

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, September 15, 2014
7:00 p.m.

- I. Public Comment
- II. Minutes of July 2014 Planning Commission meeting Approval
- III. Plan Review
 - Asian Café overflow parking lot revised plan Discussion/Approval
 - Cross Stone Commons Improvement Plans Information
- IV. Zoning
 - Adult Entertainment Businesses revised amendment Discussion/Recommendation
 - Gun retail business regulations Discussion
 - Zoning Code Update procedures Discussion
 - Violations
 - More Ice Cream site plan information
 - Dumpsters information
- V. Miscellaneous
- VI. Additional Public Comment

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 4:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

July 21, 2014

The regular meeting of the Middletown Planning Commission took place on Monday, July 21, 2014 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Chris Goodman (Ex-Officio), Bob Miller, Bob Smart, and Rich Gallagher (Alternate). Others present in official capacity: Commissioner Dixie Eichelberger (Temp. Alternate), Cindy Unangst (Staff Planner), Bruce Carbaugh (Director of Public Works), Ron Forrester (Zoning Administrator) and Annette Alberghini (Recording Secretary). Others present: Bruce Dean (Linowes & Blocher), Mark Crissman (Daft McCune Walker), Victor White (Hogan Companies), Lauren Bettis (Smartlink), Farhad Memarsadeghi (Admar Construction), and Nancy Newton (property owner). Commissioner David Lake arrived late to the meeting.

I. PUBLIC COMMENT – None

II. Regular Meeting Minutes of June 16, 2014 – Approved as submitted

III. PLAN Review

Verizon Small Cell Installation Plan – This is a Revised Site Plan. The applicant is proposing to install a small cell antenna on an existing light pole within the Town Center Plaza parking lot in order for Verizon to improve its service, increase coverage and accommodate customer growth. The proposed cabinet would now be located 4 feet from the ground with approximate dimensions of 30”H x 22”W x 20”D. The existing light pole is about 32 feet in height, and the proposed antenna would add an additional 3 feet to the top of the pole. The proposed antenna would be painted to match the existing light pole. The property owner has indicated his approval of the revised plan for the small cell antenna installation on this property. Once the Lease Exhibit has been finalized with the property owner, a copy will be forwarded to the Town for review. Based upon the review and analysis as provided, the Staff Planner finds the proposed application generally meets the intent of the GC zoning district and the Town’s Comprehensive Plan. Staff recommends that the Planning Commission approve this Revised Site Plan for the proposed small cell antenna installation in the Town Center parking lot.

- **Cabinet** – The applicant is proposing an “H” frame cabinet located in the same location as all current utility cabinets in the shopping center. Its approximate dimensions are 4’H x 4’W. Both access and utility easements were noted. It was questioned as to why the applicant chose an H-frame cabinet to use instead of the cabinet types currently being used at that location. The applicant stated it was the simplest design to meet the needs of the antenna. The Planning Commission would like to see what the design of the H-Frame looks like.
- **Standards** – It was stated that there are no standards for this type of telecommunications construction within the Town ordinances. The Staff Planner stated that this is currently covered under section 17.32.020 as part of essential services. It was recommended to add this as a future agenda item to establish and further define specific standards with input from the Town Zoning Administrator.
- **Capacity & Offload** – The applicant was asked if this cell tower would offload the Verizon antennas on the water tower. The applicant stated that this small cell tower would pull from Verizon’s macro site miles away from Middletown and not from the water tower. By doing this, coverage will get better.
- **Lease Agreement** – The applicant stated that the lease agreement is in the process of being sent for signature. It has been sent to the landlord, Middletown Valley Partners. Once signed it will be

returned to Verizon for signature. The Planning Committee would like to see the final signed agreement before approval.

Action: Commissioner Smart motioned to conditionally approve the Verizon Wireless Small Cell Installation Plan, conditional upon the Planning Commission seeing both the final signed lease agreement and the design of the H-frame cabinet and its associated equipment. Motioned carried (5-0).

