

Ordinance 6-2003

BY: Mayor and Commissioners

INTRODUCTION: September 3, 2003

PUBLIC HEARING: October 1, 2003

ADOPTION: October 1, 2003

AN ORDINANCE CONCERNING

THE ELKTON ZONING ORDINANCE

FOR THE PURPOSE of amending the Elkton Zoning Ordinance to include *redefining the meaning of a Group Home/Halfway House*; changing *the requirements for membership on the Historic and Architectural Review Committee*; and prohibiting *forest conservation, afforestation or reforestation areas on individual lots within residential subdivisions*.

WHEREAS, the Constitution of the State of Maryland, Article XI-E; Article 23A, Annotated Code of Maryland; Article 66B, Annotated Code of Maryland; the Elkton Zoning Ordinance; and the Charter of the Town of Elkton provide the authority under which the Board of Commissioners may adopt, repeal and/or amend the ordinances of the Town of Elkton; and

WHEREAS, the Mayor and Commissioners adopted the Elkton Zoning Ordinance on November 8, 1994, amended from time to time thereafter; and

WHEREAS, the Elkton Planning Commission reviewed and considered the proposed and hereinafter stated amendments to the Elkton Zoning Ordinance at their August 11, 2003, public meeting, thereafter recommending those amendments as set forth herein.

NOW, THEREFORE, the Mayor and Commissioners of the Town of Elkton hereby ordain that:

Section 1: The Elkton Zoning Ordinance that Article II, Part I, Section I, Definition of Basic Terms, *definition* of Group Home/Halfway House; Article IX, Part III, Section 6, Historic and Architectural Review Committee, paragraph 1., Creation of Committee and Membership; and Article XVIII, Part III, Section 6, paragraph 2, subparagraph b, (4), shall be repealed; and

Section 2: The Elkton Zoning Ordinance, Article II, Part I, Section I, Definition of Basic Terms, *definition* of Group Home/Halfway House; Article IX, Part III, Section 6, Historic and Architectural Review Committee, paragraph 1., Creation of Committee and Membership; and Article XVIII, Part III, Section 6, paragraph 2, subparagraph b, (4), shall be re-enacted and amended to read as follows:

THE ELKTON ZONING ORDINANCE

Article II BASIC DEFINITIONS AND INTERPRETATIONS

Part I. Definitions

Section 1. Definitions of Basic Terms

ALL TEXT UNCHANGED, EXCEPT:

Group Home/Halfway House. A home for not more than eight people who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two people providing supervision or other services to such persons, all of whom live together as a single housekeeping unit. **Such use may also provide housing for up to 24 months and case management services to help homeless households achieve stable, permanent housing and economic self-sufficiency.**

Article IX ZONING DISTRICTS

Part III Historic Overlay Zone

Sections 1. through 5 - Text unchanged.

Section 6. Historic and Architectural Review Committee

Paragraph 1. **Creation of Committee and Membership.** Pursuant to **Article 66B**, Section 8.03, of the Annotated Code of Maryland, the Elkton Mayor and Commissioners ~~shall~~ **may** create and appoint members for ~~an~~ Historic and Architectural Review Committee". The Historic and Architectural Review Committee shall have a membership of five (5) members, all of whom are qualified by special interest, knowledge, or training in such fields, but not limited to said fields, as history, architecture, archaeology, preservation, or urban design; and, ~~of which~~ two (2) of the five (5) members shall have professional qualifications which shall be determined according to the guidelines set forth in "Procedures for State Certification of Local Government Historic Preservation Programs," as established by the Maryland Historical Trust in February 1985 in one or more of the said fields; and ~~all of whom~~

~~are a majority of said members shall be~~ residents of the Town. All members of the Historic and Architectural Review Committee shall, to the extent possible, be selected to represent the geographical, social, economic, and cultural concerns of the residents of the Town of Elkton.

Paragraphs 2. through 10. - Text unchanged

Sections 7. through 15. - Text unchanged.

Article XVIII SCREENING, SHADING, FOREST CONSERVATION and ENVIRONMENTAL STANDARDS

Part III. Forest Conservation.

Sections 1. through 5. - Text unchanged.

Section 6. Forest Conservation Plan

Paragraph 1. - Text unchanged.

Paragraph 2.

a. Text unchanged.

b. A preliminary forest conservation plan shall:

Subparagraphs (1) through (3) - Text unchanged.

(4) Include a clear graphic indication of the forest conservation area provided on the site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation is proposed. **No forest conservation area, afforestation or reforestation area, shall be proposed for and/or permitted on individual lots within a residential subdivision.**

Subparagraphs (5) through (12) - Text unchanged.

c. and d. - Text unchanged.

Paragraphs 3. Text unchanged.

**** END OF SECTION ****

DATE OF EFFECT

THIS ORDINANCE shall be effective on **21st** day of **October, 2003**. **AFFIRMING:**

Joseph L. Fisona, Mayor
John K. Burkley, II, Commissioner
Charles H. Givens, Commissioner
C. Gary Storke, Commissioner

PUBLIC HEARING

A PUBLIC HEARING regarding this ordinance was held on **October 1, 2003**.

CERTIFICATION OF PUBLICATION

THIS ORDINANCE published in the Cecil Whig on **October 8, 2003**, and **October 13, 2003**.