Planning Commission Minutes
June 16, 2004

Planning Commission Members Present:
Daniel Talbot, Thomas Schroeder, Tom Weyrick, Madelyn Dixon

Staff Present :
Rick Carey

Call To Order
Daniel Talbot called the meeting to order at 7:00 pm.

Minutes
The members did not possess a copy of the May minutes and proceeded without them.

OLD Business:

A. The last meeting a discussion was held regarding rezoning in the recently annexed areas. All phases have now been annexed and are currently listed as R1 zoning. It was noted that the Commission would need to determine what areas should be rezoned and what the new zoning should be. The Commission will then submit their recommendation to Council for review and approval. Dan Talbot suggested to the Commission that each member should review the newest map and even drive in the areas, prior to the next meeting, as this will help direct future discussion.

Some points of concern that were brought up were:

1. Existing houses or businesses in Phase 1 may continue under the old zoning ordinances based on Section 110-708 of the Code.

2. The Commission will need to avoid "spot-zoning", and should look at areas rather than individual lots, when considering what the new zoning should be. Commission members should also consider what regulations would best apply in each area, to accommodate the current owners.

NEW BUSINESS:

Two basic questions were presented to the group and discussion was recorded as follows:

1. Is it possible to assign 2 different zonings on one large lot?
   No-You may not have two different zonings on a lot.
2. If you have an area predominately one type of lot size; but it contains lots sized smaller than requirements, may it be rezoned?
   It was noted that you might still zone it since some existing lots are Grand fathered under previous zoning, and if you have lots, which still qualify.

   a. Regarding existing lots, which are smaller than requirements, could these have something built on them with setbacks? There is a possibility that the lot is still suitable for building if the set backs meet current zoning assigned to the lot.
   b. The next question in regard to the above statements concerns agriculture ratings for the Town of Elkton. Is there really any purpose

for this rating in town? Why wouldn't this be zoned R8? In the future if all the land up to Bear Lithia Springs were annexed that may require the use of the agriculture zoning. If someone requests to build on this property in the future it may need to be rezoned differently.

c. The possibility of a request for a Special Use Permit in that area may materialize sometime in the future. .
d. **Since there is a livestock ordinance in town how does this affect zoning for agriculture**? In addition to the Kite property there is newly annexed property on Pentecost Hill that has livestock, which will be covered under the Grandfather clause. The question was asked as to why you would zone anything in town as agriculture when the ordinance states you can't have anything agricultural?
e. How does it work when a farm owner passes away and his heirs take possession? Is the property considered farmland? The response is "yes". Another thought is "What if the heirs sell it, will it continue to be farmland"? This presents a question mark for change. This issue has been addressed in the past with no decisive answer. It was noted however, that the land must be in use as agriculture to avoid change.
f. To the knowledge of the members there is not a different tax rate in effect for land zoned agriculture

The Commissioners then discussed each of the newly annexed areas and preliminarily agreed on proposed zoning for each. Dan Talbot will color code a map and bring it to the July meeting for further comments.

As there was no further business the meeting was adjourned at 9:00 pm.
The next meeting date will be Wednesday, July 14, 2004 at 7:00 P.M.

Signature-Chairman

Madelyn B Lixon
Signature-Secretary