Cross Stone Commons Improvement Plans - The Planning Commission conditionally approved the site plan for Cross Stone Commons contingent upon the formal approval of the Stormwater Management Plan by Frederick County, and the official acceptance by the State Highway of the right-in-only turn lane off Alt. US40. Water and sewer capacity certification has been approved for Cross Stone Commons by the Town. A final forest conservation plan was approved on May 19, 2014 by the Planning Commission with forest obligations to be met by offsite planting at Wiles Branch Park. The developer has submitted a drawing to the Town Board showing improvements to the Middletown Parkway that include accel and decel lanes. At their meeting on July 14, 2014, the Town Board accepted the recommendation of the Director of Public Works to allow the two entrances on the parkway with the proposed accel and decel lanes. In addition to the improvements, the developer has also agreed to bond 50% of the improvement cost of closing the median at the north entrance. The median would only be closed in the event of a to-be-determined accident count attributed directly to the left-in/left out movement, within a defined time period after improvements are completed. The Town Board accepted the proposed improvements subject to the bond and its specific language yet to be determined within the public works agreement. With the recent resolution on the right-in-only issue and the Middletown Parkway improvements, the improvement plan updates have not been finalized. The plans are just now being updated to make the necessary changes for all outstanding agencies. Staff recommends that the Planning Commission approve the Improvement Plans with the following conditions: 1.) The applicant shall address all agency comments as the project moves forward to final signature set submission. 2.) The applicant shall address all comments by the Town Engineer and ARRO Engineering as the project moves forward to final signature set submission. 3.) The applicant shall require a review and approval of the Planning Commission if any closure or modification of the entrance from Alt. US40 is made in the future. 4.) Any proposed uses within the shopping center that are special exception uses in the General Commercial district will need a recommendation from the Planning Commission and subsequent approval by the Middletown Board of Appeals. 5.) The applicant shall revise the Landscape Plans to correct the discrepancies noted by staff. 6.) The applicant shall add the bike rack locations to the plans. 7.) The applicant shall return to the Planning Commission for architectural review and approval of any dramatic change to Building 3 due to proposed tenants ahead of building permit approval. 8.) The applicant shall submit architectural renderings for Buildings 2 and 4 to the Planning Commission for review and approval ahead of building permit approval.

- **State Highway Administration** – SHA has granted conditional approval for the right- in-only entrance from Alt. US40. SHA will monitor crash data and if it is found that a safety issue exists the entrance will be closed or modified.
- **Signage** – A revised rendering of the proposed monument sign has been submitted for the Planning Commission’s approval. As proposed by the sign elevation submitted, the signage meets the allowable square footage. The location of the proposed monument sign does not meet the setback requirements for the GC district which has a front yard setback of 40-feet. The Zoning Administrator, with the permission of the Planning Commission, will issue a sign permit authorizing the location of the sign even though it is not in strict compliance with the code due to the size and topography of the shopping center site.

Action: Commissioner Lake motioned to conditionally approve the Cross Stone Commons Improvement Plans, conditional upon meeting all recommendations presented by staff. Seconded by Commissioner Smart. Motioned carried (5-0).

Active Adult Text Amendment and Cluster Development Text Amendment – The Burgess and Commissioners did not approve the Active Adult text amendment which included the cluster development regulations at their meeting June 23, 2014. It is being referred back to the Planning Commission. The Burgess

and Commissioners would like the cluster development regulations to be allowed in developments other than active adult developments. Draft language to be included in the Active Adult community special exception regulations incorporating the language first proposed by Farhad Memarsadeghi and inclusion of the cluster development requirement, along with a draft separate section of the Code related to Cluster Development regulations was provided to the Planning Commission members.

- **New Item for Discussion** – Commission members determined that cluster development extended to other zoning areas within the Town required more discussion. The Planning Commission was originally tasked with addressing Active Adult communities within R-20 zoning. Addressing Cluster Development as a standalone ordinance would make it a new agenda item for future Planning Commission meetings. This would include discussion as to what other zoning areas to include it in, whether or not to make it an overlay etc.
- **Return to Town Board With no Change in Recommendation** – The question was raised as to what would happen if the Planning Commission returns the Active Adult Text Amendment to the Town Board with no change in recommendation. The Staff Planner stated that if the Planning Commission took no action the Town Board could take what was proposed tonight to Public Hearing and then approve it by a majority vote. APA guidelines for cluster development regulations and other municipalities' cluster development regulations are in line with what has been proposed tonight.

Action: - None taken.

