



AGENDA FOR THE TOWN WORKSHOP

September 3, 2015

7:00 p.m.

Public Hearings

7:00 PM

Ordinance 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.

STAFF REPORTS:

Staff Planner

Zoning Administrator

Engineer's Report

Main Street Manager

Regular Workshop Items

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 enclosed}~~.

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/LH]~~ **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

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 8/31/2015

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
HOA documents approved by PC – May 18, 2015

Foxfield Section 4- 4 homes still to be built.

Site Plans and Minor Subdivisions:

Chesterbrook Apts/Middletown Valley Apts - Site Plan approved – July 17, 2006
Improvement Plans approved and signed – September 16, 2008
Phase 2 Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)
Phase 2 FRO plan conditionally approved – January 19, 2015
Meeting with Town Board on July 13th to discuss intersection improvements
Phase 2 Improvement Plans submitted for review and approval – July 24, 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
Currently approved SWM plans remain valid until May 4, 2017
Mylars submitted to County for signature – September 1, 2015

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 approved by PC – March 16, 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
Site plan conditionally approved by PC – July 20, 2015

Cross Stone Commons – BOA Special Exception Use Hearing – May 8, 2013
Revised architectural plans approved by PC – March 17, 2014
Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014 (Plans expire Oct. 20, 2017)
Phase 1 Improvement Plans conditionally approved – October 20, 2014
Addition Plat recorded– November 10, 2014
Dedication Plat conditionally approved – March 16, 2015
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire March 2018)

Nicholson - Final Plat submitted for review – March 2, 2015

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 Extension request approved for 6-months – March 16, 2015 (Oct. 2015)
Revised Improvement Plans conditionally approved – March 16, 2015(Plans expire March 2018)
Cost estimates approved – July 30, 2015

Washington Gas – Holy Family Approach Plans - submitted for review/approval – August 7, 2015

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 – Public hearing for Chapter 17.48 – Thursday, September 3rd
Public hearing for Chapter 17.08 – Monday, September 28th

Subdivision regulations review – Planning Commission public hearing for proposed changes – September 21, 2015

Reports:

Meetings: Next Middletown Green Team Meeting – September 16, 2015

Next Joint town board/planning commission workshop – October 5, 2015

MEMORANDUM

Date: 7/29/15

To: Burgess and Commissioners, Middletown

From: Cynthia K. Unangst, Middletown Staff Planner

RE: American Community Survey data summary 2009-2013 for Middletown

I was recently looking over the American Community Survey data for Middletown for the latest 5-year estimates which are for the 2009-2013 time period. As always, I found it interesting and thought you might as well, so I've compiled some of the information here for you. If you have any questions, please feel free to ask.

Households and Families

- # of households – 1,400
- Average household size – 3
- Families made up 82% of the households; nonfamily households made up 18%
- Most of the nonfamily households were people living alone
- 48% of all households have one or more people under the age of 18
- 21% of all households have one or more people 55 years and over

Nativity and Foreign Born

- 10% of the people were foreign born
- Of the foreign born, 46.5% were from Asia and 38.7 % were from Europe

Language

- 10% spoke a language other than English at home among people at least 5 years old
- Of those speaking another language, 31% spoke Spanish and 69% spoke some other language
- 38% reported that they did not speak English “very well”

Education

- 98% of people 25 years and over had at least graduated from high school
- 58% had a bachelor's degree or higher
- An estimated 2% did not complete high school
- Total school enrollment was 1,300 in 2009-2013
- College or graduate school enrollment was 254

Disability

- 7% reported a disability

Employment Status and Type of Employer

- 65% of the population 16 and over were employed
- 75% of the people employed were private wage and salary workers, 20% were federal, state or local government workers, and 5% were self-employed in their own business

Commuting to Work

- 85% of the workers drove to work alone and 7% carpooled
- Among those who commuted to work, it took them on average 32 minutes to get to work

Population

- In 2009-2013, Middletown has a total population of 4,300
- 47% were females and 53% were males
- The median age was 39.4 years

