



Elkton Town Council Agenda
Elkton Area Community Center
20593 Blue and Gold Drive - Elkton, VA 22827
Monday, February 6, 2023 – 6:00 p.m.

Unless otherwise indicated or unless relocated by the Council, agenda items will be taken in order. The Council reserves the right to remove, add, and/or relocate agenda items as necessary. Public Hearings will begin promptly at the advertised time.

1. CALL TO ORDER – ROLL CALL
2. ADOPTION OF AGENDA
3. STAFF AND COMMITTEE BUSINESS
4. TOWN ATTORNEY'S REPORT
 - a. Cemetery committee changes
5. UNFINISHED BUSINESS
 - a. Resolution for a procedure for excused absence from council meetings
 - b. Resolution to identify surplus items
 - c. Approve site plan work for downtown park/pavilion
6. NEW BUSINESS
 - a. Accept resignation from Troy Eppard from the Elkton Town Council
 - b. Appointment to Town Council vacancy (if applicable, after closed session)
 - c. Renew special exception permit pursuant to Town Code § 110-802 C (11) for a rear apartment at 196 W. Spotswood Avenue, Elkton
 - d. Elkton Planning Commission recommendation to hold a joint public hearing with the Elkton Town Council to receive comments on a request from Seth and Laura Stace for the issuance of a special exception permit for short term rentals at 101 Tamarack Lane, Elkton, VA.
 - e. Elkton Planning Commission recommendation to hold a joint public hearing with the Elkton Town Council to receive comments on a request from Sean Gorman for the issuance of a special exception permit for short term rentals at 252 Kensington Drive, Elkton, VA.
 - f. Elkton Planning Commission recommendation to hold a joint public hearing with the Elkton Town Council to receive comments on a request from Tiffany Shepherd for the issuance of a special exception permit for short term rentals at 101 Hill Avenue, Elkton, VA.

- g. Elkton Planning Commission recommendation to hold a joint public hearing with the Elkton Town Council to receive comments on a request from Rockingham County to rezone real estate consisting of one parcel containing 3.049 +/- acres located at 20871 Blue & Gold Drive, Elkton, VA., further described as tax map no. 131-A-34B from R-8 to B-2.
- h. Elkton Planning Commission recommendation to hold a joint public hearing with the Elkton Town Council to receive comments on a request from the Town of Elkton to rezone the residue of tax map no. 131-A-34, real estate consisting of one parcel containing 113 +/- acres located on Blue & Gold Drive, Elkton, VA., from R-8 to C-1. Also, 3.351 acres +/- acres located on Blue & Gold Drive, Elkton, VA., known as 20913, 20939 Blue & Gold Drive, Elkton, VA. (tax map no. 131-(A)-L31); 20995 Blue & Gold Drive, Elkton, VA. (tax map no. 131-(A)-L32, and 21063 Blue & Gold Drive, Elkton, VA., (tax map no. 131-(A)-L33), rezone to B-2.

7. MAYOR'S BUSINESS

8. CLOSED SESSION

- a. Pursuant to Virginia Code § 2.2-3711.A.7 for, "Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."
- b. Pursuant to Virginia Code § 2.2-3711.A.1 for, "Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body."
- c. Pursuant to Virginia Code 2.2-3711.A.3 for, "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body."

9. ADJOURNMENT



Staff Report/Recommendation

REQUESTED: Mayor Joshua J. Gooden

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Adoption of Agenda

BACKGROUND: Any revisions to the agenda would be added.

ACTION REQUESTED:

Information Only	<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Reports	<input type="checkbox"/>
Action Item	<input checked="" type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Closed Session	<input type="checkbox"/>

FINANCIAL IMPACT:

Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	No Financial Impact	<input checked="" type="checkbox"/>
Amount: N/A						
Budget Line Item: N/A						

If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."

STAFF RECOMMENDATION: That Council adopt the Agenda as presented.

APPROVAL:

A handwritten signature in black ink, appearing to read "Joshua J. Gooden", is written over a horizontal line.

Joshua J. Gooden, Mayor

ATTACHMENTS: None

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.



