



## **AGENDA FOR THE TOWN WORKSHOP**

**February 2, 2017**

**7:00 p.m.**

### **Community Deputy Report**

### **PUBLIC HEARINGS**

- **Ordinance 17-02-01**

**AN ORDINANCE TO AMEND TITLE 17, CHAPTER 32 OF THE MIDDLETOWN MUNICIPAL CODE BY ADDING THERETO SECTION 17.32.245 PERTAINING TO LIGHTING DESIGN STANDARDS; TO ESTABLISH REGULATIONS AND REQUIREMENTS RELATING TO GENERAL LIGHTING; TO AUTHORIZE THE PLANNING COMMISSION TO REQUIRE A LIGHTING PLAN AS PART OF THE SUBMISSION OF CERTAIN SITE PLANS; TO PROVIDE FOR CERTAIN EXEMPTIONS FROM THE LIGHTING REGULATIONS AND REQUIREMENTS.**

### **STAFF REPORTS:**

**Staff Planner**

Engineer's Report

**Main Street Manager**

**Zoning Administrator**

### **Regular Workshop Items**

MEMORANDUM

Date: 1/30/2017

To: Burgess and Commissioners, Middletown  
From: Cynthia K. Unangst, Middletown Staff Planner  
RE: Outdoor Lighting Regulations text amendment

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**The Middletown Planning Commission on November 21, 2016 reviewed the proposed Outdoor Lighting Regulations text amendment language which would provide a purpose section, general lighting requirements, site plan submission requirements, information regarding alterations after site plan approval and pre-existing lighting, and exemptions from the outdoor lighting provisions. By consensus the Planning Commission recommended support of the proposed text amendment language. A public hearing has been scheduled for Thursday, February 2, 2017.**

Below are minutes from discussions that took place within the past nine months concerning the proposed text amendment regarding outdoor lighting regulations:

**Planning Commission meeting – November 21, 2016:**

**Outdoor Lighting Regulations** – The purpose of this proposed Section 17.32.245 – Outdoor Lighting Standards is to establish outdoor lighting standards that reduce the impacts of glare and spillover light onto adjacent properties or into the sky, to protect against glare onto public right-of-way that can impair vision of motorists, pedestrians, and bicyclists, to promote safety and security, and to encourage energy conservation.

Suggestions from the Joint Town Board/ Planning Commission Meeting were incorporated into these proposed standards. The Planning Commission Chair reviewed the outdoor lighting standards with the suggested changes.

**Action:** Commissioner Miller recommended forwarding the modified outdoor lighting standards as presented tonight to the Town Board for review and approval. Seconded by Commissioner Gallagher. Motion carried (3-0-1). Commissioner Catania abstained.

**Planning Commission workshop – November 16, 2016:**

**Outdoor lighting regulations text amendment** – The Staff Planner indicated the minor change that was made to the draft text based on the discussion at the joint town board workshop the week prior regarding all athletic events and stadium use on FCPS properties to be exempt from the outdoor lighting regulations. It was asked whether it would be the zoning administrator that would enforce the regulations, which was affirmed.

### **Planning Commission meeting – September 19, 2016:**

**Outdoor Lighting Regulations Text Amendment (17.32.245)** – The Staff Planner reviewed the changes suggested at the Planning Commission workshop on September 14, 2016.

- **Section 17.32.245, revised subsection E, Pre-existing Lighting** – The Zoning Administrator suggested that the subsection be revised to read “ No changes or alterations or additions to such existing lighting may be made without a zoning certificate being submitted and Zoning Administrator approval in accordance with the section.”
- **Exemptions** – There is no permit currently needed for this section like other sections within the Town Code have. Discussion occurred concerning whether Frederick County Public Schools should send in a letter requesting a permit which would cover all activities, or whether all FCPS activities should be exempt. Highland Golf Club sends in an annual letter for their summer outdoor events.

The Staff Planner will make the suggested changes. It will be an item on the joint Town Board/Planning Commission meeting scheduled for November 7, 2016.

### **Planning Commission workshop – September 14, 2016:**

**Outdoor lighting regulations text amendment** – The Planning Commission discussed John Clapp’s latest comments of these regulations. Cindy was asked if she could come up with some wording regarding the PC’s ability to modify the site plans requirements when needed. There was also discussion about permits for sports events that extend past 10:00pm. It was suggested that there be a line added to the general lighting requirements that states street lighting needs to conform to the Design Manual guidelines.