Housing Characteristics

- Total housing units – 1,500 of which 10% were vacant
- 88% were in single-unit structures and 12% were in multi-unit structures
- An estimated 51% of the housing units were built since 1990
- Median number of rooms in all housing units is 8; of these housing units, 84% have three or more bedrooms

Other

- Of the 1,400 occupied housing units, 89% were owner-occupied and 11% were renter occupied
- Median income of households was \$112,596
- 1% of people were in poverty
- 96% had health insurance coverage

Town of Middletown Zoning Department

To: Burgess and Commissioners and Middletown Planning Commission

From: Ron Forrester, Zoning Administrator

Date: 9/3/15

RE: Monthly Zoning Update – August 2015

Board of Appeals (BoA) Meeting(s): No BoA meeting was held in August 2015.

Zoning Violations:

- (1) Recreational Vehicle parked on driveway – side yard. 308 East Main Street. Violation letter sent to homeowner on January 20, 2015 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. Open.
- (2) Two Recreational Vehicle (utility trailers) parked on driveway – side yard. 12 Woodmere Circle. Violation letter sent to homeowner on June 29, 2015 advising owner that it was a violation of the municipal code, Section 17.32.140 to park/store recreational vehicles (utility trailers) in the side and rear yards of any residential lot unless they are appropriately screened from adjoining properties. I discussed these trailers with property owner on the telephone who now lives in Florida. Owner said that the trailers will be removed from property by end of August 2015. Open.
- (3) Recreational Vehicle (ski jets on trailer) parked on driveway – side yard. 10 Woodmere Circle. Violation letter sent to homeowner on June 29, 2015 advising owner that it was a violation of the municipal code, Section 17.32.140 to park/store recreational vehicles (ski jet on trailer) in the side and rear yards of any residential lot if ski jets and trailer are appropriately screened from adjoining properties. Visit to property on 3 Aug 15 showed ski jets and trailer still parked in driveway. A second violation letter was sent to homeowner. I talked with homeowner on 18 August 2015 and he said he will be storing ski jets and trailer in rear yard behind privacy fence. Additionally, I suggested the owner notify the Zoning Administrator via email in the future when he plans on parking his ski jets and trailer in his driveway for a period of time before heading to or returning from using the ski-jets. Closed.
- (4) Recreational Vehicle (utility trailer) parked on driveway – side yard. 11 Woodmere Circle. Violation letter sent to homeowner on June 30, 2015 advising owner that it was a violation of the municipal code, Section 17.32.140 to park/store recreational vehicle (utility trailer) in the side and rear yards of any residential lot unless it is appropriately screened from adjoining properties. Owner said he will remove the utility trailer from his property by the end of July 2015. Additionally, the owner will notify the Zoning Administrator via email when he brings his enclosed utility trailer to his property and parks it in his driveway for 2 to 5 days. Closed.
- (5) Parking of unlicensed/inoperable vehicles in side and rear yard of residence. 107 West Green Street. Violation letter sent to homeowner on June 30, 2015 advising owner that it was a violation of the municipal code, Section 17.16.060 and 17.32.060 to park/store an unlicensed and/or inoperable vehicle in the side and

rear yards of any residential lot unless it is appropriately screened from adjoining properties. Additionally, motor vehicles were parked on grass in rear yard. Finally, two or more unlicensed or inoperative automobiles or other vehicles, machinery or parts thereof constitute a junk yard in accordance with the definition for a junk yard in the municipal code. Junk yards are prohibited in all districts. Property owner visited office on 7 Jul 15 and said that corrective actions would be completed by 21 Jul 15. Site visit noted that several corrective actions have been taken but other actions still need to be completed, i.e., utility parked in rear yard that is not screened from adjoining or adjacent properties. Open.

(6) Utility trailer (recreational vehicle) parked in Jefferson Village. 63 Boileau Court. Violation letter sent on June 30, 2015 to property owner advising owner that it was a violation of the municipal code, Section 17.32.140 to park or store a recreational vehicle or equipment in multifamily developments such as townhouse developments and apartment complexes where the provided parking is common parking except upon approval of a site plan or preliminary plan for such parking areas. Visit to Jefferson Village on 3 Aug 15 found no utility trailer parked in vicinity of 63 Boileau Court. Closed.

