



SPECIAL AGENDA FOR THE TOWN WORKSHOP

February 5, 2015

7:00 p.m.

7:00PM Community Deputy Report

7:05PM **Public Hearing - Ordinance 15-02-01**

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

7:15PM Public Meeting – Review of West Green Street Improvements with Property Owners

STAFF REPORTS:

[Staff Planner](#)

[Zoning Administrator](#)

[Engineer's Report](#)

[Main Street Manager](#)

Regular Workshop Items

ORDINANCE NO. 15-02-01

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

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

TITLE 17 - ZONING

Chapter 17.04 - ADOPTION, PURPOSE AND DEFINITIONS

17.04.010 - Adoption.

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

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

17.04.020 - Purpose.

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

1. – 8. *{Unchanged}*

B. *{Unchanged}*

17.04.030 - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Board" means the Middletown board of appeals.

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

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

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

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

Cellar. See "basement."

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

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

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

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

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

"Commercial vehicles" see "Restricted vehicles."

"Commission" means the Middletown planning commission.

"Commissioners" means the town commissioners of Middletown.

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

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

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

"County" means Frederick County, Maryland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Restricted vehicles" means:

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

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

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

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

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

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

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

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

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

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

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

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

Sign, Billboard. See "Billboard."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE 17 - ZONING

Chapter 17.08 - ADMINISTRATION AND ENFORCEMENT

17.08.030 - Zoning certificate required.

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

17.08.060 - Zoning certificate may be outdated.

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

17.08.100 - Approval of zoning amendment.

A. *{Unchanged}*

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

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

17.08.110 - Enforcement.

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

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

1. The name and address of the person charged (or warned);
2. The nature of the violation;
3. The location of the violation;

4. The date(s) and time(s) of the violation;
5. The amount of the fine assessed (or possible of assessment);
6. The manner, location and time for which the fine may be paid (or violation corrected, if applicable);
7. The person's right to stand trial for the violation (if applicable);
8. A certification by the zoning administrator or his or her authorized agent attesting to the truth of the matters set forth **OR THAT THE CITATION IS BASED UPON AN AFFIDAVIT**; and
9. The effect of failing to pay the assessed fine or demand a trial within the prescribed time.

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

1. That the zoning administrator will investigate whether an infraction has occurred;
2. That, if the zoning administrator reasonably ~~finds~~ **BELIEVES** that an infraction has occurred, he or she will issue a warning to the person or persons responsible in the form and manner as outlined in this section, with a reasonable time stated to abate or to prevent future infractions;
3. That, if the infraction continues or is allowed to occur after the reasonable time stated, the zoning administrator ~~will~~ **MAY** issue a citation to the person or persons responsible in the form and manner as outlined in this section. Notwithstanding the provisions of subsection (C)(2) of this section, the zoning administrator may issue a citation without the prior issue of a warning.

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

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

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

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

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

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

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

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

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

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

INTRODUCED ON THE _____ DAY OF _____, 2015

PASSED ON THE _____ DAY OF _____, 2015

EFFECTIVE DATE: _____, 2015

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 2/2/2015

RE: Monthly Planning Update

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 – February 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
Site Plan conditionally approved by PC – November 18, 2013
Revised architectural plans approved by PC – March 17, 2014
Final FRO Plan approved – May 19, 2014
Improvement Plans conditionally approved by PC – July 21, 2014
Revised Site Plan conditionally approved – October 20, 2014 (Plans expire Oct. 20, 2017)
Revised Improvement Plans – Phase 1 conditionally approved – October 20, 2014
(Plans expire October 20, 2017)
Addition Plat recorded– November 10, 2014

Overfield – submitted demolition plan of carport 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 submitted for review – February 2, 2015

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

Verizon Small Cell Antenna Installation – site plan reviewed – June 16, 2014
Revised site plan conditionally approved – July 21, 2014; (Plans expire – July 21, 2017)

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:

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: 2/5/2015

RE: Monthly Zoning Update – January 2015

BOA Meetings: The Middletown Board of Appeals (BoA) met on January 13, 2015 to review a request for a variance from Municipal Code. Mr. Noel Manalo, attorney for Verdant Development Group requested a variance of 5 feet from the maximum building height of 35 feet found in Section 17.16.050 of the municipal code. The variance is requested for the Chesterbrook Phase 2 development located at the corner of Franklin and Broad Streets for construction of eighteen (18) garage-multi-family units. After a “Questions and Answers” dialogue with several neighbors who expressed their concerns regarding the height variance, and comments by the developer, Tom Poss, and his attorneys, the BoA members voted 3-0 to approve the maximum height for the multi-family units for Chesterbrook Phase 2 of 40 feet. Mr. Manalo received an official written notification of BoA’s approval of variance request on 16 Jan 15 as well as a copy of the draft meeting report/minutes.

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 23rd, 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) Storage Container in parking lot of Middletown Public Library. 101 Prospect Street. Mr. Darrel Buchanan, Facility Manager, Frederick County, notified via telephone call on 6 Nov 14 and 11 Nov 14 email that the storage container in the parking lot of the Middletown Public Library was in violation of Section 17.32.045 –

Storage Containers – of the Middletown Municipal Code. Copies of the code were provided to Mr. Buchanan. He was instructed to submit a letter/application to the Middletown Planning Commission requesting their permission for the storage container to be parked in the parking lot of the public library. The submission should include a site plan showing the location of the storage container on the site. All paperwork received from Mr. Buchanan was forwarded to the Middletown Staff Planner, Cindy Unangst. The Planning Commission at their January 15th meeting conditionally approved the storage container being in the public library parking lot until 31 Jan 15. The Planning Commission will not consider any extensions beyond the approved 31 Jan 15 date. Storage container removed from parking lot before 31 Jan 15 suspense date. Closed.

(3) 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, 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 22 Jan 15 and advised him that his motor home was, in fact, 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). 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 it would cost \$400 to file a special exception appeal to the BoA and that there was no guarantee that his request would be approved by the BoA. He will discuss his options with his wife and get back to me. Open.

(4) 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 Section 17.32.150 of the municipal code. I talked with homeowner on 20 Jan 15 regarding the zoning ordinance violation letter and basically told him the only options available to him were to park the vehicle in a town municipal parking lot in the Town Commercial zone or somewhere other than a residential zoned district in Middletown or to file a special exception appeal to the BoA in accordance with Sections 17.32.150 and 17.48.320 of the municipal code. I told him there was a fee associated with filing an appeal for a Special Exception with the BoA and that there was no guarantee that his appeal would be granted by the BoA members. On 23 Jan 15, I sent Mr. Sheffler an email with various sections of the municipal code attached. I attached Section 17.04.030 – Definitions; Section 17.32.150 – Restricted vehicles; Section 17.48.320 – Restricted vehicles in residential districts, Section 17.44.060 – Special exceptions; Section 17.44.070 – Public hearings, and a blank Special Exception application form. Additionally, I informed him that all applications for a special exception are referred to the town planning commission for a recommendation. In my email, I informed him that there was a \$400 fee for filing a special exception application. I talked with owner on 3 Feb 15. He said his company is reviewing his options and the owner will advise me by the end of the week on what course of action he wishes to pursue. Open.

(5) 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. We mutually agreed that now was not a good time to try and sell a camper/recreational equipment. Open.

(6) 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.

(7) Truck parked on grass in front yard. 501 East Main Street. Violation letter sent to homeowner on 20 Jan 15 advising owner that it was a violation of the Municipal Code, Section 17.32.060(J)(2) to park a motor vehicle on grass, mulch, or any other surface that is not gravel or paved. This is the second time this homeowner has been cited for this violation. Homeowner originally cited in 29 May 14 violation letter. *Owner advised that any future violations will result in a municipal infraction being issued that will include a citation of \$100 for each day the violation continues.* Truck subsequently removed from front yard. Closed.

