



## **SPECIAL AGENDA FOR THE TOWN WORKSHOP**

**May 7, 2015**

**7:00 p.m.**

7:00PM Community Deputy Report

7:05PM **Public Hearing – Zoning Amendments**

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 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.

AND

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.

7:20PM **Public Hearing – Constant Yield Tax Rate**

### **STAFF REPORTS:**

Staff Planner

Zoning Administrator

Engineer's Report

### **Regular Workshop Items**

**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 stricken 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 VEIWD 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 <sup>#</sup>	30 feet <sup>#</sup>	30 feet <sup>#</sup>	30 feet <sup>#</sup>

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 ~~[A]~~ 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. **ANTIQUUE 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[ <del>A</del> ] 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 <b>NOT</b> 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	\$	<b>0.232</b> per \$100 assessed value
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Town of Middletown - Personal Tangible Property Tax Rate	\$	<b>0.580</b> 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%