



# AGENDA FOR THE TOWN MEETING

March 9, 2015

7:00 p.m.

**PLEDGE TO THE FLAG**

**CALL TO ORDER**

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

**CONSENT AGENDA**

- [Financial Statements](#)
- Hydrant Flushing Spring 2015 – March 30<sup>th</sup> – April 3<sup>rd</sup>
- Town Minutes
  - [February 23<sup>rd</sup> – Town Meeting](#)

**STAFF REPORTS:**

[Staff Planner](#)

[Zoning Administrator](#)

[Engineer's Report](#)

[Main Street Manager](#)

**PERSONAL REQUESTS FOR AGENDA:**

*David Price, South Mountain Creamery – List of Events*

*Sam Ketterman & Joe Mason - Davenport & Company*

**UNFINISHED BUSINESS:**

- FY 2016 Budget Workshop – Water & Sewer Fund
  - [Operating Budget](#)
  - [Capital Improvement Program \(CIP\)](#)
- [Review of Fees for Permitting Services](#)

**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:**

- [Update to the Residential Zone Code – Schedule Public Hearing](#)

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

**ADJOURNMENT**

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Town of Middletown  
**CIP Funds & Expenditures**  
 General Fund  
 Fiscal Year 2015  
 For the 8 Months Ended February 28, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b>OPERATING REVENUE</b>			
Revenue	\$ 2,745,349	\$ 2,347,922	\$ (397,427)
<b>OPERATING EXPENSES</b>			
Expenses	2,441,340	2,090,255	(351,085)
<b>OPERATING SURPLUS (LOSS)</b>	<b>\$ 304,009</b>	<b>\$ 257,667</b>	<b>\$ (46,342)</b>
<b><u>OTHER FUND</u></b>			
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	50	(3,055)
Other	7,000		(7,000)
<b>TOTAL OTHER FUNDS</b>	<b>\$ 463,893</b>	<b>\$ 50</b>	<b>\$ (463,843)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>\$ 767,902</b>	<b>\$ 257,717</b>	<b>\$ (510,185)</b>
<b><u>CIP PROJECTS &amp; PURCHASES</u></b>			
West Green St Improvements	\$ 1,000,000	\$ 5,770	\$ (994,230)
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	34,925	(12,075)
Backhoe Lease	15,158	13,973	(1,185)
Historical Society Donation	5,000	5,000	
<b>Total CIP Costs</b>	<b>\$ 1,550,798</b>	<b>\$ 86,726</b>	<b>\$ (1,464,072)</b>
<b>OPERATING &amp; CIP SURPLUS (LOSS)</b>	<b>\$ 767,902</b>	<b>\$ 257,717</b>	<b>\$ (510,185)</b>

Town of Middletown  
 CIP Funds & Expenditures  
 General Fund  
 Fiscal Year 2015  
 For the 8 Months Ended February 28, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
Cash Reserves	\$ 1,242,019	\$ 1,184,995	\$ (57,024)
<b>TOTAL CASH SURPLUS</b>	<b><u>\$ 2,009,921</u></b>	<b><u>\$ 1,442,712</u></b>	<b><u>\$ (567,209)</u></b>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2015  
 For the 8 Months Ended February 28, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>REVENUE</u></b>			
<b><u>LOCAL TAX</u></b>			
Real Property	\$ 1,096,228	\$ 1,052,102	\$ (44,126)
Tangible Personal Property	34,505	36,140	1,635
Public Utilities	9,907		(9,907)
Franchise (Cable)	48,231	34,527	(13,704)
Penalties & Interest	<u>9,241</u>	<u>6,853</u>	<u>(2,388)</u>
	\$ 1,198,112	\$ 1,129,622	\$ (68,490)
<b><u>STATE SHARED TAX</u></b>			
Admission & Amusement	\$ 40,926	\$ 19,673	\$ (21,253)
Highway Gasoline & Licenses	<u>95,043</u>	<u>107,016</u>	<u>11,973</u>
	\$ 135,969	\$ 126,689	\$ (9,280)
<b><u>COUNTY SHARED TAX</u></b>			
Income Taxes	\$ 778,572	\$ 447,100	\$ (331,472)
Tax Equity Grant	<u>581,111</u>	<u>581,061</u>	<u>(50)</u>
	\$ 1,359,683	\$ 1,028,161	\$ (331,522)
<b><u>LICENSES AND PERMITS</u></b>			
Beer, Wine and Liquor	\$ 1,950		\$ (1,950)
Business / Traders	4,900	27	(4,873)
Planning / Zoning Fees	<u>9,500</u>	<u>37,206</u>	<u>27,706</u>
	\$ 16,350	\$ 37,233	\$ 20,883
<b><u>PARKS AND RECREATION</u></b>			
Pavillion Fees	<u>\$ 1,900</u>	<u>\$ 1,050</u>	<u>\$ (850)</u>
	\$ 1,900	\$ 1,050	\$ (850)
<b><u>POLICE PROTECTION</u></b>			
State Grant	<u>\$ 25,835</u>	<u>\$ 12,918</u>	<u>\$ (12,917)</u>
	\$ 25,835	\$ 12,918	\$ (12,917)
<b><u>MISCELLANEOUS</u></b>			
Community Events			
Parking Citations			
Bank Shares Grant	2,500	1,491	(1,009)
Miscellaneous & Donations	<u>5,000</u>	<u>10,759</u>	<u>5,759</u>
	\$ 7,500	\$ 12,250	\$ 4,750
<b>OPERATING REVENUES</b>	<b>\$ 2,745,349</b>	<b>\$ 2,347,923</b>	<b>\$ (397,426)</b>
State Grants & Interest	\$ 130,405	\$ 50	\$ (130,355)
<b>TOTAL REVENUE</b>	<b>\$ 2,875,754</b>	<b>\$ 2,347,973</b>	<b>\$ (527,781)</b>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2015  
 For the 8 Months Ended February 28, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>EXPENDITURES</u></b>			
<b><u>LEGISLATIVE</u></b>			
Commissioner's Salary	\$ 12,000	\$ 8,000	\$ (4,000)
Communications	3,480	2,032	(1,448)
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)
	<u>\$ 36,200</u>	<u>\$ 21,839</u>	<u>\$ (14,361)</u>
<b><u>EXECUTIVE</u></b>			
Burgess Salary	<u>\$ 6,000</u>	<u>\$ 3,500</u>	<u>\$ (2,500)</u>
	\$ 6,000	\$ 3,500	\$ (2,500)
<b><u>ELECTION</u></b>			
Clerk Fees			
Other Administrative Expenses		<u>31</u>	<u>31</u>
		\$ 31	\$ 31
<b><u>GENERAL SERVICES</u></b>			
<b><u>ADMINISTRATION</u></b>			
Administrative Salary	\$ 196,663	\$ 143,072	\$ (53,591)
Postage & Printing	200	17	(183)
Communications	10,167	3,745	(6,422)
Computer Expenses	22,400	20,687	(1,713)
Office Supplies & Exp	30,401	14,130	(16,271)
Office Maintenance	47,262	18,344	(28,918)
Dues & Subscriptions	150		(150)
Professional Services	3,600	2,325	(1,275)
Meetings & Conventions	100	132	32
Water and Sewer Grant	102,740	203,219	100,479
	<u>\$ 413,683</u>	<u>\$ 405,671</u>	<u>\$ (8,012)</u>
<b><u>OPERATIONS</u></b>			
Maintenance Capital Outlay			
Vehicle Capital Outlay		95,654	95,654
Director Salary	91,107	59,336	(31,771)
Maintenance Salary	45,417	28,108	(17,309)
Communications	6,797	5,036	(1,761)
Supplies & Expenses	13,334	9,195	(4,139)
Dues & Meetings		124	124
Landscaping/Beautification			
Maintenance & Repairs	21,174	15,055	(6,119)
Tools & Equipment	3,069	1,199	(1,870)
	<u>\$ 180,898</u>	<u>\$ 213,707</u>	<u>\$ 32,809</u>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2015  
 For the 8 Months Ended February 28, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>PROFESSIONAL SERVICES</u></b>			
Independent Accounting	\$ 12,500	\$ 28,100	\$ 15,600
Legal - Development			
Legal - Ordinances	7,500	1,596	(5,904)
	<u>\$ 20,000</u>	<u>\$ 29,696</u>	<u>\$ 9,696</u>
<b><u>PLANNING &amp; ZONING</u></b>			
Salary & Fees	\$ 50,182	\$ 30,756	\$ (19,426)
Other Expenses	1,300	1,726	426
	<u>\$ 51,482</u>	<u>\$ 32,482</u>	<u>\$ (19,000)</u>
<b><u>MAIN STREET PROGRAM</u></b>			
Manager Salary	\$ 43,577	\$ 29,282	\$ (14,295)
Town Contribution	8,800	8,761	(39)
	<u>\$ 52,377</u>	<u>\$ 38,043</u>	<u>\$ (14,334)</u>
<b><u>PUBLIC SAFETY</u></b>			
Fire Dept. Donation	\$ 20,000	\$ 20,000	
School Crossing Guards	17,121	8,849	(8,272)
Community Deputy Program	326,657	163,152	(163,505)
	<u>\$ 363,778</u>	<u>\$ 192,001</u>	<u>\$ (171,777)</u>
<b><u>SANITATION &amp; WASTE REMOVAL</u></b>			
Resident Trash & Yard Waste	\$ 277,613	\$ 181,041	\$ (96,572)
<b><u>RECREATION AND CULTURE</u></b>			
Park Salary	45,754	27,507	(18,247)
Park Electric	1,800	1,600	(200)
Maintenance & Repairs	39,795	14,806	(24,989)
Mowing	25,451	14,742	(10,709)
Remsberg Park - Interest	17,847	13,683	(4,164)
Remsberg Park - Principal	105,702	79,000	(26,702)
	<u>\$ 236,349</u>	<u>\$ 151,338</u>	<u>\$ (85,011)</u>