Staff Report/Recommendation

REQUESTED: Mayor Joshua J. Gooden

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Staff & Committee Business

BACKGROUND: Any issues or items needed to be placed on the agenda for the next council meeting would be discussed.

ACTION REQUESTED:

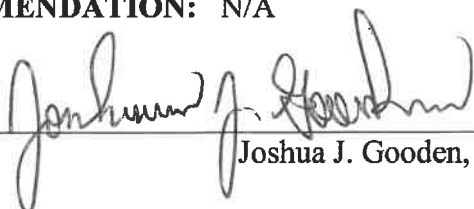
Information Only <input type="checkbox"/>	Discussion <input checked="" type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

FINANCIAL IMPACT:

Budgeted: YES ☐ NO ☐ No Financial Impact ☒
 Amount: N/A
 Budget Line Item: N/A

If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."

STAFF RECOMMENDATION: N/A

APPROVAL: 
 Joshua J. Gooden, Mayor

ATTACHMENTS: None

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TOWN OF ELKTON



VIRGINIA

Staff Report/Recommendation

REQUESTED: Mayor Joshua J. Gooden

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Town Attorney's report

BACKGROUND: Town Attorney Miller to advise the Mayor and Council of any business which may need to be addressed during the meeting; possible action items.

ACTION REQUESTED:

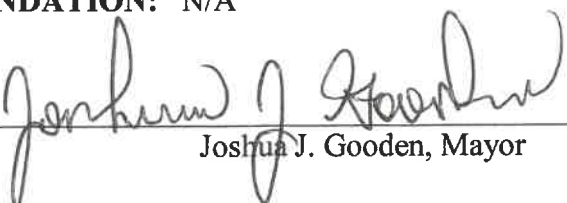
Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input checked="" type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

FINANCIAL IMPACT:

Budgeted: YES ☐ NO ☐ No Financial Impact ☒
Amount: N/A
Budget Line Item: N/A

If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."

STAFF RECOMMENDATION: N/A

APPROVAL: 
Joshua J. Gooden, Mayor

ATTACHMENTS: None

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Staff Report/Recommendation

REQUESTED: Mayor Joshua J. Gooden

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Resolution for a procedure for excused absence from council meetings

BACKGROUND: The town currently has no formal procedure regarding council member's absences from council meetings. Town Attorney Miller prepared a resolution to adopt a new procedure.

ACTION REQUESTED:

Information Only ☐
Action Item ☒

Discussion ☐
Public Hearing ☐

Reports ☐
Closed Session ☐

FINANCIAL IMPACT:

Budgeted: YES ☐
Amount: N/A
Budget Line Item: N/A

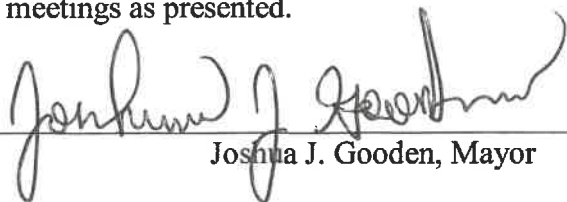
NO ☐

No Financial Impact ☒

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STAFF RECOMMENDATION: That Council adopt the resolution for a procedure for excused absence from council meetings as presented.

APPROVAL:


Joshua J. Gooden, Mayor

ATTACHMENTS: Resolution

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.

TOWN COUNCIL OF THE TOWN OF ELKTON, VIRGINIA

RESOLUTION

**PROCEDURE FOR EXCUSED ABSENCE
FROM
COUNCIL MEETINGS**

WHEREAS: Attending Council meetings by members is essential for an efficient and effective government; and

WHEREAS: The Town Council has determined that it is in the best interest of the Town to establish a Procedure for Excused Absences from attending Council Meetings.

