



**AGENDA FOR THE
BURGESS & COMMISSIONERS AND
PLANNING COMMISSION**

**VIRTUAL MEETING
May 4, 2020
6:30 p.m.**

1. Planning issues update
 - a. Hollow Creek Professional Center – building and sign renderings
 - b. Horman and Jiffas properties
 - c. Franklin Commons
2. Accessory structures ordinance
3. Text amendment for height of buildings
4. Temporary signs for new businesses
5. Comp Plan update

Cindy Unangst is inviting you to a scheduled Zoom meeting.

Topic: Joint Town Board/Planning Commission workshop
Time: May 4, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87888692435?pwd=SURzc3RTWTUrVINvVkIKRllibmFEdz09>

Meeting ID: 878 8869 2435

Password: 350133

One tap mobile

+13017158592,,87888692435#,,1#,350133# US (Germantown)

+19292056099,,87888692435#,,1#,350133# US (New York)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 929 205 6099 US (New York)

Meeting ID: 878 8869 2435 Password: 350133

Hollow Creek Professional Center

April 20, 2020

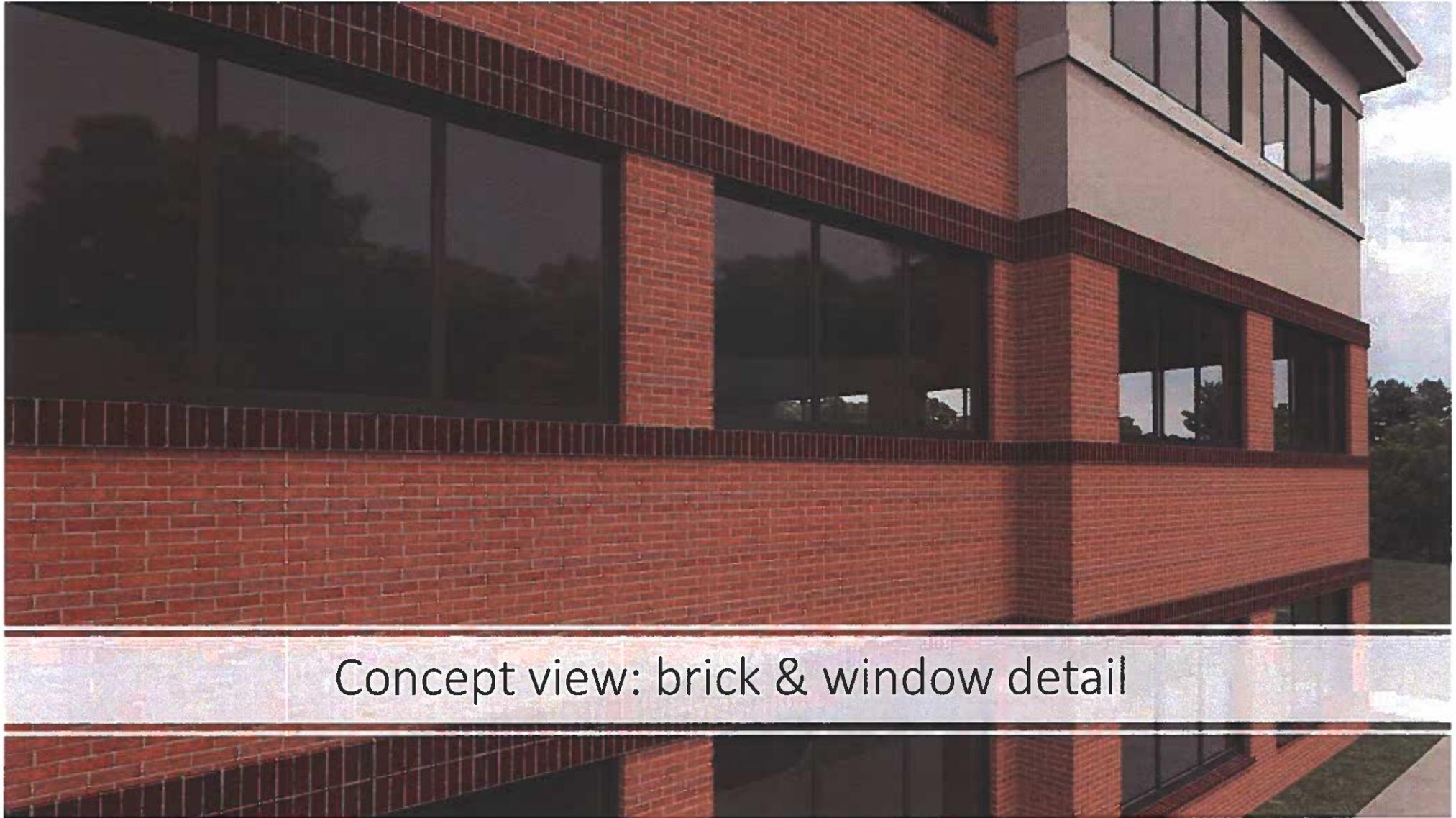
Architectural Standards



Concept view from U.S. Alternate 40



Concept view looking North



Concept view: brick & window detail



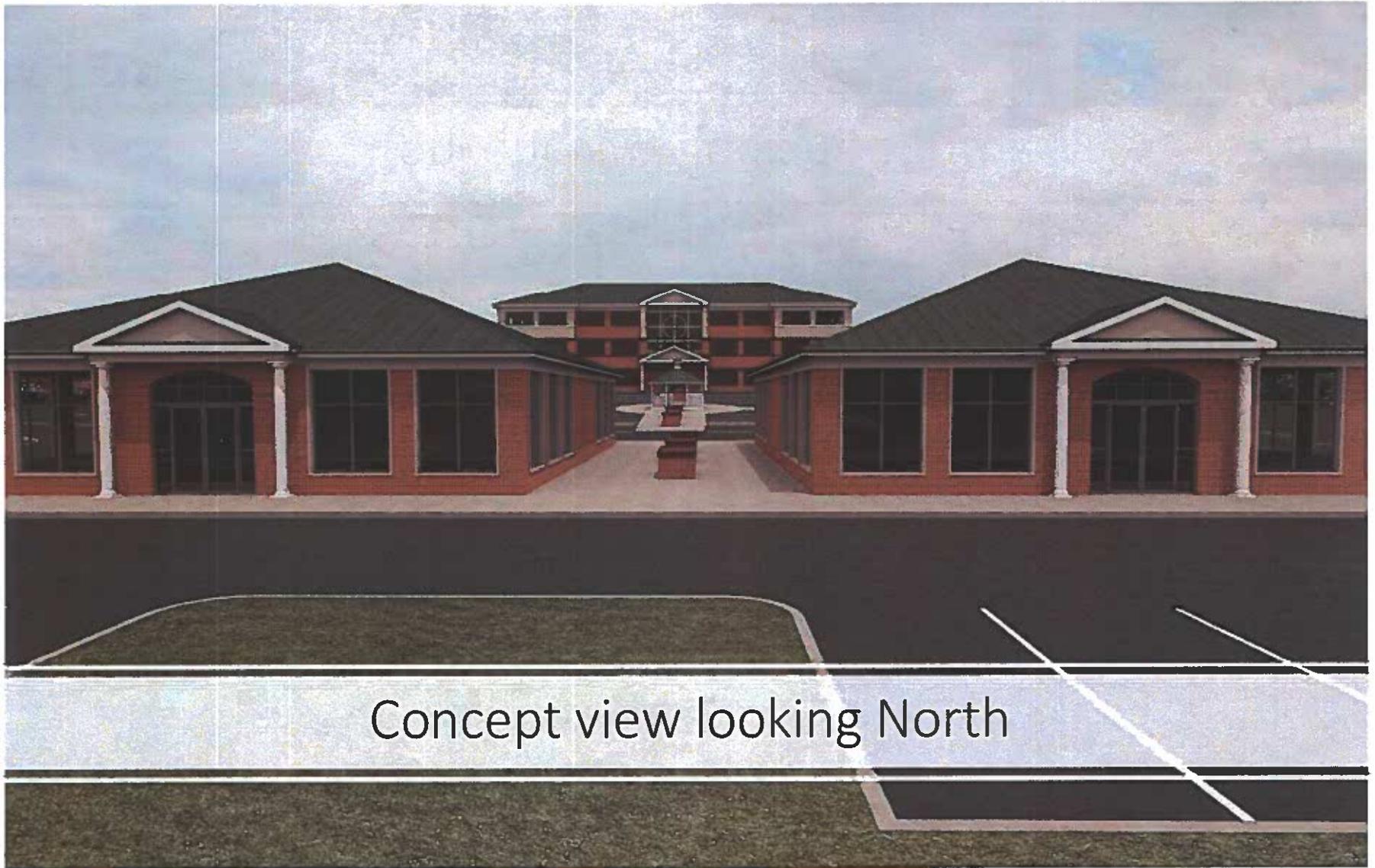
Side concept view looking Northeast



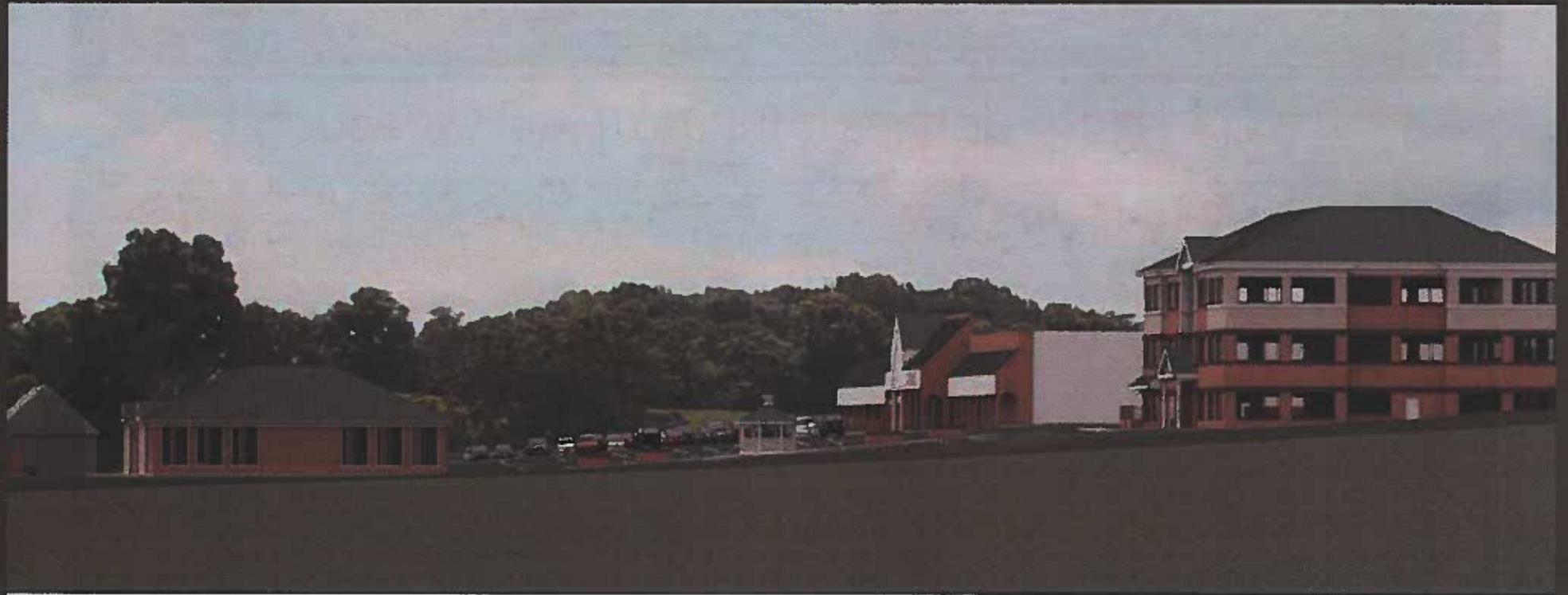
Concept view Commercial Building w/Gazebo



Concept view looking South



Concept view looking North



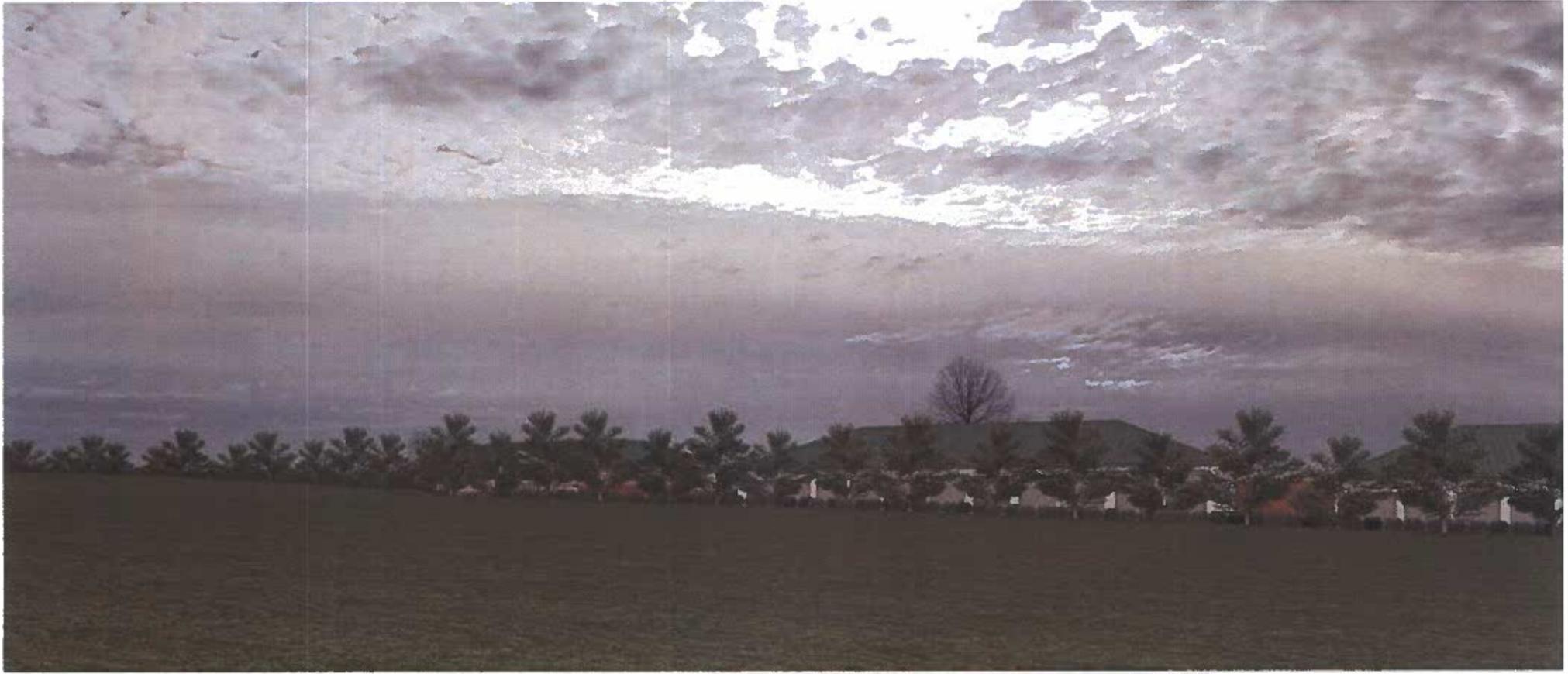
East to West view



Concept view from intersection (BB&T glass)



