



## AGENDA FOR THE TOWN MEETING

September 14, 2015

7:00 p.m.

### PLEDGE TO THE FLAG

### CALL TO ORDER

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

### CONSENT AGENDA

- Financial Statements
- Town Meeting Minutes
  - August 24, 2015 Regular Meeting

### PERSONAL REQUESTS FOR AGENDA:

### UNFINISHED BUSINESS:

- **Ordinance 15-08-01 – Amendments to Special Exception Uses**
- **Dog Park Rules and Applications**
- **Review of Proposals for Parking Lot at 13 West Main Street**
- Position Open on Middletown Board of Appeals
- Discussion of Legislation to Require Banks/Mortgage Companies to Register Vacant or Foreclosed Properties

### REPORT OF COMMITTEES:

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

### NEW BUSINESS:

- Discussion of Exploratory Group to Organize 250<sup>th</sup> Anniversary Celebration of the Town in 2017
- Discussion of National Night Out
- **Discussion of Legislative Initiatives from the County Executive**

**PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

*Heritage Festival – Saturday, September 26, 2015*

**ADJOURNMENT**

**ORDINANCE NO. 15-08-01**

**AN ORDINANCE TO AMEND TITLE 17, CHAPTER 17.48 OF THE MIDDLETOWN MUNICIPAL CODE RELATING TO REQUIREMENTS FOR SPECIAL EXCEPTION USES; TO DELETE PROVISIONS RELATING TO SPECIAL EXCEPTION USES FOR BOARDING AND LODGING HOUSES, HOSPITALS AND SANATORIUMS, AND OFFICES FOR INTERIOR DESIGN SERVICES; TO CLARIFY VARIOUS SECTIONS OF THAT CHAPTER AND TO MAKE OTHER GRAMMATICAL, STYLISTIC AND NON-SUBSTANTIVE REVISIONS.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of Middletown that Title 17, Chapter 17.48 of the Middletown Municipal Code be, and hereby is, 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 17.48 - SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS**

- 17.48.010 - Compliance with specific standards required.
- 17.48.015 - Active adult community.
- 17.48.020 - Animal kennels and clinics.
- 17.48.030 - Barber shops and beauty parlors.
- 17.48.040 - ~~{Boarding house and lodging house.}~~ **RESERVED**
- 17.48.050 - Bed and breakfast homes.
- 17.48.060 - Bulk petroleum storage.
- 17.48.070 - Clubs, lodges and fraternal organizations.
- 17.48.080 - Convalescent or nursing home.
- 17.48.090 - Gasoline station.
- 17.48.100 - Greenhouse or nursery.
- 17.48.120 - ~~{Hospital and sanatorium.}~~ **RESERVED**
- 17.48.130 - Hotel and motel.
- 17.48.140 - Industrial park.
- 17.48.150 - Lumber and other building material—Retail.
- 17.48.160 - Medical ~~{centers}~~ **CARE FACILITIES.**
- 17.48.170 - Nursery schools and child care centers.
- 17.48.180 - Private and commercial schools.
- 17.48.190 - Professional office.
- 17.48.200 - Public utility buildings.
- 17.48.210 - Replacement of nonconforming use.

- 17.48.220 - Residential uses.
- 17.48.230 - Shopping centers.
- 17.48.240 - Vehicle repair and service—GC and SC/LM districts.
- 17.48.250 - Vehicle repair and service—Town commercial district.
- 17.48.260 - Vehicle sales.
- 17.48.270 - Accessory retail sales and repair.
- 17.48.280 - Farm supply and hardware sales.
- 17.48.290 - Repair services.
- 17.48.300 - Light manufacturing.
- 17.48.310 - Multifamily dwellings and townhouses.
- 17.48.320 - Restricted vehicles in residential districts.
- 17.48.330 - Antique malls.
- 17.48.340 - Self-storage.
- 17.48.350 - Commercial tour bus parking.
- 17.48.360 - Fences.
- 17.48.370 - ~~{Offices for interior design services.}~~ **RESERVED**
- 17.48.380 - Business ~~{and}~~ **WITH** warehouse facilities.
- 17.48.390 - Community centers, **PLACES OF WORSHIP, LIBRARIES AND PUBLIC SCHOOLS.**
- 17.48.400 - Solar collection systems, freestanding.
- 17.48.410 - Parking lots in R-2 districts

14.48.010 Compliance with specific standards required.

In addition to the general standards for all special exceptions as contained in Section 17.44.060(F), the specific standards in this chapter for particular uses must be ~~{met prior to the granting of a special exception.}~~ **SATISFIED IN ORDER FOR THE BOARD OF APPEALS TO GRANT A SPECIAL EXCEPTION. FOR ANY SPECIAL EXCEPTION USE WHICH REQUIRES REVIEW AND RECOMMENDATION OF A CONCEPT PLAN BY THE PLANNING COMMISSION, SUCH REVIEW AND RECOMMENDATION SHALL BE UNDERTAKEN BY THE PLANNING COMMISSION BEFORE THE BOARD OF APPEALS GRANTS THE APPLICATION FOR THE SPECIAL EXCEPTION. AS USED IN THIS CHAPTER, A “CONCEPT PLAN” IS A PLAN AND/OR SKETCH WHICH ILLUSTRATES THE GENERAL OBJECTIVES AND PLANS OF THE DEVELOPER RELATIVE TO THE INTENDED DEVELOPMENT OF LAND AND ITS CONSISTENCY WITH TOWN ORDINANCES AND DESIGN STANDARDS.**

17.48.015 - Active adult community.

An active adult community in the R-20 residential district is subject to the requirements of that district except as modified and provided in this section:

A. – G. *{Unchanged}*

H. The planning commission shall **REVIEW AND MAKE RECOMMENDATIONS REGARDING A** ~~[approve a site development]~~ **CONCEPT** plan for the active adult community ~~[and shall have architectural review authority for the dwelling units to be constructed within the community].~~

I. **IF THE SPECIAL EXCEPTION IS GRANTED**, the planning commission shall review and approve the homeowners' association declaration of covenants, articles of incorporation and by-laws prior to final **PLAT** approval ~~[of the site development plan for an active adult community].~~ **THE PLANNING COMMISSION SHALL ALSO HAVE ARCHITECTURAL REVIEW AUTHORITY FOR THE DWELLING UNITS TO BE CONSTRUCTED WITHIN THE COMMUNITY.**

17.48.020 - Animal kennels and clinics.

Animal kennels and clinics in a GC district are subject to the requirements of that district except as herein provided:

A. All buildings ~~[must]~~ **SHALL** be set back at least forty (40) feet from any street or property line;

B. All activities associated with the use including runs etc., ~~[must]~~ **SHALL** be located entirely within the building;

C. It ~~[must]~~ **SHALL** be located on and have access from a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~[master]~~ **COMPREHENSIVE** plan.

17.48.030 - Barber shops and beauty parlors.