Town of Middletown  
**Statement of Revenue & Expenditures**  
 General Fund  
 Fiscal Year 2015  
 For the 8 Months Ended February 28, 2015

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>HIGHWAYS AND STREETS</u></b>			
Salary	\$ 83,562	\$ 53,441	\$ (30,121)
Street Lighting	152,400	95,578	(56,822)
Storm Water Management	7,050	857	(6,193)
Snow Removal	63,000	35,397	(27,603)
Repairs & Resurfacing	94,500	361,574	267,074
Signs		3,509	3,509
Truck Repair & Operation	25,000	16,771	(8,229)
Equipment Repairs & Ops	10,000	3,693	(6,307)
Mowing	31,744	18,432	(13,312)
Interest	7,418	4,429	(2,989)
East Green St - Principal	11,500		(11,500)
Case Loader - Principal	15,158	13,973	(1,185)
	<u>\$ 501,332</u>	<u>\$ 607,654</u>	<u>\$ 106,322</u>
<b><u>OTHER EXPENSES</u></b>			
MT Historical Society - CIP	\$ 5,000	\$ 5,000	
Donations	100		(100)
Travel - Mileage	2,500	2,227	(273)
Community Events	38,129	33,213	(4,916)
Payroll Taxes	52,753	29,327	(23,426)
Insurance - Property	12,748	8,210	(4,538)
Insurance - Employee	114,823	76,625	(38,198)
Retirement/Pension	67,363	52,288	(15,075)
Web Page & Directory	4,000	2,875	(1,125)
Real Estate Taxes	712	712	
Other	3,500	2,775	(725)
	<u>\$ 301,628</u>	<u>\$ 213,252</u>	<u>\$ (88,376)</u>
<b>TOTAL EXPENDITURES</b>	<u><b>\$ 2,441,340</b></u>	<u><b>\$ 2,090,255</b></u>	<u><b>\$ (351,085)</b></u>
<b>INCOME (LOSS) Exc. Cash Reserves</b>	<u><b>\$ 434,414</b></u>	<u><b>\$ 257,718</b></u>	<u><b>\$ (176,696)</b></u>
<b>CASH RESERVES</b>	<u><b>\$ 1,242,019</b></u>	<u><b>\$ 1,184,995</b></u>	<u><b>\$ (57,024)</b></u>
<b>SURPLUS / (DEFICIT)</b>	<u><u><b>\$ 1,676,433</b></u></u>	<u><u><b>\$ 1,442,713</b></u></u>	<u><u><b>\$ (233,720)</b></u></u>

Town of Middletown  
**CIP FUNDS and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2015**  
**For the 8 Months Ended February 28, 2015**

	<u>ANNUAL BUDGET</u>	<u>YTD ACTUAL</u>	<u>OVER (UNDER) BUDGET</u>
<b><u>FUNDING SOURCES</u></b>			
Operating Revenue	\$ 1,273,625	\$ 649,551	\$ (624,074)
Operating Expenses	<u>1,193,651</u>	<u>689,267</u>	<u>(504,384)</u>
<b>OPERATING INCOME (LOSS)</b>	<b>\$ 79,974</b>	<b>\$ (39,716)</b>	<b>\$ (119,690)</b>
Debt Service Fee - New Homes	\$ 137,400	\$ 69,074	\$ (68,326)
Capital Improvement Fees	128,736	60,990	(67,746)
Improvement/Tap Fees	120,000	101,600	(18,400)
Water Meter Sales	16,700	5,452	(11,248)
Water Tower & Land Leases	168,044	64,396	(103,648)
General Fund Grant	<u>100,479</u>	<u>100,479</u>	
<b>TOTAL OTHER REVENUE</b>	<b>\$ 671,359</b>	<b>\$ 401,991</b>	<b>\$ (269,368)</b>
<b>TOTAL FUNDS AVAILABLE</b>	<b>751,333</b>	<b>362,275</b>	<b>(389,058)</b>
<b><u>DEBT SERVICE COSTS</u></b>			
<b>Principal Payments</b>			
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	<u>53,283</u>	<u>29,318</u>	<u>(23,965)</u>
<b>TOTAL DEBT SERVICE COSTS</b>	<b>\$ 369,433</b>	<b>\$ (171,482)</b>	<b>\$ (540,915)</b>
<b><u>WATER &amp; SEWER PROJECTS</u></b>			
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	<u>120,000</u>		<u>(120,000)</u>
<b>TOTAL WATER &amp; SEWER PROJECTS</b>	<b>\$ 193,500</b>		<b>\$ (193,500)</b>
<b>TOTAL CIP COSTS</b>	<b>\$ 562,933</b>	<b>\$ (171,482)</b>	<b>\$ (734,415)</b>
<b>TOTAL FUNDS REMAINING</b>	<b><u>\$ 188,400</u></b>	<b><u>\$ 533,757</u></b>	<b><u>\$ 345,357</u></b>

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2015**  
For the 8 Months Ended February 28, 2015

	<b>ANNUAL BUDGET</b>	<b>YTD ACTUAL</b>	<b>OVER (UNDER) BUDGET</b>
<b><u>REVENUE</u></b>			
Water Revenue	\$ 588,919	\$ 266,612	\$ (322,307)
Sewer Revenue	565,791	266,468	(299,323)
Penalties/Reconnects	14,600	13,731	(869)
Rain Barrel Sales	1,575		(1,575)
General Fund Grant/Misc	102,740	102,740	
<b>TOTAL OPERATING REVENUE</b>	<b>\$ 1,273,625</b>	<b>\$ 649,551</b>	<b>\$ (624,074)</b>
 <b><u>EXPENDITURES</u></b>			
<b>ADMINISTRATIVE</b>			
Office Salaries	\$ 52,890	\$ 28,681	\$ (24,209)
Communications	7,100	6,519	(581)
Postage	10,222	10,280	58
Office Supplies/Expense	12,800	12,021	(779)
Legal - Other	8,500	5,630	(2,870)
Meetings & Seminars	250	392	142
Advertising	500	994	494
Uniforms	2,800	1,463	(1,337)
Dues/Subscrip/Certifications	500	390	(110)
Travel	200		(200)
Payroll Taxes	19,192	14,506	(4,686)
Insurance - Prop. & Liability	8,000	5,300	(2,700)
Insurance - Workers Comp	13,868	4,669	(9,199)
Insurance - Health	45,836	21,732	(24,104)
Retirement/Pension	22,143	18,382	(3,761)
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	\$ 167,349	\$ (73,950)
 <b>Vehicles &amp; Equipment</b>			
1999 Truck	\$ 3,700	\$ 314	\$ (3,386)
2008 Truck	3,200	1,549	(1,651)
2013 Truck	3,400	939	(2,461)
Misc Equipment	3,700	53	(3,647)
Bobcat Mini-Excavator		304	304
Case Backhoe		160	160
Sub-Total	<b>\$ 14,000</b>	<b>\$ 3,319</b>	<b>\$ (10,681)</b>

**WATER**

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2015**  
**For the 8 Months Ended February 28, 2015**

	<b>ANNUAL BUDGET</b>	<b>YTD ACTUAL</b>	<b>OVER (UNDER) BUDGET</b>
Salaries	\$ 138,865	\$ 84,313	\$ (54,552)
<b>Water Distribution System</b>			
Supplies	2,500	2,231	(269)
Repairs & Maintenance	51,650	44,776	(6,874)
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	352	(648)
Sub-Total	\$ 125,900	\$ 56,537	\$ (69,363)
<b>Water Plant/Reservoir/Booster/Tower/BS Wellhouse</b>			
Electric	\$ 31,370	\$ 8,231	\$ (23,139)
Supplies	2,000	1,861	(139)
Repairs & Maintenance	28,650	14,197	(14,453)
Chemicals	17,372	7,313	(10,059)
Tools & Equipment	2,400	1,535	(865)
Testing & Analysis	9,000	6,600	(2,400)
Sub-Total	\$ 90,792	\$ 39,737	\$ (51,055)
Abandoned Well Costs			
<b>TOTAL WATER EXPENSES</b>	<b>\$ 355,557</b>	<b>\$ 180,587</b>	<b>\$ (174,970)</b>
<b>SEWER</b>			
Salaries	\$ 124,154	\$ 77,007	\$ (47,147)
<b>Sewer Collection System</b>			
Cone Branch PS	22,000	5,714	(16,286)
Brookridge South PS	9,700	7,255	(2,445)
Foxfield PS	6,500	3,052	(3,448)
Sanitary Sewerlines & Manholes	10,500	7,732	(2,768)
I & I Accrual	75,000	50,000	(25,000)
Sub-Total	\$ 123,700	\$ 73,753	\$ (49,947)

Town of Middletown  
**STATEMENT OF REVENUE and EXPENDITURES**  
**WATER & SEWER**  
**Fiscal Year 2015**  
**For the 8 Months Ended February 28, 2015**

