



AGENDA FOR THE TOWN MEETING

May 11, 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

- Town Minutes
 - [April 27th – Town Meeting](#)

PERSONAL REQUESTS FOR AGENDA:

UNFINISHED BUSINESS:

- [Ordinance No. 15-05-01 – Zoning Text Amendments Commercial Zoning Districts](#)
- [Ordinance No. 15-05-02 – Zoning Text Amendments Industrial Zoning Districts](#)
- [Constant Yield Tax Rate](#)
- [Review of Fees for Permitting Services](#)
- Schedule of Public Hearing for Budgets
- Discussion Trash Pickup at Foxfield Active Adult Section

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:

- [Main Street – The Heat is On 5K Race](#)
- [Review of Wiles Branch Park Stream Bank Restoration Project](#)
- [Introduction of Zoning Amendments for Design Standards](#)

PUBLIC COMMENTS:

ANNOUNCEMENTS:

ADJOURNMENT

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN MARYLAND**

TOWN MEETING MINUTES

REGULAR MEETING

April 27, 2015

The second monthly meeting of the Burgess and Commissioners of Middletown was called to order on April 27, 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 (arrived late).

Consent Agenda:

- *April 2, 2015 Public Hearing minutes*
- *April 13, 2015 Town meeting minutes*

Motion by Commissioner Falcinelli to approve the Consent Agenda, seconded by Commissioner Bussard. Motion carried 5-0.

PERSONAL REQUEST FOR AGENDA:

Unfinished Business:

Ordinance No. 15-04-02 – Zoning Text Amendments Residential Zoning Districts – Drew stated that he and Cindy reviewed the footnotes and determined that the footnotes really don't apply to anything in the table, therefore they are recommending removing footnotes #6 & 7.

Motion by Commissioner Falcinelli to approve Ordinance No. 15.04.02 as corrected (removal of footnotes #6&7) as presented by staff, seconded by Commissioner Bussard. Motion carried 5-0.

Fencing Bids – Wiles Branch Park Dog Park – Commissioner Ventre stated that we received 3 bids for the Dog Park fence. Drew stated that since we took out some gates and changed the fence type our bids came in less than we originally thought. Bids received: 1)Frederick Fence Co. - \$30,700, 2)Long Fence Co. - \$18,617 and 3)Quality Fence & Deck Co. - \$15,640.

Motion by Commissioner Ventre to approve the bid from Quality Fence & Deck Company for \$15,640.53, seconded by Commissioner Falcinelli. Motion carried (4-1 (Bussard voted against)).

FY 2016 Budget Workshop – General Fund – Drew went over the proposed General Fund Operating and CIP budgets with the Board. Commissioner Falcinelli suggested that we have an appreciation dinner for all of our volunteers. The Board agreed to budget money for this.

NEW BUSINESS:

Request for 5K Race – The Arc of Frederick County – Drew stated that the Middletown High School Track and Field Team and the Arc of Frederick County are joining together for a fundraising event on May 25, 2015.

Motion by Commissioner Ventre to approve the request for the Memorial Day 5K Fun Run for the Arc of Frederick County and Epilepsy Research, seconded by Commissioner Falcinelli. Motion carried 5-0.

Budget Amendments for FY 2015 – Drew stated that since we did not bring on the Meter Technician until January 2015 we did not purchase meters we budgeted to start the meter change out program with. Therefore we have a savings of \$45,250 as well as a savings from our Health Insurance costs for FY 15 of \$7,294. With this savings Drew is recommending that we purchase a vehicle for the Meter Technician. Drew stated that Bruce Carbaugh priced out the vehicle and it would cost approximately \$45,000. Motion by Commissioner Bussard to approve up to \$45,250 for the purchase of the meter technician vehicle, seconded by Commissioner Dietrick. Motion carried 6-0.

Drew also stated that with the savings of the budgeted Planning/zoning fees we have \$29,500 available. Drew is recommending that we refurbish the Memorial Park signs for \$1,296 and upgrade the meeting room sound system for \$6,500.

Motion by Commissioner Bussard to approve the refurbishment of the Memorial Park signs for \$1,296, seconded by Commissioner Dietrick. Motion carried 6-0.

Motion by Commissioner Goodman to approve the upgrade of the meeting room sound system for \$6,500, seconded by Commission Bussard. Motion carried 6-0.

Introduction of Amendments to the Floodplain Ordinance & Schedule Public Hearing – Burgess Miller stated that the public hearing on this Ordinance will be held June 4, 2015 at 7pm.

Planning Commission 2014 Annual Report – Burgess Miller stated that as a courtesy the Planning Commission submits their Annual Report to us for our review. Burgess Miller suggested that the Board review and if any questions, they can ask Cindy at the next workshop.

Water bills – Staff brought up that they have received numerous calls that residents had not received their water bills that were mailed out April 1, 2015. Staff informed the Board that we are getting ready to send out the late notices and ran a report and there is 700 customers that have not paid their bills. Staff stated that is very high, normally we send out 275-350 at the most for the second notice. Staff wanted some direction from the Board as to what to do with the late fee charges. The Board instructed staff to send out a letter along with their late notice advising them that if they did not receive their first notice at the beginning of April the Town will waive the late fee.

PUBLIC COMMENT:

ANNOUNCEMENTS:

ADJOURNMENT

With no further business to come before the Board, the regular meeting adjourned at 8:03 p.m.