Concept view from rear of Commercial Building



Concept view from Manda Drive

Continental Brick Company

Primary Brick: Commercial Building & Planters

Style 470- Light Flashed Range of Rose

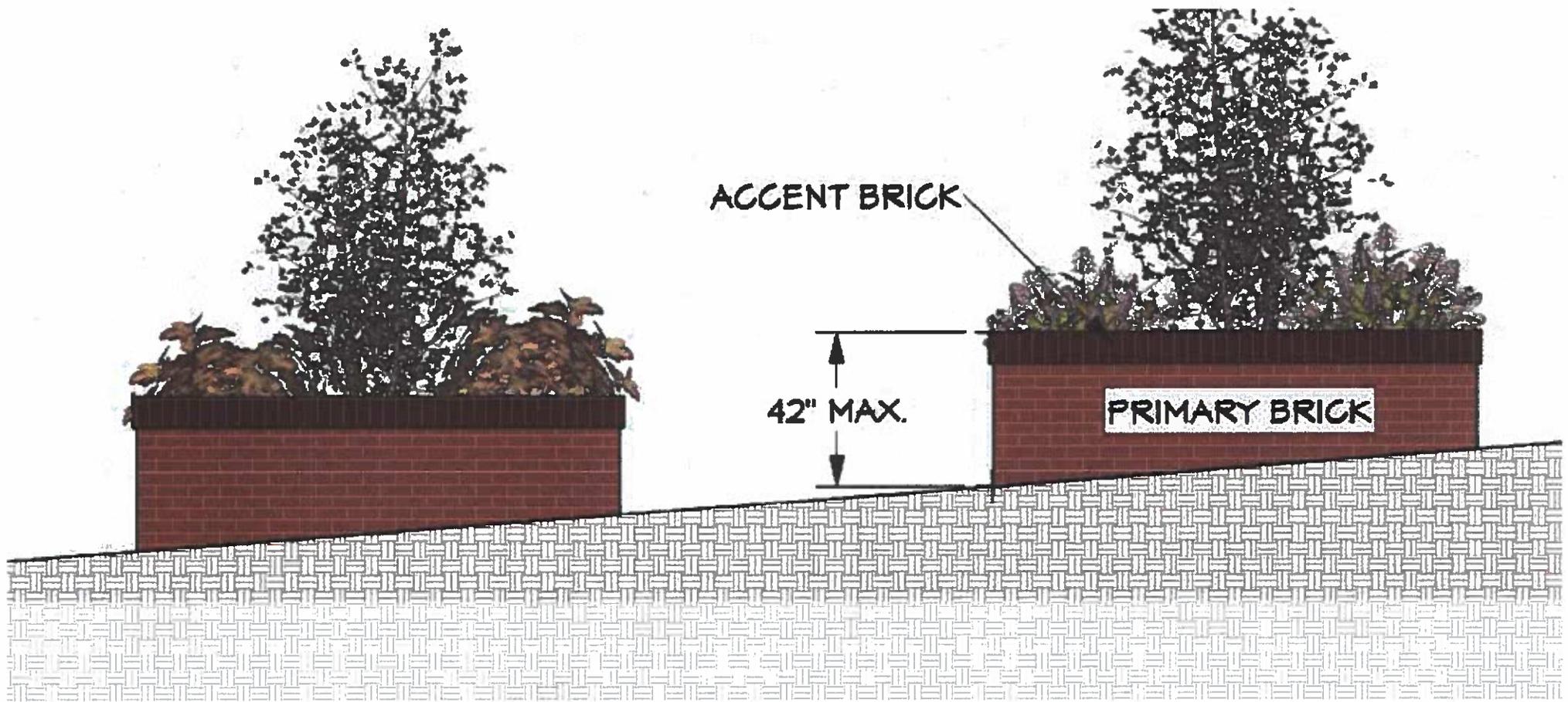
Continental Brick Company

Accent Brick: Commercial Building

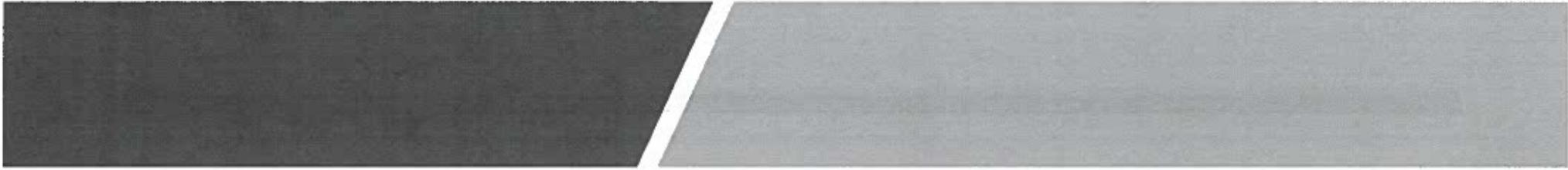
Style 490- Straight Range Wine Red



Commercial Window Tinting for
Solar / UV Protection |



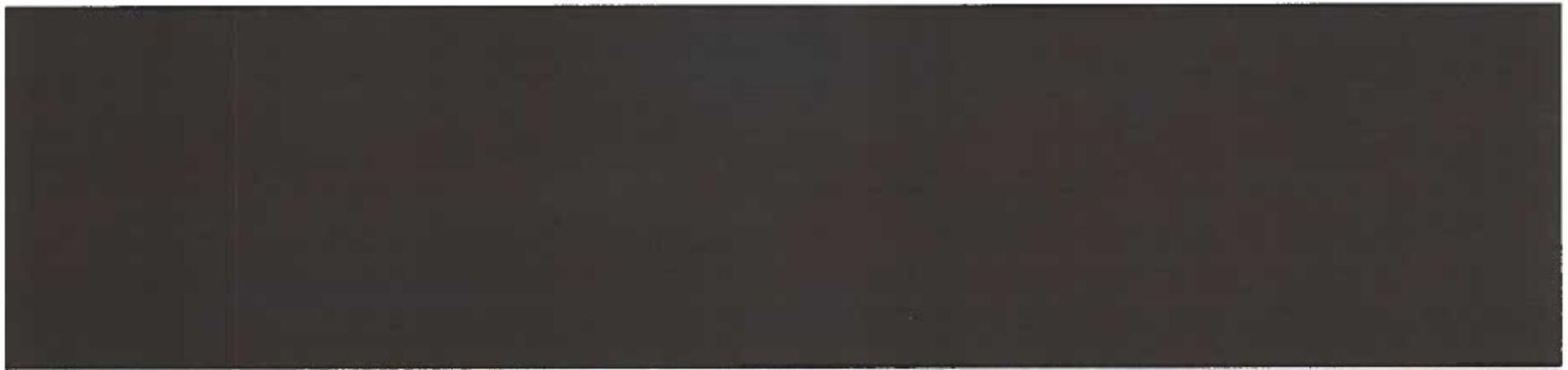
Brick Planters



Brick Mortar – Lehigh Cement



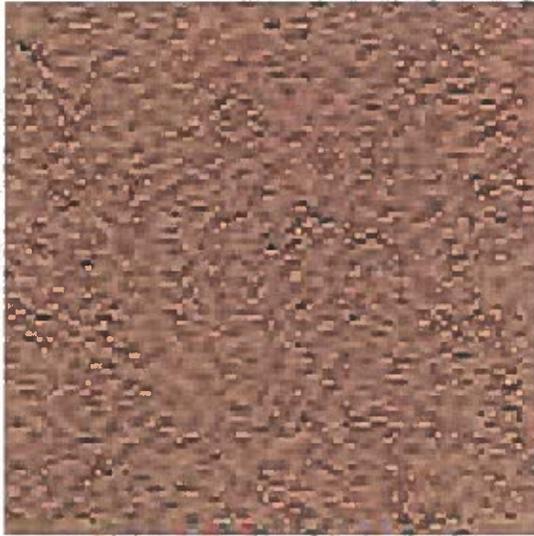
Englert Metal Roof: Commercial Building,
Retail Buildings, Gazebo



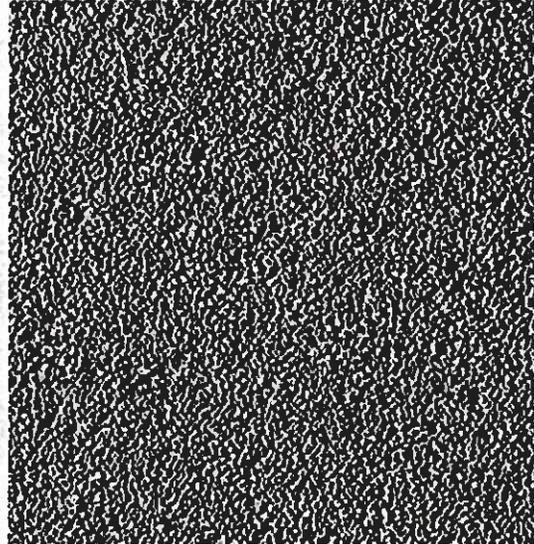
FOREST GREEN



EIFS – as manufactured by Total Wall Stucco
Field Color: Beach Sand / Trim Color: Total White



Beach Sand