(7) Unlicensed vehicle parked in driveway. 111 Ivy Hill Drive. Violation letter sent to homeowner on 29 Jun 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. The property owner and I discussed his options regarding his unlicensed vehicle which are: screen it from adjoining/adjacent properties, remove it from his property, or register/tag the vehicle. Site inspection on 24 August noted vehicle had current tags on it. Closed.

(8) Junk Storage in front yard setback of property. 208 Green Street. Violation letter sent to homeowners on 1 Jul 15 regarding a large number of discarded household items, automobile parts, and other miscellaneous items to numerous or varied to catalogue stored in the front yard setback of their property. The owners were advised that the storage of these miscellaneous items constituted their property being used as a junk yard and that junk yards are a prohibited use in any districts in Middletown. Property inspected on several occasions in early to mid-July. The excessive number of miscellaneous items have been removed from the front yard setback of property. Closed.

(9) Restricted Vehicle parking in residentially zoned neighborhood. 2 or 3 Manda Court. The WLR Automotive Group, Inc. in Frederick MD was sent a violation letter on 6 Jul 15 noting that a vehicle registered to their corporation, a Freightliner Sprinter van, was being parked on Manda Court in Middletown on a fairly regular basis in violation of the town's municipal code. The Sprinter van is 9.3 feet (restricted vehicle height is 8 feet or higher) so that it is classified as a restricted vehicle. The municipal code prohibits restricted vehicles from being parked in residentially zoned neighborhoods. Open.

(10) Parking of two unlicensed/inoperable vehicles in rear yard of residence and questions on height of accessory building (garage) being constructed. 122 East Main Street. Violation letter send to homeowners on 29 Jul 15 regarding height of their garage (accessory structure) under construction. During their application to the Board of Appeals for a variance from Section 17.32.170(D) (5), *Modification to yard requirements*, it was discussed that the garage should be no greater than twenty (20) feet in height to meet the variances requested from the Board of Appeals based on the narrowness of property. Owners were advised that an accessory building greater than 20 feet in height must provide an additional one foot of setback for each foot of additional height over 20 feet. The Board of Appeals approved a variance of 1.5 foot to each of the side yard setbacks on March 17, 2015 based on the accessory building being no higher than 20 feet. If the garage structure is greater than 20 feet in height, the owners are in violation of the Board of Appeals ruling that granted them a variance of 1.5 feet for both of their side property lines. Also, during visit, it was noted that two unlicensed or inoperative motor vehicles were stored/parked on property. One vehicle was parked on grass and the other parked on the

asphalt driveway. In accordance with Section 17.16.060 of the municipal code, only one unlicensed or inoperative motor vehicle may be parked on a residentially zoned property provided it is effectively screened from adjoining properties. Neither of the vehicles on the property were screened from adjoining or adjacent properties. Additionally, under Section 17.32.060 of the code, it is a violation to park a motor vehicle on grass, mulch, or any surface that is not a gravel or paved area. Also, two or more unlicensed or inoperable motor vehicles parked or stored on a property meets the definition of a junk yard. A junk yard is defined in the municipal code as the "...abandonment, demolition, dismantling, storage, or salvaging of two or more unlicensed or inoperative automobiles or other vehicles." Section 17.32.040, *Prohibited uses*, paragraph C. of the municipal code states that "Junk yards are prohibited in all districts." I talked with homeowner on 18 August 2015 regarding height of garage and unlicensed/inoperable vehicles on property. Homeowner provided me copies of approved building plans and affirmed that one inoperable vehicle parked on grass would be removed from property by 21 August 2015. The second unlicensed/inoperable vehicle would be stored in screened area of rear yard by end of month. Height of accessory building determined to be within the side yard setbacks of 1.5 feet approved by Board of Appeals for construction of garage (accessory building) in rear of property. Closed.