### **Planning Commission meeting – August 15, 2016:**

**Outdoor Lighting Regulations Text Amendment (17.32.245)** – The Staff Planner had made the draft revisions to the text amendment as was suggested at the Planning Commission workshop on August 10, 2016.

- **Section 17.32.245, revised subsection B, General Lighting Requirements** – The Planning Commission recommends contacting the Director of Public Works for input regarding maximum pole heights within the Town. It was suggested that if the light pole is pre-existing no changes will be needed to meet any new requirements. If changes are made to an existing light pole, then the owners must comply with any new requirements.
- **Section 17.32.245, revised subsection F, Exemptions, subsection 2, Permits** - The question was raised whether the Middletown School requests a permit during football season, or at any time a sporting event will extend past the 10pm deadline as stated in the current code. The answer is unknown.

The Planning Commission directed the Staff Planner to send their outdoor lighting text amendments suggested changes to the Town Attorney for review.

### **Planning Commission workshop – August 10, 2016:**

**Outdoor lighting regulations text amendment** – The Planning Commission discussed John Clapp’s preliminary version of these regulations. It was suggested that the light pole heights for the Fire Hall,

the Horman apartment plans and the town street lights be determined. David Lake stated that he thought the regulations should apply to any zoning district in town. By consensus, since the height of the approved light poles at Cross Stone Commons is 20-feet, the standard requirement going forward should also be a maximum of 20-feet. Bob Smart felt that there should be a chart included in the regulations that easily shows the maximum height for light poles in residential districts and in commercial districts.

**Planning Commission meeting – June 20, 2016:**

**Outdoor Lighting Regulations Text Amendment** - The Town Attorney questioned the need for establishing an outdoor lighting section within the design guidelines of the Town Code. He suggested that it be placed under the subdivision guidelines. He cautioned against becoming too restrictive or controlling with outdoor lighting in residential areas. The Town Attorney will draft a document for the Planning Commission to review. This item will be tabled until the document is received as there are many considerations to take into account.

**Planning Commission workshop – June 15, 2016:**

**Outdoor lighting regulations text amendment** – The Planning Commission discussed Cindy's first version of these regulations. Cindy stated that her draft used regulations from Woodsboro, Leesburg, Frederick County and Rockville. It was suggested that the light pole heights approved for Cross Stone Commons be looked at and language should be added concerning the night sky light trespass.

**ORDINANCE NO. 17-02-01**

**AN ORDINANCE TO AMEND TITLE 17, CHAPTER 32 OF THE MIDDLETOWN MUNICIPAL CODE BY ADDING THERETO SECTION 17.32.245 PERTAINING TO LIGHTING DESIGN STANDARDS; TO ESTABLISH REGULATIONS AND REQUIREMENTS RELATING TO GENERAL LIGHTING; TO AUTHORIZE THE PLANNING COMMISSION TO REQUIRE A LIGHTING PLAN AS PART OF THE SUBMISSION OF CERTAIN SITE PLANS; TO PROVIDE FOR CERTAIN EXEMPTIONS FROM THE LIGHTING REGULATIONS AND REQUIREMENTS.**

**SECTION I. BE IT ORDAINED AND ENACTED** by the Burgess and Commissioners of Middletown that Title 17 – Zoning, Chapter 17.32 of the Middletown Municipal Code be, and hereby is, amended by adding thereto the following as Section 17.32.245. The new language is designated by underlining:

Title 17 – Zoning

Chapter 17.32 – Design Standards Generally

Section 17.32.245 - Outdoor Lighting Standards

A. The purpose of this section is to establish outdoor lighting standards that reduce the impacts of glare and spillover of light onto adjacent properties or into the sky, to protect against glare onto public rights-of-way that can impair vision of motorists, pedestrians, and bicyclists, to promote safety and security, and to encourage energy conservation.

B. General Lighting requirements. Exterior lighting shall comply with the following requirements and contain the following information with regard to outdoor lighting.

(1) Pole and Stand-alone lighting.

(a) All street lighting shall comply with the Street Lighting Design Manual regulations.

(b) All other lights, light fixtures, light poles and other structures holding or supporting lighting fixtures shall be located at least ten feet (10') from the closest exterior property line.