Barber shops and beauty parlors in R districts are subject to the requirements of the district in which located except as herein provided:

A. The beautician or barber ~~[must]~~ **SHALL** be a resident of the dwelling;

B. – D. *{Unchanged}*

E. Sufficient off-street parking in the side or rear yard ~~[must]~~ **SHALL** be provided with three spaces being the minimum;

F. – G. *{Unchanged}*

17.48.040 – **RESERVED** ~~{Boarding house and lodging house.~~

~~Boarding and lodging houses in an R-3 district are subject to the requirements of that district except as herein provided:~~

~~A.—— Lot Area. There shall be at least four thousand (4,000) square feet of lot area for each dwelling unit or guest room.~~

~~B.—— Lot width. There shall be a minimum lot width of at least one hundred fifty (150) feet.~~

~~C.—— The maximum number of guests permitted shall be five.]~~

17.48.050 - Bed and breakfast homes.

Bed and breakfast homes ~~{may be permitted in all}~~ **IN THE R-1, R-2, R-3, and TC districts ARE SUBJECT TO THE REQUIREMENTS OF THE DISTRICT IN WHICH THE BED AND BREAKFAST HOME WILL BE LOCATED EXCEPT AS HEREIN** provided ~~{all of the following conditions can be met}~~:

A. – B. *{Unchanged}*

C. Off-street parking shall be provided; one space per guest room plus one additional space for each home occupant and/or employee(s). In no case shall parking be provided in the front yard. All parking areas ~~{must}~~ **SHALL** be adequately screened as required by the site plan approval of the planning commission **ONCE THE SPECIAL EXCEPTION HAS BEEN GRANTED.**

D. – E. *{Unchanged}*

F. Bed and breakfast homes shall comply with all applicable **STATE AND** county codes.

17.48.060 - Bulk petroleum storage.

Bulk petroleum storage facilities in an SC/LM district are subject to the requirements of that district except as herein modified and provided:

A. – E. *{Unchanged}*

F. Retail gasoline pump sales subject to:

1. Pump setback of at least twenty-five (25) feet from the street line and fifty (50) feet from the nearest adjoining property line;

2. Gasoline storage ~~{must}~~ **SHALL** be below ground and set back from the nearest line of adjoining property in accordance with underground storage setback standards in subsection B of this section;

3. ~~{Site}~~ **CONCEPT** plan ~~{approval}~~ **REVIEW AND COMMENDATION BY THE PLANNING COMMISSION:**

- a. Lot area—thirty thousand (30,000) square feet,
- b. Maximum density—one ~~{bed}~~ **PUMP** per one thousand (1,000) square feet of lot area,
- c. Lot width—one hundred fifty (150) feet,
- d. Yard—minimum for each—front thirty-five (35) feet, side twenty (20) feet, rear thirty-five (35) feet,
- e. Building coverage—fifteen (15) percent maximum,
- f. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

17.48.070 - Clubs, lodges and fraternal organizations.

Clubs, lodges and fraternal organizations in R-3 and TC districts are subject to the requirements of the district in which located except as herein provided:

A. – D. *{Unchanged}*

E. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

17.48.080 - Convalescent or nursing home.

Convalescent and nursing homes in R-2 and R-3 districts are subject to the requirements of the district in which located except as herein modified and provided:

A. – E. *{Unchanged}*

F. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

17.48.090 - Gasoline station.

Gasoline stations in the GC district are subject to the requirements of the district in which located except as herein modified and provided:

A. Buildings ~~{must}~~ **SHALL** be set back at least forty (40) feet from the street line.

B. Pumps ~~{must}~~ **SHALL** be set back at least twenty-five (25) feet from the street line and fifty (50) feet from the nearest adjoining property.

C. Where the site adjoins an R district, the lot shall be screened by a solid wall or substantial, sightly, solid fence not less than five feet in height together with a six-foot planting strip of shrubs and evergreens on the outside of the fence. A buffer yard fifty (50) feet wide ~~{must}~~ **SHALL** be provided and shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or building purposes.

D. Access drives ~~{must}~~ **SHALL** be located as follows:

1. Minimum offset from intersection of street right-of-way lines: forty (40) feet;
2. Side lot line offset: ten (10) feet;
3. Minimum width: twelve (12) feet;
4. Maximum width: thirty-five (35) feet;
5. Minimum separation of drives on same lot: twenty-five (25) feet.

E. Except along access drives, a concrete curb eight inches in height ~~{must}~~ **SHALL** be placed along all street right-of-way lines.

F. All lights shall be diverted toward the gasoline station or downward on the lot.

G. No outdoor stockpiling of tires or outdoor storage of trash is permitted. An area enclosed by a wall or fence, screened from view of adjoining properties, shall be provided whenever outdoor storage is required. No materials may be stored so as to create a fire hazard.

H. At least ten (10) percent of the lot on which the gasoline station is situated ~~{must}~~ **SHALL** be devoted to landscaping.

I. Only ~~{minors}~~ **MINOR** repairs are permitted and all repairs ~~{must}~~ **SHALL** be conducted within the building.

17.48.100 - Greenhouse or nursery.

Greenhouses and nurseries in ~~{O-S}~~ **OS** and GC districts are subject to the requirements of the district in which located except as herein modified and provided:

A. – C. *{Unchanged}*

D. In an ~~{O-S}~~ **OS** district, no sale or storage of general hardware, power tools or motorized equipment is permitted.

17.48.120 – **RESERVED** ~~{Hospital and sanatorium.~~

~~Hospitals and sanatoriums in the R-3 and GC districts are subject to the requirements of the district in which located except as herein modified and provided:~~

~~A. Lot area two acres;~~

~~B. Lot Width two hundred (200) feet;~~

~~C. Yards no portion of a building shall be within fifty (50) feet of a lot line or street line;~~

~~D. The required parking shall not be permitted in the front yard area;~~

~~E. Building coverage forty (40) percent maximum;~~

~~F. Access must be on a major street as designated in the town master plan;~~

~~G. Screening as approved by the planning commission shall be required along all R district boundaries.]~~

17.48.130 - Hotel and motel.

Hotels and motels in a GC district are subject to the requirements of that district except as herein provided:

A. Lot area—two acres minimum;

- B. Lot width—three hundred (300) feet **MINIMUM**;
- C. All buildings ~~{must}~~ **SHALL** be set back at least fifty (50) feet from the street line and forty (40) feet from side or rear property lines;
- D. Buffer yard and screening ~~{must}~~ **SHALL** be provided as approved by the planning commission along all R district boundaries;
- E. ~~{Must}~~ **SHALL** be located on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

17.48.140 - Industrial park.

Industrial parks in an SC/LM district are subject to the requirements of that district except as herein provided:

- A. – B. *{Unchanged}*
- C. All buildings ~~{must}~~ **SHALL** be set back at least fifty (50) feet from any property line and one hundred (100) feet from a street line;
- D. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan. Traffic routes and exits shall be far enough from houses so that truck noise and vibration will be minimized;
- E. A buffer yard one hundred fifty (150) feet wide ~~{must}~~ **SHALL** be provided on the site in all instances where the site adjoins an R district. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes;
- F. *{Unchanged}*

17.48.150 - Lumber and other building material—Retail.