#2240

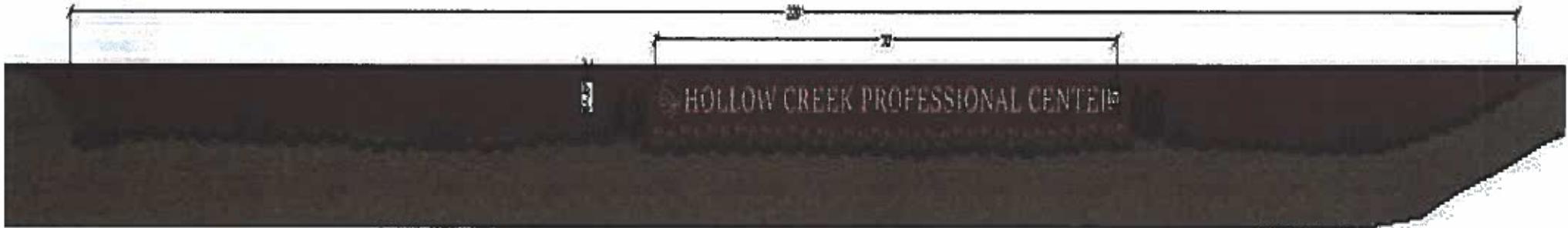


Total White
#3280

EIFS Finish Detail: Sandpebble Fine (as depicted in Total White #3280)

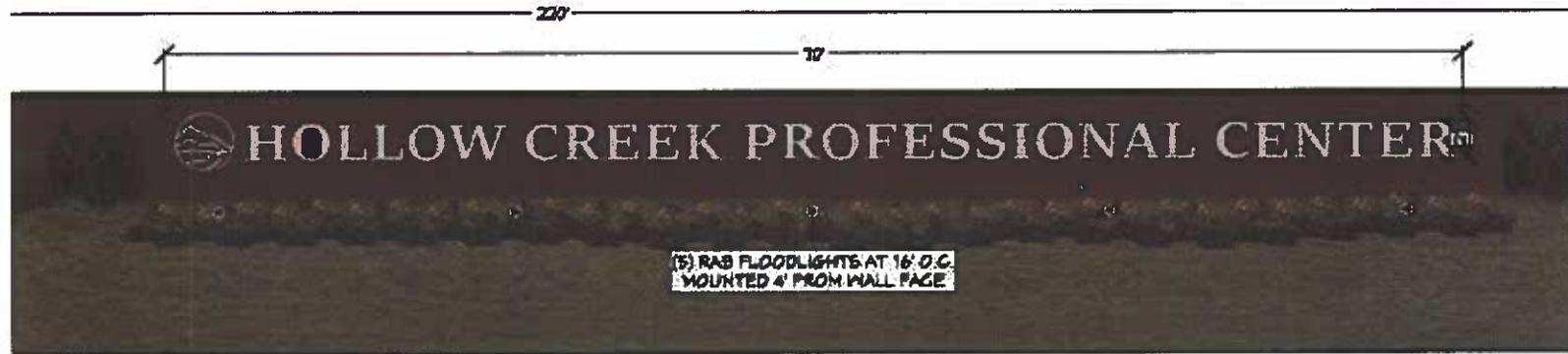
Retaining Wall: Nicolock Oyster Blend
220' Long, 5 ½' Tall





HOLLOW CREEK PROFESSIONAL CENTER

Retaining Wall: Length 220'
Retaining Wall: Height 5 1/2'
Span of Marquee Lettering: 70'
Each Letter: 2'
Color: Powder Coated Galvalume



 HOLLOW CREEK PROFESSIONAL CENTER

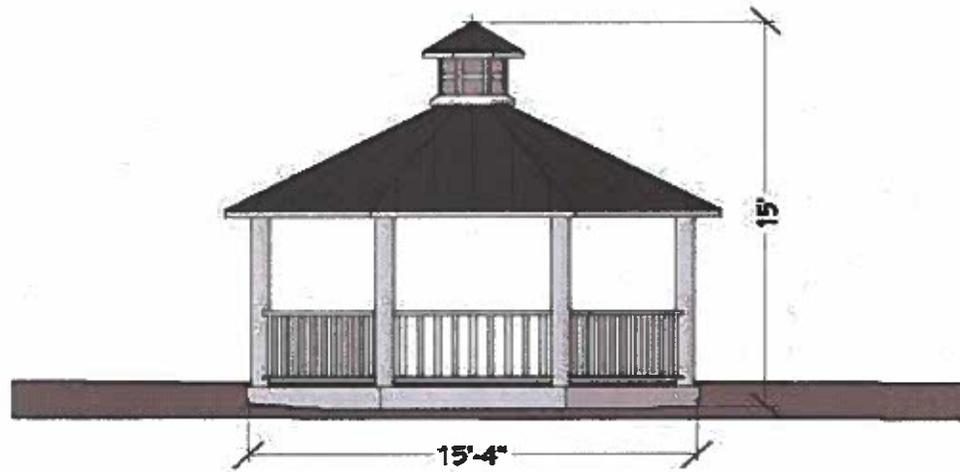


Lighting Specifications for Signage

5-fixtures - 4' back from the sign, 8' in from each end, 16' apart. Each fixture mounted to a rocket style black plastic base RAB MP19B with 1/2" adjustable knuckle embedded in concrete formed by a 12" sona tube so they don't break off during mowings.