	<b>ANNUAL BUDGET</b>	<b>YTD ACTUAL</b>	<b>OVER (UNDER) BUDGET</b>
<b>Wastewater Treatment Plants</b>			
<b>East Wastewater Treatment Plant</b>			
Electric	\$ 33,000	\$ 18,041	\$ (14,959)
Supplies	10,500	4,628	(5,872)
Repairs & Maintenance	44,100	22,782	(21,318)
Chemicals	39,724	16,217	(23,507)
Tools & Equipment	8,400	5,144	(3,256)
Testing & Analysis	23,000	14,141	(8,859)
Sludge Hauling Expense	56,400	32,736	(23,664)
Sub-Total	\$ 215,124	\$ 113,689	\$ (101,435)
<b>West Wastewater Treatment Plant</b>			
Electric	\$ 20,000	\$ 9,370	\$ (10,630)
Supplies	2,500	1,393	(1,107)
Repairs & Maintenance	15,450	13,131	(2,319)
Chemicals	49,458	33,070	(16,388)
Tools & Equipment	1,000	167	(833)
Testing & Analysis	8,758	4,932	(3,826)
Sludge Hauling Expense	22,650	11,500	(11,150)
Sub-Total	\$ 119,816	\$ 73,563	\$ (46,253)
<b>TOTAL SEWER EXPENSES</b>	<b>\$ 582,794</b>	<b>\$ 338,012</b>	<b>\$ (244,782)</b>
<b>TOTAL WATER/SEWER EXPENSES</b>	<b>\$ 1,193,650</b>	<b>\$ 689,267</b>	<b>\$ (504,383)</b>
<b>CONTINGENCY FUND - 6.7%</b>	<b>\$ 79,975</b>	<b>\$ 46,181</b>	<b>\$ (33,794)</b>
<b>ADJUSTED WATER/SEWER EXPENSES</b>	<b>\$ 1,273,625</b>	<b>\$ 735,448</b>	<b>\$ (538,177)</b>
<b>NET INCOME (LOSS)</b>	<b>\$ 0</b>	<b>\$ (85,897)</b>	<b>\$ (85,897)</b>

# *BURGESS AND COMMISSIONERS OF MIDDLETOWN MARYLAND*

## TOWN MEETING MINUTES

### REGULAR MEETING

February 23, 2015

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on February 23, 2015, by Burgess Miller at 7:00 p.m. in the Middletown Municipal Center, 31 W. Main Street, Middletown, Maryland. Present were: Commissioners Jennifer Falcinelli, Rick Dietrick, Larry Bussard, Tony Ventre, and Christopher Goodman.

### CONSENT AGENDA:

*Francie's Family 5K Run/Walk*

*Town Minutes* – February 5<sup>th</sup> public hearing and February 9<sup>th</sup> regular meeting

Commissioner Bussard motioned to accept this consent agenda as submitted, seconded by Commissioner Falcinelli and passed unanimously.

### PERSONAL REQUEST FOR AGENDA:

*James Goodman, President of the Middletown Volunteer Fire Company* – Mr. Goodman thanked the Burgess and Commissioners for their donation to the Fire Company this year.

### Unfinished Business:

**Request from Girl Scout – Stenciling Storm Drains to raise community awareness about the function of storm drains link to the Chesapeake Bay** – Drew presented the Board with 13 different storm water management locations that are owned by the Town. It was the consensus of the Board for Drew to touch base with the girl scout to see what language can be used as the Board does not like the verbiage Don't Dump. Before approving this request the Board wants to see a sample.

### NEW BUSINESS:

**Budget Workshop – Water & Sewer Operating Fund** – Burgess Miller presented the Water & Sewer Operating Budget for the Board to review.

**Review and Discussion of Permitting Fees** – Burgess Miller stated that he is bringing this to the Board's attention for review as we recently had a restricted vehicle requesting a special exception to allow his vehicle to be parked in his driveway. According to our fee schedule this resident would have to pay \$400 for this hearing. Burgess Miller stated that he would like the Board to review these fees and we will discuss this at the workshop next week with Cindy.

**FY 2016 Frederick County POS Requests** – Commissioner Ventre stated that the Parks Committee will start meeting again next month any requests please email him so the Parks Committee can discuss.

### PUBLIC COMMENT:

Commissioner Falcinelli stated that the article in the Frederick News Post on Sunday regarding Middletown was inaccurate and very miss-leading. Commissioner Falcinelli stated that according to the article it made it sound as if Middletown has built 82 homes in 3 years that is inaccurate. Burgess Miller stated that and we were never contacted about.

Commissioner Bussard wanted to publicly thank the Town Staff for all their work over the weekend with the biggest snow event this year.

**ANNOUNCEMENTS:**

**ADJOURNMENT**

With no further business to come before the Board, the regular meeting adjourned at 8:02p.m.

Respectfully submitted,

Ann Griffin  
Office Manager

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 3/3/2015

RE: Monthly Planning Update

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**Major Subdivisions:**

**Coblentz on Green** - Master Plan Amendment approved - March 11, 2013  
Planning Commission conditionally approved preliminary plan – March 18, 2013  
Improvement plans conditionally approved – October 16, 2013 (Plans expire 10/16/2016)  
Final FRO Plan approved – April 21, 2014  
Final Plats conditionally approved – November 17, 2014

**Foxfield Section 4**- 6 homes still to be built.

**Site Plans and Minor Subdivisions:**

**AMVETS Expansion Plans** – Revised Site Plan approved – May 19, 2014 (Plans expire 5/19/2017)

**Chesterbrook Apts/Middletown Valley Apts** - Site Plan approved – July 17, 2006  
Improvement Plans approved and signed – September 16, 2008  
SWM waiver received from County – May 12, 2011  
SWM admin waiver shall expire on May 4, 2017; final plans approved prior to May 4, 2013  
Phase 2 Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)  
Phase 2 FRO plan conditionally approved – January 19, 2015

**Fire Station** – Concept plan submitted to PC for comments – April 22, 2013  
Fire Station plat conditionally approved – October 16, 2013  
Fire Station Site Plan conditionally approved – November 18, 2013 (Plans expire 11/18/2016)

**Horman Apartments**- Site Plan approved – April 21, 2008  
Improvement Plans conditionally approved – May 17, 2010

**Jiffas** – Site Improvement Plan conditionally approved – October 20, 2008  
Forest Conservation Plan approved – October 20, 2008  
Revised Architectural Plans submitted and reviewed – June 16, 2014  
BOA hearing for variance requests (approval received) – December 16, 2014  
**Architectural plans to be reviewed by PC – March 16, 2015**

**Middletown H.S. Stadium Concession Stand Expansion Plan** – approved June 18, 2012  
(Plans expire June 18, 2015)

**Miller (Ingalls)** – Concept and Phase I & II Plan approved & signed – September 27, 2010  
Revised Concept Plan reviewed by PC – September 16, 2013  
SHA comment letter received February 18, 2014

**Newton Property (Cross Stone Commons)** – BOA Special Exception Use Hearing – May 8, 2013  
Revised architectural plans approved by PC – March 17, 2014  
Final FRO Plan approved – May 19, 2014  
Revised Site Plan conditionally approved – October 20, 2014 (Plans expire Oct. 20, 2017)  
Phase 1 Improvement Plans conditionally approved – October 20, 2014  
(Plans expire October 20, 2017)  
Addition Plat recorded– November 10, 2014  
**Dedication Plat submitted for review – February 6, 2015**  
**Phase 2 Improvement Plans submitted for review – February 11, 2015**

**Nicholson - Final Plat submitted for review – March 2, 2015**

**Overfield – demolition plan of carport submitted for review/approval – January 16, 2014**

**Putman** – Site Plan conditionally approved- November 17, 2008  
Forest Conservation Plan approved – June 16, 2009  
Improvement Plans approved and signed by all agencies – July 2010  
Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)  
**Revised Site Plan Extension request submitted for review – February 2, 2015**  
**Revised Improvement Plans submitted for review – March 2, 2015**

**Sheffler – Special Exception request for Restricted Vehicle – PC review – March 16, 2014**

**Thompson Funeral Home Parking Lot** – revised site plan conditionally approved April 22, 2013  
SWM Plans conditionally approved by Frederick County – October 29, 2013

**Annexations:**

**A.C. Jets Property-** PC approval of annexation petition of 35.96 acres – December 21, 2009  
Public hearing date - Monday, October 11, 2010  
Annexation petition denied – October 11, 2010

**Text Amendments:**

**Zoning Code review – town board to be holding public hearings first half of 2015**

**Subdivision regulations review – Planning Commission began review – January 2015**

**Reports:** Beginning to draft 2014 Annual Report

**Meetings:** County/Municipal Planners quarterly meeting – March 13, 2015

**Next Joint town board/planning commission workshop – April 6, 2015**

## Town of Middletown Zoning Department

To: Burgess and Commissioners and Middletown Planning Commission

From: Ron Forrester, Zoning Administrator

Date: 3/5/2015

RE: Monthly Zoning Update – February 2015

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**BOA Meeting(s):** BoA meeting scheduled for March 17, 2015 to hear two appeals. The first appeal is being requested by property owners for variances from side yard setback requirements in Section 17.32.170(D) of the code to construct a two story garage accessory building in the rear yard of their residential property at 122 East Main Street. The second appeal is from a property owner for a special exception to sections of the municipal code (Sections 17.32.060, 17.32.065, 17.32.150, and 17.48.320) dealing with restrictions associated with parking restricted vehicles in residentially zoned districts. Applicant is requesting a special exception to park a restricted commercial service vehicle in his driveway and/or on the street in front of his residence at 9 Linden Blvd.

### **Zoning Violations:**

(1) Recreational Vehicle Parked next to garage and not appropriately screened from adjoining properties – 6 North Pointe Terrace. Homeowner initially sent a violation letter on 20 Jun 14 advising him that it was a violation of Section 17.32.140 of the Municipal Code to park/store a recreational vehicle (boat and trailer) in the side and rear yards of any residential lot unless it was appropriately screened from adjoining properties. In conversation with owner on June 23<sup>rd</sup>, the owner said he was going to sell the boat and trailer in the next month or so. On a subsequent site visit in early July, it was noted that the boat and trailer were no longer stored on property and the violation was closed. A site visit on 19 Sep14, however, noted that the boat and trailer were once again stored on a paved parking area next to the garage and that the boat and trailer were not appropriately screened from adjoining properties in accordance with Section 17.32.140 of the Municipal Code. A second violation letter was sent to property owner on 25 Sep 14. In discussions with the owner on 3 Oct 14, the owner said he planned to plant trees and construct a gate/fence to screen boat and trailer from adjacent and adjoining properties. A site visit on 7 Nov 14 noted that the boat and trailer were no longer parked on the property. A site visit on 24 Dec 14 found the boat and trailer were again parked beside the garage. A third violation letter was sent to home owner on 13 Jan 15 requesting the owner provide a written plan/time line to the Zoning Administrator on when the activities discussed for screening boat and trailer from adjacent and adjoining properties on North Pointe Terrace would be completed. A response letter was received on 26 Jan 15 from homeowner. The letter, however, did not provide a schedule and/or a timeline for when the owner planned on planting trees and erecting a fence/gate to screen trailer and boat as requested in 13 Jan15 letter. Home owner called me on 27 Jan 15 and assured me that he would provide a written schedule for the installation of the fence and trees required to screen his boat and trailer from adjoining properties. I received an email on 30 Jan 15 stating that the screening activities would take place during the week of 9 Mar 15. Open.

(2) Recreational Vehicle parked in driveway. 1 Walnut Pond Court. Violation letter sent to homeowner on 14 Jan 15 advising owner that it was a violation of the Municipal Code, Section 17.32.140 to park/store a recreational vehicle (motor home) in the front yard setback of any residential property. Additionally, the vehicle

was not appropriately screened from adjoining properties. I talked with homeowner on 22 Jan 15 and advised him that his motor home was a restricted vehicle (24 feet long and 12 feet high) and could not be parked in any residentially zoned district in Middletown unless a special exception was granted by the Middletown Board of Appeals (BoA)(Sections 17.32.150 and 17.48.320 of code). He said he was told by his builder/realtor when he bought in Middletown that there were no restrictions on parking his motor home on his property. I told him that was not the case. I told him he could file a special exception appeal to the BoA. There is no guarantee, however, that his request would be approved by the BoA. He will discuss his options with his wife and get back to me. Open.

(3) Restricted Vehicle Parked in Driveway. 9 Linden Blvd. Violation letter sent to homeowner on 14 Jan 15 advising owner that it is a violation of the zoning ordinance to park a restricted vehicle (Hawkins Electrical Company truck) in any residential district in the Town of Middletown in accordance with Sections 17.32.060, 17.32.065, 17.32.150, and 17.48.320 of the municipal code. Property owner has filed an appeal with the Board of Appeals for a special exception to park a restricted vehicle at his residence in accordance with Section 17.44.060 – Special exceptions. Open.

(4) Recreational Vehicle parked in driveway. 16 Locust Blvd. Violation letter sent to homeowner on 16 Jan 15 advising owner that it was a violation of the Municipal Code, Section 17.32.140 to park/store a recreational vehicle (camper) in the front yard setback of any residential property – i.e., driveway. Additionally, owner was advised that if recreational equipment is stored in the side and rear yards of any residential lot, it must be appropriately screened from adjoining properties. I talked with homeowner on 23 Jan 15. He said he will be selling the camper and asked for a period of time to be able to sell it. We agreed that the owner had until 31 Mar 15 to sell the camper and remove it from his driveway. Open.

(5) Recreational Vehicle parked on driveway – side yard. 308 East Main Street. Violation letter sent to homeowner on 20 Jan 15 advising owner that it was a violation of the Municipal Code, Section 17.32.140 to park/store a recreational vehicle (utility trailer) in the side and rear yards of any residential lot unless it was appropriately screened from adjoining properties. Screening shall be reviewed and approved by the Zoning Administrator in order to comply with this subsection of the Code. The homeowner talked with me on 29 Jan 15. He was surprised that he was cited for the trailer being parked in his driveway and wanted to know when the code was updated to include this restriction. I provide him that information. He wanted to know why he was not grandfathered and I told him that he had the right to discuss his concerns with the Town Administrator or an elected official. He asked if he was going to get fined within 10 days and I told him he would not but that we needed to be working towards a resolution of the issue or he could be fined in the future if the violation continued. Open.

**Miscellaneous:** None

<b>February 2015 Zoning Certificates - completed</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Thomas & Lisa Catania – install 52 roof-mounted solar panels	6 Ivy Hill Drive	127280	2/3/15	2/4/15	yes

<b>Zoning Certificate submitted– in progress</b>					
Kirk & Mary Overfield – build new garage and slab on property after demolishing existing carport; requires variances from side setback distances; appeal filed with BoA.	122 East Main Street		1/12/15		yes
Meredith McKittrick & Don Troop – install drywall and bathroom in attic of residence	200 Broad Street		2/4/15		yes
Valley Memorial Home (AMVETS) – addition to existing facility to include ADA approved bathroom and storage area in back of facility plus remodeling of existing men’s and women’s bathrooms.	409 West Green Street	127607	2/10/15		yes

<b>Zoning Certificate submitted -- actions pending and/or suspended</b>					
Ron Terbush – repair porch, <i>demolish &amp; remove existing open shed</i> , remove and replace fence in back yard	100 East Main Street		3/28/14		yes
Erik Jenkins - installing a new 12' x 16' deck on back of house	8 Linden Blvd		5/14/14		yes
Travis Warren and Sarah Payne – construct two 6' x 12' wood sheds in alley right-of-way at rear of property	29 East Main Street		9/4/14		no
Zachary Cohoon – install temporary carport to store recreational/camper trailer	13 Linden Blvd		10/7/14		yes

**Public Works Monthly Report  
March 5, 2015**

**COMPLETED WORK**

**Streets and Utilities, Facilities**

Booster Station Control Valve 4 Inspected and adjusted and install site glass, hydrant refurb, banner poles, Repair of W Main St waterline break (22,000 gpd), multiple snow events Total Cost to Date (w/o last Sunday Event): Sidewalks \$4382.00, Wastler \$10,720.00, Salt \$37263.44 = \$52365.44 Budget is \$63,000.00

**Water and Sewer**

Disk Filter drained, cleaned and inspected, generator load testing completed

**New Projects  
none**

**Unbudgeted Expenses:**

Estimated 2015 Dump Truck repair, \$5,000.00

Sludge cost for FY \$ 31,320.00, 63,000 gal hauled, 29750 gal bedded **Total hauled** 261,000 gal **Bedded** 223,482 gal

**Water Use (Average Daily for the Month, Flows stated in gallons per day)**

Permit Limits (gal)    387,000/504,000 AD/MMU                      250,000 AD                      250,000 AD

MONTH	WATER USE		SPRING FLOW		East WWTP		West WWTP	
	past yr	present yr	past yr	present yr	past yr	present yr	past yr	present yr
January	301,000	283,000	129,000	123,000	270,000	237,800	258,000	218,400
February	283,000	289,000	138,000	132,000	353,000	166,000	331,000	175,000
March **	284,000	290,000	137,000	138,000	276,000	270,000	190,000	226,000
April **	305,000	322,000	137,000	132,000	185,000	264,000	129,000	271,000
May	306,000	309,000	132,000	137,000	210,000	324,000	176,000	403,000
June	297,000	308,000	132,000	136,000	204,000	230,000	179,000	261,000
July	292,000	294,000	115,000	134,000	197,258	197,000	157,000	167,000
August	293,000	294,000	98,000	115,000	168,000	172,000	133,000	138,000
September	310,000	306,000	69,000	101,000	140,900	159,800	122,000	145,000
October **	312,000	313,000	62,000	90,000	180,000	172,000	167,000	144,000
Novembr**	288,000	286,000	61,000	87,000	184,000	170,000	114,000	144,000
December	278,000	282,000	97,000	111,000	318,000	231,000	282,000	246,000

Avg Daily/yr    295750    298000    108917    119667    223847    216133    186500    211533  
 Avg Yr Flw    107.95    108.77    39.75    43.68    81.70    78.89    68.07    77.21

\*\*Hydrants flushed this month

April 12 563,000 gal Oct 12 778,000, April 13 684,039, Oct 13 660,700 April 14 709,560 October 14 725,913

**Planned Work**

Repair of valve at Boileau, Install Well 15 instruments, Sewer Cleanout repairs in Foxfield., Sanitary Sewer Root Prevention, Removal of 6" valve on 12" HP waterline. Chemical pump installation at Reservoir, Booster station Pump around connection design

## PROJECTS

### Open Projects

**W WWTP:** none

**Develop Grease Trap Ordinance and Education Program:** No Action

**West Green Street:** Plan review complete, met with Engineer revisions scheduled for end of March.

**Water System: Hydraulic Model:** No action, **System:** Reservoir pumping 4,000 gpd loss due to starting below full and ending above full

**Plant Instrumentation:** Installation of new instruments at Well 15 to replace obsolete. No action

**Brookridge PS:** Control Panel Upgrade. No action

**Sidewalk Inspections:** No action

**Main St. Waterline Replacement:** Project continues plan and profile in drafting for second submittal. Completed by March 2015.