Retail lumber and other building material facilities in a GC district are subject to the requirements of that district except as herein modified:

- A. – B. *{Unchanged}*
- C. All buildings ~~{must}~~ **SHALL** be at least forty (40) feet from any property line or street line;
- D. Buffer yard and screening ~~{must}~~ **SHALL** be provided as approved by the planning commission when adjacent to an R district;

E. There shall be no outdoor storage of materials in the front yard area;

F. Access ~~{must}~~ **SHALL** be ~~{in}~~ **ON** a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

#### 17.48.160 - Medical ~~{centers}~~ **CARE FACILITIES.**

Medical centers in an R district are subject to the requirements of the district in which located except as modified and provided:

A. – E. *{Unchanged}*

F. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the town ~~{master}~~ **COMPREHENSIVE** plan.

#### 17.48.170 - Nursery schools and child care centers.

Nursery schools and child cares centers in R and GC districts are subject to the requirements of that district except as herein modified and provided:

A. – E. *{Unchanged}*

F. There shall be an adequately sized **FULLY FENCED** play area~~{, fully fenced and enelosed}~~.

#### 17.48.180 - Private and commercial schools.

Private and commercial schools in the GC district are subject to the requirements of the district except as herein provided:

A. Lot area—one acre **MINIMUM**;

B. – D. *{Unchanged}*

#### 17.48.190 - Professional office.

A. Professional offices (physician, dentist, architect, engineer, attorney, or similar **LICENSED PROFESSIONALS** {professions}) in R districts are subject to the requirements of the district in which located except as herein modified and provided:

1. The professional person {must} **SHALL** be a resident of the dwelling;
2. That there is not exterior evidence, other than a permitted sign not exceeding two square feet, to indicate that the building is being used for any purpose other than that of a dwelling;
3. That there is no show window or display window;
4. Only one person other than the resident professional may be employed;
5. Sufficient off-street parking in the side or rear yard {must} **SHALL** be provided with three spaces being the minimum;
6. The total area devoted to the office does not exceed twenty-five (25) percent of the square footage of the dwelling unit.

B. In the R-3 district a nonresident office of a physician and/or dentist is permitted subject to the requirements of that district except as herein modified and provided:

1. No more than one physician or dentist and three other employees at one time;
2. That there is no exterior evidence, other than a permitted sign not exceeding two square feet, to indicate that the building is being used for any purpose other than residential;
3. Sufficient off-street parking in the side or rear yard {must} **SHALL** be provided with one space per employee plus three additional spaces being minimum.

#### 17.48.220 - Residential uses.

Residential uses in a GC district are subject to the requirements of that district except as herein modified:

A. {Must} **SHALL** be located within a structure that is existing on the date of adoption of the ordinance codified in this title or {must} **SHALL** be in conjunction with a commercial use (e.g., caretaker dwelling etc.) or located within a building that is used principally for a commercial use;

B. {Must} **SHALL** comply with the parking requirements of this title.

#### 17.48.230 - Shopping centers.

These standards are intended to ensure that shopping centers are compatible with their surrounding areas and contribute to the unique community character of the Town of Middletown. Shopping centers in the GC district are subject to the requirements of the district in which located except as herein provided:

A. – B. *{Unchanged}*

C. All buildings ~~{must}~~ **SHALL** be setback at least fifty (50) feet from any property line and one hundred (100) feet from a street line;

D. Parking ~~{must}~~ **SHALL** be provided at the minimum ratio of five point five (5.5) parking spaces for each one thousand (1,000) square feet of total floor area;

E. Access ~~{must}~~ **SHALL** be on AN ~~{a-minor}~~ arterial **STREET** as designated in the town ~~{master}~~ **COMPREHENSIVE** plan;

F. A buffer yard one hundred (100) feet wide ~~{must}~~ **SHALL** be provided on the site in all instances where the site adjoins an R district. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes;

G. When adjacent to an R district except for street frontage, ~~{a-screen-planting-as-approved-by-the-planning-commission-and-at-least-six-feet-in-height-must-be-provided-along-the-R-district-boundary}~~ **LANDSCAPE SCREENING AT LEAST SIX FEET IN HEIGHT SHALL BE PLANTED ALONG THE R DISTRICT BOUNDARY. THE LANDSCAPE SCREENING PLANS SHALL BE APPROVED BY THE PLANNING COMMISSION FOLLOWING SPECIAL EXCEPTION USE APPROVAL;**

H. – J. *{Unchanged}*

K. Shopping centers shall receive architectural review approval by the Middletown Planning Commission **FOLLOWING SPECIAL EXCEPTION USE APPROVAL.**

#### 17.48.240 - Vehicle repair and service—GC and SC/LM districts.

Vehicle repair and service facilities in a GC and SC/LM district are subject to the requirements of that district except as herein provided:

A. All repairs ~~{must}~~ **SHALL** be conducted entirely within an enclosed building.

B. Vehicle parking or storage shall not be permitted in any yard area adjacent to an R district.

C. Screening as approved by the planning commission **FOLLOWING SPECIAL EXCEPTION USE APPROVAL** shall be required along all R district boundaries.

D. All buildings ~~{must}~~ **SHALL** be set back at least forty (40) feet from the front yard line. In the GC district, all buildings ~~{must}~~ **SHALL** be set back forty (40) feet from all side yard and rear yard lines. In the SC/LM district, all buildings ~~{must}~~ **SHALL** be set back twenty (20) feet from all side yard and rear yard lines.

E. Vehicles repaired shall be limited to automobiles and trucks, not to include tandem axle or tractor trailer trucks.

F. In no case shall the sign identifying the business exceed fifty (50) square feet in size.

#### 17.48.250 - Vehicle repair and service—Town commercial district.

Vehicle repair and service facilities in a town commercial district are subject to the requirements of that district except as herein provided:

- A. All repair work ~~{takes place}~~ **SHALL BE PERFORMED** within the building.
- B. Parking space requirements to be determined by site plan **REVIEW OF THE PLANNING COMMISSION AFTER SPECIAL EXCEPTION APPROVAL.**
- C. No storage of vehicle parts or machinery shall be allowed outside.
- D. Hours of operation shall be addressed by the board of appeals.
- E. A ~~{site}~~ **CONCEPT** plan shall be submitted to the planning commission **FOR REVIEW AND RECOMMENDATION.**

#### 17.48.260 - Vehicle sales.

Vehicle sales in a GC district are subject to the requirements of that district except as herein provided:

- A. Access ~~{must}~~ **SHALL** be on a major street (**ARTERIAL OR COLLECTOR**) as designated in the Middletown ~~{master}~~ **COMPREHENSIVE** plan. All sites ~~{must}~~ **SHALL** be located as follows:
  - 1. Minimum ~~{offset}~~ **SETBACK** from intersection of street lines: forty (40) feet;
  - 2. Side lot line ~~{offset}~~ **SETBACK**: fifteen (15) feet;
  - 3. Minimum width: ~~{twelve (12)}~~ **SIXTY-SIX (66)** feet;

~~[4. — Maximum width: thirty five (35) feet];~~

~~[5]~~ 4. Minimum separation of access drives on same lot: twenty-five (25) feet.

B. Where the site adjoins an R district the lot shall be screened by a solid wall or a substantial, ~~[slightly,]~~ solid fence, not less than five feet in height together with a six foot planting strip of shrubs and evergreens on the outside of such fence or wall. A buffer yard of fifty (50) feet wide ~~[must]~~ **SHALL** also be provided. The buffer yard shall be naturally landscaped, have no impervious cover and shall not be used for building, parking, loading or storage purposes.