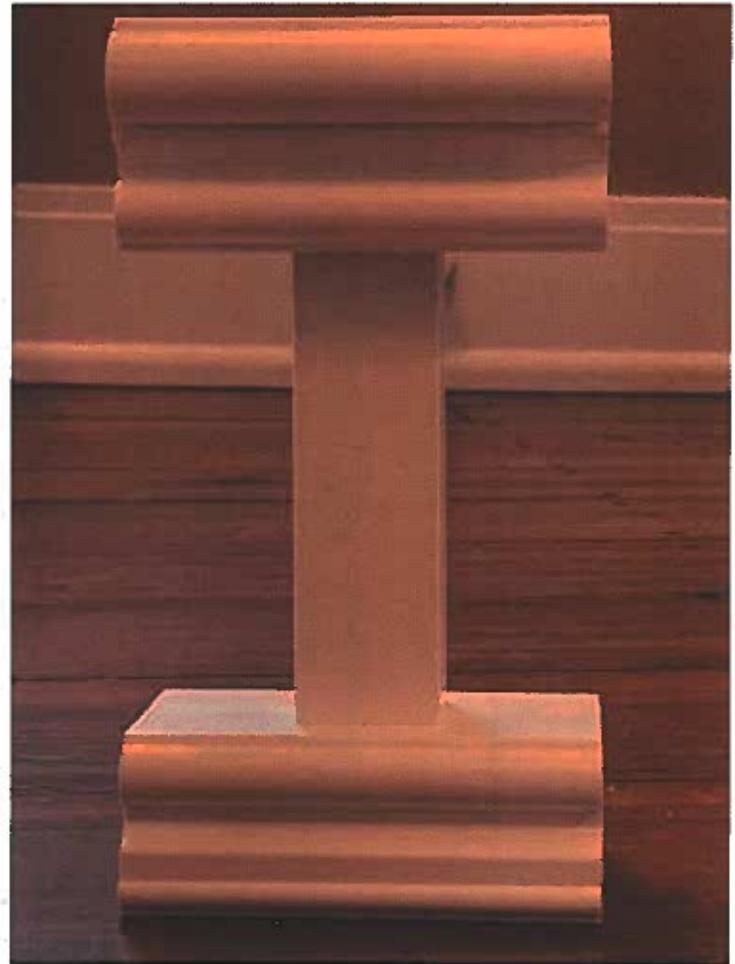
Pavers: Nicolock Oyster Blend: Gazebo Floor & Courtyard / Spline



