



## The Mayor and Commissioners of the Town of Elkton

### Ordinance 6 - 2012

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BY: Mayor and Commissioners

Public Hearing: **July 16, 2012 ( Elkton Planning Commission)**

Public Hearing  
& Introduction: **August 15, 2012 (Mayor and Commissioners)**

Adoption: **September 5, 2012**

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AN ORDINANCE CONCERNING

#### **ELKTON ZONING ORDINANCE**

**FOR THE PURPOSE** of amending the Elkton Zoning Ordinance, Article II, Definitions and Interpretations; Article X, Permissible Uses; and Article XII, Supplementary Use Regulations. The amendments are in regard to clinics, clinic services, and State licensed medical clinics.

**WHEREAS**, XI-E, Constitution of the State of Maryland, Article 23A, Annotated Code of Maryland; Article 66B, Annotated Code of Maryland; and the Charter and Code of the Town of Elkton provide the authority under which the Mayor and 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 has proposed and recommended the hereinafter stated amendments to the Elkton Zoning Ordinance relating to clinics following their public hearing held on July 16, 2012, said public hearing being held in conformance with the requirements of the Elkton Zoning Ordinance, Article XIX, Amendments.

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

Section 1: The Elkton Zoning Ordinance, Article II, Definitions and Interpretations, Part I, Definitions, Section 1. Definitions of Basic Terms, is amended to add the terms: 1) “Clinic,” 2) “Clinic Services,” and 3) “State Licensed Medical Clinic”; and Article X, Permissible Uses, Section 8, Permissible Uses Tables, 2. Table of Permissible Uses, Table Line 3.130 – *Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area*; and Article XII, Supplementary Use Regulations, Section 15, Clinics (3.130), shall be amended; and

Section 2: The Elkton Zoning Ordinance, Article II, Definitions and Interpretations, Part I, Definitions, Section 1. Definitions of Basic Terms, amended to add the terms: 1) “Clinic,” 2) “Clinic Services,” and 3) “State Licensed Medical Clinic”; and Article X, Permissible Uses, Section 8, Permissible Uses Tables, 2. Table of Permissible Uses, Table Line 3.130 – *Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area*; and Article XII, Supplementary Use Regulations, Section 15, Clinics (3.130), shall, as amended, read as follows:

## Elkton Zoning Ordinance

### Article II. Definitions and Interpretations, Part I. Definitions

#### Section 1. Definitions of Basic Terms

[ Note: The following terms are added to this section and will appear alphabetically with respect to the other terms included under this section.]

**Clinic.** “Clinic” means a freestanding health care facility that is not licensed as a hospital, part of a hospital, or nursing home and is not administratively part of a physician’s, or osteopath’s office, but which has a separate staff functioning under the direction of a clinic administrator or health officer and is organized and operated to provide ambulatory or outpatient health services.

**Clinic Services.** “Clinic Services” means preventive, diagnostic, therapeutic, rehabilitative or palliative items or services furnished by or under the direction of a licensed physician in a Clinic.

**State Licensed Medical Clinic.** (a) Freestanding ambulatory-care facility licensed under Title 19, Subtitle 3B, of the Health-General Article of the Annotated Code of Maryland; (b) A detoxification facility certified under Title 8, Subtitle 4, of the Health-General Article of the Annotated Code of Maryland; or (c) An alcohol abuse and drug abuse treatment program certified under Title 8, Subtitle 4, of the Health-General Article of the Annotated Code of Maryland.

Article X. Permissible Uses, Section 8., Permissible Uses Tables, Subsection 2., Table of Permissible Uses, Table Line:

3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area (see Article XII, Section 15) permitted by Special Exception with Conditions in the C-1, C-2, and C-3 Zoning Districts.

Article XII. Supplementary Use Regulations, Section 15. Clinics (3.130)

Clinics and State Licensed Medical Clinics of less than 10,000 square feet of gross floor area may be permitted in the C-1, C-2, and C-3 Zoning Districts by Special Exception subject to the following conditions:

- a. Minimum lot area, 40,000 square feet.
- b. Minimum frontage, 200 feet.
- c. Minimum setback, 40 feet from all property lines.
- d. Maximum building height, as specified in zone.
- e. Off street parking – 1 space for each employee - shall be provided for the maximum employee shift and 1 space per patient as determined by the number of patients the clinic is licensed to serve by the State of Maryland divided by the number of hours that are solely dedicated to the dispensing of medication.
- f. Provide a copy of the application for licensure from the State of Maryland for a State Licensed Medical Clinic.
- g. All permits and licenses required to operate the clinic must be verified prior to opening to the public.
- h. As part of the Special Exception approval, the Board may impose other reasonable requirements deemed necessary to safeguard the health, safety and general welfare of the public.
- i. Waiting Area. – Shall provide an interior waiting area sufficient in size to accommodate one person per parking space as required. Area shall be calculated using five (5) square feet for each person waiting.

\*\* END OF SECTION \*\*

**DATE OF EFFECT**

**THIS ORDINANCE** shall be effective on \_\_\_\_\_ day of \_\_\_\_\_, 2012

**CERTIFICATION OF LEGAL REVIEW**

\_\_\_\_\_  
H. Norman Wilson, Esq.

\_\_\_\_\_  
Date

**EXECUTION BY THE MAYOR AND COMMISSIONERS**

**AFFIRMING**

Attest:

**Mayor and Commissioners  
of the Town of Elkton**

\_\_\_\_\_  
Lewis H. George, Jr. Town Administrator

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Mayor Joseph L. Fisona

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Commissioner Charles H. Givens, Sr.

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Commissioner Charles E. Hicks, V

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Commissioner Mary Jo Jablonski

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Commissioner Earl M. Piner, Sr.

**DISSENTING**

**ABSTAINING**

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**CERTIFICATION OF PUBLICATION**

**THIS ORDINANCE** was published in the Cecil Whig on \_\_\_\_\_ and \_\_\_\_\_,  
in accordance with the provisions of Article IV, Section C4-8, Charter of the Town of Elkton.

\_\_\_\_\_  
Lewis H. George, Jr., Town Administrator

\_\_\_\_\_  
Date