Respectfully submitted,

Ann Griffin
Office Manager

ORDINANCE NO. 15-05-01

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.20 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE TYPES OF USES PERMITTED AND USES PERMITTED BY SPECIAL EXCEPTION IN THE TC TOWN COMMERCIAL ZONING DISTRICT AND IN THE THE GC GENERAL COMMERCIAL ZONING DISTRICT; TO REPEAL PROVISIONS RELATING TO OVERNIGHT PARKING OF MOTOR VEHICLES AND THE MAXIMUM SIZE OF SIGNS IN THE MB MIXED BUSINESS ZONING DISTRICT; TO REVISE THE STANDARDS AND REQUIREMENTS FOR SITE PLANS IN THE COMMERCIAL ZONING DISTRICTS; TO MAKE OTHER STYLISTIC AND NON-SUBSTANTIVE REVISIONS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.20, Sections 17.20.010, 17.20.015, 17.20.020, 17.20.050 and 17.20.060 of the Middletown Municipal Code be, and hereby are, amended as follows. Language being deleted is designated by being ~~{in brackets and striken through.}~~ New language is designated by being in **BOLD CAPITAL LETTERS OR NUMBERS**:

TITLE 17 – ZONING

Chapter 17.20 - COMMERCIAL DISTRICTS

17.20.010 - TC town commercial district.

A. *{Unchanged}*

B. Uses Permitted in the Town Commercial District. No building or structure may be erected or used or occupied except for one or more of the following principal uses subject to site plan approval in accordance with Section 17.20.050 of this Code:

1. All residential uses;
2. Public buildings, structures and services;

3. Retail sales: paint, wallpaper, hardware, food, apparel, appliances, jewelry, fabric, furniture, furnishings, office equipment and supplies, general merchandise, equipment rental, floral items, plants, plumbing, heating, electrical;

4. Office and business services: contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;

5. Eating and drinking establishments;

6. Personal services: laundry, barber, beauty, funeral;

7. Repair services: electrical appliances, furniture, upholstery, jewelry, clothing, shoe;

8. Professional offices and services: medical, dental, legal, engineering, veterinary, architectural, design;

9. Light assembly and fabricating: clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys; books (subject to Section 17.20.080);

10. Private and commercial schools: business, dance, trade;

11. Storage, wholesale and warehouse buildings: indoor storage of goods and material which will be sold, processed, or disposed of on or off premises (not, however, to include auto wrecking, junk and other salvage storage or truck or shipping terminals) (subject to Section 17.20.080);

12. Places of worship;

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

14. Community centers[-.];

15. FARMERS' MARKETS;

16. MUSEUMS.

C. Special Exceptions in the Town Commercial District. The board of appeals may authorize the following special exceptions in accordance with the provisions of Section 17.44.060

1. Greenhouses, nurseries;

2. Bed and breakfast;

~~3. Rooming, boarding or lodging house]~~

~~{4.}~~ 3. Clubs, lodges, fraternal organizations;

~~{5.}~~ 4. NURSERY SCHOOLS AND Child care centerS;

~~{6.}~~ 5. Light vehicle repair limited to a maximum of two and one-half (2.5) ton capacity. Repair and service shall include lubrication, brakes, exhaust systems, wheel alignment, installation of accessories and parts, and installation of tires. Also included are major repairs, involving the repair or replacement of engine, transmission, chassis or body work.

17.20.015 - MB mixed business district.

A. – D. *{Unchanged}*

E. Special Conditions. The following special conditions shall apply to all structures or uses within the MB district. These special conditions are intended to assure that development in the MB district will be aesthetically pleasing and compatible with neighboring properties, will create employment opportunities in businesses which cause no nuisances or nuisance-like atmospheres, and which furthers the objectives of the comprehensive plan.

The primary purpose of the MB district is to provide for gross leasable areas (GLA) of one thousand five hundred (1,500) or more square feet. Smaller users are subject to restricted signage requirements applicable to the MB district and to the parking requirements for the particular use.

1. - 3. *{Unchanged}*

4. Parking spaces shall conform to the requirements of Chapter 17.32 for commercial, professional, and institutional uses. For business offices and permitted manufacturing uses, the following parking requirements shall apply:

a. For buildings designated exclusively for office use, parking shall be based upon one space per two hundred fifty (250) square feet of gross usable building area and shown on the approved site plan. For nonexclusive office buildings parking shall be based upon one space per one hundred fifty (150) square feet of gross rentable building area, as shown on the approved site plan. However, if parking based upon the actual use is less (if a specific user is known at the time of site plan approval), then only that area need to be paved. The remaining area shall be graded and seeded for future parking expansion.

~~{b. — No overnight parking of any vehicle shall be permitted without a permit issued by the town.}~~

F. *{Unchanged}*

G. Signs. ~~{The maximum size of any sign is thirty (30) square feet per unit or for each individual user.}~~ All signs shall conform to the provisions of Chapter 17.36 of the Middletown Municipal Code.

17.20.020 - GC general commercial district.

A. *{Unchanged}*

B. Uses Permitted in the GC 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. Clubs, lodges, fraternal organizationS;
2. Public buildings, structures and services;
3. Retail sales: paint, wallpaper, hardware, food, apparel, appliances, jewelry, fabric, furniture, furnishings, office equipment and supplies, general merchandise, equipment rental, floral items, plants, plumbing, heating and electrical;
4. Eating and drinking establishments;
5. Personal services—laundry, barber, beauty, funeral;
6. Office and business services—contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;
7. Repair services—electrical appliances, furniture, upholstery, jewelry repair, clothing, shoe;
8. Professional offices and services—medical, dental, legal, engineering, veterinary, architectural, design;
9. Commercial recreation—theaters, bowling alleys, amusements;
10. Places of worship;
11. Light assembly and fabricating: clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys, books. (Subject to Section 17.20.080);
12. Storage, wholesale and warehouse buildings: indoor storage of goods and material which will be sold, processed or disposed of on or off premises. (Not, however, to include auto wrecking, junk or other salvage storage or truck or shipping terminals.) (Subject to Section 17.20.080);

13. Public safety services, subject to site development plan approval~~[-]~~ ;
14. **FARMERS' MARKETS;**
15. **MUSEUMS;**
16. **MEDICAL CARE FACILITIES.**