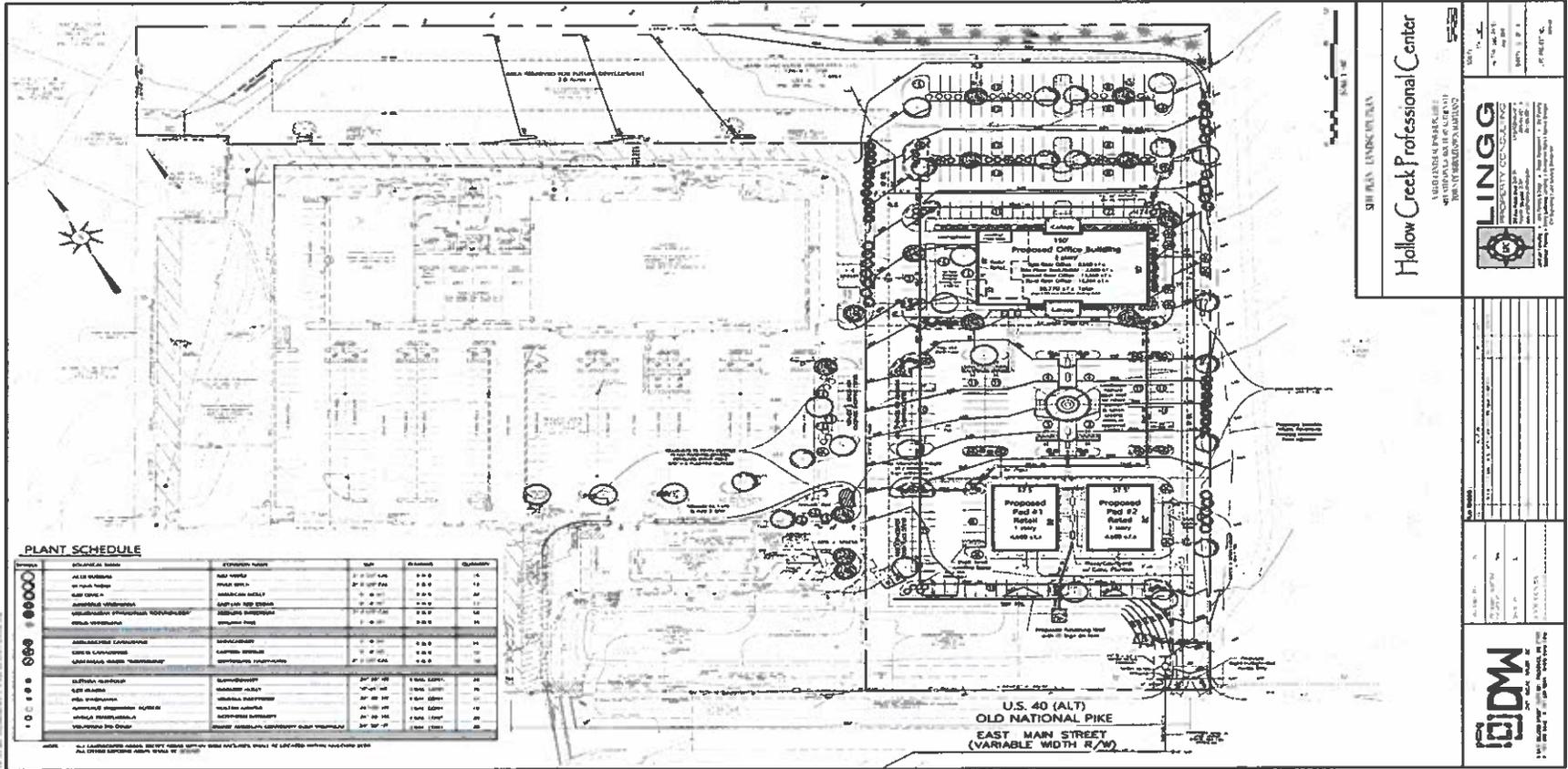
Gazebo Specifications

Gazebo
Columns &
Rail

Commercial &
Retail Building
Columns



Approved Landscape Plan

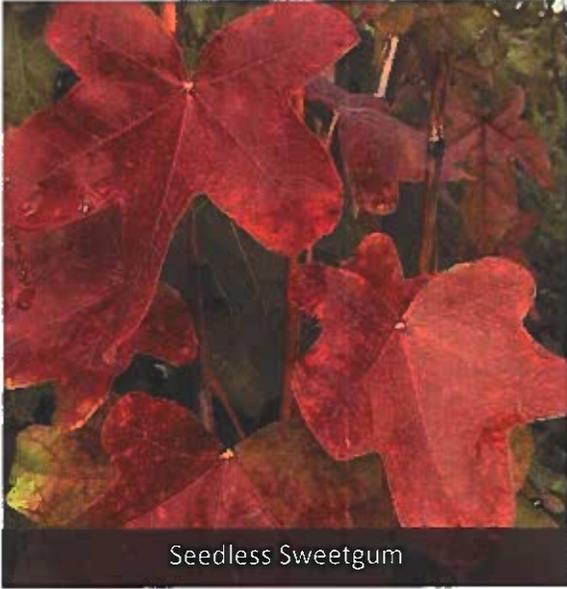


Approved Landscape Plan: Detail

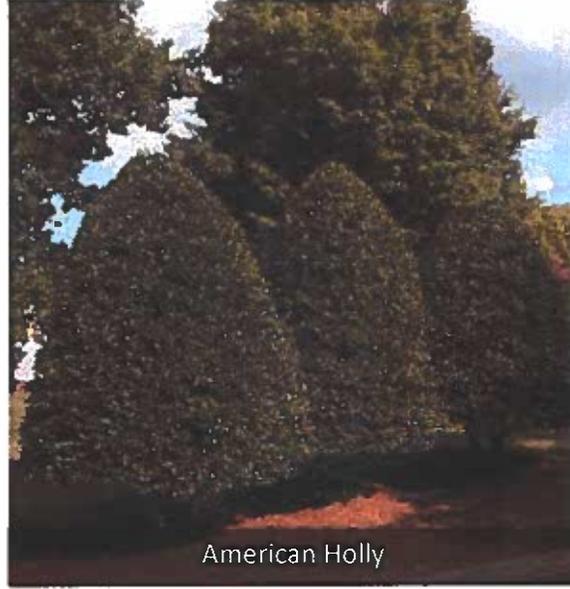
PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	QUANTITY
	ACER RUBRUM	RED MAPLE	2"-2 1/2" CAL	B & B	15
	BETULA NIGRA	RIVER BIRCH	2"-2 1/2" CAL	B & B	13
	ILEX OPACA	AMERICAN HOLLY	5' - 6' HT.	B & B	22
	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	5' - 6' HT.	B & B	17
	LIQUIDAMBAR STYRACIFLUA 'ROTUNDILOBA'	SEEDLESS SWEETGUM	2"-2 1/2" CAL	B & B	13
	PINUS VIRGINIANA	VIRGINIA PINE	5' - 6' HT.	B & B	14
	AMELANCHIER CANADENSIS	SERVICEBERRY	5' - 6' HT.	B & B	14
	CERCIS CANADENSIS	EASTERN REDBUD	5' - 6' HT.	B & B	10
	CRATAEGUS VIRIDIS "WINTERKING"	WINTERKING HAWTHORN	2"-2 1/2" CAL	B & B	10
	CLETHRA ALNIFOLIA	SUMMERSWEET	24"-30" HT.	3 GAL. CONT.	33
	ILEX GLABRA	INKBERRY HOLLY	18"-21" HT.	3 GAL. CONT.	36
	ITEA VIRGINIANA	VIRGINIA SWEETSPIRE	24"-30" HT.	3 GAL. CONT.	27
	JUNIPERUS VIRGINIANA 'KOSTERI'	KOSTERJ JUNIPER	24"-30" HT.	3 GAL. CONT.	19
	MYRICA PENNSYLVANICA	NORTHERN BAYBERRY	24"-30" HT.	3 GAL. CONT.	20
	VIBURNUM TRILOBUM	DWARF AMERICAN CRANBERRY BUSH VIBURNUM	24"-30" HT.	3 GAL. CONT.	28

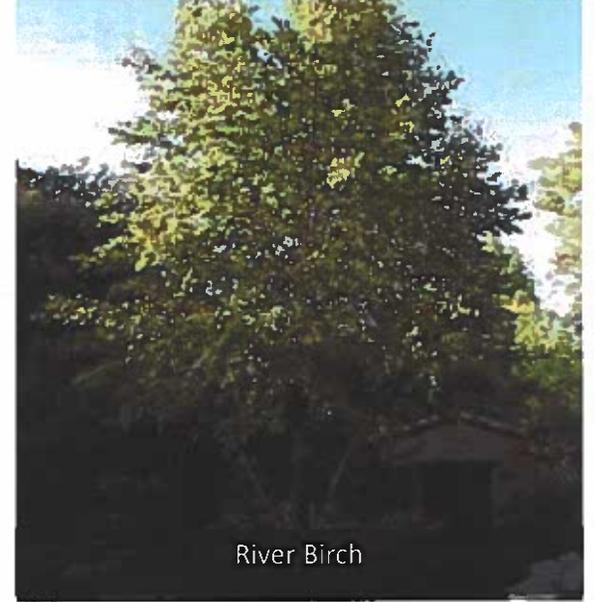
NOTE: ALL LANDSCAPED AREAS, EXCEPT AREAS WITHIN SWM FACILITIES, SHALL BE LOCATED WITHIN MULCHED BEDS.
ALL OTHER EXPOSED AREAS SHALL BE SEEDED.



Seedless Sweetgum

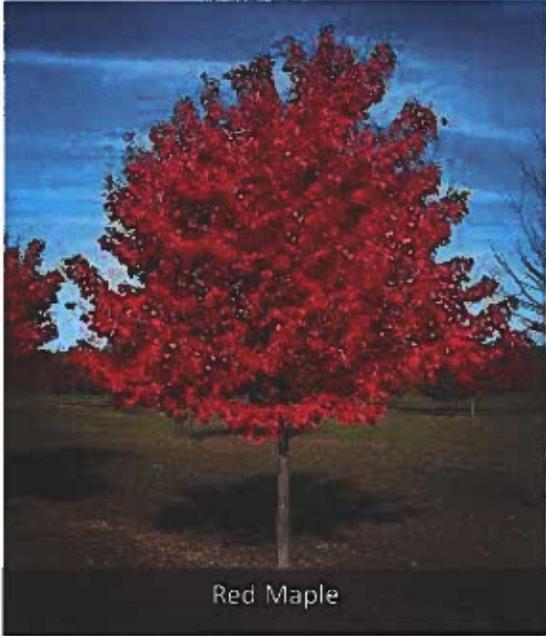


American Holly

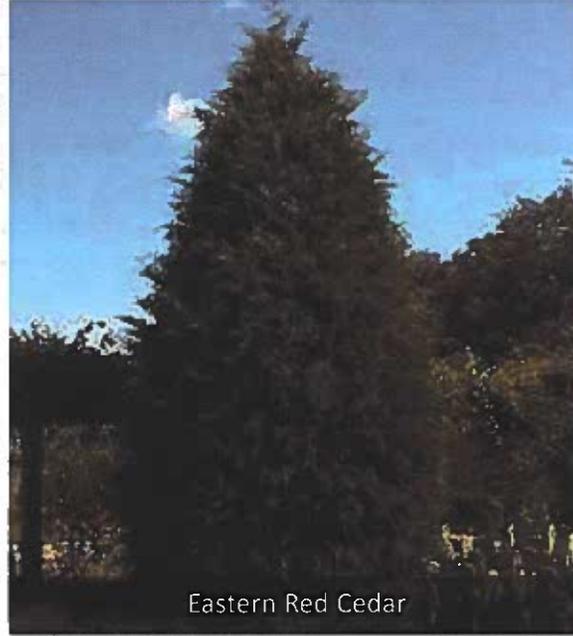


River Birch

Landscape Images



Red Maple

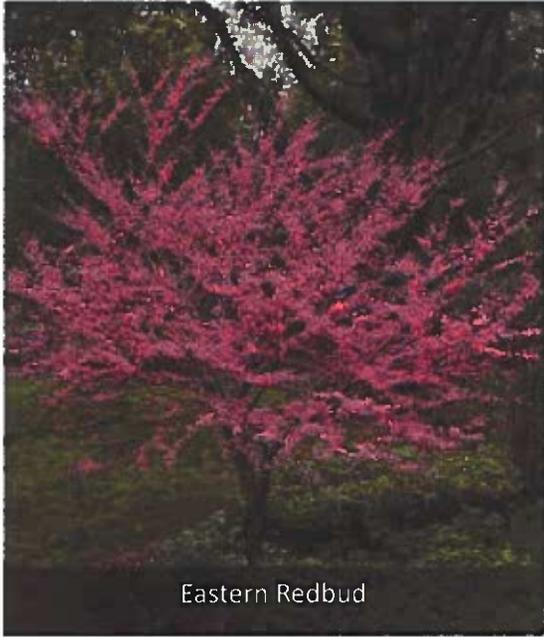


Eastern Red Cedar

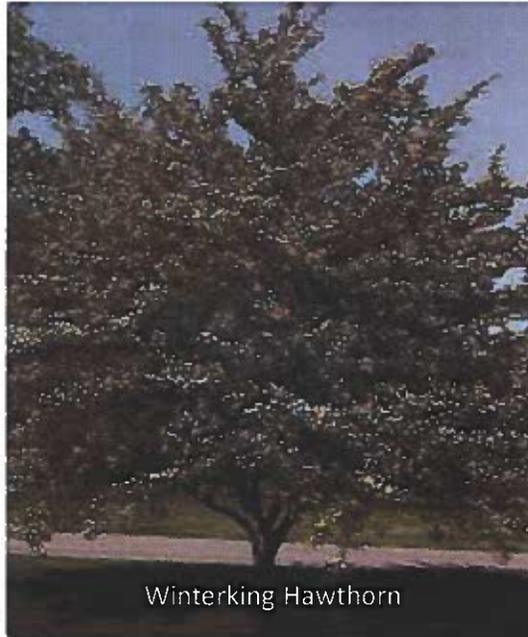


Virginia Pine

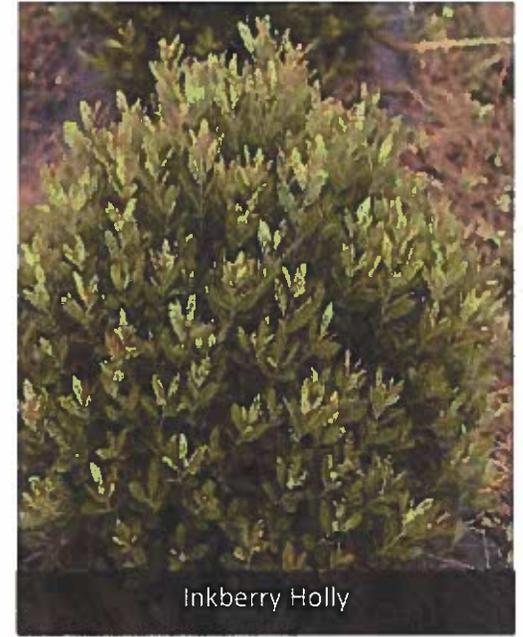
Landscape Images



Eastern Redbud



Winterking Hawthorn

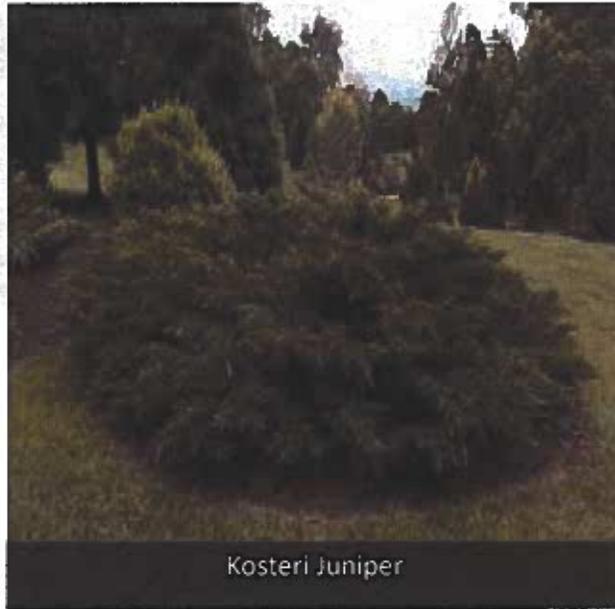


Inkberry Holly

Landscape Images



Dwarf American Cranberry



Kosteri Juniper



Northern Bayberry

Landscape Images



Serviceberry Shrub



Virginia Sweetspire



Summersweet

Landscape Images

January 7, 2020 Changes

PROPOSED: Allowable Projections of Accessory Buildings into Yards. The following regulations apply to any accessory building, use or structure within the Town.

Location. All accessory buildings and structures shall be located behind the front building line of the principal building.

Easements. No accessory building or structure, except for public utility panels or boxes, shall be erected in any easement areas. All accessory buildings or structures shall be a minimum of one foot off easements.

Height. *Accessory structures shall not exceed 15 feet, measured at the peak of the roof.* Accessory structures may not exceed the height of any principal building.

Size. Accessory buildings or structures may project into yards provided that: (1) An accessory structure shall be limited in size, when located on a residential zoned property, to the following. (a) The total square footage of all floors of the accessory structure shall not exceed the *footprint* of principal dwelling. (b) The cumulative area of all accessory structures may not exceed the following, based on the residential zone.

Zone	Minimum Lot Size	Cumulative square footage allowed for all accessory structures
R-20		
Single family dwelling	20,000	10% of rear yard not to exceed 2,000 square feet
R-1		
Single family dwelling	10,000	10% of rear yard not to exceed 1,000 square feet
R-2		
Single family dwelling	6,000	10% of rear yard not to exceed 600 square feet
Two family dwelling	4,000	10% of rear yard not to exceed 400 square feet
Duplex	6,000	10% of rear yard not to exceed 600 square feet
R-3		
Single family dwelling	6,000	10% of rear yard not to exceed 600 square feet
Two family dwelling	4,000	10% of rear yard not to exceed 400 square feet
Duplex	6,000	10% of rear yard not to exceed 600 square feet

Multi-family dwelling	4,000	10% of rear yard not to exceed 400 square feet
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The square footage allowed for business purposes in an accessory structure shall be 600 square feet. (2) When more than ten (10) feet from the building, it may project into the side or rear yards providing it projects no closer than six feet to the side or rear lot lines; (3) garage accessory buildings entered from alley or street in the case of double frontage lots are not closer than ten (10) feet to the street or alley line; (4) one-story or 10 feet in height, or a maximum of 15 feet with roof accessory structures on townhouse lots may be located up to two feet of a side property line and six feet of a rear property line provided the accessory structure is no more than eighty (80) square feet in size

No accessory structure may be used for living, *sleeping or other occupancy*.

