Public Hearing
April 18, 2007

A public hearing of the Elkton Town Council and the Elkton Planning Commission was held to receive comments regarding the farmers market, amendments to water and sewer ordinances, Ed Butler right-of-way issues, and water and sewer connection fees. The public hearing was held at 7:00 P.M., on April 18, 2007 in the Community Room of the Elkton Area Community Center. Mayor Wayne E. Printz presided. The following Council members were present:

PRESENT
M. Dearing
D. Kite (arrived at 7:50)
M. O'Neill
T. Pence

ABSENT
M. Isom
S. Sigafoose

PRESENT
D. Talbot
H. Armbruster
M. Dixon
C. Morrison
J. Ream
M. Shifflett
T. Pence (Council Representative)

Town Attorney Tom Miller, Acting Town Superintendent/Zoning Administrator Marty Shifflett and Clerk of Council Denise Monger were also present.

Mayor Printz ascertained from Mr. Shifflett that the meeting was properly advertised.

Acting Town Superintendent Marty Shifflett read the following prepared statement as presented by Gerald K. Monger:

I am sorry I am unable to attend the hearing concerning Zoning.
Following are some things I wish you would study and take into consideration.

1. I think you should take a hard look at the prior zoning map. A lot of work went into this, just to basically have it scrapped out. Attached is a copy that was approved. Some changes were made at later dates, at which I think Marty has record of in his zoning book cases.

2. Need to check subdivision ordinances to see if they require monuments in center of street intersections. This should be required. The sub-divider should also have to furnish computer disks that are in DXF or drawing files with all sub-division info. on it.

3. Elkton has a set of standards and specs for sewer and water. These were approved by the Town of Elkton and the Virginia Health Department. These should be adhered to instead of letting the Fire Marshall tell you where the fire plugs should be located.

4. I don't think any amounts of fees should be spelled out in your zoning book. If you put them with fees in your code, then it doesn't require a public hearing to change them. (unless the law has changed.)

5. Please notice the way the new map is changed versus the old one, where the zoning is concerned.

6. I think some kind of requirement should be made other than setback, side yards and rear yards so as to limit the amount of space that can be used on a lot.

7. A paragraph should be added saying that no manufactured homes or buildings, except for small accessory buildings, could be located in any zone except manufactured home parks or subdivisions.

I would hope the Council or Planning Commission would not rush into changes of the zoning just to make past mistakes legal.

Thank you, Gerald K. Monger

Town Attorney Miller stated that the record should reflect that Mr. Kite was given a copy of Mr. Monger's letter as read by Mr. Shifflett.

Mayor Printz and Council temporarily stepped down but remained in attendance. Mr. Daniel Talbot proceeded to chair the Planning Commission meeting. The clerk called the roll.

Mr. Shifflett stated he would not respond to item one except to state the old zoning map was the basis for the new map, therefore it had not been scrapped. However, he continued, "There were some errors - there was one error, notably on the map and that was Randall Snow's property across from the ballpark was not B-2." The correction on the new zoning map reflects a B-2 designation. The new zoning map reflects the addition of the annexed areas.

Planning Commission Chair Dan Talbot stated the original zoning map was not scrapped. Further, it was their intention to establish the new map which they will be voting on. Discussion continued regarding revisions to the zoning map

Mr. Shifflett responded to item two by stating Auto-CAD is not always required and the Town is currently using GIS. He stated, "With a PDF file we can Geo-reference it into Auto-CAD so we already have – it's not in ordinances but then see if you put that in the ordinance then every time you turn around, every time a new piece of software comes out, you'll have to have a public hearing change. That should be in our standard of practices not in our Code."

Mr. Shifflett stated that regarding number four, the Planning Commission does not set fees. Therefore, he would not address that item.

Town Attorney Miller stated that item four of the correspondence was incorrect. He continued, "If it's not in the Code book then you don't have to pass it as an ordinance, that's not true. As a matter of State law when utility fees are going to be changed they must be passed as ordinances and there are requirements for public notice and public hearing. It has nothing to do with whether it is in our blue book or not." Further, he supported Mr. Shifflett by stating this particular matter is not a Planning Commission matter.

Concerning item five, Mr. Shifflett stated that the current zoning map just represented the old map with the new annexed areas.

Mr. Talbot added the color scheme had been changed to match that of Rockingham County.

Mr. Shifflett continued that Rockingham County has graciously agreed to maintain the zoning map for the Town and provide the Town with new maps should revisions need to be made. Two maps will be located at the Community Center, one for public display and the other for Council and Committees. The other two will be located at the Municipal Building, one for public display and the other at the zoning office.

No discussion for items six or seven.

Planning Commission Chair Daniel Talbot read the newspaper advertisement to those in attendance.

§110-302 – Terms Defined – added the definition of STREET, PRIVATE – A private street providing access to no more than three lots or six dwelling units and must meet VDOT standards, but not including driveways.

§110-303 – Supplemental definitions – Added the definitions for an adult business, adult theatre, adult store, adult entertainment, specified an anatomical areas and specified sexual activities.