C. Special Exceptions in the GC 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. Residential uses;
- ~~{2. — Hospitals, sanitariums;}~~
- ~~{3}~~ 2. Gasoline stations;
- ~~{5}~~ 3. Greenhouses, nurseries;
- ~~{5}~~ 4. Private and commercial schools—dance, business trade;
- ~~{6}~~ 5. Shopping centers;
- ~~{7}~~ 6. ~~{Construction}~~ **LUMBER** and **OTHER** building material—retail;
- ~~{8}~~ 7. Vehicle repairs and services;
- ~~{9}~~ 8. Hotels and motels;
- ~~{10}~~ 9. Vehicle sales;
- ~~{11}~~ 10. Animal kennels and clinics;
- ~~{12}~~ 11. Nursery **SCHOOLS**, child care center**S**;
- ~~{13}~~ 12. Light vehicle repair limited to a vehicle weight maximum of one-ton capacity. Repair and service shall be limited to lubrication, brakes, exhaust systems, wheel alignment, installation of accessories and parts, and installation of tires;
- ~~{14}~~ 13. Self-storage rental spaces for storage of personal goods.

17.20.050 - Site plans required in commercial districts.

Whenever any use~~[, except residential]~~ is to be established within a TC SC/LM or GC district, a site plan of development must be submitted to the planning commission and approved by them. The site plan shall show proposed building location and use, driveways, parking and loading areas, landscaping, water and sewer facilities, storm drainage facilities and street lighting, all showing relationships to adjacent development. New principal structures in the GC AND TC ~~[zone]~~ **DISTRICTS shall be ~~[subject to architectural review by the planning commission.]~~ DESIGNED AND CONSTRUCTED SO AS TO PRESENT AN AESTHETICALLY PLEASING AND FINISHED APPEARANCE AS VEIWed FROM ALL SIDES. LOADING DOCKS, SERVICE AREAS OR OTHER SIMILAR FEATURES SHALL BE SCREENED FROM VIEW FROM ALL PUBLIC STREET AND ADJOINING RESIDENTIAL DISTRICTS. TO ENSURE AESTHETICALLY PLEASING DEVELOPMENT COMPATIBLE WITH ADJACENT OR NEIGHBORING BUILDINGS, ALL APPLICATIONS FOR SITE PLAN APPROVAL SHALL INCLUDE ARCHITECTURAL RENDERINGS OR OTHER INFORMATION CONCERNING THE DESIGN AND MATERIALS OF THE PROPOSED BUILDING.** The site plan shall conform to all specifications and requirements of the district and of Chapter 16.28, Design Standards, and Chapter 16.32, Improvements, of the Middletown subdivision regulations codified in Title 16 of this code.

A. Site Plan Format. In addition to the requirements stated in this section the site plan shall comply with the plat requirements of Chapter 16.16 of the town subdivision regulations.

B. Site Plan Fee. At the time of submitting a site plan to the planning commission, the developer shall pay a fee to the town to partially defray the cost of examination and consideration of the site plan. The amount of the fee shall be as established from time to time by resolution of the burgess and commissioners.

17.20.060 - Required lot area, lot width, and yards in commercial districts.

The following requirements apply in commercial districts:

	Minimum Lot Area	Minimum Lot Width	Front Yard Depth**	Each Side Yard**	One Rear Yard in Depth**
TC general commercial*	None	None	To be determined by planning commission	5 feet	25 feet
MB mixed business	1 acre	100 feet [#]	30 feet [#]	30 feet [#]	30 feet [#]

GC general commercial***	None	None	40 feet	20 feet	40 feet
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* Residential uses in the TC ~~neighborhood business~~ district shall meet lot area requirements of the R-3 district.

** Yards adjacent to a residential district (not lot) are measured from structure or parking area, whichever is closest to the lot line, and must be equal to the height of the building or required dimension, whichever is greater.

*** Yard requirements in the GC district are measured from the parking area or structure, whichever is closest to the lot line.

See Section 17.20.015(C)(2). Any lot on which a structure exceeding thirty (30) feet in height is situated, the thirty (30) foot setback requirement shall be increased by one foot for every foot of the structure which exceeds thirty (30) feet in height. Additionally, for any portion of a structure which is adjacent to a residential district or state highway, the setback requirement is one hundred (100) feet. The one hundred (100) foot minimum lot width may be modified by the planning commission.

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

INTRODUCED ON THE _____ DAY OF _____, 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

ORDINANCE NO. 15-05-02

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.24 OF THE MIDDLETOWN MUNICIPAL CODE TO REVISE THE TYPES OF USES PERMITTED BY SPECIAL EXCEPTION IN THE SERVICE COMMERCIAL/LIGHT MANUFACTURING ZONING DISTRICT; TO REVISE THE SIDE YARD SET BACK RESTRICTIONS FOR COMMERCIAL RECREATIONAL USES IN THE INDUSTRIAL ZONING DISTRICTS; TO MAKE OTHER STYLISTIC AND NON-SUBSTANTIVE REVISIONS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.24, Sections 17.24.010 and 17.24.030 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

7.24.010 - Service commercial/light manufacturing district.

A. Purpose. The SC/LM district is intended to provide areas for business services, light manufacturing, and other commercial uses which are relatively nuisance-free and compatible with surrounding residential uses. Uses permitted in this district shall have common characteristics which include low traffic generation, limited noise and environmental impacts, and development which is scaled to serve local patrons. Outdoor storage of material and general retail merchandising would not be appropriate in these areas. Areas so designated shall have convenient access to a major road as identified on the town's master plan. The mixing of residential- and business-oriented traffic on municipal streets shall not be encouraged.

B. Uses Permitted in the SC/LM District. No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:

1. Storage, wholesale and warehouse buildings—indoor storage of goods and material which will be sold, processed, or disposed of off-premises (not, however, to include auto wrecking, junk and other salvage storage or truck or shipping terminals);

2. Office and business services—contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;

3. Commercial ~~[r]~~ recreation—indoor facilities only;

4. Public buildings, structures and services;

5. Light assembly and fabricating—clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys ~~[;]~~ books. (~~[s]~~ Subject to Section 17.20.080);

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

C. Special Exceptions in the SC/LM District. The board of appeals may authorize the following special exceptions in accordance with the provisions of Section 17.44.060

1. Vehicle repair and service;

2. Accessory retail sales and repair of materials stored or warehoused on the premises;

3. Farm supply and hardware sales;

4. Bulk storage and retail sale of oil, petroleum, gasoline and similar liquids and compressed gases;

5. Light manufacturing;

6. Repair services—furniture, ~~[and]~~ upholstery, **ELECTRICAL**, ~~[household]~~ appliances, ~~[radio]~~ **JEWELRY REPAIR, CLOTHING, SHOE**;

7. Private and commercial schools – **DANCE, BUSINESS, TRADE**;

8. Self-storage rental spaces for storage of personal goods~~[;]~~ ;

9. **INDUSTRIAL PARK**;

10. **ANTIQUe MALLS**;

11. **COMMERCIAL TOUR BUS PARKING**.

17.24.030 - Required lot area, lot width and yards in industrial districts.

	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	One Front Yard (Depth—Feet)	Each Side Yard (Feet)	One Rear Yard (Feet)
SC/LM uses	Not specified	Not Specified	25 ft.	1/3 of the height of the building but not less than 10 ft.	25 ft.
Commercial[r] recreation	Not Specified	100 ft.	25 ft* unless adjoining residential district, when building setback must be increased to 75 ft.	1/3 of the height of the building but NOT less than 10 ft. adjoining a commercial district and minimum 20 ft. when adjoining R districts	25 ft. except when adjoining an R district, when minimum setback must be increased to 50 ft.

* Twenty-five (25) feet of front yard must be naturally landscaped and contain no parking. Additional landscaping may be required for yards in the site plan review process. Parking is to be provided for indoor soccer facilities in Section 17.32.060(B) at one space per three hundred (300) square feet of gross floor area.

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

INTRODUCED ON THE _____ DAY OF _____, 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 NOTICE
OF A PROPOSED
REAL PROPERTY TAX INCREASE**

The Burgess and Commissioners of Middletown proposes to increase real property taxes.

1. For the tax year beginning July 1, 2015, the estimated real property assessable base will increase by 4%, from \$477,187,167 to \$497,830,172.
2. If Middletown maintains the current tax rate of \$0.232 per \$100 of assessment, real property tax revenue will increase by 4% resulting in \$47,892 of new real property tax revenues.
3. In order to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$0.2224, the constant yield tax rate.
4. The Town is considering not reducing its real property tax rate enough to fully offset increasing assessments. The Town proposes to adopt a real property tax rate of \$0.232 per \$100 of assessment. This tax rate is 4% higher than the constant yield tax rate and will generate \$47,892 in additional property tax revenues.

A public hearing on the proposed real property tax rate increase will be held at 7:00PM on May 7, 2015 at the Middletown Municipal Center located at 31 West Main Street, Middletown, Maryland 21769.

The hearing is open to the public, and public testimony is encouraged.

Persons with questions regarding this hearing may call 301.371.6171 for further information.



Burgess and Commissioners of Middletown, Maryland

Fiscal Year 2016
Tax Rates

Town of Middletown - Property Tax Rate	\$	0.232 per \$100 assessed value
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Town of Middletown - Personal Tangible Property Tax Rate	\$	0.580 per \$100 assessed value
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Months	Discount Rate	Interest Rate
July-10	2.00%	
August-10	1.00%	
September-10	Base	Base
October-10		0.67%
November-10		1.33%
December-10		2.00%
January-11		2.67%
February-11		3.33%
March-11		4.00%
April-11		4.67%
May-11		5.33%
June-11		6.00%

Middletown Planning Office

MEMORANDUM

Date: 3/31/2015

To: Burgess & Commissioners

From: Cynthia K. Unangst, Middletown Staff Planner

RE: TWO-TIER FEE SCHEDULE FOR SPECIAL EXCEPTIONS

Here are my thoughts on how the fee schedule can be revised to provide for a two-tier system for special exception applications:

Residential special exceptions can be charged a fee of \$150 plus the \$100 advertising fee.

Non-residential special exceptions can be charged a fee of \$300 (current fee) plus the \$100 advertising fee.

The following are the special exception uses in our Code with designations for the ones that could be considered 'residential':

17.48.010 Compliance with specific standards required.

17.48.015 Active adult community.

17.48.020 Animal kennels and clinics.

17.48.030 Barber shops and beauty parlors.

17.48.040 Boarding house and lodging house. - RESIDENTIAL

17.48.050 Bed and breakfast homes.

17.48.060 Bulk petroleum storage.

17.48.070 Clubs, lodges and fraternal organizations.

17.48.080 Convalescent or nursing home.

17.48.090 Gasoline station.

17.48.100 Greenhouse or nursery.

17.48.120 Hospital and sanatorium.

17.48.130 Hotel and motel.

17.48.140 Industrial park.

17.48.150 Lumber and other building material—Retail.

17.48.160 Medical centers.

17.48.170 Nursery schools and child care centers.

17.48.180 Private and commercial schools.

17.48.190 Professional office.

- 17.48.200 Public utility buildings.
- 17.48.210 Replacement of nonconforming use.
- 17.48.220 Residential uses (in the GC district). - RESIDENTIAL
- 17.48.230 Shopping centers.
- 17.48.240 Vehicle repair and service—GC and SC/LM districts.
- 17.48.250 Vehicle repair and service—Town commercial district.
- 17.48.260 Vehicle sales.
- 17.48.270 Accessory retail sales and repair.
- 17.48.280 Farm supply and hardware sales.
- 17.48.290 Repair services.
- 17.48.300 Light manufacturing.
- 17.48.310 Multifamily dwellings and townhouses. - RESIDENTIAL
- 17.48.320 Restricted vehicles in residential districts. - RESIDENTIAL
- 17.48.330 Antique malls.
- 17.48.340 Self-storage.
- 17.48.350 Commercial tour bus parking.
- 17.48.360 Fences. - RESIDENTIAL
- 17.48.370 Offices for interior design services.
- 17.48.380 Business and warehouse facilities.
- 17.48.390 Community centers.
- 17.48.400 Solar collection systems, freestanding. - RESIDENTIAL
- 17.48.410 Parking lots in R-2 districts.