Adult Entertainment Business Text Amendment – On July 14, 2014 the Town Board introduced the draft text amendment regarding Adult Entertainment businesses. It has been forwarded to the Planning Commission for review and recommendation. Recommendation from the Planning Commission is required due to the location of this specific ordinance in the Zoning section of the Middletown Municipal Code Book. The Staff Planner stated that the research on the effects adult entertainment businesses have on communities has been completed by other municipalities so it does not have to be completed here. The Town can use that information in making any determination. The ordinance includes significant definitions relating to adult entertainment activities and businesses. The Town Board has recommended that adult entertainment businesses not be allowed within 1,500 feet of any school, park, child day care center, church or house of worship or another adult entertainment business. This means that these types of businesses would effectively not be allowed in town.

Action: Commissioner Miller motioned to accept the Adult Entertainment Business Text Amendment as presented and to forward it to the Town Board for approval. Seconded by Commissioner Smart. Motioned carried (4-0-1), Commissioner Goodman abstained.

IV. ZONING

Violations –

- **Residential Parking on Grass** – The Zoning Administrator has sent letters to several residents regarding illegally parking their vehicles, or recreational vehicles where they are not supposed to, or without proper screening. Residents have complied once notified.
- **Middletown Fire Department Sign** – The Zoning Administrator sent a letter to the fire department asking them to become compliant with the permanent sign they had erected on Franklin Street. A zoning certificate is required, as well as a letter of approval from the property owner. The Zoning Administrator stated that there are also line of sight issues with that sign that make it a hazard. If the fire department continues without a zoning certificate serious fines will result.
- **Election Signs** – This issue is still being staffed by the Zoning Administrator. There are several election signs larger than 6 square feet still up around town after the elections. The Zoning Administrator is in discussion with Town officials about those signs.
- **Commercial Vehicle Parked on Town Streets** – The Town administrator is aware of this issue, and has all the information.

- **Business signs** – The Zoning Administrator has removed several illegal temporary signs placed by a local business around town. He has spoken with the business owner. The Zoning Administrator was questioned about 2 businesses in the same location each having an A-frame sandwich board displayed on the property. He stated the ordinance allows 1 sign per business to be displayed on the property, so the businesses are in compliance.

V. MISCELLANEOUS –

I-pads for Planning Commission Members – The Town Administrator is working on the issue. He will follow the same process used when I-pads were purchased for the Town Board members.

VI. ADDITIONAL PUBLIC COMMENTS – None

Meeting adjourned at 8:35pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

Date: 9/2/2014
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MODEL GARAGE/ASIAN CAFE REVISED PARKING LOT SITE PLAN**

Tax Map Parcel #03-0140857

Applicants: John Rudy and Lee Ropp

Property Owner: John Rudy and Lee Ropp

Plan Dated: August 27, 2014

Date Received: August 28, 2014

GENERAL INFORMATION

Proposal: Change of use of existing overflow parking lot from employees of Asian Café and Model Garage to employees of Asian Café and Middletown Valley Bank. No additional parking spaces are proposed.

Location: Across Route 17 from 7 North Church Street, on southeast corner of North Church Street and West Green Street.

Zoning: TC Town Commercial. The TC district is intended to provide areas for frequently used retail, service and employment establishments while maintaining the basic character of the area in which they are located.

Present Use: vacant

COMMENTS

The following issues should be considered in your review of this Revised Site Plan:

1. **Parking** – The Asian Café Finalized Site Plan was conditionally approved by the Planning Commission on November 21, 2011. The approved plan shows that the existing overflow parking area is to be used by employees of Asian Café and the garage. There are 16 marked parking spaces on the lot. Based on the proposed square footage (Section 17.32.060), the eating establishment use requires one parking space per 90 square feet of gross floor area or three seats, whichever requirement is greater. The parking spaces needed for its use based on square footage would then be 36 spaces. The approved plan shows 27 spaces on the property and also shows overflow parking on the lot across from the proposed restaurant to be used by employees of South Mountain Collision and the restaurant.

As stated in a previous staff report, one thing to keep in mind with Asian restaurants is that like pizza places, they have a large amount of carry-out business which means that those parking spaces used by carry-out customers will have a large turnover compared to the spaces used by eat-in customers. The restaurant owner has stated that typically his businesses have a 60% + carry-out percentage and a 40% eat-in percentage. Section 17.32.060 does allow the planning commission to waive or reduce the parking requirements in the town commercial district or any other instances based on a demonstrated hardship.

2. **Use of parking lot** – The staff planner has been recording the use of the Asian Café parking lot and the overflow parking lot most week days since May 29, 2014. Following is a chart showing the use:

<u>DATE</u>	<u>TIME</u>	<u>ASIAN CAFÉ</u>	<u>OVER FLOW</u>	<u>DATE</u>	<u>TIME</u>	<u>ASIAN CAFÉ</u>	<u>OVER FLOW</u>
5/29/2014	12:30	5	0	7/16/2014	12:45	14	1
5/30/2014	12:30	8	0	7/17/2014	12:00	9	0
6/2/2014	4:05	-	0	7/21/2014	4:00	10	0
6/3/2014	12:30	6	0	7/23/2014	12:45	5	0
6/4/2014	12:40	8	0	7/24/2014	1:30	9	0
6/5/2014	1:35	6	0	7/29/2014	1:30	9	0
6/6/2014	1:30	6	0	7/30/2014	1:20	8	0
6/9/2014	1:00	7	0	7/31/2014	1:45	5	0
6/11/2014	12:30	6	0	8/1/2014	1:00	8	0
6/12/2014	12:30	3	0	8/4/2014	12:15	7	0
6/16/2014	7:40	8	0	8/5/2014	1:00	5	0
6/17/2014	12:30	10	0	8/6/2014	1:15	15	0
6/18/2014	12:30	4	0	8/7/2014	1:15	10	0
6/19/2014	1:45	9	0	8/11/2014	1:00	4	0
6/20/2014	1:00	10	0	8/12/2014	1:00	4	0
6/23/2014	1:00	8	0	8/13/2014	12:45	12	1
6/24/2014	12:15	7	0	8/14/2014	12:25	9	0
6/25/2014	1:30	10	0	8/15/2014	1:00	12	0
6/26/2014	3:10	5	0	8/25/2014	12:40	4	0
6/27/2014	1:00	7	0	8/26/2014	12:45	5	1
7/7/2014	1:00	6	0	8/27/2014	3:30	8	0
7/8/2014	12:40	10	0	8/28/2014	1:00	4	2
7/9/2014	12:40	8	0	8/29/2014	12:50	5	1
7/10/2014	12:40	7	0				
7/11/2014	12:05	9	0				
7/15/2014	1:30	9	0				

3. **Proposed bank use** – The bank employees would typically use the overflow parking lot from 7:30-8:00am until 5:15pm Monday thru Friday.

4. **Lighting** – All existing onsite lighting has been indicated on the plans and no additional lighting is being proposed.

This review will be included in the Middletown Planning Commission materials for the September 15, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be September 10, 2014.

cc: John Rudy
Lee Ropp
BJ Goetz, President - Middletown Valley Bank

MODEL GARAGE, INC.

August 27, 2014

Town of Middletown

Cindy Unangst

Planning Commission

Amended site plan for parking lot owned by Model Garage, Inc; located on East side of intersection of N. Church Str. And Green Str.

Originally we thought employees of South Mountain Body Shop could use it, but they park on Garage Drive next to their work shop building. They have 2 or 3 employees working there.

Since this lot has not been used in the last 4 years, we would like to submit a new site plan.

The parking lot would be used for overflow parking for Asian Café, and employees of Middletown Valley Bank. People from Main Cup are using the bank parking lot and that does not leave enough spaces for bank employees.

There are 16 marked parking spaces on this lot.

Model Garage, Inc.

M. Lee Ropp – Pres.

RECEIVED
AUG 28 2014

TOWN OF MIDDLETOWN, MD

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 17 OF THE MIDDLETOWN MUNICIPAL CODE TO PROVIDE DEFINITIONS FOR THE TERMS “ADULT ENTERTAINMENT ACTIVITIES” AND “ADULT ENTERTAINMENT BUSINESS”; TO AUTHORIZE THE USE OF PROPERTY AS AN ADULT ENTERTAINMENT BUSINESS PROVIDED IT IS NOT LOCATED WITHIN 1,500 FEET OF OTHER PROPERTY USED AS A SCHOOL, PARK, CHILD DAY CARE CENTER, CHURCH OR HOUSE OF WORSHIP, OR ANOTHER ADULT ENTERTAINMENT BUSINESS.