(11) Signs posted on property without zoning certificate (sign application) being submitted and approved by zoning administrator. 32 East Green Street (Thompson Funeral Home). Violation letter sent to Thompson Funeral Home on 29 July 2015 for several free-standing signs posted at the entrance and exit to the parking lot for Thompson Funeral Home constructed on East Green Street for which no zoning certificate (sign application) was submitted and approved by the zoning administrator. Mr. Thompson submitted sign application (zoning certificate) on 20 August 2015 which was approved. Closed.

(12) Home occupation violation letter sent for hair salon business. 2 Farmstead Place. Violation letter sent to homeowner on 31 August 2015 regarding notification by the State of Maryland that a hair salon was being operated at 2 Farmstead Place in violation of the Middletown Municipal Code. No home occupation application and questionnaire have been filed for review and approval by Zoning Administrator for a home occupation at 2 Farmstead Place. The letter noted that a hair salon is a special exception use in a R-1 residentially zoned community, and that such use must be approved by the Middletown Board of Appeals. Open.

Miscellaneous:

(1) Zoning Certificate, permit #132312, was issued/approved on July 9, 2015 for a change of use/change of tenant for the property located at 2 East Main Street for the Connection Christian Church of Middletown. The use of the building is for church services and Sunday school classes on the weekend and bible study and youth group activities during the week. Church staff is stressing to parishioners and visitors to use public parking lots as well as approved parking lots when attending activities sponsored by the church. The previous tenant was Earthsong Music Studio and real estate office (Permit #105000, approved on November 28, 2012). The number of parking spaces needed for this church is modest and all parking needed to support the activities can be accommodated using public parking lots in the vicinity of the building's downtown location as well as on-street parking on Garage Drive, West Main Street and West Green Street. Additionally, the church has received written approval from Middletown Valley Bank (MVB) and the Asian Cafe to use their parking lots on Sundays and other times the bank is not open for business (business hours 8:00 am to 5:00 pm, Monday through Friday). The parking lot across from Asian Cafe is available evenings and on Sundays based on the MVB staff not using this parking lot during the hours the church will conduct its evening activities.

(2) Three temporary business signs were removed from Ivy Hill Drive and two East Green Street locations that were posted in violation of Section 17.36.150, subparagraph B.5. – Temporary signs, of the municipal code.

August 2015 Zoning Certificates - completed	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Gary Walvoord - installation of thirty-seven (37) roof-mounted solar panels.	3 Lauber Court	133230	7/31/15	8/3/15	yes
Norman W. & Robin E. Crim - remodeling inside of house - no structural changes or modifications.	13 East Main Street		7/31/15		yes
AT&T Wireless - to remove and replace one antenna per sector (total of three sectors); 3 antennas to be removed and replaced.	200 School House Road (Municipal Water Tower)		7/31/15		yes
Travis Warren - install 8 ft by 12 ft woodshed along the east property line of residential property. Note: Shed must be located to the rear of principal structure.	29 East Main Street	Town	7/31/15	8/17/15	no
Middletown Valley Investment Partners (MVIP) LLC - install a privacy fence on perimeter of commercial property (Cross Stone Commons (CSC) Shopping Center)	Corner of East Main Street and Middletown Parkway	Town	8/5/15	8/28/15	no
Nancy Newton - MVIP to install 4 ft white vinyl picket fence (privacy fence) in side and rear yards adjacent to CSC shopping center.	800 East Main Street	Town	8/5/15	8/6/15	no
Jeffrey & Lera Straits - MVIP to install 4 ft white vinyl picket fence (privacy fence) in side and rear yards adjacent to CSC shopping center.	720 East Main Street	Town	8/5/15	8/6/15	no
Robert & Mary Russell - install a 10 ft by 14 ft storage shed in rear yard of property.	308 Cone Branch Drive	Town	8/6/15	8/6/15	no
Brendan Piccolo - finishing basement to include drywall, electrical and plumbing installations	12 Wagon Shed Lane	133413	8/7/15	8/11/15	yes

