

The Mayor and Commissioners of the Town of Elkton

Ordinance 9 - 2004

BY: Mayor and Commissioners

INTRODUCTION: February 16, 2005

ADOPTION: March 16, 2005

AN ORDINANCE CONCERNING

THE ELKTON ZONING ORDINANCE ARTICLE XIV and ARTICLE XVIII

FOR THE PURPOSE of amending Article XIV, Recreational Facilities and Open Space, providing that neighborhood parks shall not be constructed on land that exceeds a five percent (5%) slope; providing that none of the open space required for a residential development shall consist of those areas designated as nontidal wetlands and shall not exceed five percent (5%) slope; and amending Article XVIII, Screening, Shading, Forest Conservation and Environmental Standards, providing an exemption from regulations under this part for an existing single residential lot under certain circumstances.

WHEREAS, the Constitution of the State of Maryland, Article XI-E; 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 Board of Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

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

WHEREAS, the Elkton Planning Commission determined that the Elkton Zoning Ordinance should be amended to include the provisions stated hereinafter and approved by the consensus of the Elkton Planning Commission members following a public hearing held on November 8, 2004.

NOW, THEREFORE, the Board of Commissioners of the Town of Elkton hereby ordains that:

- Section 1. The Elkton Zoning Ordinance, Article XIV, Recreational Facilities and Open Space, Section 2., Neighborhood Parks: Purpose and Standards, Paragraph 5. and Section 3., Provision of Common Open Space, Paragraph 1., Subparagraph c.; and Article XVIII, Screening, Shading, Forest Conservation and Environmental Standards, Part III, Forest Conservation, Section 3., Application, Paragraph 2., (h), are repealed; and
- Section 2. The Elkton Zoning Ordinance, Article XIV, Recreational Facilities and Open Space, Section 2., Neighborhood Parks: Purpose and Standards, Paragraph 5. and Section 3., Provision of Common Open Space, Paragraph 1., Subparagraph c.; and Article XVIII, Screening, Shading, Forest

Conservation and Environmental Standards, Part III, Forest Conservation, Section 3., Application, Paragraph 2., (h), are re-enacted to read as follows:

ELKTON ZONING ORDINANCE

ARTICLE XIV RECREATIONAL FACILITIES AND OPEN SPACE

Section 2. Neighborhood Parks: Purpose and Standards

Paragraph 5. Each neighborhood park shall be constructed on land that ~~is relatively flat, dry,~~ **shall not exceed a five percent (5%) slope, that is** free of nontidal wetlands, and capable of serving the purposes intended by this article.

Section 3. Provision of Common Open Space

Paragraph 1. Common open space areas shall:

Subparagraph c. ~~no more than 40%~~ **none** of the open space required shall consist of those areas designated as nontidal wetlands.

ARTICLE XVII SCREENING, SHADING, FOREST CONSERVATION and ENVIRONMENTAL STANDARDS

Part III Forest Conservation

Section 3. Application

Paragraph 2. This Part does not apply to:

- (h) An activity conducted on an existing single **residential** lot of any size if the activity: (1) Does not result in the cumulative cutting, clearing, or grading of more than 40,000 square feet of forest; 2) Does not result in the cutting, clearing, or grading of a forest that is subject to the requirements of a previous forest conservation plan approved under this ordinance; and (3) Is the subject of a declaration of intent filed with the Town of Elkton, as provided for in Section 3.3 of this Part, stating that the lot will not be the subject of regulated activity within **five (5)** years of the cutting, clearing, or grading of forest.

** END OF SECTION **

DATE OF EFFECT

THIS ORDINANCE shall be effective on _____ day of _____, 200____.

CERTIFICATION OF LEGAL REVIEW

THIS ORDINANCE reviewed by the Town Attorney and found legally sufficient and in proper form.

Mr. H. Norman Wilson, Jr., Esq. P.A.

Date

EXECUTION BY THE MAYOR AND COMMISSIONERS

AFFIRMING

Attest:

Mayor and Commissioners
of the Town of Elkton

Lewis H. George, Jr., Town Administrator

Mayor Joseph L. Fisona

Commissioner John K. Burkley, II

Commissioner Charles H. Givens, Sr.

Commissioner Earl M. Piner, Sr.

Commissioner C. Gary Storke

DISSENTING

ABSTAINING

CERTIFICATION OF PUBLICATION

THIS ORDINANCE published in the Cecil Whig on _____ and _____.

Lewis H. George, Jr., Town Administrator

Date

PUBLIC HEARING

A PUBLIC HEARING (as required) regarding this ordinance will be held at 7:10 P.M. on the 16th day of March, 2005.

Joseph L. Fisona, Mayor