My suggestion would be to delineate which uses are RESIDENTIAL within the fee schedule rather than in the zoning code itself.



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.



TO: The Burgess and Commissioners
FROM: Becky Reich, Main Street Middletown Manager
RE: Main Street Middletown Fundraiser 5k-Road Race
DATE: May 7, 2015

Background:

Main Street Middletown wishes to host a 5k Road Race and Family Fun Run on Saturday, August 29, 2015 at 8:00am. Main Street began planning this new event in February 2015 and our planning team consists of Robin Bowers, Director of the Middletown Branch of the Frederick County Public Libraries, Sean O'Keefe, Main Street business owner and avid runner, Tim O'Keefe, local citizen, avid runner, and volunteer with the Frederick County Steeplechasers, Shane Smith at Rock Star Fitness, Scott Durant, Middletown Valley Bank and Main Street Economic Development Committee, Ellen Baker incoming President of Main Street Middletown, Tim Coakley, outgoing President of Main Street Middletown, and Kim Brenengen, Main Street business owner and Main Street Board of Trustees. We have also involved the Boyers, Donald Schafer, and Molly Derr to tap into their race planning expertise.

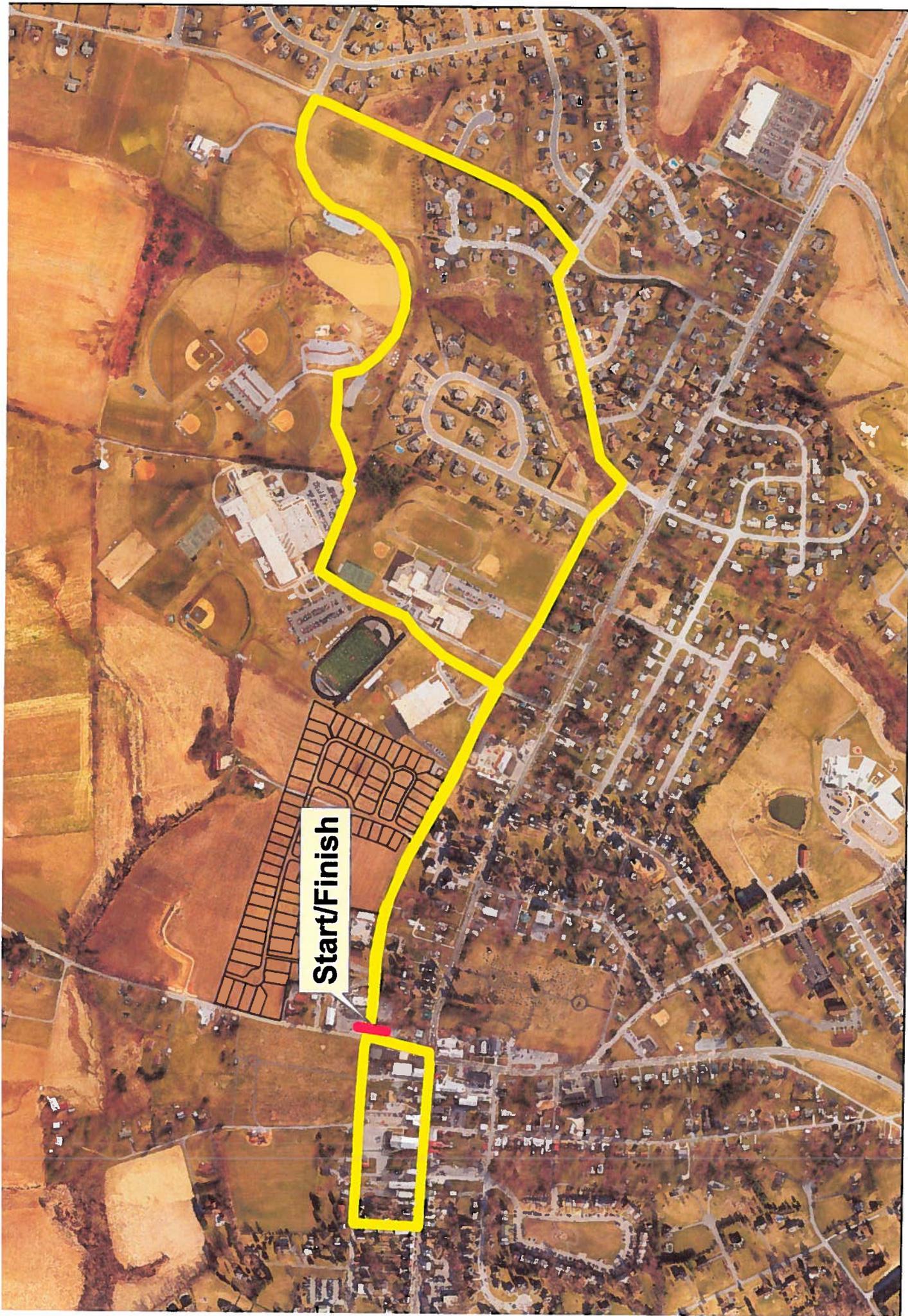
We have planned for the Race to begin at Rock Star Fitness, run through downtown Middletown and circle back up Green Street, around the Middletown Park behind the school, and back down Green Street ending the race on a fun downhill and back at Rock Star Fitness. Please see the attached map.