(c) All stand-alone light poles or other structures holding or supporting lighting fixtures which are located between ten feet (10') and twenty-five feet (25') of the closest exterior property line shall not exceed a maximum height of fifteen feet (15') which height shall include any base, wall pedestal, platform or other supporting building or structure. All other stand-alone light poles or other structures holding or supporting lighting fixtures shall not exceed a maximum height of twenty feet (20') which height shall include any base, wall pedestal, platform or other supporting building or structure.

(2) Wall-mounted lighting.

(a) Any lighting which is mounted or secured to a wall of a building, including wall-packs, shall not be located more than twenty-five feet (25') above the surface of the ground directly below it. All such lighting shall be located, aimed and shielded, so as to reflect light downward, below the horizontal and so that the light from such fixture is not directed toward adjacent streets, roads or adjacent properties.

(b) Wall-mounted light fixtures which are positioned and aimed to direct lighting in an upward direction on the façade of a building are not permitted. Fixtures designed and located so as to direct lighting in a downward direction down the building surface are preferred.

(3) Landscape and Architectural Lighting

Lighting which is used to illuminate flags, statues, signs or other objects mounted on a pole, pedestal or platform, and spotlighting or floodlighting used for architectural or landscaping purposes shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields may be required in order to limit the amount of light shining outside the intended direction and in particular to shield and protect motorists and pedestrians from the glare of such lighting.

(4) Exterior lighting fixtures shall include full cutoff features and shall be directed downward on site, so that the light does not create excessive glare on adjacent properties. Light trespass from originating property shall not exceed 0.5 footcandle measured on a vertical plane five feet above grade at the property line.

C. Site Plan submissions.

(1) The planning commission may require a lighting plan on any Site Plan submission required by section 17.32.230 which Site Plan shall include:

(a) The specific location, height and type of illuminating devices, fixtures, lamps, or any other light sources;

(b) A full description of each light source, fixtures, lamps, and other devices, to include catalog cuts by manufacturers and diagrams, where appropriate;

(c) Photometric data, such as that furnished by manufacturers, or similar information demonstrating the angle of cutoff and/or light emissions;

(d) Analysis and luminance level diagrams showing that the proposed installation conforms to the lighting level standards of this section;

(e) Tests, reviewed by a lighting engineer, indicating that the lighting plan is sufficient to meet IESNA recommendations, i.e., not to exceed IESNA recommendations, may be required by the planning commission; and

(f) Computer-generated, point-by-point lighting calculations on a scaled site plan with a ten-foot-by-ten-foot grid of footcandle readings, indicating initial horizontal footcandles at grade, and initial vertical footcandles five feet above grade at the property line.

(2) If the planning commission is unable to determine that the lighting plan complies with this section, the planning commission may require the plan to be submitted to a lighting engineer or recognized testing laboratory for review. The report of such engineer or laboratory shall be submitted to the planning commission and the applicant shall bear the cost of the review and report.

(3) The site plan requirements may be modified by the planning commission if it is determined that the general intent of this section can be realized without providing all the information outlined above in Section C.(1).

#### D. Alterations after Site Plan Approval

No alteration or change in the approved Site Plan lighting plan may be made unless approved by the planning commission in accordance with this section; provided, however, that the zoning administrator may approve the replacement of a failed, broken or damaged lamp, light, fixture or supporting structure if such replacement will be in accordance with the requirements of this section.

#### E. Pre-existing Lighting

Exterior lighting, including fixtures, lamps, lights, poles and supporting structures, existing on property subject to this section on the date of the enactment of this Ordinance shall be permitted to remain. No changes or alterations or additions to such existing exterior lighting may be made without a zoning certificate being submitted to and approved by the zoning administrator in accordance with the requirements of this section. The zoning administrator may approve the replacement of a failed, broken or damaged lamp, light, fixture or supporting structure if such replacement will be substantially similar to the lighting to be replaced.