RECITALS

WHEREAS, the Burgess and Commissioners of the Town of Middletown are concerned with the potential adverse secondary effects of adult oriented entertainment businesses which may elect to locate in the Town of Middletown; and

WHEREAS, the Burgess and Commissioners have reviewed the evidence of the adverse secondary effects of adult oriented businesses found in various studies, experiences and reports made available to them and which have been considered by other municipalities and local governments, including but not limited to:

- “Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis” Eric S. McCord and Richard Tewksbury; *Crime & Delinquency*, October 2013; vol. 59, 7: pp. 1108-1125., first published on November 29, 2012.
- “Adult Business Study” Town and Village of Ellicottville, Cattaraugus County, New York January 1998.
- Testimony to Illinois State Senate Public Health Committee March 2012 re: Illinois Senate Bill 3348 of Richard McCleary, (Professor of Criminology, Environmental Health Science, and Planning, University of California, Irvine) and Lori Sexton, (Assistant Professor at the University of Missouri, Kansas City).
- “Crime-Related Secondary Effects Of Sexually-Oriented Businesses” - Report To The County Attorney Palm Beach County, Florida ; Valerie Jenness, Ph.D., Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D. August 15, 2007.

- “The Association of Adult Businesses with Secondary Effects: Legal Doctrine, Social Theory, and Empirical Evidence”, Alan C. Weinstein and Richard McCleary Cleveland-Marshall College of Law, Cleveland State University, October 2011.
- A report on the secondary impacts of adult use businesses in the city of Denver January 1998.
- Caroline County, Maryland Ordinance #2005-002 and findings stated therein;

and

WHEREAS, court decisions considering issues relative to the secondary effects of adult oriented businesses hold that such secondary effects are a legitimate basis for regulating such businesses. Such cases include, but are not limited to:

- *Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002)
- *City of Erie v. Pap’s A.M.*, 529 U.S. 277 (2000)
- *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986)
- *Steiner v. County Commissioners of Caroline County*, 490 F.Supp.2d 617 (D.Md.,2007)
- *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010)
- *Independence News, Inc. v. City of Charlotte*, 568 F.3d 148 (4th Cir. 2009);

and

WHEREAS, the material reviewed by the Burgess and Commissioners show that adult oriented businesses are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties and property values, urban blight, litter, and sexual assault and exploitation; and

WHEREAS, the Town of Middletown has a population of 4,136 as of the last census (2010) and is relatively small in size having a geographic area of 1.741 square miles; and

WHEREAS, the Town of Middletown has no police department and must rely upon a resident Frederick County Sheriff's deputy as its primary means of law enforcement, and law enforcement efforts and effectiveness will be increasingly strained with any increase in criminal activity; and

WHEREAS, the Burgess and Commissioners, in an effort to prevent such secondary adverse effects in the Town of Middletown, and to protect and promote the safety, health, morals, and general welfare of the citizens of the Town of Middletown, have determined that the nature of adult oriented businesses requires the enactment of certain zoning restrictions relating thereto and that adult oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17 of the Middletown Municipal Code be, and hereby is, amended as follows.

SECTION I. Title 17, Chapter 17.04, Section 17.04.030, "Definitions" of the Middletown Municipal Code is hereby amended by adding thereto the definition of "Adult Entertainment Activities" and by adding thereto the definition of "Adult Entertainment Business", "Adult Oriented Business" or "Sexually Oriented Business". Said definitions shall be codified and inserted in Section 17.04.030 of the Code alphabetically. The remaining provisions of Section 17.04.030 remain unchanged.

TITLE 17 ZONING

Chapter 17.04

Section 17.04.030 – Definitions

“Adult Entertainment Activities” means:

A. Any merchandise, object, item, or device that is designed and/or marketed with the intention of causing, or that reasonably may be expected to cause, sexual stimulation, sexual excitement or sexual gratification.

B. Any performance, conduct, activity, depiction, or text that is intended to cause or provide, or reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification and:

1. in which an individual or individuals appear in a state of nudity or partial nudity; or
2. that consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
 - (a) human genitals in a discernable state of sexual stimulation or arousal; or
 - (b) any act, whether real or simulated, of masturbation, sexual intercourse, anal intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, sadomasochistic activity, physical contact or attempted contact with clothed or unclothed genitals, pubic areas, buttocks, anus, or female breasts; or
3. consists of contact with animals or inanimate objects.