We would like the Burgess and Commissioners assistance in the following areas:

1. We would appreciate the Town blocking parking along Main Street for the morning of the Road Race.
2. We would appreciate the assistance of the Town Deputies for the Road Race
3. We would appreciate a few Town trash cans moved to the Rock Star Fitness/Custom Marble parking lot for trash.
4. Lastly, we invite the Burgess and Commissioners, and all the citizens and business owners along the race route to clap, congratulate, cheer, and welcome the runners during the event! We think this will be an excellent way to show people our friendliness and community spirit!

Proceeds from the Race will benefit the Main Street organization and the Middletown Branch of the Frederick County Libraries. Sponsors to date include Rock Star Fitness, Middletown Valley Bank, and Pulse Publishing (Find it Frederick and The Frederick Guide).

*Thank you for your continued support
of the Main Street Middletown program!*



Main Street - "The Heat Is On!" 5K Race
Town of Middletown - Frederick County



Burgess and Commissioners of Middletown 31 W Main St Middletown, MD 21769 Phone 301-371-6171 Fax 301-371-6474
Bruce A. Carbaugh, P.E. Director of Public Works Email: bcarbaugh@ci.middletown.md.us

MEMORANDUM

TO: Mr. Doug Hutzell – Frederick, Seibert & Associates

FROM: Bruce A. Carbaugh, Director of Public Works

DATE: May 1, 2015

RE: 14 Eastern Circle Stream Embankment Improvements

The Town of Middletown has no objection to stream improvement project utilizing the existing access road located on the Wiles Branch Park property. The Town would be requiring any disturbed area, tire ruts or other such results from the construction operations be repaired to preconstruction condition.

The current "roadway" is compacted asphalt millings and is scheduled to be paved with asphalt and "millings" installed as a shoulder on each side. This Capitol Improvement Project is funded for completion by June 30, 2015. We do not currently have a start date for the paving project.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.32 OF THE MIDDLETOWN MUNICIPAL CODE TO CLARIFY THAT MOBILE HOMES AND MOBILE HOME COURTS OR PARKS ARE PROHIBITED IN ALL DISTRICTS; TO REGULATE DISPOSAL CONTAINERS IN THE SAME MANNER AS STORAGE CONTAINERS; TO REPEAL OFF-STREET PARKING REQUIREMENTS FOR CONDOMINIUMS AND BOARDING HOUSES; TO PROVIDE THAT OFF-STREET PARKING REQUIREMENTS FOR INDOOR SPORTS FACILITIES ARE SUBJECT TO SITE PLAN APPROVAL; TO DELETE PROVISIONS PERMITTING OFF-STREET PARKING ON GRAVEL AREAS IN RESIDENTIAL DISTRICTS; TO REVISE THE REQUIREMENTS FOR OFF-STREET LOADING SPACES; TO PROVIDE AND REVISE REGULATIONS FOR NON-CONFORMING STRUCTURES AND USES; TO MAKE OTHER STYLISTIC AND GRAMMATICAL REVISIONS AND CORRECT TYPOGRAPHICAL ERRORS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.32, Sections 17.32.040, 17.32.045, 17.32.060, 17.32.070, 17.32.090, 17.32.100, 17.32.180, 17.32.200, 17.32.210, 17.32.220, 17.32.230 and 17.32.240 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 17.32 Design Standards Generally

17.32.040 - Prohibited uses.

- A. Billboards are prohibited in all districts.
- B. Private or public rifle shooting ranges are prohibited in all districts.
- C. Junk yards are prohibited in all districts.
- D. Salvage yards of any waste materials are prohibited in all districts.
- E. Mobile homes and mobile home courts or parks are prohibited **IN ALL DISTRICTS**.
- F. Video lottery facilities are prohibited in all districts. This provision does not apply to gaming permitted under Frederick County Code Section 1-2-101, et seq.

17.32.045 - Storage **AND DISPOSAL** containers.

A. Except as otherwise provided in this chapter, storage **AND DISPOSAL** containers are prohibited in the Town of Middletown, and no person who owns, leases, occupies or has charge of any premises or property, in whole or in part, shall place, keep or maintain a storage **OR DISPOSAL** container on the premises or property.

B. In a commercial or industrial zone, storage **AND DISPOSAL** containers may be placed, kept or maintained on premises or property for a period of no more than six consecutive months upon application to and approval of the planning commission. The planning commission may, upon application, extend the six-month period of time for another six month or less period. A permit approving the storage **OR DISPOSAL** container may be issued by the planning commission only if (1) the storage **OR DISPOSAL** container is situated on the property in compliance with setback requirements as established for buildings in the district, (2) its placement and use satisfies all other zoning requirements, and (3) is either situated in the rear

yard of the property or is screened in a manner approved by the planning commission so as to visually limit as much as reasonably practicable the appearance and presence of the storage **OR DISPOSAL** container. No storage **OR DISPOSAL** container may exceed a height of twelve (12) feet or a width of eight feet. Storage **AND DISPOSAL** containers may not be stacked on top of each other.

C. The planning commission may, upon application, approve the placing, keeping or maintaining of a storage **OR DISPOSAL** container on property or premises in any zone if the storage **OR DISPOSAL** container is to be used for and in connection with a construction, reconstruction or renovation project on the property or premises. A permit issued by the planning commission for such purpose shall be used in accordance with the conditions placed upon such permit by the planning commission. Any storage **OR DISPOSAL** container used in connection with such a permit shall be removed from the property or premises immediately upon the completion of the project or at such time as provided in the permit.

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

E. Any person violating the provisions of this section shall be guilty of a municipal infraction and be fined no more than one hundred dollars (\$100.00) for each infraction. Each day that the violation exists or continues shall be deemed a separate infraction. Any infraction may

be enforced as a municipal infraction or in any other means authorized by law, including injunction and specific enforcement.

17.32.060 - Off-street parking requirements.