August 2015 Zoning Certificates – completed	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Adele & Kevin Air - install a 12 ft by 30 ft cottage style shed on residential property. Shed must be located to the rear of the principal structure on property.	10 Washington Street	133413	8/14/15	8/24/15	yes
Joseph Sadler - build a 40 ft by 40 ft storage shed in rear yard of property using a pre-fabricated kit	402 Franklin Street	131239	5/13/15	8/17/15	yes
Mike Saintcross - add deck cover to existing decks on rear of property	10 Hollow Creek Court	134004	8/6/15	8/28/15	yes
Donald Thompson Funeral Home - sign permit for signs erected in new parking lot.	32 East Green Street	Town	8/20/15	8/20/15	no
Darrell & Kim McClure - reopen permits with Frederick County Permits to have final inspections scheduled and completed on 9 year old deck	10 Groff Court	133977	8/21/15	8/21/15	yes
Admar Custom Homes - construct a new residential structure	18 Hoffman Drive	133658	8/11/15	8/24/15	yes
Christian Sakoian – install 4 ft white picket fence to the left and right of primary structure extending to adjacent neighbors' existing fences.	5 Knoll Side Lane	Town	8/25/15	8/25/15	no
Yvette Warren - remodel inside of out building on property; run electric line to second structure near out building.	3 Tobias Run Court		8/12/15		yes
Larry Richardson - building 15' 10" by 16' 1" deck on rear of townhouse	300 Stone Spring Lane	134132	8/25/15	8/26/15	yes
Michael Crawford - installation of thirty (30) roof mounted solar panels (Vivant Solar)	9 Jesserong Drive	134202	8/25/15	8/26/15	yes
Pyramid Rocks, LLC - change of ownership/change of tenant (Lamar Building)	200 West Street		8/25/15		yes

August 2015 Zoning Certificates – completed	Address	Permit #	M-town Received ZC	RForrester Approved	County Approval
Richard Pepper - install an 10' by 14' shed in rear yard of property	313 Cone Branch Drive	Town	8/31/15	8/31/15	no
James P. Malecki - install a pellet heating insert into existing brick fireplace in living room of residence	8 Caroline Drive	134327	8/31/15	9/1/15	yes
Kathleen Dall - build 19' by 10' deck with 4' by 5' landing and steps to ground level on rear of townhouse	4 Bankbarn Circle	134427	8/31/15	9/1/15	yes
Zion Lutheran Church – change of use/change of tenant	121-125 West Main Street	Town (134244)	7/8/15 (8/27/15)	7/14/15	no (yes)

Zoning Certificate submitted– in progress					
Staley-Schubert, LL – change of use/change of tenant to house offices and storage for Garden Center (Patrick Ellis applicant).	6 North Church Street	133793	4/8/15		yes
Pat Putman – construct new building to house Putman Plumbing & Heating offices/ warehouse	9 Boileau Drive	132524	5/12/15		yes
Harry & Kathleen Carew – finish basement to include the installation of a cooking stove	20 Walnut Pond Court		7/8/15		yes

Zoning Certificate submitted -- actions pending and/or suspended					
Ron Terbush – repair porch, demolish & remove existing open shed, remove and replace fence in back yard	100 East Main Street		3/28/14		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	Sheds cannot be constructed in right of way. Sheds must be no closer than 6 feet from the rear or side property lines	no
Meredith McKittrick & Don Troop – install drywall and bathroom in attic of residence	200 Broad Street		2/4/15		yes
Zachary Cohoon – install temporary carport to store recreational/camper trailer	13 Linden Blvd		10/7/14	Owner decided to not install a temporary carport on property	yes
James Dunkley – install 6’ fence reduced gradually down to 4’ fence in front yard as a privacy screen.	107 North Pointe Terrace	Town	4/22/15	Denied – violates municipal code; can only have 3’ tall fence in front yard of residence	no
Joseph Sadler – construct a 40’ x 60’ storage shed in rear yard of property using a prefabricated kit	402 Franklin Street	131239	5/13/15	Denied 6/12/15 by Frederick County	yes
Middletown High School – replace siding and windows and enclose porch area of press box at football stadium.	200 School House Drive	130470	4/30/15	Withdrawn by FCPS	yes