NOW THEREFORE, The Procedure for Excused Absences is hereby Adopted:

- A. Before 4:30 PM on the day of a scheduled meeting (regular, work session, retreat, special meeting, reorganizational, but not including an emergency meeting) of the Town Council or on a day further in advance, a member that is unable to attend a scheduled meeting of the Town Council may contact the Mayor of the impending absence and whether the absence is due to a business, family, medical, or person reason. If timely notice of the absence is received, the absence will be declared excused and entered in the minutes as such. If a member does not provide timely notice of the absence, they may provide notice as soon as possible thereafter to the Mayor and the Town Council may move to declare the absence excused at the next regularly scheduled meeting.
- B. If no notice is provided, the absence will remain classified as unexcused. If an absence is unexcused the council member shall forfeit their pro rated compensation for the unexcused council meeting.
- C. The Town Council acknowledges that whether an absence is excused or unexcused, by itself, has no bearing on the potential remove from office of any member pursuant to the requirements contained in the Virginia Code.

GIVEN under my hand this ____ day of ____, 2023.

Joshua J. Gooden
Mayor, Town of Elkton

Attest:

Denise R. Monger
Clerk of the Council



Staff Report/Recommendation

REQUESTED: Mayor Joshua J. Gooden

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Resolution to identify surplus items

BACKGROUND: Various town departments have surplus items to be sold via auction or sealed bid.

The Elkton Town Council must identify the surplus items and deem that such items no longer serve any useful purpose. Virginia code §§ 15.2-951; 2.2-1124; and 2.2-1147 authorizes a sale "by public sale or auction, including online public auction...." Subject to procedures set forth in the referenced code sections. The Town Manager or designated representative will be authorized to proceed with the disposal of the items per the resolution.

ACTION REQUESTED:

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

FINANCIAL IMPACT:

Budgeted: YES ☐ NO ☐ No Financial Impact ☐
 Amount: N/A
 Budget Line Item: N/A

If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."

STAFF RECOMMENDATION: That Council adopt the resolution as presented.

APPROVAL:
 Joshua J. Gooden, Mayor

ATTACHMENTS: Resolution

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.

**TOWN OF ELKTON
RESOLUTION TO IDENTIFY SURPLUS ITEMS**

Whereas, § 15.2-951, Code of Virginia, provides broad authority for counties, cities and towns to acquire and dispose of personal property for the purpose of exercising their powers and duties; and

Whereas, the following personal property item owned by the Town of Elkton no longer serves any useful purpose.

NOW, THEREFORE, BE IT RESOLVED by the Elkton Town Council that the following items are hereby declared surplus property:

Husqvarna bagger mower, Ferris 61 inch cut mower, Ferris 52 inch cut mower, X-Mark Laser Z 48 inch cut mower, 2004 Chevrolet 2500 Truck, 2007 Chevrolet 2500 Truck, (2) Utility trailers, 2011 Ford Explorer, 2014 Ford Explorer, John Deere Gator Six Wheeler – diesel motor with dump bed, multiple street signs, Cemetery road signs, blue gym mats, and 8' Olson pool table.

AND BE IT RESOLVED that the Town Manager or his designated representative is authorized to proceed with disposal of the items described hereinabove in an appropriate and responsible manner.

ADOPTED on this _____ day of _____, 2023

Joshua J. Gooden, Mayor
Town of Elkton

ATTEST:

Denise Monger, Clerk of Council
Town of Elkton



Staff Report/Recommendation

REQUESTED: Mayor Joshua J. Gooden

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Approve site plan work for Downtown Park/Pavilion

BACKGROUND: N/A

ACTION REQUESTED:

Information Only	<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Reports	<input type="checkbox"/>
Action Item	<input checked="" type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Closed Session	<input type="checkbox"/>

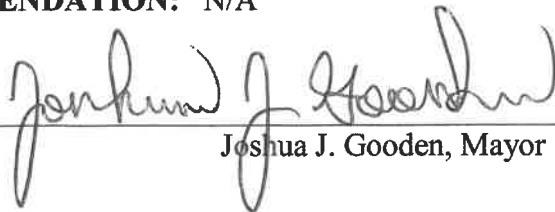
FINANCIAL IMPACT:

Budgeted: YES ☐ NO ☐ No Financial Impact ☐
Amount: N/A
Budget Line Item: N/A

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STAFF RECOMMENDATION: N/A

APPROVAL:


Joshua J. Gooden, Mayor

ATTACHMENTS: None

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Staff Report/Recommendation

REQUESTED: Mayor Joshua J. Gooden

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Accept resignation from Troy Eppard from the Elkton Town Council

BACKGROUND: On January 25, 2023 via email, Council member Troy Eppard submitted his resignation from the Elkton Town Council, effective February 1, 2023.