A. *{Unchanged}*

B. Spaces Required. Off-street parking spaces must be provided for each building erected or enlarged in accordance with the following schedule:

Type of Use	Minimum of One Parking Space for Each
Single- and two-family residential dwellings and duplexes	½ dwelling unit (i.e., two spaces per dwelling unit)
Townhouses, apartments and condominiums	1/3 dwelling unit (i.e., three spaces per dwelling unit)
{Boarding house}	{½ boarder (i.e., two spaces per boarder)}
Hotel, motel	Guest sleeping room
Office building	300 square feet of gross floor area
Retail store or shop	150 square feet of gross floor area
Eating establishments	90 square feet of gross floor area and ground area (excluding parking) devoted to patron use on the property or three seats, whichever requirement is greater
Bowling alley	¼ lane (i.e., four spaces per lane)
Other recreational establishments	100 square feet of gross floor area
Community centers	100 square feet of gross floor area
Auto repair	400 square feet of gross floor area and ground area devoted to repair and service facilities
Other commercial buildings	300 square feet of gross floor area
{Hospitals, sanitarium} MEDICAL CARE FACILITIES	Bed (i.e., one space per bed)
Auditorium, {church,} HOUSE OF WORSHIP , theater and other such	Four seats excluding bus areas

Type of Use	Minimum of One Parking Space for Each
places of public assembly	
Schools	Subject to site plan approval
Industrial and heavy commercial establishments	One employee on major shift but at least one space for each 5,000 square feet of gross floor area
Funeral homes	100 square feet of gross floor area
Clubs, lodges and other similar places	100 square feet of gross floor area
Indoor [seeecr] SPORTS facilities	[300 square feet of gross floor area] SUBJECT TO SITE PLAN APPROVAL

C. – I. *{Unchanged}*

J. Off-Street Parking in Residential Districts.

1. *{Unchanged}*

2. A person may not park a motor vehicle on grass, mulch, or any other surface that is not a ~~[gravel or]~~ paved area.

3. *{Unchanged}*

4. *{Unchanged}*

17.32.070 - Off-street loading space requirements.

A. Every building or structure used for commercial and industrial uses and constructed after the adoption of the ordinance codified in this title shall provide space on the property to be used exclusively for loading and unloading of vehicles. Such space shall be in accordance with the following schedule:

Required Spaces	Building Floor Area

Required Spaces	Building Floor Area
1	0—8,000 square feet
2	8,001—25,000 square feet
3	25,001—40,000 square feet
4	40,001— {100,000} 60,000 square feet
{5}	100,001—250,000 square feet
6	250,001—400,000 square feet}

~~{For buildings over four hundred thousand (400,000) square feet, one additional space for each additional fifty thousand (50,000) square feet.}~~

B. For the purpose of determining adequacy of loading area, each space shall not be less than twelve (12) feet in width, forty-five (45) feet in length, and fourteen (14) feet in height.

17.32.090 - Residential uses in basements.

Residential uses, including apartment units, shall be permitted in basements in accordance with Chapters 17.16 and 17.20; provided that, each unit has a separate exterior entrance and meets the requirements of the Frederick County Building Code ~~{for light and ventilation}~~.

17.32.100 - Storage of inflammable fuels.

Storage of compressed gases and fuels shall conform to the following:

A. Compressed Gases/Fuels.

1. *{Unchanged}*

2. All compressed gases/fuels and liquid fuel systems approved by the planning commission to serve more than one lot must be approved prior to construction by the director of ~~{operations and construction}~~ **PUBLIC WORKS** for safety of materials, construction standards, and inspection procedures. A construction permit specific to the compressed gases/fuels or liquid fuel system is required prior to installation. A fee for this permit can be found in the list of fees for the town. The installation of the tank(s) must be inspected by the Frederick County plumbing/gas fitting inspector or authorized representative.

3. *{Unchanged}*

4. *{Unchanged}*

B. *{Unchanged}*

17.32.180 - Modifications to height limitations.

A. Public and Semipublic Buildings may Exceed Height Limitations. Public buildings, ~~{churches, temples, hospitals}~~, **PLACES OF WORSHIP, MEDICAL CARE FACILITIES**, institutions, may exceed the height limits to a total height of seventy (70) feet providing all yards required in the particular district are increased one foot for each two feet in excess of the height limitation.

B. *{Unchanged}*

C. *{Unchanged}*

17.32.200 - Continuance of nonconforming uses **AND STRUCTURES**.

Any lawful use of land or structure existing at the time of adoption of the ordinance codified in this title, or subsequent amendment of this title, may be continued with the following limitations:

A. **Expansion of Nonconforming Uses AND STRUCTURES.** [~~Noneonforming uses may upgrade, repair, or make alterations to their facilities. However, for the expansion of any nonconforming use, a site plan must be approved by the town planning commission.~~] **A NONCONFORMING USE OR STRUCTURE MAY BE EXPANDED, UPGRADED, REPAIRED OR ALTERED; PROVIDED, HOWEVER, THAT A SITE PLAN FOR ANY SUCH EXPANSION, UPGRADE, REPAIR OR ALTERATION SHALL BE FIRST APPROVED BY THE PLANNING COMMISSION.**

B. [~~Such expansion~~] **ANY SUCH CHANGE AUTHORIZED BY SUB-SECTION A** must meet the following requirements:

1. **Expansion OR OTHER AUTHORIZED CHANGE** is limited to the lot that exists at the time of adoption of the ordinance codified in this title, **AS AMENDED FROM TIME TO TIME**, and additional acreage or dwelling units shall not be added to [~~enlarge~~] **EXPAND OR OTHERWISE CHANGE** any nonconforming use **OR STRUCUTRE**.

2. Provision for access drives, off-street parking and loading shall be consistent with the requirements for the use as provided in this title.

3. Provisions for yards, building height and building area shall be consistent with the requirements for permitted uses for the district in which the nonconformity is located.

4. The expansion **OR OTHER AUTHORIZED CHANGE** shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.

5. Buffers and screens shall be provided as determined by the planning commission to adequately protect ~~{the}~~ **ADJACENT OR ADJOINING** properties. This includes, but is not limited to, fences, walls, plantings and open space.