**Streetscape:** Received correspondence for update on W Green St Project and storm drainage. Advertisement for Construction date is Dec 2015.

**Street CIP: Broad St Streetscape,** Teleconference to discuss preliminary design and provided copy of W Green St example of road constriction.

**Well 15 Filters:** ARRO proceeding with design and tentative manufacturer for prefabricated system. No action

**Reservoir Repairs:** Final draft has been received. Final review not completed. Meeting with Engineer after Jan 1<sup>st</sup>. No action

**2015 Dump Truck:** Repair straightening of dump body after season.

**SSO and I&I:** RFP needed - No action. SS Overflow Policy final issued to staff. North Church street sewer needs cleaned and televised and maintenance action determined for proposed discharge. No action

**Drainage Issues:** none

**Memorial Park:** New waterline to facilities planned. Designed partition replacement for General Fund Budget

**MDE /Permits:** Need to renew sludge permit to MES. No action

### Developments

**Cross Stone:** Work has begun but temporarily on hold due to weather.

**Cobientz Property:** Received request to review Improvement Plans for mass grading design change (raise site one foot)

### Planned Work

Green Street Specifications and review of revisions

Main St waterline review and specifications

Broad St Streetscape

Continue Fire Hydrant ID tag and numbering system installation

Water System: Manganese Removal Well 15 – Design, install

Regulatory: Grease Ordinance completion.

E WWTP: design spray system for clarifier,



TO: The Burgess and Commissioners  
FROM: Becky Reich, Main Street Manager  
RE: March Workshop  
DATE: March 4, 2015

### **ECONOMIC DEVELOPMENT:**

The Economic Development Committee met February 2, February 23, and March 2 to review and move forward with the survey of Middletown businesses, as well as work on our Annual Work Plan and Budget for FY 2016. The Economic Development Committee presented a report to the Main Street Middletown Board of Trustees at our February board meeting. To summarize briefly, Main Street asked questions to the businesses about the current business climate, the characteristics that are positive, and areas that are challenges.

- High ranking characteristics include safety, downtown events, well-maintained, and Town staff effectiveness. Ron Forester was mentioned by name as being extraordinarily helpful.
- Areas that were ranked as "Good" include quality of goods and services, cost of goods and services, walkability, and traffic flow.
- Challenge areas include parking, variety of goods and services, and positive business environment.
- In addition, several businesses cited a desire to have Main Street only business mixers. Main Street is already working to implement this suggestion. We are working with Candlelight Floral Design who has agreed to host the first mixer on Friday, April 10, 2015 at 8am. The Burgess and Commissioners are also cordially invited and Main Street will be sending out invitations soon.
- Other results of the inventory will help drive the work plans of Main Street program. In addition, the Business Inventory is a tool that can be used every 1-2 years to measure the effectiveness of Main Street's efforts.

### **ORGANIZATION:**

The Organization Committee met on February 19 to discuss:

- Main Street's new fundraiser and event, The Heat is On 5k and Fun Run. A subcommittee group met February 4 and again on February 25. The date of the event is Saturday, August 29, 2015. We are excited about the event and partners working with us to pull the event together.
- The Organization Committee has requested that the full Board meet March 19, 2015 to review the Main Street budget for FY 2016.
- Main Street Middletown has several board members rotating to different leadership roles and members rotating off the Board. We are currently discussing ways to further diversity and grow the Board's expertise.

### **PROMOTIONS:**

The Promotions Committee met on February 11, 2015 and discussed a number of ideas and action items. The Promotions Committee is working towards a broad goal of first getting the

Main Street district boundaries refined, then determining methodologies to best communicate within the District, and how to best bring people from the outside to Middletown.

- The PC has revived up the Constant Contact account, created an outline of how Main Street should routinely correspond with the business community (within Main Street and the larger Middletown community).
- The PC has been vigorously working the Main Street Facebook page and the number of "Likes" has increased.

#### **DESIGN:**

The Design Committee met February 12, 2015 and discussed:

- the proposed locations and type of signs for the revised way-finding project. Members of the Promotions Committee will meet with the Design Committee at our next scheduled meeting on March 12.
- The Design Committee has gathered all of the product information for the Middletown Streetscape Task Force for the SHA Streetscape project.
- The Design Committee will be putting together a package of information for the Board to review regarding wayfinding signs. Once the report is reviewed by the entire board, Main Street will present our findings to the Burgess and Commissioners.

#### **GRANTS & OTHER NEWS:**

- I attended the Frederick County Executive's meeting where SHA presented information on the Tourist Attraction Corridor Signs. A TAC sign is a brown sign that would be located on I-70 directing travelers to "Historic Middletown." I will be completing the application for the Burgess to review and sign.
- I participated in a phone conference with other Maryland Main Street communities that are located on Scenic Byways, with SHA's Scenic Byway program director, Terry Maxwell. Besides adding signage to Middletown as a National Road Town, I have requested that Terry Maxwell investigate additional signage especially at the US 40 and US 40A split, as and signage as one exits I-70 to travel the Scenic Byway to keep travelers on the National Road.
- Main Street has been asked to participate in the Primary School's Middletown Appreciation Day on Thursday, March 19, 2015 from 6:30-8:30pm.
- David Guiney and I will be presenting the 150<sup>th</sup> Project at the Maryland Main Street Quarterly meeting on Wednesday, March 25, 2015
- I will be attending the Frederick County Green Team Summit meeting on March 25, 2015 from 6:30 pm to 9:30pm.
- Thursday, March 26, is our next Board Meeting.
- Friday, March 27, I will be leaving to attend the National Main Street conference and make our presentation about the Middletown 150<sup>th</sup> project!! I will be back in the office on Monday, April 6<sup>th</sup>.
- Tuesday, March 31 is the due date for the TRIPP Grant, however, I will be turning the TRIPP grant in Monday, March 23, 2015.

*Thank you for your continued Support of Main Street!*

**TOWN OF MIDDLETOWN**  
**Water Sewer Operating Budget**  
**FY 2016**

	<b>AUDIT FY 2014</b>	<b>Budget FY 2015</b>	<b>Forecast FY2015</b>	<b>Prelim Budget FY 2016</b>
<b>Operating Revenue</b>				
Water Revenue	557,321	588,919	574,452	591,686
Sewer Revenue	554,722	565,791	575,931	593,209
Penalties and Reconnects	18,876	14,600	17,113	15,038
General Fund Grant	-	102,740	102,740	80,000
Rain Barrels		1,575	1,575	1,575
LGIT Rebate/MISC	-	-		-
<b>Total Revenue</b>	<b>1,130,919</b>	<b>1,273,625</b>	<b>1,271,811</b>	<b>1,281,508</b>
<b>Expenses</b>				
<b>Administrative</b>				
Salaries	38,059	52,890	52,890	50,907
Communications	7,761	7,100	7,338	7,500
Postage	9,098	10,222	10,427	9,280
Office Supplies/Expenses	14,470	12,800	14,438	12,000
Professional Services/Legal	10,578	8,500	8,500	2,000
Meetings & Seminars	895	250	500	500
Advertising	863	500	1,244	500
Uniforms	2,726	2,800	2,800	998
Dues/Subscriptions/Certifications	987	500	500	500
2010 CDA Water Tank Loan		33,056	33,056	32,979
Travel/Mileage	175	200	200	200
Payroll Taxes	19,081	19,192	19,754	24,559
Insurance				
Property	7,643	8,000	7,949	8,500
Health	37,781	45,836	45,836	56,384
Worker's Compensation	8,168	13,868	7,320	8,215
Retirement/Pension	18,954	22,143	19,273	23,678
Real Estate Taxes	292	292	292	292
Conservation Environment	3,276	3,150	3,600	3,600
Vehicle/Equipment Expenses	15,680	14,000	14,000	21,000
<b>Total Administrative</b>	<b>196,487</b>	<b>255,299</b>	<b>249,916</b>	<b>263,592</b>
<b>Water</b>				
Salaries	<b>113,066</b>	<b>138,865</b>	<b>122,981</b>	<b>133,411</b>
<b>Water Distribution</b>				
Supplies	3,764	2,500	3,110	3,200
Repairs & Maintenance	67,276	51,650	51,650	70,950
Water Meters	-	<b>65,250</b>	<b>65,250</b>	65,250
Waterline Break Repairs	72	5,000	5,000	5,000
Chemicals	185	500	500	500
Tools & Equipment	9,468	1,000	1,000	4,330

