Public Hearing
November 15, 2004

The Elkton Town Council held a Joint Public Hearing with the Elkton Planning Commission on November 15, 2004 in Council Chambers to receive comments on the proposed B-2 zoning. Mayor Wayne E. Printz presided. The following Council members were present:

PRESENT
J. Dean
T. Pence
S. Sigafoose
R. Snow
P. Workman

The following Planning Commission members were present:

PRESENT
Daniel Talbot
Madelyn Dixon
Wake Gooden
Thomas Schroeder
Jeremy Ream

Town Manager Dennis Donachy, Treasurer Clairen Sipe, Police Sergeant James Morris, and Clerk of Council Richard Carey were also present.

Town Manager Dennis Donachy presented as a First Reading the following proposed amendments to the Code of Elkton:

AN ORDINANCE TO AMEND SECTION 110-611(F)(1),(d)[1],(F)(1)(d)[2], (F)(1)(e), (F)(2)(a) AND (F)(2)(b) OF THE CODE OF THE TOWN OF ELKTON TO ADD A TEN-FOOT CLEAR AND MAINTAINED SETBACK TO PROPERTY ZONED B-2 WHEN IT ADJOINS A RESIDENTIAL DISTRICT

First Reading
November 15, 2004

WHEREAS, the current B-2 zoning code allows zero feet setback on rear and side yards; and

WHEREAS, the recently annexed area contains several lots formerly zoned B-2 that adjoins a residential district; and

WHEREAS, the Planning Commission and Town Council wish to maintain the established characteristics of the residential districts by establishing buffer areas between zoning districts;

BE IT ORDAINED, by the Town Council of Elkton, Virginia, that Chapter 110 (Land Development), Article VI (Use in Districts) of the Code of the Town of Elkton, is hereby amended as follows:

1. Section 110-611(F)(1)(d) is hereby amended by deleting [1], [2], and [3] and adding the following italic and underlined wording:

   (d) Side Yard: *One or Two sides: zero feet, except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a ten-foot clear and maintained setback on the side or sides adjoining such residential district.*

2. Section 110-611(F)(1)(e) is hereby amended by the addition of the wording in underlined italics:

Rear Yard: zero feet, *except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a ten-foot clear and maintained setback on the side or sides adjoining such residential district.*

3. Section 110-611(F)(2) is hereby amended by deleting existing (b), changing (c) to (b) and changing (a) by the addition of the following wording in underlined italics:

   Side Yard *and Rear Yard:* zero feet, *except where property located in a business district adjoins or is separated from any residential district only by a public street or way. In such instances, there shall be a ten-foot clear and maintained setback on the side or sides adjoining such residential district.*

4. This ordinance shall be effective immediately upon its adoption.

Adopted by the Town Council of the Town of Elkton this_____day of_____,2004

_____
Mayor

_____
Clerk of Council

Approved this_____day of_____, 2004

_____
Mayor

Daniel Talbot added the purpose of the amendments was to ensure the preservation of annexed neighborhoods and to allow for business zoning as was in place prior to annexation, and to allow maintaining the residential nature of the properties behind the businesses.

The Planning Commission desired the flexibility in zoning in order not to restrict businesses unnecessarily to have residential neighborhoods.

Lee Dearing, 124 North Street, asked if "old Elkton" would be grandfathered under the proposed B-2 zoning.

Chairman Talbot responded: "Any existing building would be grandfathered under the Code, as it always is. But, it would affect any property zoned B-2. So, if you were to look to build an additional structure, or change the structure on the property - I think it is by 40% - then you would fall under the new rule."

Using the Holtzman property as an example, Mayor Printz asked how the Liberty station affected the adjoining residential areas. "Under the B-2 zoning ordinance, the front setback is I believe25 foot, which means if I'm adjoining a residence in the back and side, and say my property is 50 x 75 - you can build legally on a 50 x 100 foot lot - then I would be required to do the 25 foot setback plus, if I'm adjoining residential property, I'd have to do the 10 foot setback on the back and sides, if I adjoin residential property?" questioned the Mayor.

Mr. Talbot replied: "That is correct. The thought process there would be if you want to build another building then you would have to acquire more property."

As there were no additional comments, Mayor Printz closed the Public Hearing.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk