

MEMORANDUM

To: City of Middletown

Date: December 11, 2016

From: Wendy E. Moeller, AICP
Compass Point Planning

Re: *Summary Memorandum of Major Changes*

The purpose of this memorandum is to summarize some of the major changes incorporated into the draft Middletown Development Code that is now available for public review on www.MiddletownByDesign.com.

Please note that the draft available for review is still subject to further refinements pending the completion of legal review, update of additional graphics, and completion of a complete proofreading. No significant change in direction or requirements is anticipated from these refinements unless additional feedback from the public directs such changes.

In order to facilitate an understanding of what is new and what is language that is drawn from the existing regulations, the December 11 draft includes notations in the major headings to connect with the existing codes. Language that was carried forward with only minor changes has a heading with “Existing” and a section reference to the existing regulations in parenthesis following the heading. If existing language was significant revised, the parenthetical reference will include the work “Revised” and a section reference to the existing regulations. Any language that is completely new to Middletown includes a parenthetical reference of “New.” These notations are only included in the draft version of the code and will be removed for the adoption process.

Overall Project Goals

In general, the overall purpose of this project was to accomplish a number of larger goals that includes:

1. Streamline regulations to make it easier to invest in the community and to do business in Middletown;
2. Provide a comprehensive update to the existing zoning and subdivision regulations that have been updated in a more piecemeal fashion since the late 1960s;
3. Ensure that the new code addresses modern uses and issues;
4. Eliminate major areas of nonconformities, which is where current uses or lots do not meet the existing requirements but were legal established under previous code revisions;
5. Make it easier to understand and use the regulations; and
6. Eliminate inconsistencies in the language and provide for clearer definitions and rules of measurement.

Major Areas of Change

Beyond reorganization and reformatting of the regulations, the following is a summary list of some major changes:

1. The current codes have a large number of review procedures scattered throughout the code that makes it difficult to understand what staff or board is responsible for review, let alone what the City is using to determine if an application should be approved. All of the review procedures have now been consolidated into the new Chapter 1226 and each procedure includes a clear set of review criteria.
2. Related to the procedures, to the maximum extent feasible, the design standards for new development have been established in a clear and predictable manner that will allow for staff to review a majority of applications for development. City Council, the Planning Commission, the Board of Zoning Appeals, and the Historic Commission will still be responsible for reviewing applications where there is discretion in the decision including, but not limited to, zoning map changes, conditional use review, planned developments, variances, etc. This will make it much easier for someone to build or renovate in Middletown provided it is done in compliance with established standards.
3. The new code includes new procedures such as an administrative waiver and an alternative compliance review in an effort to provide some flexibility in meeting the code requirements. An administrative waiver allows staff to authorize small variances of up to 10 percent of any dimensional requirement to prevent having to go to the Board of Zoning Appeals for a minor adjustment. An alternative compliance review allows for an applicant to submit creative ways of meeting or exceeding the intended purpose of a requirement that may not have been envisioned or incorporated as part of this code. The alternative equivalent review is different from a variance in that the applicant is not attempting to reduce a requirement.
4. The zoning district structure has been modified to simplify and modernize requirements without changing what people are allowed to do with their properties under the existing regulations. While the names and abbreviations of many districts have changed, this was only an attempt to reflect the typical zoning nomenclature found in the vast majority of zoning codes in other communities. The table on the following page illustrates how the names have changed but in the majority of cases, only the name has changed and the existing uses and lot standards have remained the same, meaning the majority of land owners can still do the same thing with their properties after adoption as they could under the existing code. There are some exceptions to this rule as highlighted after the table.