#### F. Exemptions.

The following shall be exempt from the provisions of this section:

- \_\_\_\_\_ (1) All vehicle lighting, emergency traffic lighting, and traffic control lighting;
- \_\_\_\_\_ (2) All athletic events and stadium use on Frederick County Public School properties;
- \_\_\_\_\_ (3) For lighting which is reasonably related to sports, amusements, entertainment events or other public gatherings operating as part of an athletic contest, carnival, fairground activity, parade or public celebration:
  - \_\_\_\_\_ (a) If a permit has been issued for such event, until 12:00 midnight;
  - \_\_\_\_\_ (b) If no permit has been issued to authorize such event, until 10:00 p.m.
- \_\_\_\_\_ (4) Temporary lighting which is typically and traditionally used for the celebration or recognition of a holiday and which is installed and removed within a reasonable period of time prior to and after the holiday.
- \_\_\_\_\_ (5) Lighting required in order to address an emergency, including lighting required for emergency street, utility or construction repairs if such lighting is discontinued immediately upon abatement of the emergency.

**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 \_\_\_\_\_, 201\_\_**  
**PASSED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_**  
**EFFECTIVE DATE: \_\_\_\_\_, 201\_\_**

**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: 1/31/2017

RE: Monthly Planning Update - February

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**Major Subdivisions:**

**Middletown Glen - Master Plan Amendment approved - March 11, 2013**

Preliminary plans signed – May 29, 2013

Improvement plans conditionally approved – October 16, 2013

Final FRO Plan approved – April 21, 2014

Final Plats conditionally approved – November 17, 2014

Plats 1 & 2 recorded at Courthouse – May 17, 2016

**FRO planting at Remsberg Park to be done this winter**

**Next step – record additional final plats**

**Site Plans, Plats and Minor Subdivisions:**

**Cross Stone Commons – BOA Special Exception Use Hearing – May 8, 2013**

Final FRO Plan approved – May 19, 2014

Revised Site Plan conditionally approved – October 20, 2014

Phase 1 Improvement Plans conditionally approved – October 20, 2014

Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)

Building permit for Building #3 applied for – June 24, 2016

Plat of Correction recorded at Courthouse – November 8, 2016

**Next step – submit architectural renderings for buildings #2 and 4 for review/approval**

**East Green Street - Addition plat approved – January 16, 2017**

**Next step – take mylars to Courthouse to be recorded**

**Fire Station – Fire Station plat conditionally approved – October 16, 2013**

BOA approved height variance request - October 20, 2016

Revised Site Plan conditionally approved – October 17, 2016 (Plans expire 10/17/19)

Demolition plans conditionally approved – December 19, 2016

Improvement Plans conditionally approved – December 19, 2016

**Final plat mylars submitted to Health Department for signature – January 30, 2017**

**Next steps – take mylars to Courthouse to be recorded; submittal of PWAs for approval and apply for building and grading permits**

**Franklin Commons/Chesterbrook Phase 2 - 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

Phase 2 Improvement Plans conditionally approved – Sept. 21, 2015 (Plans expire 9/21/2018)

Mylars signed – January 4, 2016

**Next step – submittal of PWAs for approval and apply for building and grading permits**

**Caroline's View/Horman Apartments-** Site Plan approved – April 21, 2008 (no sunset provisions)

Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions)

Currently approved SWM plans remain valid until May 4, 2017

Mylars signed – September 11, 2015

Letter sent out to property owner – August 25, 2016

**Next step – submittal of PWAs for approval and apply for building and grading permits**

**Jiffas** – Site Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions)

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

BOA hearing for variance requests (approval received) – March 29, 2016 (expires 3/29/17)

SWM plans submitted to SCD and Frederick County – December 5, 2016

**Next step – continue application process for duplex building permit including necessary approvals by the County for stormwater management and PWAs**

**Miller (Ingalls)** – Concept and Phase I & II Plan approved & signed – September 27, 2010

Revised Concept Plan reviewed by PC – September 16, 2013

Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)

**Next step – submit improvement plans for review/approval**

**Richland Driving Range** – Concept plan reviewed by PC – January 18, 2016

Site Plan reviewed by PC – May 16, 2016

Revised Site Plan conditionally approved by PC – June 20, 2016 (Plans expire June 20, 2019)

**Next step – submit improvement plans for review/approval**

**Technology MD Network Company permit application** – tabled by PC on November 21, 2016

**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 by Town Board – October 11, 2010

**Admar Property** – annexation petition sent to PC by Town Board – January 9, 2017

**Text Amendments:** Outdoor lighting regulations – recommendation by PC to Town Board

Public hearing scheduled – February 2, 2017

**Grants:** MEA Smart Energy Communities grant application – due February 16, 2017

**Meetings:** Next Middletown Green Team Meeting – February 15, 2017

**Next Joint town board/planning commission workshop** – February 6, 2017



**TO: The Burgess and Commissioners**  
**FROM: Becky Reich, Main Street Middletown**  
**RE: February Workshop Report**  
**DATE: February 2, 2017**