**TOWN OF MIDDLETOWN**  
**Water Sewer Operating Budget**  
**FY 2016**

	<b>AUDIT FY 2014</b>	<b>Budget FY 2015</b>	<b>Forecast FY2015</b>	<b>Prelim Budget FY 2016</b>
<b>Subtotal</b>	<b>80,765</b>	<b>125,900</b>	<b>126,510</b>	<b>149,230</b>
<b>Water Plant, Reservoir, Booster, Tower, BS Wellhouse</b>				
Electric	26,703	31,370	28,000	26,900
Supplies	787	2,000	2,000	2,000
Repairs & Maintenance	32,305	28,650	28,650	27,350
Chemicals	20,454	17,372	17,372	18,226
Tools & Equipment	2,007	2,400	2,400	2,400
Testing & Analysis	10,488	9,000	11,006	12,988
<b>SUB-TOTAL</b>	<b>92,744</b>	<b>90,792</b>	<b>89,428</b>	<b>89,864</b>
Abandoned Well Costs		-		-
<b>TOTAL WATER</b>	<b>286,575</b>	<b>355,557</b>	<b>338,920</b>	<b>372,505</b>
<b>Sewer</b>				
Salaries	<b>107,724</b>	<b>124,154</b>	<b>107,679</b>	<b>124,358</b>
<b>Sewer Collection System</b>				
Conebranch Pump Station	27,036	22,000	22,000	20,000
Brookridge South Pump Station	9,854	9,700	13,777	10,000
Foxfield Pump Station	6,968	6,500	6,500	6,500
Sanitary Sewer Lines/Manholes	17,316	10,500	13,255	23,952
I & I Accrual	75,000	75,000	75,000	75,000
<b>Subtotal</b>	<b>136,174</b>	<b>123,700</b>	<b>130,532</b>	<b>135,452</b>
<b>East WWTP</b>				
Electric	38,450	33,000	34,462	33,279
Parts & Supplies	8,162	10,500	10,500	5,469
Repairs & Maintenance	11,960	44,100	38,009	35,357
Chemicals	32,727	39,724	39,724	40,844
Mowing	-	-	-	-
Tools & Equipment	2,849	8,400	8,400	8,400
Testing & Analysis	22,982	23,000	23,000	34,187
Sludge Hauling Expense	45,596	56,400	56,400	57,000
<b>Subtotal</b>	<b>162,726</b>	<b>215,124</b>	<b>210,495</b>	<b>214,535</b>
<b>West WWTP</b>				
Electric	18,989	20,000	7,568	17,934
Supplies	4,474	2,500	1,261	2,500
Repairs & Maintenance	7,102	15,450	10,820	11,750
Chemicals	53,057	49,457	49,457	61,258
Mowing	-			
Tools & Equipment	1,400	1,000	33	1,000

**TOWN OF MIDDLETOWN  
Water Sewer Operating Budget  
FY 2016**

	<b>AUDIT FY 2014</b>	<b>Budget FY 2015</b>	<b>Forecast FY2015</b>	<b>Prelim Budget FY 2016</b>
Testing & Analysis	8,808	8,760	8,760	10,459
Sludge Hauling Expense	17,663	22,650	22,650	22,650
<b>SUB-TOTAL</b>	<b>111,493</b>	<b>119,817</b>	<b>100,549</b>	<b>127,552</b>
<b>TOTAL SEWER</b>	<b>518,117</b>	<b>582,795</b>	<b>549,255</b>	<b>601,897</b>
<b>TOTAL OPERATING EXPENSES</b>	<b>1,001,179</b>	<b>1,193,650</b>	<b>1,138,091</b>	<b>1,237,994</b>
<b>Contingency Fund</b>		<b>79,975</b>	<b>76,252</b>	<b>43,330</b>
<b>Adjusted Operating Expense</b>		<b>1,273,625</b>	<b>1,214,343</b>	<b>1,281,324</b>
<b>OPERATING INCOME (LOSS)</b>	<b>129,740</b>	<b>(0)</b>	<b>57,469</b>	<b>183</b>

**Burgess and Commissioners  
Middletown, Maryland**

**Strategic Priorities**

Project/Item	Miller	Falcinelli	Bussard	Dietrick	Goodman	Ventre	Average
Main Street Waterline Replacement	1	1	1	1	1	1	1.00
Reservoir Liner Replacement and Reconstruction	1	1	2	1	1	2	1.33
Well Field Stream Erosion Repairs	2	1	2	1	2	1	1.50
Booster Station - Starter Replacements with VFD's	2	1	2	1	2	2	1.67
Streetlight Buyback Program and LED Upgrades	2	2	3	1	1		1.80
Broad Street Improvements (Locust Alley - Franklin Street)	1	2	1	2	3	2	1.83
Manda Drive Overlay	2	3	3	2	2	1	2.17
Lombardy Court Overlay	2	2	2	3	2	3	2.33
Broad Street Improvements (East Main - Locust Alley)	3	2	2	2	3	3	2.50
Comprehensive Plan Update	3	3	3	2	1	3	2.50
Manda Court Overlay	2	3	3	3	2	2	2.50
Architectural Design Standards	3	2	3	3	2	3	2.67
InvoiceCloud—E-Billing	±			±	±		In Progress
Well #15 Iron and Manganese Removal System	±		2	2	±	±	In Progress
West Green Street Improvements	±	±	±	±	±		In Progress



**Municipal Center**  
31 West Main Street  
Middletown, MD 21769  
P: 301-371-6171  
F: 301-371-6474

## Town of Middletown Maryland

### PLANNING, ZONING AND ADMINISTRATIVE FEE POLICY

As of May 1, 2014 the payment process for residential and commercial building permits, subdivision and development plan reviews, recordation, routing services, annexation petitions, and various administrative procedures are as follows:

#### **PERMITS**

Under the Administration and Enforcement Chapter (17.08) of the Middletown Municipal Code, **ALL** structural alterations or improvements and/or new uses created or placed on any property, must first obtain permit approval from the Town of Middletown.

All residential and commercial zoning certificates will be processed and paid for through the Town of Middletown with building permits being processed through the Frederick County Department of Permits and Inspections office. The Fee Schedule adopted by the Burgess and Commissioners of Middletown consists of permit fees that include, but are not limited to:

**Residential-** internal, external, new single, new multi-family and demolition      \$25.00-200.00

**Commercial-** internal, external, conversion, demolition, and use change      \$25.00-500.00

**New Commercial-** construction      \$500.00

**Miscellaneous-** There will be a \$25.00 **minimum charge** for any fee issued.

**Home Occupation Questionnaire-** all home business applications      \$50.00

All requirements for zoning certificates, permits, and questionnaires are subject to determination of the Town of Middletown and Frederick County Permits and Inspections Department.

#### **CONSTRUCTION FEE**

All applicable construction fees, as designated by the Fee Schedule adopted by the Burgess and Commissioners of Middletown, shall be made payable to the Town of Middletown. These fees must be paid upon approval of Construction Inspection before any consideration and/or action in the issuance of construction permits are granted. These fees include but are not limited to:

- **Construction Inspection-** 1% of Total Construction Cost Estimates; SWM, Sediment & Erosion, and Public Improvements must be made payable to the Town of Middletown, prior to issuance of grading permit.

## ADMINISTRATIVE PROCEDURES

All applicable administrative fees, as designated by the Fee Schedule adopted by the Burgess and Commissioners of Middletown, shall be made payable to the Town of Middletown. Applicant must also pay advertising fees and fixed legal and/or engineering fees outlined for each service to partially defray cost of the Town utilizing contracted consultants for review of documents/plans. These fees must be paid upon submission of the appropriate applications and/or materials for review, before any consideration and/or action in the approval process is granted. These administrative fees include, but are not limited to:

### Board of Appeals

- **Variance-** application must be obtained through the Middletown Municipal Center w/ fee of \$100.00 for non-principal structure and \$200.00 for principal structure + an advertising fee of \$100.00, made payable to the Town of Middletown upon, completion and submission of the application. All legal fees accrued by the Town must be paid by the applicant prior to final approval.
- **Special Exception-** application must be obtained through the Middletown Municipal Center w/ fee of \$300.00 + an advertising fee of \$100.00, made payable to the Town of Middletown, upon completion and submission of the application. All legal fees accrued by the Town must be paid by the applicant prior to final approval.
- **Administrative Error-** application must be obtained through the Middletown Municipal Center w/ fee of \$200.00 + an advertising fee of \$100.00, made payable to the Town of Middletown, upon completion and submission of the application. All legal fees accrued by the Town must be paid by the applicant prior to final approval.

### Text Amendment

- **Text Amendment-** applicant must submit proposed text change w/ fee of \$300.00 + an advertising fee of \$200.00 + \$150 legal fee, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Planning Staff, and forwarding to applicable commissions.

### Rezoning Fee

- **Rezoning-** applicant must submit proposed zoning change w/ fee of \$400.00 + \$20.00/acre + an advertising fee of \$200.00, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Planning Staff, and forwarding to applicable commissions for approval process. All legal fees accrued by the Town must be paid by the applicant prior to final approval.

### Annexation Fee

- **Annexation-** applicant must submit proposed annexation w/ fee of \$1,000.00 + \$50.00/acre + \$200 advertising fee and \$150 legal fee, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Planning Staff, and forwarding to applicable commissions for approval process.

### Water & Sewer Master Plan

- **Map Amendment-** applicant must submit a proposed map amendment w/ fee of \$500.00 + \$100 engineering fee for consideration of changes to the Water/Sewer Master Plan Map that is not in sequence with the regular six-month review process for change in services.

### Recording Fee

- **Plats-** applicant must submit plats (5 mylars) to be recorded w/ fee of \$75.00 made payable to the Town of Middletown and a \$5.00 fee made payable to Frederick County Clerk of the Court, to the Middletown Municipal Center for recordation procedures conducted by Middletown Planning Staff.
- **All other Documents-** applicant must include a fee of \$50.00/document, made payable to the Town of Middletown, upon submission to the Middletown Municipal Center for all other miscellaneous services conducted by Middletown Staff.

### Public Works Agreement Review Fee

- **PWA Review-** applicant must submit a Public Works Agreement w/ standard fee of \$225.00 + \$150 legal fee for each PWA, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Middletown Staff, and forwarding to applicable commissions and agencies for approval process.

### Home Owners Association Document Review Fee

- **HOA Review-** applicant must submit a HOA Document w/ standard fee of \$225.00 + \$150 legal fee, made payable to the Town of Middletown, to the Middletown Municipal Center for review and recommendation by Middletown Staff, and forwarding to applicable commissions and agencies for approval process.