ZONING DISTRICT TRANSITION TABLE

ZONING DISTRICTS ESTABLISHED PRIOR TO <> (EFFECTIVE DATE OF THIS CODE) ¹		ZONING DISTRICTS ESTABLISHED IN THIS CODE AS OF <> (EFFECTIVE DATE OF THIS CODE)	
ABBREVIATION	DISTRICT NAME	ABBREVIATION	DISTRICT NAME
RESIDENTIAL DISTRICTS			
DS	Suburban Dwelling District	R-1	Suburban Residential District
D-1	Low Density Dwelling District	R-2	Low-Density Residential District
D-2	Low Density Dwelling District	R-3	Medium-Density Residential District
D-3	Medium Density Dwelling District	R-4	Urban Residential District
		R-5	Attached Residential District
NONRESIDENTIAL DISTRICTS			
P-1	Professional-Institutional District	O-1	Office District
P-2	Professional-Service District		
CP	Commercial-Professional Office Park District	O-2	Office Park District
C-1	Convenience Commercial District	B-1	Neighborhood Business District
C-2	Roadside Commercial District	B-2	Community Business District
C-3	Community Commercial District		
C-4	General Commercial District	B-3	General Business District
BC	Business Center District	BC	Business Center District
BCI	Business Center Interchange Subdistrict	BC-I	Business Center Interchange Subdistrict
BCH	Business Center Hub Subdistrict	BC-H	Business Center Hub Subdistrict
BCO	Business Center Office Subdistrict	BC-O	Business Center Office Subdistrict
BCR	Business Center Residential Subdistrict	BC-R	Business Center Residential Subdistrict
BCF	Business Center Flex Subdistrict	BC-F	Business Center Flex Subdistrict
UC	Urban Core District	UC	Urban Core District
UCC	Urban Core Central Subdistrict	UC-C	Urban Core Central Subdistrict
UCS	Urban Core Support Subdistrict	UC-S	Urban Core Support Subdistrict
I-1	Industrial Park District	I-1	Industrial Park District
IPO	Industrial Park Office District		
I-2	General Industrial District	I-2	General Industrial District
P-3	Hospital District	PI	Public and Institutional District
SPECIAL DISTRICTS			
P	Use Modified Supplemental District [I]	PD	Planned Development District
OVERLAY DISTRICTS			
H	Hillside Supplemental District	H-O	Hillside Overlay District

NOTE:

[I] Some zoning districts that had the “P” Use Modified Supplemental District prior to the effective date of this code were rezoned to a base zoning district rather than transitioned to a PD District.

¹ The effective date of this update will be inserted to replace the <> placeholders after adoption.

4. (Continued from Page 2) – The following are some changes made to the zoning district structure that are more significant than a name change:
 - a. The existing D-3 residential zoning district was split into two new residential zoning districts. The new R-4 District allows for the same residential uses but on smaller lots reflective of the typical lot sizes found in the older neighborhoods of Middletown. Currently, the vast majority of residential lots surrounding downtown are around 5,000 square feet in lot area but the D-3 zoning requires a minimum lot size of 9,000 square feet, meaning thousands of existing residential lots are nonconforming lots. The new R-4 District will help reduce the number of nonconforming lots. The new R-5 District is simply a name change and has the same lot and use requirements as the existing D-3 District.
 - b. The existing P-1 and P-2 Districts were consolidated into a single office district as there was not much of a difference between the two districts. A similar consolidation was made with the existing C-2 and C-3 commercial districts.
 - c. The City of Middletown currently has a Use Modified Supplemental District that is similar to what most other communities consider a planned development district. The difference is that in Middletown, the City would simply attach a “P” at the end of a zoning district even though the original zoning district may not reflect the use that was approved. For example, a D-3P District would appear to be residential but may allow for use that was individually approved by the Planning Commission. We have revised this approach and made it a stand-alone Planned Development District that will still be subject to board review.
5. The new code has established separate chapters for the various design standards and requirements to make it easier to understand where certain standards can be found. All parking standards are now consolidated within the new Chapter 1218. All signage regulations are located in the new Chapter 1220. As part of this reformatting, each chapter was updated to ensure that it reflected modern standards and raised the bar for the quality of development marginally without placing a significant burden on any developer, business, or resident. In many cases, the new standards provide options and flexibility in meeting the intent of each of the chapters. As with the existing code, the highest level of development standards is located around the interstate, which provides most people with their first impressions of Middletown.
6. The entire sign chapter was updated to simplify the regulations as well as comply with federal case law on the regulation of signs. Signs that have political speech or any type of noncommercial speech are largely allowed with few regulations other than those related to safety.

7. The draft code includes new provisions for ticketing property owners who do not bring their properties into compliance with requirements after given written warnings and sufficient time to remedy the problem. This was done in an attempt to make it easier to enforce the provisions of the code without having to go through the court system, which can take a long time and a lot of City resources. This chapter does not apply to grandfathering situations where the adoption of the new code has made the property noncompliant with zoning. It only applies to property owners that undertake actions that go against the new code.
8. All definitions were updated and consolidated into a single glossary at the end of the new code.