17.32.210 - Replacement of destroyed nonconforming structures.

If any structure containing a nonconforming use is destroyed by fire, flood or other calamity, it may be immediately restored and the nonconforming use continued as a matter of right to the same size and dimensions and in the same location as the destroyed building on the same lot, subject to the provisions of Section 17.32.200, without application to the board of appeals, provided that a building permit for restoration is issued within one year from the date upon which such building was destroyed, and further provided that construction pursuant to said building permit begins within six months after the date of issuance of such permit, and is substantially completed within one year. The building permit shall be revoked if these conditions are not met. The site plan review as provided in Section 17.32.200(A) shall allow the planning commission architectural review for conformance with the previous nonconforming structure. Nothing contained herein shall be deemed to permit the intentional demolition and reconstruction of any building containing a non-conforming use by owner or occupant. Nothing in these regulations shall prevent the strengthening of or restoring to a safe condition any building declared to be unsafe by the office of permits and inspections.

~~{A. — Discontinued Nonconforming Use not to Re-Establish after Twelve (12) Months. No nonconforming use shall be established or re-established after having been discontinued for twelve (12) months. Vacating of premises or building or nonoperative status shall be evidence of a discontinued use.~~

~~B. Nonconforming Uses to be Substituted. A nonconforming use may be replaced by a less nonconforming use upon approval of a special exception by the board of appeals (Section 17.44.060).]~~

17.32.220 - Home occupations.

Home occupations in ~~[residence]~~ **RESIDENCES** are subject to the requirements of the district in which located except as herein modified and provided:

A. – D. *{Unchanged}*

17.32.230 - Site plans required for approval by Planning Commission.

A site plan shall be submitted to the Planning Commission for review and approval for all commercial, multifamily residential, public, institutional, and industrial buildings unless all of the following conditions are met:

A. – D. *{Unchanged}*

E. The building or site meets all existing regulations ~~{or}~~ **OF** the district in which it is located.

Site plan fees and parking requirements may be waived upon approval by the Planning Commission. The zoning administrator shall review all change of use permits to assure site plan requirements have been met

17.32.240 - Site plan requirements.

The site plan, or site development plan, shall comply with the following requirements and contain the following information:

A. General Style and Form.

1. Provide Information. It shall provide accurate, reliable and pertinent information as hereinafter set forth and that may be necessary for the Planning Commission and burgess and commissioners to properly consider the proposed development.

2. Show Plan of Development. It shall show the general plan of development for the property, covering the entire tract of land or so much of it as may be considered to be necessary for an adequate consideration of the part to be developed. This information shall be drawn to scale.

3. Drawing Material. It shall be drawn in ink, on a reproducible material, and shall be at a scale no smaller than one inch per one hundred (100) feet. **UNLESS OTHERWISE EXCUSED BY THE PLANNING COMMISSION FOR GOOD CAUSE, THE PLAN SHALL ALSO BE PROVIDED ELECTRONICALLY AS WELL.**

4. Include Key Map. It shall include a small scale key map showing the location of the property and its relation to major subdivisions, roads, streams, etc. The key map shall be at a scale of one inch equals twelve hundred (1,200) feet.

5. Title Information. Title information shall include:

a. Proposed site name, if applicable, which shall not duplicate nor closely approximate the name of any other site in the county or town;

b. Names and addresses of owner, developer, and the designer, surveyor or engineer;

c. Description of site location by streets, tract, political subdivision, or other identifying feature;

d. Scale, north point, and date.

6. Approval Block. There shall be an approval block for the Planning Commission with a space for date and signature by the chairperson.

B. Information as to Existing Physical Conditions. The following existing physical conditions shall be shown:

1. Boundaries. The boundaries of the land being developed in heavy outline, and the acreage therein. Exterior development boundary must be accurate with dimensions to one one-hundredths of a foot and bearings to half minutes as determined by an accurate field survey and closed within an error of closure not to exceed one foot in five thousand (5,000) feet. Names of adjacent property owners shall be included on the plan;

2. Topography. Topographic contours at five-foot intervals. ~~{contours}~~ **CONTOURS** shall extend one hundred (100) feet beyond the site boundary except across a public road;

3. Physical Features. Watercourses, floodplain areas, wooded areas, buildings, transmission lines, pipe lines, other utilities, bridges, and any other significant physical items, with the sizes and grades of any water or sewer lines;

4. Streets and Roads. Locations, widths and names of all existing roads, streets, alleys, or other public ways within or adjoining the site or intersecting any street that bounds it, including those recorded but unimproved (shown, by dotted lines); railroad, utility, or

other rights-of-way or easements; parks and other public spaces; subdivisions, lots, and property lines; corporate lines; and the locations and outlines of permanent buildings.

C. *{Unchanged}*

SECTION II. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.32 of the Middletown Municipal Code be, and hereby is, amended by adding the following as Sections 17.32.215 and 17.32.215A. New language is designated by being in **BOLD CAPITAL LETTERS**:

17.32.215 DISCONTINUED NONCONFORMING USE

NO NONCONFORMING USE SHALL BE ESTABLISHED OR RE-ESTABLISHED AFTER HAVING BEEN DISCONTINUED FOR TWELVE (12) CONTINUOUS AND CONSECUTIVE MONTHS. VACATING OF PREMISES OR BUILDING OR NONOPERATIVE STATUS SHALL BE EVIDENCE OF A DISCONTINUED USE.

17.32.215A NONCONFORMING USES TO BE SUBSTITUTED

A NONCONFORMING USE MAY BE REPLACED BY ANOTHER NONCONFORMING USE OF A LESSER DEGREE OF NONCONFORMITY UPON APPROVAL OF A SPECIAL EXCEPTION THEREFOR BY THE BOARD OF APPEALS IN ACCORDANCE WITH SECTION 17.44.060.

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