Home Owners Association. It is the homeowner's responsibility to have the accessory structure approved by his or her homeowners' association where applicable. A Zoning Certificate from the Town does not negate a homeowners' association's covenants and/or restrictions.

MEMORANDUM

Date: 4/28/2020

To: Burgess & Commissioners and Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: BUILDING HEIGHT AND 'STORY' CODE REFERENCES

In reviewing the definitions and references to building height in the Middletown Municipal Code below, here are some questions that the Town Board and Planning Commission might want to consider:

- 1) Include the language 'whichever is greater' to building height regulations (as shown in 17.17.150D), or delete the word 'or' and replace it with 'and'?
- 2) No land in Middletown is currently zoned MB Mixed Business district. In updating the Comp Plan, it should be determined whether any land should be zoned as such. If the Town decides to zone any land as MB in the future, will a maximum height of 50 feet be appropriate?
- 3) The two properties in town designated as SC/LM Service Commercial/Light Manufacturing (Industrial district) are on East Green Street and include Fountaindale Auto and the property just east of there that includes the landscape business and is mostly a gravel lot. If either property were sold or re-developed, would the maximum designated height of 45-feet be appropriate for those sites?

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

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

17.16.050 - Building height regulations and unit limitations for structures in residential districts.

No building will exceed two and one-half stories or thirty-five (35) feet in height. No one structure in any residential district may contain or include more than twelve (12) individual and separate dwelling units within the structure.

17.17.150 - Development standards. (Overlay zoning districts)

- A. Density. The overall density of the project shall be in conformance with the R-3 zoning district.
- B. Lot Area and Yard Requirements. The minimum lot area single-family dwelling shall be six thousand (6,000) square feet. The minimum lot area per duplex (two dwelling units) shall be eight thousand (8,000) square feet. The minimum lot width per structure for a single-family dwelling shall be sixty (60) feet, and the minimum lot width per structure for a duplex shall be forty (40) feet per duplex unit. The minimum yard areas shall be as follows:
 - 1. Front yard: fifteen (15) feet from a public street;
 - 2. Side yard: eight feet for a single-family dwelling; eight feet one side only for a duplex dwelling (one side per dwelling);
 - 3. Rear yard: twenty (20) feet (except that a detached garage accessory structure accessed via a rear alley system shall have a rear yard setback of eighteen (18) feet: or except that a detached garage accessory structure accessed via a front-loaded driveway shall have a rear yard setback of four feet.)

These minimum standards may be modified by the planning commission, in accordance with the master plan design guidelines.

- C. Accessory Structures. The minimum side yard setback for an accessory structure shall be three feet.
- D. **Height Limitation. Building height is limited to a maximum of two and one-half stories or thirty-five (35) feet in height, whichever is greater.**

17.20.015 - MB mixed business district.

- C. Required Lot Area, Lot Width, and Yards in the MB District. The following requirements apply in the MB district:
 - 1. Minimum area of lot size: one acre;
 - 2. Setback requirements for front, rear, and side yard: thirty (30) feet; provided, however, **that for any lot on which a structure exceeding thirty (30) feet in height is situated, the thirty (30) foot setback requirement shall be increased by one foot for every foot of the structure which exceeds thirty (30) feet in height.** Additionally, for any

portion of a structure which is adjacent to a residential district or state highway, the setback requirement is one hundred (100) feet for that portion of the structure which is adjacent to such residential district or state highway;

3. **Structure height: fifty (50) feet;**
4. Lot width: one hundred (100) feet. The planning commission may, however, permit a lot width of not more than fifty (50) feet if the planning commission approves a landscaping plan which, in the commission's opinion, provides an adequate buffer for adjacent property.

17.20.030 - Building regulations in commercial districts.

No building shall exceed three (3) stories or thirty-five (35) feet in height or exceed sixty thousand (60,000) square feet in size.

17.24.020 - Building height regulation in industrial districts.

No building in the SC/LM district shall exceed three stories or forty-five (45) feet in height.

17.28.040 - Required lot area, lot width, and yards in open space district.

A. The following requirements apply in the OS district:

1. Minimum area: not specified;
2. Front yard: fifty (50) feet;
3. Rear yard: fifty (50) feet;
4. Side yard: fifteen (15) feet.

B. **For structures higher than twenty-five (25) feet**, the yard requirements shall be as follows:

All yards: Between the foundation and the nearest lot line, a distance of 2.5 times the height of the structure shall be maintained.

17.30.040 - Required lot area, yards and other restrictions. (Ag district)

The following restrictions are applicable in the agricultural district:

- A. Minimum lot or parcel size: twenty-five (25) acres;
- B. Front yard: fifty (50) feet;
- C. Rear yard: fifty (50) feet;

- D. Side yard: fifty (50) feet;
- E. **Height:** The restrictions for properties located within the R-20 district apply. Structures, such as silos, barns or other structures, which are typically used solely for agricultural purposes may be a maximum of fifty (50) feet in height;

17.32.170 - Modifications to yard requirements.

- D. Allowable Projections of **Accessory Buildings** into Yards. **One-story** accessory buildings with a **maximum height of twenty-five (25) feet** may project into yards provided that: (1) the building does not occupy more than thirty (30) percent of the rear yard; (2) when more than ten (10) feet from the building, it may project into the side or rear yards providing it projects no closer than six feet to the side or rear lot lines; (3) garage accessory buildings entered from alley or street in the case of double frontage lots are not closer than ten (10) feet to the street or alley line; (4) one-story accessory structures on townhouse lots may be located up to two feet of a side property line and six feet of a rear property line provided the accessory structure is no more than eighty (80) square feet in size; (5) any accessory structure greater than twenty (20) feet in height must provide an additional one foot of setback for each one foot of additional height; (6) all accessory structures defined as sheds must be located to the rear of the principal structure.

17.32.180 - Modifications to height limitations.

- A. **Public and Semipublic Buildings may Exceed Height Limitations.** Public buildings, places of worship, medical care facilities, institutions, may exceed the height limits to a **total height of seventy (70) feet** providing all yards required in the particular district are increased one foot for each two feet in excess of the height limitation.
- B. **Architectural or Mechanical Appurtenances may Exceed Height Limitations.** Chimneys, church steeples, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, spires, radio and television towers, grain elevators, or other such architectural and mechanical appurtenances are exempt from height regulations except that freestanding structures must be set back a distance equal to the height of the structure when located adjacent to an R district and set back one-half the height of the structure when located adjacent to TC, GC, OS and SC/LM districts.

17.42.030 - Applicability; general provisions. (Residential Cluster Development)

- B. The following provisions shall apply to any residential cluster development, regardless of the general requirements of the R-20 zoning district:
 - 6. The maximum height limitation shall be that established for the R-20 zoning district.