“Adult Entertainment Business” also known as “Adult Oriented Business” or “Sexually Oriented Business” means a business establishment whose primary business and stock in trade is dependent upon Adult Entertainment Activities. By way of example, and not by way of limitation, the following shall be considered as an adult entertainment business:

A. An arcade or other place to which the public is permitted or invited and where photographs, motion pictures or other image-producing devices are maintained to, for money or other value, show images depicting or describing Adult Entertainment Activities.

B. A bar, club, cabaret, lounge, dance hall, restaurant, or other similar establishment or place of business which features dancers, strippers or similar entertainers or employees that engage in Adult Entertainment Activities, or any such business establishment, the advertising for, or a sign identifying which, uses the words, "adult," "topless," "nude," "bottomless," or other words of similar import.

C. A motion picture theater or similar commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, CDs, DVDs, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of Adult Entertainment Activities.

D. A retail store or similar commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations that depict or describe Adult Entertainment Activities, and novelty items, games, greeting cards, instruments, devices, or paraphernalia that are designed for use in connection with Adult Entertainment Activities.

SECTION II. Title 17, Chapter 17.32, of the Middletown Municipal Code is hereby amended by adding thereto the following as Section 17.32.225.

TITLE 17 ZONING

Chapter 17.32 Design Standards Generally

Section 17.32.225 – Adult Entertainment Business

A. It is the purpose of this ordinance to regulate Adult Entertainment Business in order to promote the health, safety, and general welfare of the citizens of the town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Entertainment Business within the town. It is the intent of the Burgess and Board of Commissioners in adopting this ordinance to enact a content neutral ordinance that imposes time, place and manner restrictions in order to address the adverse secondary effects of Adult Entertainment Business. It is not the intent of the Burgess and Board of Commissioners to suppress any speech protected by the First Amendment to the United States Constitution or Article 40 of the Maryland Declaration of Rights. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

b. Adult Entertainment Businesses are permitted provided that such businesses are not located within 1,500 feet of any school, park, child day care center, church or house of worship or another Adult Entertainment Business; or within 600 feet of the property line of any property located in a Residential zoning district. For the purpose of this sub-section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an Adult Entertainment Business is conducted to the nearest property line of the school, park, child day care center, church or house of worship, ~~or~~ other Adult Entertainment Business or property in a Residential zoning district.

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 _____, 2014
PASSED ON THE _____ DAY OF _____, 2014
EFFECTIVE DATE: _____, 2014

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess

Friday, Aug 15th | Last update: 02:01:35 AM GMT | Search

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Chicago City Council Approves Restrictive Ordinance



June 27, 2014: On Tuesday, the Chicago City Council unanimously approved Ordinance 4271, forcing firearms retailers to video-record sales and restricting firearms purchases to one a month. The highly-restrictive Ordinance is the City Council's response to Judge Edmond Chang's January 6, 2014 ruling that struck down an outright ban of firearm sales in Chicago. If Mayor Rahm Emanuel signs the Ordinance into law, the special-use zoning regulations within the Ordinance would make 99.5% of the city off-limits to firearm retail shops and there would be a \$3,800 fee for firearm dealers to obtain a license. Further, firearm retailer employees will be required to attend a mandatory training program on how to spot and stop "straw purchasers" and there will be a 72-hour waiting period to purchase handguns in Chicago. A copy of Ordinance 4271 can be found [here](#).

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(http://www.chicagotribune.com)

Aldermen advance mayor's plan for gun stores

June 18, 2014 | By John Byrne | Tribune reporter

Chicago aldermen on Wednesday took a step closer to allowing gun stores in the city, giving preliminary approval to Mayor Rahm Emanuel's proposal to heavily regulate firearms retailers.



(http://www.trbimg.com/img-53a1ae15/turbine/chi-proposal-to-allow-guns-sales-in-chicago-ge-
(Stacey Wescott/Chicago Tribune)

Emanuel introduced the gun store regulations in response to a federal court ruling it was unconstitutional for the city to ban gun sales.