## PLAN REVIEW

All review fees for plans submitted to the Middletown Planning staff for review and approval will be assessed by the Town of Middletown, based on the Fee Schedule adopted by the Burgess and Commissioners of Middletown. Those fees considered applicable, as well as fees for all other agencies, will be directly collected by the Town of Middletown, and made payable to the appropriate agency. These fees must be paid upon submission of the appropriate applications and/or materials for review, before any consideration and/or action in the approval process is granted. These fees include, but are not limited to:

### Concept Plan Fee

- **Concept Plan-** applicant must include a standard fee of \$250.00 + \$200 engineering fee, made payable to the Town of Middletown, upon submission of Plans to the Middletown Municipal Center for review services conducted by Middletown Planning Staff. Three (3) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

### Site Plan Fee

- **Residential-** applicant must include a standard fee of \$250.00 + \$10.00/unit, made payable to the Town of Middletown + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review services conducted by Middletown Planning Staff. Nine (9) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **All Other-** applicant must include a standard fee of \$350.00 + \$50.00/acre + \$200 engineering fee, made payable to the Town of Middletown + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review services conducted by Middletown Planning Staff. Nine (9) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Alteration-** Any change made to an approved Site Plan one year after approval, will be considered a New Site Plan, with all fees being applicable.

### Preliminary Plan Fee

- **Subdivision-** applicant must include a standard fee of \$350.00 + \$50.00/lot + \$200 engineering fee, made payable to the Town of Middletown, + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Nine (9) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

### Mass Grading Plat Fee

- **Subdivision and Site-** applicant must submit a standard fee of \$250.00 + \$200 engineering fee, made payable to the Town of Middletown + all applicable agency fees, Computations, and Cost Estimate to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Upon approval of the cost estimate by the Town of Middletown and Frederick County DPW, applicant will be billed by the Town of Middletown and Frederick County DPW for all review services w/ checks to be made payable to the appropriate review agencies. Nine (9) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

### Improvement Plan Fee

- **Improvement Plans-** applicant must submit a one time fee of \$300.00/page + \$200 engineering fee, made payable to the Town of Middletown, + all applicable agency fees, upon submission of Plans, Computations, and Cost Estimate to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Upon approval of the cost estimate by the Town of Middletown and Frederick County DPW, applicant will be billed by the Town of Middletown for Frederick County DPW, for all review services w/ checks to be made payable to the appropriate review agencies. Nine (9) printed copies + 5 copies of SWM computations, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

### Forest Plan Review Fee

- **Simplified Forest Plan-** applicant must include a standard fee of \$200.00 made payable to the Town of Middletown upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Three (3) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Preliminary Forest Plan-** applicant must include a standard fee of \$200.00 + \$4.00/gross acre, made payable to the Town of Middletown upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Three (3) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Final Forest Plan-** applicant must include a standard fee of \$200.00 + \$4.00/gross acre, made payable to the Town of Middletown upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Three (3) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

- **Inspection-** 1% of total cost estimate must be made payable to the Town of Middletown prior to signature of approved Forest Plan. There is a \$50.00 fee for EACH inspection conducted by the Town during the 2 year maintenance period.

#### Final Plat Review Fee

- **Combined Prelim/Final Plat-** applicant must include a standard fee of \$250.00 + \$50.00/lot + \$200 engineering fee, made payable to the Town of Middletown, + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Four (4) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Correction Plat-** applicant must include a standard fee of \$100.00 + \$10.00/lot, made payable to the Town of Middletown, + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Four (4) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Addition Plat-** applicant must include a standard fee of \$100.00 + \$10.00/lot, made payable to the Town of Middletown + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Four (4) printed copies, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.
- **Final Plat-** applicant must include a standard fee of \$300.00 + \$25.00/lot + \$100 engineering fee, made payable to the Town of Middletown + all applicable agency fees, upon submission of Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. Four (4) printed copies + 5 mylars for signature, plus an electronic copy and a \$15/sheet electronic filing fee are to be submitted.

#### Resubmission Fee

- **Resubmission of Plans-** applicant must include 50% of standard fee + 25% of legal and/or engineering fee, made payable to the Town of Middletown, upon EACH resubmit of all Plans to the Middletown Municipal Center for review and routing services conducted by Middletown Planning Staff. All resubmissions must include the same number of copies of plans as originally submitted plus an additional copy for each agency being addressed as well as Computations and response letters, where applicable.

#### Soil Conservation District

- **All Plans-** applicant must submit all plans and applicable fees to the Town of Middletown for submittal to Catocin & Frederick SCD for review and approval.

- Any response comments from the applicant and SCD must be forwarded to the Town.

### **PLANNING & ZONING**

All Plans and Fees submitted for review and approval by the Middletown Planning Commission **MUST** be received at the Town Office of Middletown no later than **NOON** on the Monday two weeks before the monthly Middletown Planning Commission meeting, which is the third Monday of every month, at 7:00 P.M.

To partially defray the expense of administering various Planning and Zoning services, these fees shall be paid to the Town of Middletown as specified in each section of this Fee Policy. The amount of the fees shall be as established, from time to time, by resolution of the Burgess and Commissioners of the Town of Middletown. Any and all action required by the Town will not be conducted until all applicable fees have been paid in full, unless otherwise waived by the Town.

**2015 ZONING CODE UPDATE PROPOSAL**

**Town board to schedule public hearings for the Code sections listed by month:**

January 2015 – 17.04 Definitions

17.08 Administration and Enforcement

February 2015 – 17.12 Establishment of Districts

17.16 Residential Districts

17.28 Open Space Districts

17.30 Agricultural Districts

March 2015 – 17.20 Commercial Districts

17.24 Industrial Districts

April 2015 – 17.32 Design Standards

May 2015 – 17.36 Signs

17.48 Specific Standards for Special Exceptions

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND TITLE 17, CHAPTERS 17.16, 17.28 AND 17.30 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE TYPES OF USES PERMITTED AND USES PERMITTED BY SPECIAL EXCEPTION IN THE R-1, R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS AND OPEN SPACE DISTRICT; TO REVISE AND RESTATE THE PURPOSE INTENDED FOR THE REGULATION OF USES IN THE R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS; TO MAKE OTHER STYLISTIC CHANGES IN THE CHAPTERS REGULATING LAND USE IN THE RESIDENTIAL AND OPEN SPACE DISTRICTS.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.16, Sections 17.16.010, 17.16.020, 17.16.030, 17.16.040, 17.16.060, 17.16.070 and 17.16.080 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 17.16 Residential Districts

17.16.010 - R-20 district.

A. Purpose. The R-20 district is intended to encourage and promote the development of single-family residential neighborhoods on large lots free from land usage which might adversely affect such development.

B. Uses Permitted in the R-20 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Single-family dwellings;

2. ~~{Churches, public schools, libraries and parks}~~ **PARKS**, playgrounds, family day care homes;

3. Accessory buildings and uses;

4. Home occupations.

C. Special Exceptions in the R-20 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

1. Community centers, **CHURCHES, LIBRARIES;**

2. Medical ~~{centers}~~ **CARE FACILITIES;**

3. Nursery schools, child care ~~{center;}~~ **CENTERS, PUBLIC SCHOOLS;**

4. Public utility building;

5. Active adult community;

6. Public safety services, subject to site development plan approval.

17.16.020 - R-1 district.

A. Purpose. The R-1 district is intended to encourage and promote the development of single-family residential neighborhoods free from land usage which might adversely affect such development.

B. Uses Permitted in the R-1 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses

~~{1. Single family dwellings;~~

~~2. Churches, schools, libraries, museums and parks, playgrounds, family day care homes;~~

- ~~3. Planned unit developments;~~
- ~~4. Accessory buildings and uses;~~
- ~~5. Home occupations.]~~

- 1. ANY USE PERMITTED IN THE R-20 DISTRICT;**
- 2. PLANNED UNIT DEVELOPMENTS.**

C. Special Exception in the R-1 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

- ~~1. Barber shops, beauty parlors;~~
- ~~2. Medical centers;~~
- ~~3. Nursery schools, child care center;~~
- ~~4. Professional office (physician, dentist, architect, engineer, attorney or similar profession);~~
- ~~5. Public utility building;~~
- ~~6. Public safety services, subject to site development plan approval;~~
- ~~7. Community centers.]~~

- 1. ANY SPECIAL EXCEPTION USE IN THE R-20 DISTRICT EXCEPT ACTIVE ADULT COMMUNITIES;**
- 2. BARBER SHOPS, BEAUTY PARLORS;**
- 3. PROFESSIONAL OFFICE (PHYSICIAN, DENTIST, ARCHITECT, ENGINEER, ATTORNEY OR SIMILAR PROFESSION).**

17.16.030 - R-2 medium residential district.

A. Purpose. The R-2 district is intended to ~~{provide an attractive, pleasant living environment at a sufficient density to maintain a high standard of physical maintenance and community service. The district encourages the compact development and the optimum utilization of land appropriate for residential use by encouraging higher density green space communities and planned unit developments while simultaneously leaving sloping areas, floodplains and other unbuildable areas open and available for recreational and athletic purposes.}~~

**ENCOURAGE AND PROMOTE COMPACT DEVELOPMENT AND THE OPTIMUM UTILIZATION OF LAND APPROPRIATE FOR RESIDENTIAL USE BY ENCOURAGING HIGHER-DENSITY COMMUNITIES FREE FROM LAND USAGE WHICH MIGHT ADVERSELY AFFECT SUCH DEVELOPMENT.**

B. Uses Permitted in the R-2 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Any use permitted in the R-1 district (Chapter 17.16);
2. Two-family dwellings;
3. Duplexes;
4. Leasing of rooms by not more than two persons not members of the family

residing in the dwelling[;] .