Upcoming Meeting and Event Dates:

Thursday, February 2, 2017 – Economic Development Committee (1<sup>st</sup> Thursday of the Month)  
Tuesday, February 7, 2017 – Promotions Committee Meeting (1<sup>st</sup> Tuesday of the Month)  
Thursday, February 9, 2017 – Design Committee Meeting (2<sup>nd</sup> Thursday of the Month)  
Sunday, February 12, 2017 – 250<sup>th</sup> – Town Talks Event – 100-104 West Main Street  
Thursday, February 16, 2017 – Organization/Executive Committee Meeting (3<sup>rd</sup> Thursday of the Month)  
Thursday, February 23, 2017 – Main Street Board Meeting (4<sup>th</sup> Thursday of the Month)

**ORGANIZATION COMMITTEE:**

- The Main Street Board met on Thursday, January 26<sup>th</sup> and discussed our budget. We are delighted that we are now receiving monthly checks from Frederick County Tourism as part of the increased hotel tax. However, there are stipulations attached to how we spend the funds, with 50% of the funds being spent for out-of-county advertising. The Board passed a revised budget for the remaining FY to account for the hotel tax funds.
- With the revised budget, the Main Street Board voted to send the Main Street Manager to the National Main Street Conference being held April 29 through May 4 in Pittsburg. Attendance at these National Conferences are highly encouraged by Maryland Main Street.
- We have begun planning for the Road Race that will be August 26, 2017.

**DESIGN COMMITTEE:**

- The Design Committee overlaps with the 250<sup>th</sup> volunteers who are working on the Walking Tour brochure. Written descriptions and photographs will be turned into Bruce Morgan, our graphic designer for this project, in late March. This will become a focus of my work over the next few weeks.
- The Design Committee has drafted language to for the Façade Improvement program, and a final draft will be presented to the Board at our February meeting.

**ECONOMIC DEVELOPMENT COMMITTEE:**

- While we have not finalized the contract between the SBDC and Main Street for the Technical Assistance Grant, the SBDC has begun work already, making two unannounced visits to Middletown. I will be meeting with the SBDC on February 9<sup>th</sup> so we can schedule the workshops, and further develop and tailor the content. I am very excited that Main Street Middletown was awarded this grant. Garrett has worked with the revitalization of Silver Springs, Clyde's Restaurants, and National Geographic through his own consulting firm. Through

the Small Business Development Center, he has worked with hundreds of businesses on Main Streets throughout the Maryland. His current large project has been assisting recovery efforts in Ellicott City.

- The Small Business Development Center is part of a national network, and in partnership with the US Small Business Administration, the State of Maryland, and the University of Maryland, College Park. SBDC links private enterprise, government, and higher education and local economic development organizations to provide high quality training, confidential consulting, and market and industry research to Maryland's small businesses.

#### **PROMOTIONS COMMITTEE:**

- Main Street Middletown partnered with the three other Main Street programs to advertise together in the Visit Frederick magazine. Sample ad will be available to view at the meeting.
- The Main Street Manager attended a free seminar hosted by Constant Contact. Constant Contact is the tool we use to send out group messages to the Main Street businesses so that we have a consistent, branded look and feel to our email newsletters. Please look for our February newsletter coming out soon!
- Main Street is continuing to promote the 250<sup>th</sup> through our Facebook page.

#### **250<sup>th</sup> Steering Committee:**

- Thank you to the following donations we have received to date in support of the 250<sup>th</sup>:
  - The Middletown Valley Bank
  - The Main Cup
  - Central Maryland Heritage League
  - Willowdale Farms
  - Dempsey's Grille
  - Hello Gorgeous
- Thank you for attending the first event on January 17 – we were very pleased with the turn-out for a Tuesday evening in January!
- The first quarterly luncheon was held on Sunday the 29<sup>th</sup> for invited guests that included some of our oldest citizens. The idea behind the luncheons was to set up an atmosphere like a Sunday afternoon of reminiscing with friends and family. The event was recorded, and individuals sat at each table to help document the answers to several of the questions that were asked about growing up in Middletown.
- Our 2<sup>nd</sup> event is scheduled for Sunday, February 12<sup>th</sup> and we hope you all come.
- David Guiney and Ruth Bielobocky will be attending the February 13<sup>th</sup> Burgess and Commissioner's meeting to update you on the upstairs space.