ACTION REQUESTED:

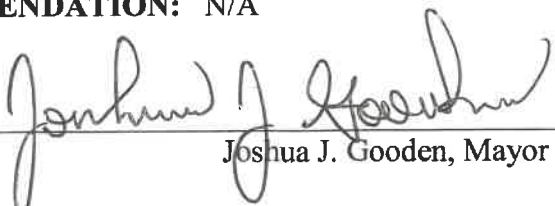
Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

FINANCIAL IMPACT:

Budgeted: YES ☐ NO ☐ No Financial Impact ☒
 Amount: N/A
 Budget Line Item: N/A

If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."

STAFF RECOMMENDATION: N/A

APPROVAL: 
 Joshua J. Gooden, Mayor

ATTACHMENTS: Resignation email

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.

From: [Nathan Miller](#)
To: [Joshua Gooden](#); [Phillip Workman](#); [Steve America - Elkton](#); [Virginia Fulginiti](#); [aaron](#); [Rachel Michael](#)
Cc: [Denise Monger](#)
Subject: FW: Resignation
Date: Wednesday, January 25, 2023 10:03:58 AM
Importance: High

Council. Just received Troy's resignation, see notice below.
Nathan

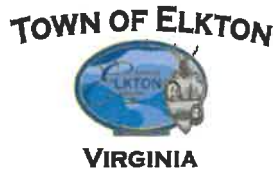
-----Original Message-----

From: Troy Eppard <teppard@townofelkton.com>
Sent: Wednesday, January 25, 2023 7:53 AM
To: Nathan Miller <nhamiller@harrisonburglaw.com>
Subject: Resignation

Hi good morning Nathan. Can you please pass this along to necessary recipients. I am officially and respectfully submitting my resignation from my seat on the Elkton Town Council as Councilman as of February 1st., 2023. Many thanks and many blessings to all. Take care.

Sincerely,
Troy S. Eppard

Sent from my iPad



Staff Report/Recommendation

REQUESTED: Mayor Joshua J. Gooden

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Appointment to Town Council vacancy (if applicable, after closed session)

BACKGROUND: On January 25, 2023, Council member Troy Eppard submitted his resignation from the Elkton Town Council, effective February 1, 2023. A vacancy notice was published in the Daily News Record on January 30, 2023 which stated that resumes would be accepted until February 6, 2023 at noon for the vacancy. The Town Council will review the applicants in closed session. If applicable, the Council will make an appointment after the closed session.

ACTION REQUESTED:

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

FINANCIAL IMPACT:

Budgeted: YES ☐ NO ☐ No Financial Impact ☒
 Amount: N/A
 Budget Line Item: N/A

If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."

STAFF RECOMMENDATION: N/A

APPROVAL: Joshua J. Gooden
 Joshua J. Gooden, Mayor

ATTACHMENTS: None

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Staff Report/Recommendation

REQUESTING DEPARTMENT: Community Development

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Community Development

BACKGROUND: On February 17, 2020 Town Council voted to renew a special exception permit that had expired for a rear apartment on the first floor of 196 W. Spotswood Avenue. This property has been sold and the new owner is requesting the special exception be renewed.

ACTION REQUESTED:

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Report <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input type="checkbox"/>

FINANCIAL IMPACT:

Budgeted: YES <input type="checkbox"/>	NO <input type="checkbox"/>	No Financial Impact <input checked="" type="checkbox"/>
Amount: General Fund		Positive Financial Impact <input type="checkbox"/>
Budget Line Item:		

If fund expenditure or positive revenue generation is expected, the amount and the line item name/number must be stated. If required funds for an expenditure are not available in the appropriate line item but they are available in a different line item within the department, you must state from which line item name/number you propose to transfer the funds.