- ~~5. Planned unit development;~~
- ~~6. Accessory buildings and uses;~~
- ~~7. Home occupations.]~~

C. Special Exceptions in the R-2 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060:

1. ~~[Barber shops, beauty parlor]~~ **ANY SPECIAL EXCEPTION USE IN THE R-1 DISTRICT;**

2. Convalescent or nursing home;

3. Bed and breakfast;

~~{4. Medical centers;~~

~~5. Nursery schools, child care center;~~

~~6. Professional office (physician, dentist, architect, engineer, attorney or similar profession);~~

~~7. Public utility building};~~

~~{8}~~ 4. Multifamily dwellings, **SUCH AS APARTMENTS** ~~{condominiums}~~ containing no more than twelve (12) individual residential units ~~{, and townhouses;}~~ **WITHIN A SINGLE BUILDING;**

~~{9. Public safety services, subject to site development plan approval;~~

~~10. Community centers.}~~

5. **TOWNHOUSES.**

~~{11}~~ 6. Parking lots.

17.16.040 - R-3 high density residential district.

A. Purpose. The R-3 district is intended to ~~{make the development of land, having natural and locational advantages, economically feasible by the variety of housing types, while~~

~~continuing to encourage the provision of the basic amenities of an attractive and safe residential environment. This district encourages green space communities and planned unit development and the increased density of all such developments, making their location at the edge of residential neighborhoods, and with good access to major highways, central shopping areas, schools, and other public facilities most essential.]~~ **ENCOURAGE AND PROMOTE**

**INCREASED DENSITY OF RESIDENTIAL COMMUNITIES HAVING NATURAL AND LOCATIONAL ADVANTAGES, WITH ECONOMICALLY FEASIBLE HOUSING TYPES, WHILE CONTINUING TO ENCOURAGE THE PROVISION OF BASIC AMENITIES IN AN ATTRACTIVE AND SAFE RESIDENTIAL ENVIRONMENT.**

B. Uses Permitted in the R-3 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Any use permitted in the R-2 district (Section 17.16.030(B));
2. Townhouses;
3. Multifamily dwellings such as apartments ~~[and condominiums]~~ containing no more than twelve (12) individual residential units **WITHIN A SINGLE BUILDING.** ~~[;]~~

- ~~4. Planned unit development;~~
- ~~5. Accessory uses and building;~~
- ~~6. Home occupations.]~~

C. Special Exceptions in the R-3 District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

1. ~~{Barber shops, beauty parlors}~~ **ANY SPECIAL EXCEPTION USE IN THE R-2 DISTRICT EXCEPT ACTIVE ADULT COMMUNITIES;**

~~2. Boarding house, lodging house;~~

~~3. Clubs, lodges, fraternal organizations;~~

~~4. Convalescent or nursing home;~~

~~5. Bed and breakfast;~~

~~6. Hospital, sanitarium;~~

~~7. Medical centers;~~

~~8. Nursery schools, child care center;~~

~~9. Professional office (physician, dentist, architect, engineer, attorney, or similar profession);~~

~~10. Public utility building;~~

~~11. Public safety services, subject to site development plan approval;~~

~~12. Business and warehouse facilities;~~

~~13. Community centers.]~~

**2. CLUBS, LODGES, FRATERNAL ORGANIZATIONS;**

**3. BUSINESS WITH WAREHOUSE FACILITIES.**

17.16.060 - Off-street parking and loading.

A. There shall be provided in the residential district off-street parking and loading in accordance with the schedule in Chapter 17.32

B. The parking and storage of not more than one **UNREGISTERED** ~~{unlicensed}~~ or inoperative motor vehicle is permitted provided that such a vehicle is effectively screened from adjoining properties.

17.16.070 - Required lot area, lot width and yards.

The following table shows lot area, lot width and yard requirements:

**REQUIRED LOT AREA, LOT WIDTH AND YARDS<sup>1</sup> IN RESIDENTIAL DISTRICTS**

	Min. Lot Area per Family or Rental Unit (sq. ft.)	Min. Lot Width per Structure (feet)	One Front Yard Depth <sup>3</sup> (feet)	Each Side Yard <sup>2</sup> (feet)	One Rear Yard (feet)
R-20 District					
Single-family dwelling	20,000 <sup>4</sup>	100 <sup>5</sup>	35	12	40
R-1 District					
Single-family dwelling	10,000	75	35	12	40
R-2 District					
Single-family dwelling	6,000	60	35	12	40
Two-family dwelling	4,000 <sup>6</sup>	60	35	12	40
Duplex <del>{and condominiums}</del>	6,000	60	35	12	40
R-3 District					
Single-family dwelling	6,000	60	35	12	40
Two-family dwelling	4,000 <sup>7</sup>	60	35	12	40
Duplex <del>{and condominiums}</del>	6,000	60	35	12	40
Multifamily dwelling <del>{other than condominiums}</del>	4,000 <sup>8</sup>	—	35	12	40
Townhouses	(See Section 17.16.080)				
Other Uses					
Schools,	—	—	40	100	100

	Min. Lot Area per Family or Rental Unit (sq. ft.)	Min. Lot Width per Structure (feet)	One Front Yard Depth <sup>3</sup> (feet)	Each Side Yard <sup>2</sup> (feet)	One Rear Yard (feet)
<b>CHURCHES, LIBRARIES</b>					
{Churches}	—	—	{40}	{100}	{100}
{Other permitted uses having structures}	{6,000}	{75}	{35}	{12}	{25}

1 Exceptions to yard requirements are allowed for certain uses (Section 17.24.030).

2 Side yard is measured from closest point of structure to side lot line.

3 Does not include street right-of-way. Corner lots shall provide two front yards; the front yard setbacks for single-family dwellings, and multi-family dwellings shall be equal to the height of the dwelling but in no case shall the front yard setback be less than thirty-five (35) feet measured from the curb line.

4 In the R-20 residential district, developments of more than ten (10) lots may have no more than twenty-five (25) percent of the total number of lots from fifteen thousand (15,000) to twenty thousand (20,000) square feet in area provided the average lot size of the development exceeds twenty thousand (20,000) square feet only upon approval of the planning commission.

5 In the R-20 residential district, developments of more than ten (10) lots may have no more than twenty-five (25) percent of the total number of lots with the lot width of eighty (80) to one hundred (100) feet, only upon approval of the planning commission.

6 In the R-2 residential district, two-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.

7 In the R-3 residential district, two-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.

8 In the R-3 residential district, multi-family dwellings are required to have a minimum lot area of five thousand (5,000) square feet per family or per rental unit when such structures include five or more family or per rental units.

The design requirements for ~~{duplexes and}~~ townhouses would be as follows in Section 17.16.080.

17.16.080 - Townhouse development.

A. *{Unchanged}*

B. *{Unchanged}*

C. Lot Width and Setbacks. The minimum lot width for individual townhouse units is eighteen (18) feet. End units shall provide a minimum side yard setback of ~~{twenty-two (22)}~~ **TWELVE (12)** feet. All units shall have a front yard setback of twenty (20) feet and a rear setback of thirty (30) feet. When adjacent to a street external to the development, the side yard setback shall be twenty-five (25) feet.

D. Row Lengths and Design. There shall be no more than eight townhouse units nor less than three townhouse units in a row. Rows shall be designed so that no more than two attached townhouse units shall have the same front building line. The offset in building lines shall be no less than eighteen (18) inches unless waived by the planning commission. There shall be a minimum ~~{twelve (12)}~~ **TWENTY-FOUR (24)** foot open space ~~{connection}~~ between all end units and townhouse lots. A minimum twelve (12) foot open space ~~{connection}~~ shall be provided for behind the rear yards of all units for access to rear of townhouse lots.

E. *{Unchanged}*

F. Maintenance of Common Areas. If the townhouse development provides for common area, properties or facilities, they shall be conveyed to an incorporated private nonprofit homeowners' association through which each lot owner is automatically a member subject to a charge of a proportionate share of common property maintenance. Such homeowners' association agreements shall be reviewed by the town. Where the extent of the common areas ~~{are}~~ **IS**

limited in size, they may be conveyed to the town subject to agreement of the town. A minimum ten (10) foot open space connection shall be provided for behind the rear yards of all units.

G. *{Unchanged}*

H. *{Unchanged}*

I. *{Unchanged}*

**SECTION II. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.28, Sections 17.28.020 and 17.28.030 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**:

TITLE 17 – ZONING

Chapter 17.28 Open Space District

17.28.020 - Uses permitted in the OS district.

No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

- A. Farms, tree and plant nurseries;
- B. Parks, playgrounds, golf courses, public and private recreational uses and cemeteries;
- C. Game, wildlife, and nature study preserves and reservations;

D. Schools, churches, community centers, **MUSEUMS, LIBRARIES** and other public buildings, and those accessory uses commonly associated with them;

E. Flood control, water protection works, sewage treatment plants and other municipal public works;

F. Public safety services, subject to site development plan approval.

17.28.030 - Uses permitted by special exception.

The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060 of this code:

A. Greenhouse, nursery;

B. Medical ~~{centers}~~ **CARE FACILITIES**;

C. Public utility buildings, structures and services.

**SECTION III. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.30, Section 17.30.040 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being ~~[in brackets and stricken through]~~:

## TITLE 17 – ZONING

Chapter 17.30 Agricultural (AG) District

17.30.040 - Required lot area, ~~{lot width,}~~ yards and other restrictions.

The following restrictions are applicable in the agricultural district:

A. – G. *{Unchanged}*

**SECTION IV. 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