(8) Car parked on grass in rear yard. 210 Lombardy Court. Violation letter sent to homeowner on 20 Jan 15 advising owner that it was a violation of the Municipal Code, Section 17.32.060(J)(2) to park a motor vehicle on grass, mulch, or any other surface that is not gravel or paved. Homeowner responded on 23 Jan 15 that the car was parked on a gravel driveway extension previously approved but could not be seen because of the snow cover. Therefore, the owner said the car was not on grass or mulch or other surface that is not gravel or paved. I reviewed property plat and forward homeowner a letter rescinding the 20 Jan 15 violation letter. Closed.

(9) Unlicensed Vehicle Parked in Driveway. 5 North Pointe Terrace. Violation letter sent to homeowner on 27 Jan 15 that it was a violation of Section 17.16.060 of the Middletown Municipal Code to park in a residential district an unlicensed or inoperative motor vehicle that is not effectively screened for adjoining properties. Screening shall be reviewed and approved by the Zoning Administrator in order to comply with this subsection of the Code. Open.

Miscellaneous: None

January 2015 Zoning Certificates - completed	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
R. Michael & Patricia Tabor – change of use/change of tenant; Photography Business at Church Street Business Center – Suite 207-D	205-207 South Church Street	126130	12/12/14	1/5/15	yes
Ken Kasai – Phoenix Fence Co. installing a 4 foot high split rail fence on one side of rear yard as well as a 10 foot section of fence with gate at the rear of the property.	24 Boileau Court	Town	1/6/15	1/8/15	no
Mauluda Ahmed/Patrick Ellis – sign permit issued for signs to be erected at the Garden Center – both freestanding and window/door signs.	5 East Main Street	Town	1/9/15	1/9/15	no
Nancy R. Newton – general construction permit for CVS Pharmacy building at proposed Cross Stone Commons Shopping Center	800 East Main Street	125074	7/30/14	1/13/15	yes
Joe Kroeber – finish more of basement by adding additional interior walls.	6 Groff Court	127063	1/27/15	1/28/15	yes

Zoning Certificate submitted– in progress					
Kirk & Mary Overfield – build new garage and slab on property after demolishing existing carport	122 East Main Street		1/12/15		yes

Zoning Certificate submitted -- actions pending and/or suspended					
Ron Terbush – repair porch, <i>demolish & 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
February 5, 2015**

COMPLETED WORK

Streets and Utilities, Facilities

Multiple snow events, misc truck repairs, Hydrant refurbished, process pipe completed at reservoir, control valve repairs

Water and Sewer

Itron Meter transmitter training and install, new blower and rebuilt motor installed, cleaned all wetwells

New Projects

Budget: Water and Sewer Budget Requests completed.

Unbudgeted Expenses:

Estimated 2015 Dump Truck repair, \$5,000.00

Sludge cost for FY \$ 25230.00, 36,000 gal hauled, 37842 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	286,000	283,000	137,000	138,000	280,000	353,000	288,000	331,000
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 296000 297500 108833 120167 217763 231717 182917 224533
 Avg Yr Flw 108.04 108.59 39.72 43.86 79.48 84.58 66.76 81.95

**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, Disk Filter drain clean and inspect, Sewer Cleanout repairs in Foxfield,. Sanitary Sewer Root Prevention, Booster Station: Control Valve 4 pilot to be rebuilt, Removal of 6" valve on 12" HP waterline. Chemical pump installation at Reservoir, Generator load testing

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 even

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: Received first submittal for plan (profiles to follow). Completed by March 2015.

Streetscape: Team meeting on January 26, Advertisement for Construction date is Dec 2015.

Street CIP: Broad St Streetscape, Triad has submitted request for information and kickoff meeting.

Well 15 Filters: ARRO proceeding with design and tentative manufacturer for prefabricated system.