C. – D. *{Unchanged}*

17.48.270 - Accessory retail sales and repair.

Accessory retail sales and repair in the SC/LM district are subject to the requirements of that district except as herein provided and modified:

A. – C. *{Unchanged}*

D. Access to the property shall be from a major street (**ARTERIAL OR COLLECTOR**) ~~[identified]~~ **AS DESIGNATED** in the town ~~[master]~~ **COMPREHENSIVE** plan.

E. – F. *{Unchanged}*

17.48.280 - Farm supply and hardware sales.

Farm supply and hardware sales in the SC/LM district are subject to the requirements of that district except as herein provided and modified:

~~[A. — Must be primarily in a building or accessory structure which was existing on the date of the adoption of this ordinance codified in this title;]~~

~~[B]~~ A. Such a use ~~[must]~~ **SHALL** have access from a major street (**ARTERIAL OR COLLECTOR**) as ~~[identified on]~~ **DESIGNATED IN** the town ~~[master]~~ **COMPREHENSIVE** plan;

~~[C]~~ B. Any area devoted to retail sales of hardware and farm supply ~~[must]~~ **SHALL** comply with the parking requirements for retail stores or shops as set forth in Section 17.32.060(B);

~~[D]~~ C. Expansion or additions to buildings or properties containing such uses shall be permitted subject to the above requirements and the general requirements of that district. ~~[Site]~~ **CONCEPT** plan approval for any such expansion or addition ~~[must receive approval by]~~ **SHALL BE SUBMITTED TO** the Middletown planning commission **FOR REVIEW AND RECOMMENDATION**;

~~[E]~~ D. In no case shall the sign identifying the business exceed fifty (50) square feet in size.

#### 17.48.290 - Repair services.

Repair services in the SC/LM district are subject to the requirements of that district except as herein provided and modified:

- A. One parking space per three hundred (300) square feet of gross floor area shall be provided.
- B. Access shall be from a major street (**ARTERIAL OR COLLECTOR**) as ~~[identified]~~ **DESIGNATED** in the town ~~[master]~~ **COMPREHENSIVE** plan.
- C. In no case shall the sign identifying the business or businesses located on the premises or within the building exceed fifty (50) square feet in size. Such a sign shall be located on the building and not be free standing and otherwise conform to Chapter 17.36.

#### 17.48.300 - Light manufacturing.

Light manufacturing uses in the SC/LM district are subject to the requirements of that district except as herein provided:

- A. Such request shall be accompanied by a certification by a registered engineer or architect that fumes, odors, dirt, vibration or noise produced by the use will not be detectable at the lot line.
- B. Access shall be from a major street (**ARTERIAL OR COLLECTOR**) as ~~[identified on]~~ **DESIGNATED IN** the town ~~[master]~~ **COMPREHENSIVE** plan.
- C. All storage of goods and material shall be within a completely enclosed structure.

#### 17.48.310 - Multifamily dwellings and townhouses.

Multifamily dwellings and townhouses in the R-2 residential districts are subject to the requirements of that district except as herein modified and provided:

- A. – B. *{Unchanged}*
- C. The proposed multifamily dwelling or townhouse development shall be accessed ~~[to]~~ **FROM** a major street (**ARTERIAL OR COLLECTOR**) as ~~[identified]~~ **DESIGNATED** in the town ~~[master highway]~~ **COMPREHENSIVE** plan.

D. ~~[Multifamily dwellings shall receive site plan approval from]~~ **A CONCEPT PLAN SHALL BE SUBMITTED TO** the planning commission **FOR REVIEW AND RECOMMENDATION**, and townhouse development shall be in accordance with Section 17.16.080.

17.48.320 - Restricted vehicles in residential districts.

Restricted vehicles parking in the residential districts are subject to the requirements of those districts except as herein modified and provided:

~~[A. Subject to site plan approval by the Middletown planning commission for the purpose of obtaining a special exception from the Middletown board of appeals as provided in Section 17.32.150, which at a minimum shall address screening and setbacks;]~~

~~[B.]~~ **A. THE GRANTING OF A SPECIAL** ~~[Special]~~ **exception TO A SPECIFIC PROPERTY OWNER FOR A SPECIFIC VEHICLE IS AUTHORIZED ONLY FOR THAT PROPERTY OWNER AND ONLY FOR THAT SPECIFIC VEHICLE, AND THE GRANT OF THE SPECIAL EXCEPTION IS NON-TRANSFERABLE** ~~[approval is granted for specific property owners for specific properties]~~ and shall not run with the land.

17.48.330 - Antique malls.

Antique malls in the ~~[SC/LM]~~ **SC/LM** district are subject to the requirements of that district except as herein modified and provided:

~~[A. Must be located within a structure that exists as of the adoption of the ordinance codified in this title;]~~

~~[B.]~~ **A. [Site] CONCEPT plan REVIEW AND RECOMMENDATION** ~~[approval]~~ is required by **THE MIDDLETOWN** planning commission to include A parking designated area and ~~[sidewalk]~~ **SIDEWALKS**;

~~[C.]~~ **B.** Hours of operation shall be addressed by the board of appeals;

~~[D.]~~ **C.** Parking shall be provided at a rate of one space per three hundred (300) square feet of leasable floor area;

~~[E.]~~ **D.** Signs shall be limited to fifty (50) square feet in size and shall be affixed to the building;

~~[F.]~~ **E.** The property ~~[must]~~ **SHALL** have access to a street identified as ~~[a]~~ **AN ARTERIAL OR** collector street ~~[or greater]~~ as **DESIGNATED** ~~[identified]~~ in the town ~~[master]~~ **COMPREHENSIVE** plan.

17.48.340 - Self-storage.

Self-storage facilities in the ~~{town}~~ **GC AND SC/LM** commercial ~~{district}~~ **DISTRICTS** are subject to the requirements of ~~{that}~~ **THE DISTRICT IN WHICH THE PROPERTY IS LOCATED** except as provided in this ~~{chapter}~~ **SECTION**:

A. **MIDDLETOWN** planning ~~{and zoning}~~ commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;

B. ~~{Access to self-storage shall be controlled as to hours and location}~~ **THE HOURS TO WHICH ONE MAY HAVE ACCESS TO THE SELF-STORAGE FACILITY SHALL BE LIMITED AS ESTABLISHED BY THE BOARD OF APPEALS;**

C. ~~{Parking shall be provided as required by the planning commission}~~ **THE PROPERTY SHALL HAVE ACCESS TO A STREET WHICH IS DESIGNATED IN THE TOWN COMPREHENSIVE PLAN AS AN ARTERIAL OR COLLECTOR STREET.**

D. ~~{Site}~~ **CONCEPT** plan, **INCLUDING PARKING PROVISIONS, REVIEW AND RECOMMENDATION** ~~{approval}~~ **required BY THE PLANNING COMMISSION;**

E. This use may be permitted only as an accessory use to a primary business.

17.48.350 - Commercial tour bus parking.

Commercial tour bus parking facilities in the SC/LM district are subject to the requirements of that district except as modified in this chapter:

A. ~~{Site}~~ **CONCEPT** plan **REVIEW AND RECOMMENDATION** ~~{approval}~~ by the Middletown planning commission for commercial tour bus parking is required; at a minimum the ~~{site}~~ **CONCEPT** plan shall require:

1. Minimum fifty (50) foot setback and naturally landscaped buffer and screening from all residential ~~{zones}~~ **DISTRICTS;**

2. All parking areas be paved and provide a paved turnaround with no backing onto public streets permitted;

3. All lighting is directed on-site;

4. Proposed sign sizes and location.

5. **MINIMUM LOT AREA OF FORTY THOUSAND (40,000) SQUARE FEET**

B. **THE HOURS** ~~{Hours}~~—of operation and schedule of arrivals and departures shall be ~~[considered]~~ **LIMITED AS ESTABLISHED** by the board of appeals ~~[in determining if the site is appropriate for the tour bus parking facility].~~

C. – E. *{Unchanged}*

F. **THE PROPERTY SHALL HAVE ACCESS TO A STREET WHICH IS DESIGNATED IN THE TOWN COMPREHENSIVE PLAN AS AN ARTERIAL OR COLLECTOR STREET.**

17.48.370 – **RESERVED** ~~{Offices for interior design services.~~

~~In the R-3 district, offices for interior design services are subject to the requirements of that district and the following requirements:~~

~~A. — There may be no exterior evidence, other than a permitted sign not exceeding two square feet, to indicate that the building is being used for any purpose other than residential purposes;~~

~~B. — No display or show window shall be permitted;~~

~~C. — No more than four persons, excluding clients or prospective clients, may be present within the office at any one time;~~

~~D. — Sufficient off-street parking in the side or rear yard must be provided with a minimum of one space per employee or office worker plus three additional spaces;~~

~~E. — The hours of operation during which the office may be open to clients and prospective clients shall be determined at the time that the special exception is considered and granted by the board of appeals.]~~

17.48.380 - Business ~~{and}~~ **WITH** warehouse facilities.

The following provisions shall apply to business and warehouse facilities in the R-3 District:

A. – C. *{Unchanged}*

D. A ~~{site}~~ **CONCEPT** plan for the storage facility shall be submitted to the planning commission for review and ~~{approval}~~ **RECOMMENDATION**. In its review, the planning commission shall consider any prior uses of the property on which the facility is to be located, the extent to which the facility and its appearance will conform to and harmonize with the surrounding R-3 neighborhood, and any other factors deemed appropriate to the commission. The planning commission **MAY MAKE**

**RECOMMENDATIONS REGARDING SIZE LIMITS** ~~{shall have size limitation authority}~~ and may require drawings, elevations and plans as necessary;

E. – F. *{Unchanged}*

17.48.390 - Community centers, **PLACES OF WORSHIP, LIBRARIES AND PUBLIC SCHOOLS.**

The following conditions shall be satisfied in order to grant a special exception for a community center in the residential districts:

A. – D. *{Unchanged}*

E. Screening and buffers ~~{must}~~ **SHALL** be provided **AND SHALL BE REVIEWED BY THE PLANNING COMMISSION AS PART OF THE CONCEPT PLAN REVIEW AND RECOMMENDATION PROCESS.**

F. At the time of ~~{site}~~ **CONCEPT** plan ~~{application}~~ **SUBMISSION**, a statement identifying all accessory uses including hours of operation, frequency of activity, and average number in attendance shall be submitted for review and approval by the planning commission.

G. In making their determination, the board of appeals should consider particularly the effect upon adjacent property of the following:

1. Signs and lighting;
2. Extent and appearance of structure(s);
3. Traffic generation and movement;
4. Parking and loading;
5. Emission of noise, odors, fumes, vibration or other hazards.

H. **ACCESS: THE LOT SHALL HAVE DIRECT ACCESS TO OR HAVE ACCESS WITHIN TWO HUNDRED (200) FEET OF A COLLECTOR ROAD.**

17.48.410 - Parking lots in R-2 districts.

In the R-2 district, parking lots are subject to the requirements of that district and shall satisfy the following requirements:

A. The parking lot ~~{must}~~ **SHALL** be situated on property which adjoins a commercial use;

B. The parking lot shall be used for parking for the adjoining commercial use;

C. The parking lot shall be ~~{paved with concrete or bituminous paving material or other}~~ A dust free surface. The location of the parking lot paved area shall comply with a setback requirement of thirty-five (35) feet for the front yard and twenty (20) feet for side yards. The parking area shall be enclosed by fencing along the front yard which shall be no greater than four feet high. Appropriate signage shall be placed in a clearly visible location at the entrance to advise the public that the use of the parking lot is restricted to those patronizing the adjoining commercial use or establishment;

D. A ~~{site}~~ **CONCEPT** plan for the parking lot shall be submitted to the planning commission for review and ~~{approval}~~ **RECOMMENDATION**. In its review, the planning commission shall consider the extent to which the parking lot and its appearance will conform to and harmonize with the surrounding R-2 neighborhood, and any other factors deemed appropriate to the commission. ~~{the}~~ **THE** planning commission will require drawings, lighting plans, elevations and plans as necessary;

E. The parking lot must be in compliance with Frederick County stormwater requirements;

F. Once the adjoining commercial use no longer exists the impervious surface will be removed and the property returned to a stabilized condition and consistent with residential development in the R-2 district.

**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

**Burgess and Commissioners  
 Middletown, Maryland  
 31 West Main Street  
 Middletown, MD 21769  
 301.371.6171**

**DOG PARK REGISTRATION FORM**

All dog owners must provide proof of a valid Frederick County or out of district license and a current rabies tag, for each dog being registered in order to receive a Middletown Dog Park key card. Spaying/neutering your dog is recommended.

**FAILURE TO COMPLETE ENTIRE APPLICATION WILL RESULT IN DENIAL OF REQUEST.**

Membership year is from July 1<sup>st</sup> of the current year and runs through June 30<sup>th</sup> of next year.

<b>Dog Owner's Name:</b>	
<b>Mailing Address:</b>	
<b>Email Address:</b>	
<b>Daytime Phone:</b>	
<b>Evening Phone:</b>	
<b>Cell Phone:</b>	

<b>Name, address and phone number for veterinarian:</b>	
	<b>Phone:</b>

Dog #1 Info	Dog #2 Info	Dog #3 Info
<b>Name:</b>	<b>Name:</b>	<b>Name:</b>
<b>Breed:</b>	<b>Breed:</b>	<b>Breed:</b>
<b>Color(s):</b>	<b>Color(s):</b>	<b>Color(s):</b>
<b>Weight (lbs.):</b>	<b>Weight (lbs.):</b>	<b>Weight (lbs.):</b>
<b>Male/Female:</b>	<b>Male/Female:</b>	<b>Male/Female:</b>
<b>Spayed/neutered(Circle one):</b> Yes No	<b>Spayed/neutered(Circle one):</b> Yes No	<b>Spayed/neutered(Circle one):</b> Yes No
<b>Rabies#</b>	<b>Rabies#</b>	<b>Rabies#</b>
<b>Exp:</b>	<b>Exp:</b>	<b>Exp:</b>
<b>Lic.#</b>	<b>Lic.#</b>	<b>Lic.#</b>
<b>Exp:</b>	<b>Exp:</b>	<b>Exp:</b>
<b>Location License Issued:</b>	<b>Location License Issued:</b>	<b>Location License Issued:</b>

**FEE: \$28 per Resident Household up to 3 dogs / \$40 per Non-Resident Household up to 3 dogs  
 \$4 for each additional dog – Residents only**

I have read the rules and regulations for the Town of Middletown Dog Park and agree to abide by the same. Application will not be accepted without legal dog owner's signature. (If less than 18 years of age, please have parent or guardian sign this application).

