

The Mayor and Commissioners
of the Town of Elkton

Ordinance 2 - 2013

BY: Mayor and Commissioners

Public Hearing: April 8, 2013 (Elkton Planning Commission)

Public Hearing: May 1, 2013 (Mayor and Commissioners)

Introduction: May 1, 2013

Adoption: _____

Effective Date: _____

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; Land Use Article, 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 Mayor and Commissioners have determined that the hereinafter stated amendment appertaining to the minimum road frontage is appropriate to facilitate development of property unable to meet the current minimum road frontage standard; and

WHEREAS, the Mayor and Commissioners have further determined that the reference to '*husband and wife*' in the current section is not consistent with the Civil Marriage Protection Act of 2012 and have amended the reference for legal consistency; and

WHEREAS, the Elkton Planning Commission has reviewed and recommended the hereinafter stated amendments to the Elkton Zoning Ordinance following their public hearing held on April 8, 2013, 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 Housing for the Elderly or Handicapped (1.430) shall be repealed; and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 re-enacted 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~~ **partner** is 62 or more years of age, **where the term 'partner(s)' refer(s) to lawfully married individuals.**
 - 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: 1.0 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~~ **One hundred (100) 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.

(Note: Deletions are shown in ~~strike through~~ and insertions are shown in **bold and underlined**)

DATE OF EFFECT

THIS ORDINANCE shall be effective on _____ day of _____

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

Mayor Joseph L. Fisona

Commissioner Charles H. Givens, Sr.

Commissioner Charles E. Hicks, V

Commissioner Mary Jo Jablonski

Commissioner Earl M. Piner, Sr.

DISSENTING

ABSTAINING

PUBLIC HEARING(S)

A PUBLIC HEARING regarding this Ordinance was held by the Elkton Planning Commission on the 8th day of April, 2013. This Public Hearing was advertized in the Cecil Whig on Monday, March 25, 2013, and Monday, April 1, 2013. Additionally, this Public Hearing was posted on the Town of Elkton’s website at www.elkton.org .

A PUBLIC HEARING regarding this Ordinance was held by the Mayor and Commissioners on the ___ day of _____, 2013. This Public Hearing was advertized in the Cecil Whig on _____ and _____. Additionally, this Public Hearing was posted on the Town of Elkton’s website at www.elkton.org .

CERTIFICATION OF PUBLICATION

THIS ORDINANCE, following its adoption by the Mayor and Commissioners, was published, in whole or in part, in the Cecil Whig on _____ and _____.

Lewis H. George, Jr., Town Administrator

Date