



The Mayor and Commissioners of the Town of Elkton

Ordinance 6 - 2009

BY: Mayor and Commissioners

Public Hearing: June 8, 2009 (Planning Commission)

Introduction: June 17, 2009 (Mayor and Commissioners)

Adoption: July 8, 2009

Effective: July 28, 2009

AN ORDINANCE CONCERNING

ELKTON ZONING ORDINANCE

FOR THE PURPOSE of amending the Elkton Zoning Ordinance, Article XII, Supplementary Use Regulations, Section 29. Housing for the Elderly or Handicapped (1.430).

WHEREAS, Article 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 amendment to the Elkton Zoning Ordinance following their public meeting held on June 8, 2009, said public hearing being held in conformance with the requirements of the Elkton Zoning Ordinance, Article XIX.

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

Section 1: The Elkton Zoning Ordinance, Article XII, Section 29. Housing for the Elderly or Handicapped (1.430) shall be repealed; and

Section 2: The Elkton Zoning Ordinance, Article XII, Section 29. Housing for the Elderly or Handicapped (1.430) shall be amended, and shall read as follows.

Elkton Zoning Ordinance

Article XII, Section 29. Housing for the Elderly or Handicapped (1.430)

Housing for the elderly and handicapped may be permitted as a Special Exception by the Board of Appeals in the R-1, R-2, R-3, MH, RO, C-2, C-3 and PUD Districts subject to the following:

1. For the purposes of occupancy, elderly and handicapped shall include only:
 - a. People who are 62 or more years of age.
 - b. Families where either the husband or wife is 62 or more years of age.
 - c. Handicapped people under 62 if determined to have physical impairments that:
 - (1) Are expected to be of long-continued and indefinite duration;
 - (2) Substantially impede the ability to live independently; and
 - (3) Are of such a nature that the ability to live independently could be improved by more suitable housing conditions.
2. The minimum area shall be one and one-half acres.
3. Maximum density.
 - a. One residential unit per 1,500 square feet of net lot area in the R-1 zone.
 - b. One residential unit per each 750 square feet of net lot area in the R-2 and R3 zones.
 - c. One residential unit per 600 square feet of net lot area in the RO and C-1 zones.
 - d. One residential unit per each 300 square feet of net lot area in the C-2 and C-3 zones.
4. Maximum coverage: as required in the applicable zone.
5. Parking. There shall be off-street parking as required in Article XVII.
6. The Board shall grant the application only upon a finding that such use will not affect adversely the use or development of the surrounding area.

Housing for the elderly and handicapped may be permitted as a Special Exception by the Board of Appeals in the Central Business District. The following standards shall apply:

1. Minimum lot size: 1.2 acres

2. Minimum front yard setback: Fifteen (15) feet
3. Minimum side yard setback: Ten (10) feet; forty (40) foot in aggregate
4. Minimum road frontage: One hundred fifty (150) feet
5. Minimum open space: Twenty (20) percent
6. Maximum lot coverage: Seventy five (75) percent
7. Minimum off-street parking spaces: .85 parking spaces per dwelling unit
8. The Board shall grant the application only upon finding that such use will not affect adversely the use or development of the surrounding area.

DATE OF EFFECT

THIS ORDINANCE shall be effective on the 28th day of July, 2009.

IN WITNESS WHEREOF, we have set our hands and seals, and adopted Ordinance 6-2009, attached hereto, this 8th day of July 2009.

AFFIRMING

Mayor Joseph L. Fisona
Commissioner Mary Jo Jablonski
Commissioner Earl M. Piner, Sr.