SIGNED: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

FOR OFFICE USE ONLY	
Middletown Tag # Issued	
Date Issued	
Fee Paid	
Received by	

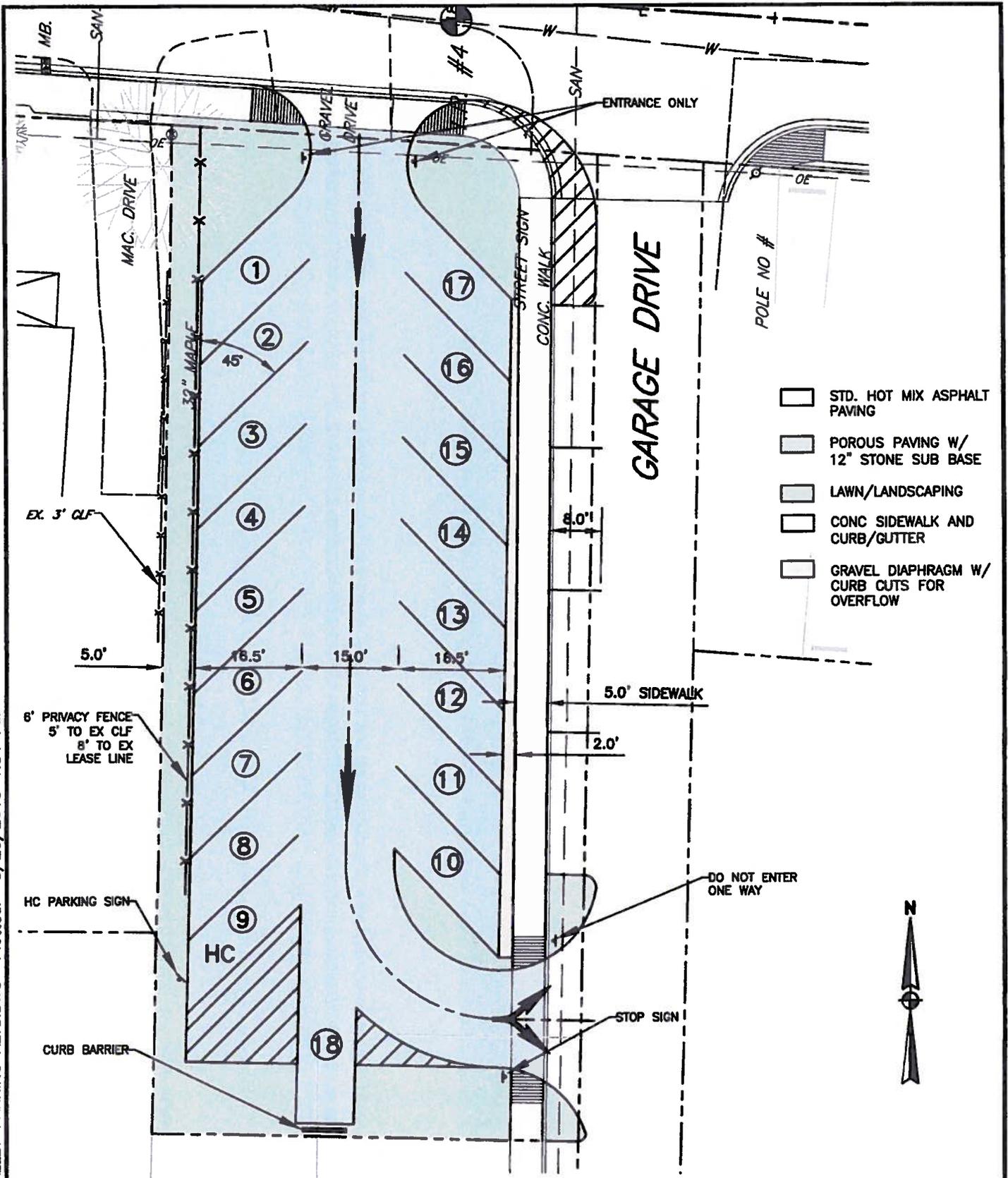
## **Middletown Dog Park Rules**

- All dogs in the dog park must have current vaccinations AND must be registered at the Middletown Municipal Center, 31 W. Main Street.
- USE AT YOUR OWN RISK – Owners are legally and financially responsible for their dogs and any injuries caused by them.
- Dog waste must be cleaned up IMMEDIATELY by the dog's owner.
- Gates shall be closed immediately upon entering or exiting the dog park.
- Owners must be within the dog park and supervising their dog(s) at all times with leash readily available.
- Owners can only have 2 dogs in the dog park at one time.
- No children under the age of 13 are allowed inside the dog park. An adult must accompany children between the ages of 13 and 16.
- Pet and human food/ treats are not allowed inside the park.
- Smoking, alcohol, and glass containers are prohibited.
- Professional dog training or grooming is prohibited.
- No aggressive dogs allowed. Aggressive dogs should be leashed and removed immediately.
- Dogs should be removed immediately if they are barking excessively.
- Digging of holes must be repaired by owner.
- Dogs must remain leashed when outside the dog park and leashes must be removed when inside the Dog Park.
- No puppies under 4 months old.
- No dogs in heat. Spaying/neutering is recommended.
- All dogs must be fully immunized and have tags and I.D. on their collars.
- Sick dogs are prohibited from being within the dog park.
- Frisbees and balls are the only acceptable toys allowed in the dog park. No chew toys or treats.
- No animals other than dogs are permitted within the Dog Park.
- Lost, stolen, or damaged access cards will incur a replacement fee.

**Violators of the above rules will be subject to removal from the Dog Park and revocation of park privileges.**

**For Dog Bites/Injuries Contact Frederick County Animal Control - 301-600-1546  
For Facility Problems – 301-371-6171**

Dwg. Name: GARAGE ALLEY PARKING ALTS.DWG Plotted: 8/20/2015 1:54 PM



- STD. HOT MIX ASPHALT PAVING
- POROUS PAVING W/ 12" STONE SUB BASE
- LAWN/LANDSCAPING
- CONC SIDEWALK AND CURB/GUTTER
- GRAVEL DIAPHRAGM W/ CURB CUTS FOR OVERFLOW



EX. GARAGE  
EX. PAVEMENT

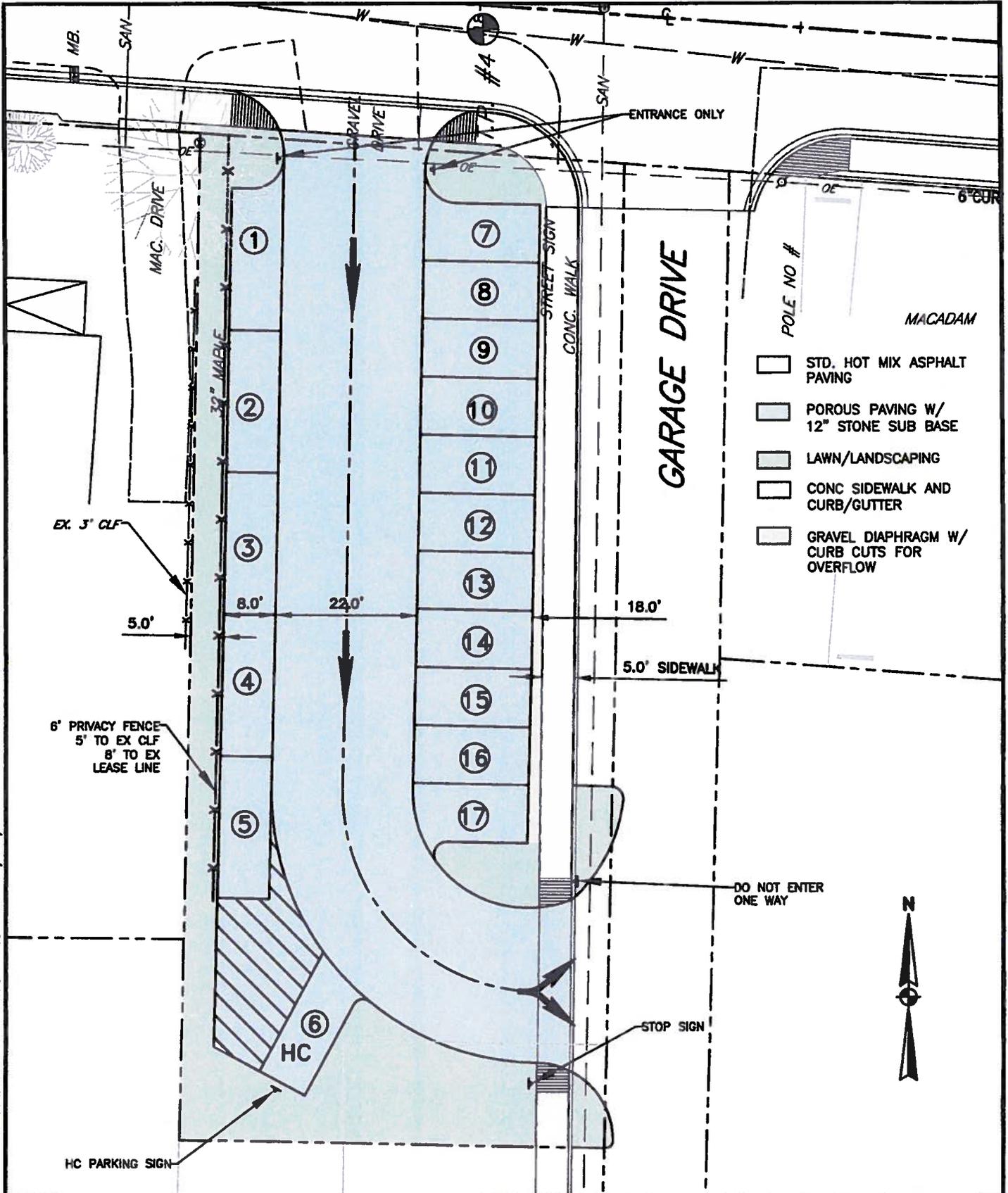


1101 OPAL COURT  
HAGERSTOWN, MD 21740  
TEL 301.791.1100

SCALE:  
1"=20'

ALTERNATE 1  
18 SPACES

Dwg. Name: GARAGE ALLEY PARKING ALTS.DWG Plotted: 8/20/2015 1:54 PM



- POLE NO #
- STD. HOT MIX ASPHALT PAVING
  - POROUS PAVING W/ 12" STONE SUB BASE
  - LAWN/LANDSCAPING
  - CONC SIDEWALK AND CURB/GUTTER
  - GRAVEL DIAPHRAGM W/ CURB CUTS FOR OVERFLOW

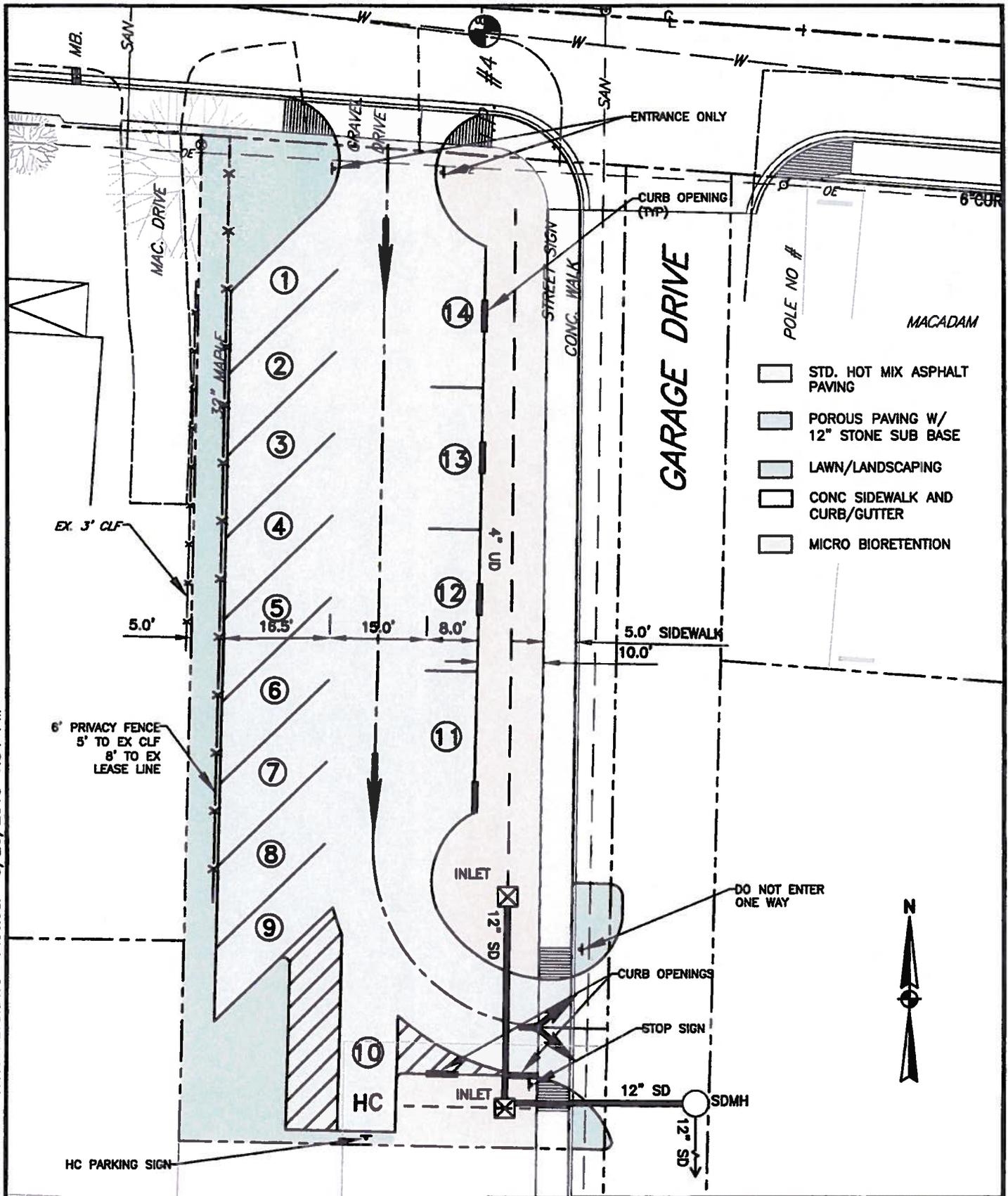


1101 OPAL COURT  
 HAGERSTOWN, MD 21740  
 TEL 301.791.1100

SCALE:  
 1"=20'

ALTERNATE 2  
 17 SPACES

Dwg. Name: GARAGE ALLEY PARKING ALTS.DWG Plotted: 8/20/2015 1:54 PM



-  STD. HOT MIX ASPHALT PAVING
-  POROUS PAVING W/ 12" STONE SUB BASE
-  LAWN/LANDSCAPING
-  CONC SIDEWALK AND CURB/GUTTER
-  MICRO BIORETENTION



		1101 OPAL COURT HAGERSTOWN, MD 21740 TEL 301.791.1100
SCALE: 1"=20'	ALTERNATE 3 14 SPACES	

COST OPINIONS FOR PARKING ALTERNATIVES

Item #	Item Description	ALT 1			ALT 2			ALT 3		
		Per Unit	Quantity	Cost	Quantity	Cost	Quantity	Cost		
*1	Hot Mix Asphalt/6" with gravel surface	SF	0	\$ -	0	\$ -	5550	\$ 36,075.00		
*1A	Porous Pavement/Permeable Concrete with 12" gravel surface	SF	6700	\$ 67,000.00	6380	\$ 63,800.00	0	\$ -		
2	Topsoil, Soil and Mulch	SY	225	\$ 1,125.00	190	\$ 950.00	125	\$ 625.00		
3	Excavation	CY	500	\$ 17,500.00	500	\$ 17,500.00	500	\$ 17,500.00		
4	Curb and Gutter	LF	500	\$ 10,000.00	500	\$ 10,000.00	525	\$ 10,500.00		
5	Pavement Marking, & Signage	LS	1	\$ 4,000.00	1	\$ 4,000.00	1	\$ 4,000.00		
6	Concrete Sidewalk Removal and Replacement	SF	675	\$ 6,075.00	675	\$ 6,075.00	675	\$ 6,075.00		
7	Storm Drain Inlets	EA	0	\$ -	0	\$ -	2	\$ 5,000.00		
8	Storm Drain Pipe - 12"	LF	0	\$ -	0	\$ -	150	\$ 18,750.00		
9	4" Perf. Underdrain	LF	0	\$ -	0	\$ -	120	\$ 3,000.00		
10	6' Privacy Fence	LF	110	\$ 5,500.00	110	\$ 5,500.00	110	\$ 5,500.00		
11	Microbioretention Soils, Plantings	SF	0	\$ -	0	\$ -	1335	\$ 13,350.00		
12	Sediment and Erosion Control	LS	1	\$ 2,500.00	1	\$ 2,500.00	1	\$ 2,500.00		
13	Construction Stakeout	LS	1	\$ 3,000.00	1	\$ 3,000.00	1	\$ 3,000.00		
14	Mobilization, Demobilization, Insurance (7.5% of Total Cost)	LS	1	\$ 9,000.00	1	\$ 8,700.00	1	\$ 9,665.00		
15	Landscaping	LS	1	\$ 3,000.00	1	\$ 3,000.00	1	\$ 3,000.00		
TOTAL CONSTRUCTION COST ESTIMATE				\$ 128,700.00		\$ 125,025.00		\$ 138,540.00		
COST PER SPACE				\$ 7,150.00		\$ 7,354.00		\$ 9,896.00		

(18 spaces)

(17 spaces)

(14 spaces)

\* Includes pavement patch & MOT



# FREDERICK COUNTY GOVERNMENT

Jan H. Gardner  
County Executive

## OFFICE OF THE COUNTY EXECUTIVE

Douglas D. Browning, Chief Administrative Officer

August 5, 2015

The Honorable John Miller  
Town of Middletown  
31 West Main Street  
Middletown, MD 21769

RECEIVED  
AUG 10 2015  
TOWN OF MIDDLETOWN, MD

RE: 2016 State Legislative Initiatives

Dear Burgess Miller:

I am writing to solicit your input and ideas for legislative initiatives for the upcoming General Assembly Session. Under Charter government, it is the County Executive's role to advance the legislative priorities of the county. Because I value open government and community participation, I would like to hear your ideas and suggestions for possible state legislation, as well as invite you to participate in the public process.

Attached for your information are a proposed Legislative Calendar and a summary of two initiatives currently under consideration for the 2016 Legislative Package. No decisions have been made as to which items will be submitted to the Frederick County Delegation. I will host a town hall public meeting to receive public comment and suggestions on October 8, 2015, at 7:00 pm in the first floor hearing room at Winchester Hall.

I would appreciate your response with your ideas, suggestions, or comments by Tuesday, September 8, 2015. If you would like more information, please contact Roger Wilson, Director of Government Affairs at 301-600-1621 or at [rwilson@frederickcountymd.gov](mailto:rwilson@frederickcountymd.gov). Thank you for your interest and participation.

Regards,

  
Jan H. Gardner  
County Executive

Enclosures (2)

cc: Frederick County Delegation  
Frederick County Council  
Douglas Browning, Chief Administrative Officer  
John Mathias, County Attorney  
Roger Wilson, Government Affairs & Public Policy Director  
Ragen Cherney, County Council, Chief of Staff & Legislative Director

- BURGESS
- ADMINISTRATION
- PUBLIC WORKS
- PLANNING & ZONING
- WATER & SEWER

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## 2015-16 Legislative Calendar

<b>Date</b>	<b>Activity</b>
Aug 5	Solicit for legislative ideas by letter to 85 organizations
Aug 18	Overview of proposed legislative process/solicit ideas from council
September 10	Solicit ideas from municipal leaders – Mayors/Burgess meeting
September 15	Present and Review proposed legislative initiatives with Council Review & Input
October 8	CE hosts Town Hall Meeting on proposed Legislative Package - Council invited
October 20	Present Final Package to Council Review & Input
November 1	Finalize 2016 Legislative Package
November 17	Meeting with Delegation
December 5 (tentative)	Delegation Public Hearing

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## Legislative Items for Consideration

### 1. Changes to the Maryland Public Ethics Law

The County Ethics Task Force has recommended changes to the Maryland Public Ethics Laws that pertain to Frederick County.

Recommendation #1: Pendency: Extend to four years the time to prevent an elected official from receiving contributions and acting on a land use application if campaign contributions were received from the applicant.

Recommendation #2: Expand land uses covered by affidavit of disclosure/ownership filing.

Recommendation #3: Add to the definition of applicant prohibited from making campaign contributions to include the employees or agents of land use applicants.

### 2. School Construction Cost Share

School construction costs have experienced a significant increase as a result of new state laws specifically prevailing wage and stormwater management regulations. The cost of Frederick High School increased by more than 25 percent and these cost increases are borne by local government. Thus, this legislative initiative would require a state cost share to cover school construction cost increases resulting from new state laws, mandated in regulations.