorial screen overlay.

- If a sign-in page should appear, use the following codes: ID: **stencil** Password: **imrivers**

- Close the tutorial if open.

3. Select the + Add in the lower right of your screen to begin entering data. Complete the data sheet to the best of your ability. Then upload! We would like to see stenciled and unstenciled drains mapped. Pictures are encouraged.

4. Contact Stacy Epperson at 410-260-8775 or at stacy.epperson@maryland.gov with any questions.

Chesapeake Bay Storm Drain Stencil Form

Contact Information: Cindy Etgen, MD DNR, 1-877-620-8DNR EXT. 8716 or cindy.etgen@maryland.gov

Send Your Deposit Check And Order Form To:
Please make out your $25.00 check to the ***Maryland Department of Natural Resources***
Cindy Etgen – Storm Drain Stencils
Maryland Department of Natural Resources
580 Taylor Avenue, E-2
Annapolis, Maryland 21401

IMPORTANT! You must seek permission from your local Department of Public Works and community before stenciling any storm drains!

ALL INFO BELOW MUST BE PROVIDED BEFORE PROCESSING YOUR REQUEST!

Number of Stencils needed (you may borrow **up to 4** stencils): _____
Your best estimate for info below:
Date(s)of Stenciling Event: _____
Number of Storm Drains Being Stenciled: _____
Demographic Data:

# of males		# of Volunteers/parent helpers		# of Asian	
# of females		% of students on Free or Reduced lunches (if known)		#of Native American	
Total # of Students		# of Black/African American		# of Hawaiian/Pacific Is.	
# of participants w/disabilities		# of Latino/Hispanic		# of White	

Your Name: _____ Email: _____

School or Group: _____

Street Address (where you want stencils mailed):
Street: _____
City/State/Zip: _____
Phone: _____

Storm Drain Stenciling Addresses:
ALL intended Streets: _____
_____
_____
City_____
County_____

In borrowing these stencils and video I understand that the video and stencils (even damaged stencils) must be returned cleaned no later than 2 weeks after my stenciling event to the Department of Natural Resources at the address above. My $25.00 deposit will be returned once MD DNR receives the stencils and video.

_____ _____
Signature Date

OFFICE USE ONLY:					
	Received Request	Sent Kit	Kit Returned	Returned Check	Mappler site checked

ACTION PROJECT: STORM DRAIN STENCILING

Storm drain stenciling is a relatively simple project for students to do. It has the potential of making a difference in reducing the amount of trash entering local waterways, along with raising awareness of the direct link from the storm drain to the Chesapeake Bay.

INTRODUCTION

Storm drains were designed to be the fastest and most efficient way of getting rainwater off streets and parking lots. Think about the way that water rushes into a storm drain in the middle of a parking lot, or alongside a street. Have you ever stopped to wonder where that water goes? Most storm drain systems empty directly into a local waterway. If you live in the Chesapeake Bay watershed, that local waterway eventually empties into the Chesapeake Bay. Unfortunately, the water that flows into your storm drain often carries trash, leaves, grass clippings and sediment from the street; nutrients in the form of fertilizers, toxins in the form of pesticides, household cleaners, gasoline and motor oil. Imagine all of these things rushing into your small stream, your local river, and into the Bay!

Stenciling storm drains in your community with the message "DON'T DUMP! CHESAPEAKE BAY DRAINAGE" may encourage people to sweep their street gutters or use less pesticides and fertilizers on their lawns. Teaching people that storm drains are connected to our waterways helps them to remember that only clean water should enter the storm drains.

OBJECTIVE: To raise community awareness about the function of storm drains; their link to water quality, both locally and watershed-wide.

MATERIALS

Drop cloth, masking tape, paper towels or newspapers, trash bags, traffic cones, wire brushes and hand brooms, exterior latex paint in a spray can (easiest) or a regular can, paint brushes if using paint from a can, storm drain stencils, safety vests

PREPARATION

- Locate one or more storm drains that could use stenciling.

- Obtain permission from your local Department of Public Works. Contact them several weeks ahead of time in case you need a permit. They may need the exact addresses of the storm drains, the message you intend to stencil, the color paint, and the name of the group.

- Purchase or borrow supplies. Some of the materials needed for this project can probably be borrowed from home. Ask people in your community, local businesses, or organizations to donate supplies or money for supplies. This is your chance to get people in the community involved and educate them about the direct link from storm drains to the Chesapeake Bay. Storm drain stencils can be borrowed from the Maryland Department of Natural Resources. Visit this link for the request form: http://www.dnr.state.md.us/education/pdfs/stencil.pdf

- Publicize your event! Contact the news media (newspaper, internet) at least two weeks in advance.

    - Distribute flyers to residents who live in the neighborhood where you plan to conduct stenciling activities. Request them to park vehicles away from the drains you intend to stencil.

- The pavement must be dry for the paint to stick; and it won't adhere well to temperatures below 50 F. Plan a backup day in case of inclement weather.

ACTION

- Safety first! Since drivers may not see you standing or kneeling near parked cars, it will be very important to have an adult wearing a safety vest standing in the street. Placing bright traffic cones around your work area is also highly recommended.

- Clean up debris around storm drain using wire brushes to remove any rust and brooms for loose dirt and trash. Place any trash in the trash bag. Place a drop cloth in front of the storm drain to prevent your supplies from falling in!

- Center the "DON'T DUMP" stencil on the horizontal (top) face of the drain, and the "CHEASPEAKE BAY DRAINAGE" on the vertical face. Outline the stencils with masking tape to create a border edge for your base paint. Remove the stencils, leaving the taped borders.

- Paint inside the borders with white or beige paint. Wait until this paint is dry to continue. Remove the taped border.

- Center the storm drain stencils again, taping them down. Be sure to tape them securely enough that they lay flat against the surface. Paint the stencils with green (recommended) paint. If you are using paint from a can with brushes, don't overload brush or paint will drip, ruining the message.

- Carefully remove the stencils and tape. Clean the stencils using paper towels or newspapers and dispose in the trash bags.