TO: The Burgess and Commissioners
FROM: Becky Reich, Main Street Manager
RE: September Workshop
DATE: September 1, 2015

ECONOMIC DEVELOPMENT:

- MS Manager is talking with outside partners to assist with the Construction Survival handbook – specifically, the Tourism Council of Frederick County and the County Economic Development Department. We are looking for their expertise for the project as well as additional funding to help with expenses such as a rack card to encourage visitors during our construction, temporary signage, etc.
- The EDC has several projects:
 - Welcome Packets – I am working on the financial incentives piece
 - Next Business Mixer – and hosting a guest speaker – during Business Appreciation Week.
 - Coordinating with the Businesses on Business Appreciation Week
 - Creating some guidelines and choose the Business Partner of the Year Award to be handed out during Business Appreciation Week
 - Coordinating with the Businesses on Chamber Event
 - Main Street Manager attended the Frederick County Quarterly Main Street-Economic Development Office meeting and we discussed Pop Up shops and different methodologies the Pop Up concept can be carried out.

PROMOTIONS COMMITTEE:

- The Promotions Committee has completed their Marketing Plan for the Maryland Main Street
- MS Manager met with Molly Derr regarding the Scarecrow Festival – and how Main Street can assist in this event, and how we can enhance it. MACC needs assistance to put this event together.
- MS Manager is working with Goodwill to host a Ribbon Cutting Celebration in October. While this ribbon cutting is occurring outside of the Main Street district, they are planning a large event, food, face-painting that should generate traffic to Middletown.
- MS Manager completed an application, submission, and we are now an Official Neighborhood Champion for Small Business Saturday. We will be getting regular emails to help rally businesses about this event, and we will get an Event Kit. Our commitment – in order to become a Neighborhood Champion, is that we committed to get at least 10-businesses to actively participate in Small Business Saturday.
- MS Manager is working with Jennifer Falcinelli on coordinating Christmas in the Valley. Christmas in the Valley will be on Saturday – this is a change!! We want to get the word out earlier and earlier.

DESIGN:

- The Design Committee needs to have an additional volunteer! For more information about this volunteer position, please send me an email.
- The Design Committee attended most of the SHA Streetscape meetings with the Streetscape Task Force in August.
- The Design Committee will meet Thursday, September 10th and begin our review of the wayfinding signage.

ORGANIZATION COMMITTEE:

- The Road Race was Saturday, August 29, 2015 and from the feedback I got at the race was very positive, from the runners, and especially the Steeplechasers who help coordinate many race events. I was complimented by every single Steeplechaser volunteer at the race on our event. We will have a post-event meeting on Wednesday, September 9; MS manager with the Town and Deputies, then with the Organization Committee that planned the event.
- We have successfully closed out the advertising portion of the FY 2015 Advertising TRIPP Grant.

GREEN COMMITTEE:

- Much of what the Main Street Green Committee will do will be in conjunction with what the Town's Green team does – and how Main Street can also bring sustainability awareness to our local businesses and our organization. For example, the Green Committee got volunteers to bring recycling receptacles to the Road Race. Our first project will be to inform businesses about the Maryland Green Registry, a free program that encourages businesses to commit to doing at least 5 fairly easy steps/practices that are more sustainable. The Maryland Green Registry is a good, first step towards building awareness. We will be meeting Friday, September 4 at Town Hall.

WEBSITE COMMITTEE:

- The Website Committee has voted on the look, colors, font, and overall design of the website. We are making quick progress on the website with our content complete, the home page design complete, and now we are working with the interior pages and layout.

MISCELLANEOUS:

- Main Street Manager will be working with the County Economic Development office on a small project that will articulate the impacts of our Main Street program. We were complimented by the County ED office – saying Middletown does everything right!
- Main Street Manager looks forward to working with the Town about parking and appreciated being part of the conversation.