Concealed Carry Mistakes:



concealedcarryconfidence.org

The Worst Thing a Permit Holder Can Do & More Concealed Carry Tips:

U.S. District Judge Edmond Chang ruled in January that the city failed to convince him that banning the sale of firearms by licensed dealers was necessary to reduce gun violence.

Eager to continue positioning himself as tough on guns at a time Chicago's persistent violent crime remains a major concern for residents and a serious drag on his popularity among voters heading into his re-election campaign, Emanuel has made it clear he is only begrudgingly presenting a plan to allow them to be sold in city limits.

The mayor's hardline position comes despite the fact Chicago banned handgun ownership for decades, and gun violence continued. And Chicago Police say they pull about 7,000 guns off the city's streets each year, with many of the weapons used in crimes finding their way into Chicago from stores in the suburbs, Indiana, Wisconsin or Southern states.

Emanuel has pressed unsuccessfully for tougher state and federal gun laws.

The mayor's firearms dealer ordinance requires gun stores to video-record sales. In addition, it mandates a 72-hour waiting period for buying handguns and 24 hours for rifles and shotguns.

A dealer would be able to sell only one handgun per month per buyer, and the store records would be subject to quarterly audits to discourage trafficking.

Gun retailers would need special-use permits, would be allowed only in areas with a few commercial zoning designations. They would not be allowed within 500 feet of a school or park. Because of those restrictions, the Emanuel administration says gun stores would be eligible to set up in spots that make up only about half of one percent of Chicago's geographic area.

Another provision is aimed at preventing a gun store that loses its business license for failing to follow the law from immediately reopening in the same location.

Gun rights advocates could still challenge these rules in court. That's what they did after the Emanuel administration put together new regulations to allow gun ranges in Chicago after a federal judge's 2011 ruling that overturned the city's ban on ranges.

Those rules allowed firing ranges only in industrial areas at least 1,000 feet away from a school, a church, a playground or a day care center. The regulations also included noise restrictions. Gun rights advocates said the standards were designed to discourage firing range owners from locating in the city. The council loosened the rules, but opponents said they're still unduly onerous. The case remains in court.

Emanuel has said he believes the gun store regulations will stand up to a legal challenge.

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 9/5/2014

RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green – SWM Concept Plan – approved by County October 15, 2010
Water Tap agreement approved by Burgess & Commissioners – March 2012
Master Plan Amendment approved - March 11, 2013
Planning Commission conditionally approved preliminary plan – March 18, 2013
Improvement plans conditionally approved – October 16, 2013
Final FRO Plan approved – April 21, 2014

Foxfield Section 4- 7 homes still to be built.
2nd year FRO review – 68% compliance – 196 additional trees were planted (May 2014)
With additional trees planted, the rest of the FRO LOC was released – June 2014

Site Plans and Minor Subdivisions:

Asian Café/Model Garage – Revised parking lot site plan submitted – August 28, 2014

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.

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)

Hollow Creek Golf Course SWM Pond #1 Revision plans submitted to County - December 1, 2010
Plans approved by County – December 22, 2010
Revised Plans submitted for PC review – December 30, 2010

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

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) – Concept Plan submitted – October 1, 2012
BOA Special Exception Use Hearing – May 8, 2013 (Conditionally approved)
Addition Plat conditionally approved by PC – November 18, 2013
Revised 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

Potomac Gun Depot – plans conditionally approved – February 18, 2013
Revised site plan conditionally approved – June 17, 2013; (Plans expire June 17, 2016)

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)

Subway property - Garden Center – Revised Site plan conditionally approved – May 19, 2014
(Plans expire – May 19, 2017)

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

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 – ongoing

Active Adult text amendment – received language from Farhad – October 28, 2013
Planning Commission recommended approval of text amendment with cluster development regulations – March 17, 2014
Public Hearing held May 12, 2014
Town Board sent text amendment back to the PC due to disagreement with placement of text amendment in the Town Code – June 23, 2014. No response from PC – July 2014.
Public Hearing held – September 4, 2014

Adult Uses text amendment – PC recommended approval of text amendment - July 21, 2014.
Public Hearing held – September 4, 2014

Gun sales restrictions – PC to discuss potential regulations – September 15, 2014

Reports: none

Meetings: County/Municipal Planners quarterly meeting – September 12, 2014
Quarterly MD Planning Director’s meeting – September 24, 2014