Thank you for your continued support of  
Main Street Middletown

## Town of Middletown Zoning Report

To: Burgess and Commissioners

From: Ron Forrester, Zoning Administrator

Date: 2/2/17

RE: Monthly Zoning Update – January 2017

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Board of Appeals (BoA) Meeting: No Board of Appeals meeting in January 2017. There is a BoA public hearing scheduled for February 22, 2017 at 7:00 pm in the Municipal Center to hear an appeal for variances for property at 219 South Jefferson Street. Applicant wants to construct a new single-family home on site once old dilapidated single-family structure is demolished. A demolition plan has been submitted to the Planning Commission for their review / approval. Applicant is requesting a 17.5 foot variance from front yard setback / building restriction line (BRL) of 35 feet, a 6 feet and 6.59 feet variance respectively to the left and right 12 feet side yard setback / BRL requirement and a variance of 17 feet from the 60 foot minimum lot width per structure required for R-3 residentially zone district in accordance with Section 17.16.070 – Required lot area, width and yards – of the Middletown Municipal Code. The lot is 43 feet wide.

### Zoning Violations:

(1) Signage issues at Middletown High School (MHS), 200 School House Drive. Zoning Administrator sent violation letter on April 27, 2016 to Executive Director of Facilities for the Frederick County Public School noting unauthorized signs at and near the MHS football/track facility. Two freestanding commercial signs (one sign was for DARCARS of Frederick) were noted. Temporary Commercial signs are not permitted in any district in Middletown in accordance with Section 17.36.150A of the municipal code and should be removed. Subsequent site visits have noted that the two free standing “business” signs are still on the property in violation of the municipal code. The temporary business signs were removed on January 24, 2017. Closed.

(2) Unregistered/inoperable motor vehicles parked in driveway, 5 Young Branch Drive. Home owner sent a zoning violation letter on June 10, 2016 for having two unregistered motor vehicles parked in driveway of residential property. Motor vehicles were not screened from adjoining properties in accordance with Section 17.16.060 of the Middletown Municipal Code. A second zoning violation letter (certified letter) was sent to homeowner on July 25, 2016. This is the third time over the last two and one-half years that this homeowner has been cited for parking/storing unregistered/inoperative motor vehicle in the driveway of his residential property. Certified letter sent July 25, 2016 never picked-up by homeowners. Violation letter returned to town office undelivered. Site visit on August 24, 2016 noted that unregistered/inoperative vehicle still parked in driveway. I discussed this violation with wife of property owner and she said that they had not received notification letters. I gave her my business card and reiterated that the inoperative/unregistered vehicle parked on driveway was a violation of municipal code and needed to be resolved. A third zoning ordinance violation notification letter was sent on September 8, 2016 and a violation notice was posted to the front door of the house along with another copy of the violation letter. The son of property owner called and said the Subaru Impresa parked in the driveway was registered and had license tags on it. I visited property and took a picture of vehicle. I requested from the town administrator that the registration be verified. The town deputies determined that the tags on the Subaru Impresa in the driveway were actually tags from a Subaru Outback wagon. *I'm continuing to work with*

and coordinate with town administrator to identify registration status of vehicles parked in driveway or on Young Branch Drive in front of residence before taken additional actions as needed. The town sheriff deputies checked out vehicles parked at residence in mid-January and reported all vehicles properly tagged based on their visit to the property. Closed.

(3) Car Parked on Grass/Junk Yard, 128 East Main Street. A zoning ordinance violation notification letter was sent to property owners on November 16, 2016 for parking motor vehicle on grass area in front yard of property (corner lot) and for having excessive items discarded/stored in rear yard of property that constitutes property being used as a junk yard in accordance with Sections 17.32.040 and 17.32.060(J)(3) of municipal code. Owner called zoning administrator and left message that they are working to address / correct the zoning issues outlined in the violation notification warning letter. Site visit noted that motor vehicle no longer parked on grassy surface in front yard of property. Excessive items still discarded/stored in rear yard of property. Open.