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

2015 Dump Truck: Truck is performing well and there have been no incidents with modified staff/driver. Received new spreader, repair dump body after winter 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

Reservoir Waterline: Completed working correctly. End of project

Drainage Issues: none

Equipment: RTV and attachments have been used and are performing as expected.

Memorial Park: New waterline to facilities planned. Hedge at restrooms removed.

MDE /Permits: Yearend reports filed.

Developments

Cross Stone: Preconstruction meeting completed on January 29. Work to begin week of Feb 2.

Coblentz Property: No action

Planned Work

General Fund Budget

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 & Commissioners
FROM: Becky Reich, Main Street Manager
RE: Manager's Workshop Report
DATE: February 4, 2014

PROMOTIONS:

- The Main Street Promotions Committee will meet Wednesday, February 11, 2015. The Promotions Committee has completed a draft of the Calendar of Events and we will go to print when we finalize dates this week.
- The Promotions Committee has updated Main Street's listing of Main Street businesses in order to launch a monthly e-newsletter to keep the businesses informed of Main Street activities. Volunteer Kim Brenengen has spear-headed this project. Please look for this newsletter by the end of March!

ECONOMIC DEVELOPMENT:

- The Economic Development Committee met on Monday, February 2, 2015. We are in the final phases of the inventory. We have meet with a majority of the businesses but there are a few that have declined to participate.
- Volunteer Daphne Gabb has created an Access Database for us to electronically store our business inventory. We will be able to create comparative reports with this type of database which will be helpful in compiling results. Volunteers are entering our Inventory results presently.
- The Economic Development Committee has identified dates and is coordinating with several of the businesses to plan out quarterly "meet and greet" mixers.
- We have some updated information about the Gladhill 100th Anniversary - the celebration will take place on Wednesday, April 29, 2015, from 6pm to 8pm.

DESIGN:

- The Design Committee will meet on Thursday, February 12, 2015 at 5:00pm.
- The Design Committee is continuing our discussion about way-finding signage. Design Committee chair, Kirk Denton, is working on conceptual signs and some revised locations based on the feedback we have been receiving from the Business Inventory

questionnaire. Main Street appreciates the volunteer efforts and Mr. Denton giving his time and talents to this project.

ORGANIZATION:

- The Organization Committee met on January 15, 2015 and explored several fundraising ideas to increase and diversify funding Main Street program areas. The idea that the Organization Committee presented to the full Board of Trustees at our January 22, 2015 meeting was to sponsor a road race. The Board is very excited about this idea and has asked other members of the community to assist planning this new event. The Board determined that we needed to re-examine the Taste of the Town Event and revise it for the following year. The sub-committee that will assist the Organization Committee in planning the road race will meet on Wednesday, February 4, 2015.
- David Guiney and I presented the 150th project in Annapolis on Tuesday, February 3, 2015 at a State Highway Administration event focusing on projects and partnerships along Maryland's Scenic Byways. Main Street Middletown was the only Main Street program featured at this workshop.
- David Guiney and I will be presenting the 150th project March 30, 2015 in Atlanta at the National Main Street Conference. This was a competitive selection process and applications were ranked based on the merits of the project. From the perspective of the National Main Street Center, our project encompassed all Four Points of the Main Street approach, followed the 8-Guiding Principles, and successfully garnered private and public partnerships.

GRANTS:

- Main Street is currently working on TRIPP Grant applications. The applications, process, and categories of funding emphasis have changed since last year.
- Main Street has successfully closed out the Heritage Area Grant and received the final payment from the State. In addition, Main Street distributed the funds raised from this partnered project with our other two nonprofit organizations.

STREETSCAPE:

- Main Street Manager attended the SHA Streetscape Meeting that was held on Monday, January 26, 2015.
- Main Street Manager will attend a meeting hosted by Jan Gardner regarding State Highway's signage program of the Tourist Attraction signs that are located along the interstates and how that application process may work for Middletown.

Thank you for your continued support of Main Street Middletown!