§110-404 – Replacement of Official Zoning Map. The proposed Official Zoning Map may be seen at the Town of Elkton Offices located at 173 West Spotswood Avenue Elkton, Virginia.

§110-603 – Low Density Residential District R-2 "Home occupations in accordance with § 110-705."

§110-605 – Residential District R-4 – "Home occupations in accordance with § 110-705."

§110-606 – Residential District R-5 – "Home occupations in accordance with §110-705."

§110-607 – High Density Residential District R-6. Add "Home occupations in accordance with §110-705."

§110-608 – Planned Unit Development District R-8 Edited.

"B. Permitted Uses. Within the Planned Unit Development District R-8 the following uses are permitted:

(1) Single family detached dwellings with a lot regulations and accessory uses consistent with R-3 District Standards.

(2) Two family dwellings with lot regulations and accessory uses consistent with R-5 District Standards.

(3) Multifamily dwellings, apartments, townhouses, (as regulated in § 110-709 of this Chapter) and condominiums with lot regulations and accessory uses consistent R-5 District Standards."

§110-610 – Downtown Business District B-1. (Edited Permitted Uses).

"B. Permitted Uses. Within the Downtown Business District B-1 the following are permitted:

(4) Living and/or sleeping quarters shall be a permitted use when constructed above the ground and basement floors. No living and or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot of any building."

§110-611 – General Business District B-2. (Edited Permitted Uses).

"B. Permitted Uses. Within the Downtown Business District B-2 the following are permitted:

(4) Living and/or sleeping quarters shall be a permitted use when constructed above the ground and basement floors. No living and or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot as any building.

§110-611 – General Business District B-2. (Added adult businesses to list of businesses needing a Special Exception permit to operate).

§110-613 – Light Industrial M-1. (Added adult businesses to list of businesses needing a Special Exception permit to operate).

§110-703 – Off-Street Parking. (Edited the size of parking space).
"(5) Parking space size shall be two hundred square feet. Parking space width shall be ten feet; parking space length shall be twenty feet. Two way drives shall be a minimum of twenty-two feet in width."

§110-709 – Special Regulations for Townhouses.
"C. Each townhouse building shall front on a street dedicated to public use. The streets including curbs, gutters, and sidewalks shall be developed according to standards found in Subdivision Street Regulations by the Virginia Department of Transportation by authority of Title 33.1 of the Code of Virginia, 1950, as amended."

§110-802 – Zoning and Building Permit.
"(5) In evaluating the proposed special exception, the governing body shall address the following concerns:
(f) The proximity of dwellings, churches, schools, parks, or other places of public gathering.
(g) The probable effect of the proposed use on the peace and enjoyment of people and their homes.
(h) The preservation of culture and historical landmarks and trees.
(i) The probable effect of noise and glare upon the uses of surrounding properties.
(j) The contribution, if any, such proposed use would make towards the deterioration of the area and neighborhoods."

§110-905 – Utility requirements.
"D. Fire Protection. The installation of adequate fire hydrants in a subdivision at locations of and quantities approved by the County Fire Marshall is required."

Mr. Shifflett stated, "Rockingham County now employs a Fire Inspector, therefore, they set the standard. If we don't follow their standard, and we don't have to, I want to be clear about this, we don't have to follow the standard, but if we don't and something happens we will be held to the County standard. As an example, all subdivisions would receive a written recommendation from the Fire Marshall, if we exceed that distance we would accept all liability," advised Mr. Shifflett.

§170-10 – Water Connections Inside and Outside Town Limits. Rewrote this section of Elkton Town Code to allow a process by which anyone within or outside of the Town must apply and receive permission from the Town prior to making connection to the water services.

§170-28 – Application for Sewer Connection and Sewer Service. Rewrote this section of Elkton Town Code to allow a process by which anyone within or outside of the Town must apply and receive permission from the Town prior to making connection to sewer services.

Availability Fee Increases for Water and Sewer Services.
The proposed increase in the water availability fee is $1700.00 and the proposed increase in sewer availability fee is $3300.00. The statutory authority to set sewer fees and water and sewer availability fees is Virginia Code Section 15.2-2119.

All members of Planning Commission took a few moments to view the old zoning map. Brief discussions among members took place while viewing the map.

Zoning Map and Code Changes

Commission Member Armbruster moved, Second by Cathy Morrison, and carried, to recommend that the Town Council approve the zoning map and ordinances as advertised and presented.

YEAS:	NAYS:	ABSTENTIONS:
D. Talbot		M. Shifflett
H. Armbruster		
M. Dixon		
C. Morrison		
J. Ream		
T. Pence		

The record reflects six yeas and 1 abstention. Motion carried.

As there were no additional business, **Marty Shifflett moved, second by Jeremy Ream, and carried to close the public hearing.**

YEAS: D. Talbot, H. Armbruster, M. Dixon, C. Morrison, J. Ream, M. Shifflett and T. Pence

Motion carried (7 – 0 voice vote)

Mayor: _____
Wayne E. Printz

Recorder: _____
Denise R. Monger, Clerk