(4) Box truck (restricted vehicle) parked in rear yard of residentially zoned property, 330 South Jefferson Street. A zoning ordinance violation notification warning letter was sent to property owner on December 9, 2016 for a box truck (restricted vehicle) parked on grass in rear yard of residential property. It was also noted during a site visit that there were two storage sheds installed on the property and that an approved zoning certificate was not on file for either shed. Additionally it was reported to the town office by a neighbor that the owner *might* be selling firewood from his property. The owner met with the zoning administrator on December 14, 2016 on these matters. The owner said he is not selling firewood from his residential property and submitted a zoning certificate for the one shed he installed on the property and did not think he needed a zoning certificate. He requested and it was granted that he had until January 10, 2017 to have the box truck removed from his property. Property visited on January 25, 2017 and no zoning violations were noted – restricted vehicle (box truck) was no longer parked on property. Closed.

(5) C-container (Right A Way Powder Coating) not modified in accordance with approved change of use / change of tenant site plan, 116 North Church Street. Property owner (AJTA Properties LLC) sent zoning ordinance violation notification warning letter on December 12, 2016 for tenant of warehouse property leased from owner. It was noted that the C-container which is used/located outside the warehouse building by Right A Way Powder Coating has not been modified with a roof and siding that matches the warehouse building; one of the conditions for approval of the site plan by the Middletown Planning Commission in their June 18, 2013 letter. Therefore, the C-container is not in compliance with one of the conditions stipulated in the Planning Commission's June 18, 2013 conditional approval letter. This is a municipal violation/infraction. Additionally, Section 17.32.045D – Storage and disposal containers – of the municipal code states that *“any storage or disposal container...shall be permitted to remain in the same location on the property or premise for a period of three years....Thereafter, such storage container or disposal container shall be removed or otherwise conform to the requirements of this section, and failure to do so constitute a violation of this section.”* A second zoning violation notification warning letter was sent to property owner on January 12, 2017. It was noted that no actions had been taken to comply with the actions outlined in the December 12, 2016 letter. The owner was given a deadline of January 23, 2017 to have C-Container modified or removed from property. Zoning Administrator (ZA) coordinated with Right A Way Powder Coating owner and gave him until January 27, 2017 to complete modifications on C-Container because of inclement weather. ZA visited property on January 27, 2017. It was determined that business owner had to the best of his ability met the conditions regarding modifications of the C-Container to add roof and siding stipulated by the planning commission in their June 18, 2013 conditional approval of the change of tenant / change of tenant letter. ZA determined that owner was now in compliance with Section 17.32.230 – Site plans required approval by Planning Commission – of the municipal code. Closed.

(6) Utility trailer parked on street in residential district, 7 Knoll Side Lane. A zoning violation letter was sent to property owner on January 6, 2017 for having recreational equipment (utility trailer) parked on street in front of

residential property for several weeks in violation of Section 17.32.140 – Recreational equipment - of the municipal code. Utility trailer parked on street through January 18<sup>th</sup> when it was removed from street. Note: Property owner had previously been cited on July 22, 2016 and September 2<sup>nd</sup> for parking recreational equipment (ski jets on trailer) in his driveway in front of garage or on the street in front of his home. . Closed.

(7) Storage Container parked on property. 102 Prospect St. A zoning violation letter was sent to property owner on January 16, 2017 for placing a large storage container on property in violation of Section 17.32.045 – Storage and disposal containers – of the Middletown Municipal Code. Property owner called Zoning Administrator (ZA) and was instructed on procedures to follow to have storage container approved for her property. Zoning certificate, dated January 23, 2017, was received and approved to allow storage container on property during renovations of a single-family dwelling. The six month approval period ends July 27, 2017. Closed.

(8) Utility trailer parked on street in residential district. 7 Knoll Side Lane. A citation and fine letter was sent to property owner on January 18, 2017 for continuing to park recreational equipment (utility trailer) on the street in front of residential property after receipt of zoning ordinance violation warning letter, dated January 6, 2017 notifying owner that it was a municipal infraction to continue to park utility trailer on street in residential district in violation of Section 17.32.140 – Recreational equipment - of the municipal code. Utility trailer parked on street through January 18<sup>th</sup> when it was finally removed from street. I talked with homeowner on January 30, 2017 explaining why he was cited and fined. Fine has not been paid. Open.

(9) Car parked on grass in front yard of residential property. 98 Summers Drive. A zoning ordinance violation notification letter was sent to property owners on January 20, 2017 for parking motor vehicle on grass area in front yard of property (corner lot) in violation of Section 17.32.060(J)(3) – Off-street parking in residential districts - of municipal code. Zoning Administrator visited property on January 26, 2017 and noted that vehicle was parked in driveway on impervious surface. Closed.

(10) Restricted vehicle (Class 7/8 truck) parked in driveway and on street in residential neighborhood. 17 Knoll Side Lane. A zoning ordinance violation notification letter was sent to property owner by Town Administrator on January 23, 2017 at request of Zoning Administrator for restricted vehicle parked on street and/or in driveway of residential property for ten days in violation of Sections 17.32.060(J)(4), 17.32.065 and 17.32.150 of municipal code. Restricted vehicle no longer parked on street and/or in driveway of residential property after January 27, 2017. Closed.

**Miscellaneous Zoning Issues:** None.

<b>January 2017 Zoning Certificates - completed</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Bluestream Professional Services (Town of Middletown Water Tower). Add three (3) panel antennas to existing Sprint telecommunications pad.	201 High Street	153236	12/16/16	1/10/17	yes
Tim & Vicki Power – install a 26’ x 16’ deck on rear of residential structure. Bill Riddle contractor.	11 Gladhill Drive	153302	1/3/17	1/3/17	yes

<b>January 2017 Zoning Certificates – completed (continued)</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
R. Dos Santos – install a custom shaped 20' x 36' in-ground concrete swimming pool. Meets requirements of Section 17.32.130 – Swimming Pool – of municipal code.	617 Glenbrook Drive	153108	12/28/16	1/9/17	yes
Tai & Mai La – finish basement by adding bathroom and associated electrical and plumbing upgrades / modifications.	613 Glenbrook Drive	153901	1/9/17	1/18/17	yes
Steve Ramsey – finish part of unfinished section of basement as a workshop.	114 Locust Street	153393	1/4/17	1/10/17	yes
Middletown Valley Investment Partners, LLC – install two segmented block walls at Cross Stone Commons Shopping Center as shown on approved site plans. Replaces expired permit #136021. No inspections performed by county inspectors. New permit opened to cover inspection of walls by county inspectors.	400 Middletown Parkway	153023	12/22/16	1/10/17	yes
Dawn & Jeremy Torrisi – install 50 roof-mounted solar panels. (Solar Energy World is contractor)	206 Larch Court	154391	1/19/17	1/31/17	yes
Brian & Jill Lizzi – request to have storage container on residential property during renovations to single-family structure.	102 Prospect Street	Town	1/27/17	1/27/17	no

<b>Zoning Certificate submitted– in progress</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Frederick County Department of Engineering & Construction Mgmt. Construction of new fire station (ADTEK Engineers)	401 Franklin Street	152165	11/29/16		yes
Mary Leatherman – change of tenant. Back 2 Basic Nutrition LLC (Lindsey Carter – business owner)	17 West Main Street		1/18/17		

<b>Zoning Certificate submitted -- actions pending and/or suspended</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received ZC</b>	<b>RForrester Approved</b>	<b>County Approval</b>
Amir Bhat – install fire place and gas line from 100 gallon propane tank after tank is installed.	19 Young Branch Drive		2/2/16		yes
Dennis Jiffas – construction of two-unit townhouse structure on corner lot. (Variance of 22’ from front yard setback on Summers Drive approved by BoA on 3/29/16).	406 West Green Street		3/29/16		yes
Angel Nerona – installation of thirty-nine (39) roof-mounted solar panels by SolarCity Corporation.	13 Wagon Shed Lane		6/21/16		yes
Bill Heaton – install an eighteen (18) feet round above ground swimming pool in rear yard. Pool will be four (4) feet tall.	703 East Main Street		8/8/16		yes
Timothy Warner – installation of twenty-eight (28) roof-mounted solar panels by SolarCity Corporation.	212 Layla Drive		8/12/16		yes
James P. Malecki, Jr. – install propane gas logs in existing masonry fire place. Gas line on outside of house to be extended to provide gas to log insert.	8 Caroline Drive		10/18/16		yes