STAFF RECOMMENDATION:

TOWN MANAGER APPROVAL:

ATTACHMENTS:

1. Email requesting renewal of Special Exception
2. Minutes from February 17, 2020 renewing special exception permit
3. Minutes from May 13, 2014 Council meeting approving special exception
4. 2014 approved zoning application

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date.
All pertinent information MUST be attached in order for this item to be placed on the agenda.

Delores Hammer

From: Tom Heffernan <t.heffernan@carstenszcapital.com>
Sent: Thursday, January 26, 2023 2:41 PM
To: Delores Hammer
Subject: 196 West Spotswood Avenue Special Exception Permit

Hi Dolores,

Carstensz Elkton, LLC would like to renew the special exception permit for a first floor, two bedroom, rear apartment at 196 West Spotswood Avenue, Elkton, Virginia. The scope of the project remains as previously applied for.

Please let me know if you have any additional questions.

Thank you,

Tom

Thomas D. Heffernan
Chief Financial Officer
Carstensz Capital Partners, LLC
1307 Dolley Madison Blvd
Suite 1A
McLean, VA 22101
(703) 627-2094 (cell)



**Regular Council Meeting
February 17, 2020
Page 3**

Treasurer Sipe read her report as presented in the packet. She noted a Finance Committee meeting was scheduled for Thursday at 1:00 p.m.

NEW BUSINESS

Columbarium Presentation

Council member America moved, seconded by Vice-Mayor Snow, to approve the Cemetery Advisory Commissions' recommendation to proceed with the submitted plan, location and turn-key quote from W. A. Hartman Memorials for a 144 niche double-sided curved wall for \$55,700. The remaining balance of \$15,200 would go into next years' budget.

YEAS: M. Isom, L. Heidel, R. Snow, J. Dean, S. America

NAYS: None

VOTE: (5 - 0 roll call vote) Motion carried

Renew Special Exemption Permit for Lise Beaudette at 196 West Spotswood Avenue

Council member Isom, seconded by Council member Dean, moved to renew a Special Exception Permit that had expired for a rear apartment on the first floor of the property.

YEAS: M. Isom, L. Heidel, R. Snow, J. Dean, S. America

NAYS: None

VOTE: (5 - 0 voice vote) Motion carried

Subdivide Lot Located on West Summit Avenue Known as Tax Map No 131 B3 (5) B8 L3 Owned by JKKT Investments, LLC

Council member Isom moved, seconded by Vic- Mayor Snow, to approve the request from Thomas Schroeder of JKKT Investments, LLC, to subdivide a lot located on West Summit Avenue.

YEAS: M. Isom, L. Heidel, R. Snow, J. Dean, S. America

NAYS: None

VOTE: (5 - 0 voice vote) Motion carried

Transmission Work to Vehicle

Vice-Mayor Snow moved, seconded by Council member America, to approve installation of a new Jasper transmission with a 100,000 mile warranty for \$3,157.48 by Hometown Garage. Funds would be split from electric, water and sewer.

YEAS: M. Isom, L. Heidel, R. Snow, J. Dean, S. America

NAYS: None

VOTE: (5 - 0 voice vote) Motion carried

COMMITTEES

Recreation (S. America)

**Special
Council Meeting
May 13, 2014
6:15 p.m.**

A special meeting of the Elkton Town Council was held in the Council Chambers of the Elkton Area Community Center on May 13, 2014 at approximately 6:15 p.m. with Mayor Roy E. Davis presiding. The purpose of the meeting was as follows:

1. Approve Application for a Special Exception Permit Submitted by the Owners of Property at 196 West Spotswood Avenue to Allow the Construction of a Rear Ground Floor Apartment with the Front Area Used as Primary Operation of Business.
2. Approve Recommendation from Elkton Planning Commission to Rezone Lots Located on the North Side of Wirt Avenue Beginning with Lot 11 and Continuing West to the Corner of Wirt and Shenandoah Avenues (including Country Estates, Tax Map Nos. 131B1-(1)-B 18 Lots 1, 2) from B-2 to R-5.

Mr. Whitfield excused certain Town staff from the meeting. The following Council members and staff were present:

PRESENT

Roy E. Davis, Mayor
Jay Dean, Vice Mayor
Margaretta Isom, Council Member
Harry Armbruster, Council Member
Theodore Pence, Council Member
Joshua Gooden, Council Member
Wayne Printz, Council Member

ABSENT

None

PRESENT

Kevin Whitfield, Town Manager
Nathan H. Miller, Town Attorney
Charlotte Shifflett, Zoning Administrator

ABSENT

None

SPECIAL COUNCIL MEETING

Mayor Davis called the meeting to order. The Clerk of Council was absent from the meeting.

Approve Application for a Special Exception Permit Submitted by the Owners of Property at 196 West Spotswood Avenue to Allow the Construction of a Rear Ground Floor Apartment with the Front Area Used as Primary Operation of Business

Council member Isom stated that the Planning Commission recommended the approval of the special exception application submitted by the owners of property located at 196 West Spotswood Avenue. She presented the following motion:

Council member Isom moved, seconded by Vice Mayor Dean, and carried to approve the special exception permit request submitted by Lise Beaudette of South River Rental Properties which would allow a rear apartment on the first floor of the property located at 196 West Spotswood Avenue with an off-street parking requirement of two (2) spaces as shown in the proposal.

YEAS: M. Isom, H. Armbruster, T. Pence, J. Dean, J. Gooden and W. Printz

NAYS: None

TOWN OF ELKTON ZONING PERMIT FOR BUSINESS

ZP

This permit shall be posted in a conspicuous place

Application is hereby made for a Zoning Permit and Certificate of Zoning Compliance in accordance with the description and for the purpose hereinafter set forth. This application is made subject to all local and state laws and ordinances, which are hereby agreed to by the undersigned and which shall be deemed a condition entering into the exercise of this permit.

Property owner

Name

South River Properties LLC

Phone Number

540 298-0644

Address

7060 Miracle Springs Rd -

City

Elkton

State

VA

Zip

22827

Applicant

Builder

☐

Builder

VA License

Exp date

Name

Phone Number

Address

City

State

Zip

Business Owner

☐

Owner

Business License

Exp date

Name

Phone Number

Address

City

State

Zip

Property Information

Tax Map/Parcel Number

131-B1-(5) B1 L33-34

Zoning

B1

Address

196 W Spotswood Ave "1ST Floor"

Existing Structures (Number & Type)

2 Story Building

Water supply source?

Sewage disposal source?

Municipal

☐

Private Well

☐

Cistern

☐

Municipal

☐

Septic Tank

☐

Is public water and sewer available?

☒

Yes

☐

No

Type of Permit Requested Check all that apply!

☐

Addition

☐

Commercial / Industrial Structure

Specify

☐

Sign

☐

Accessory

Bldg. Size

☐

Other

Specify

☐

re-roof

☒

Special Exception Permit

specify

See Ads

For the above: Provide an Official Plat map including location on property where buildings/additions will be located also show locations of present buildings. Provide an elevation of building (front and one side).

Please provide brief description of this project :

Please print or type all information

Extended for 6 months beginning 2/17/20.
Elkton zoning administrator

OLD

I Certify that:

- (I have the authority to make the foregoing application, that the information given is correct, including any attached plans or drawings and that all construction will conform with all applicable State, County and Town Laws, ordinances and regulations with regard to zoning, health and building. **FAILURE TO DO SO** will automatically render this permit invalid.
- (Two copies of a plot plan or (a signage plan for signs) must be submitted with this application.
- (Construction requires a building permit issued by the Rockingham County Building Officials.
- (I agree to give advanced notification to the Town when footer inspection is to be performed by County Inspectors.
- (I agree to give advanced notification to the Town when a final inspection is to be performed by County Inspectors.
- (A separate application must be made for Water & Sewer connections.
- (All contractors must register with the Town prior to commencing work.
- (I agree to repair any damages to sidewalks, streets, and utilities caused during construction.
- (I agree to pay an inspection deposit and notify the Zoning Administrator within (10) days of completion of the work for an inspection and issuance of a Certificate Of Zoning compliance.
- (Failure to do so may result in the forfeiture of the deposit, which in no way relieves me of any obligation to comply with all Town requirements.
- (Land may not be used or occupied, and buildings structurally altered or erected be used or changed in use until the Certificate of Zoning Compliance is issued.

Date

5/5/14

Print Name

LISE BEAUDETTE Member Msr

Signature

Lise Beaudette**** FOR TOWN USE ONLY ****

Lot and Zoning verification performed

sig

CRS

date

5-5-2014

Is Parcel in the flood plain?

☐ Yes ☒ No

Refer to Planning Commission

☒ Yes ☐ No

Approved-

☐ Yes ☐ No

sig

CRS date 5-6-14

Refer to Town Council

☒ Yes ☐ No

Approved

☒ Yes ☐ No

sig

CRS date 5-13-14

Public Hearing Required

☒ Yes ☐ No

Public Hearing date:

May 13-2014

Requires Advertisement

☒ Yes ☐ NoFirst Advertisement
Second Advertisement

Date

May 26-2014

Date

May 3-2014

Zoning Administrator

☒ Approved☐ Disapproved☐ Approved with conditions (See Attachments).

Fee paid

100.00

Signature (Zoning Administrator)

Marloth L. Shifflett

Date

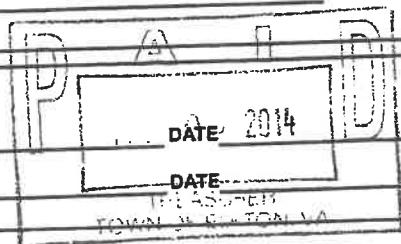
5-5-2014**INSPECTIONS PERFORMED**

FOOTER INSPECTION PERFORMED BY:

SIG

FINAL INSPECTION PERFORMED BY:

SIG

000

CERTIFICATE OF ZONING COMPLIANCE

This building, its proposed use, or the use of the land, as described in the above application and permit, complies with the provisions of Chapter 110 (Land Development) of the CODE OF THE TOWN OF ELKTON AND ANY APPLICABLE CONDITIONS.

Charlotte Sheppard
Signature (Zoning Administrator)

May 14 2014
Date

§ 110-802

*****REMEMBER*****

Issuance of this permit does not mean work can begin. Permits must be obtained from the Rockingham County Building Office and possibly depending on the scope of the work the Virginia Department of Transportation (VDOT), the Virginia Department of Health (VDH), and / or the Department of Environmental Quality (DEQ). It is the responsibility of the owner/applicant to check with these agencies to ensure all permits are obtained before beginning work.

(5) In evaluating the proposed special exception, the governing body shall address the following concerns:

- (a) The effect of the proposed special exception, on existing and projected traffic volumes in the neighborhood.
- (b) The current and future need for the proposed use in the Town of Elkton.
- (c) The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values.
- (d) Compatibility with surrounding uses.
- (e) The consistency with the intent of this chapter and the Comprehensive Plan, the public interest, and all other provisions of law and ordinances of the Town of Elkton.
- (f) The proximity of dwellings, churches, schools, parks, or other places of public gathering. [Added 1-19-2006]
- (g) The probable effect of the proposed use on the peace and enjoyment of people in their homes. [Added 1-19-2006]
- (h) The preservation of cultural and historical landmarks and trees. [Added 1-19-2006]
- (i) The probable effect of noise and glare upon the uses of surrounding properties. [Added 1-19-2006]
- (j) The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods. [Added 1-19-2006]

OK



Staff Report/Recommendation

REQUESTING DEPARTMENT: Community Development

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Schedule a joint public hearing with the Elkton Planning Commission to receive comments on a request from Seth & Laura Stace at 101 Tamarack Lane for issuance of Special Exception Permit for a Short Term Rental.

BACKGROUND: On January 31, 2023 the Elkton Planning Commission voted unanimously to recommend a joint public hearing with Town Council to receive comments on a request from Seth & Laura Stace for the issuance of Special Exception Permit §110-604 C (12) Short Term Rental in compliance with code §110-715 Short-term rentals.

ACTION REQUESTED:

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Report <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input checked="" type="checkbox"/>	Closed Session <input type="checkbox"/>

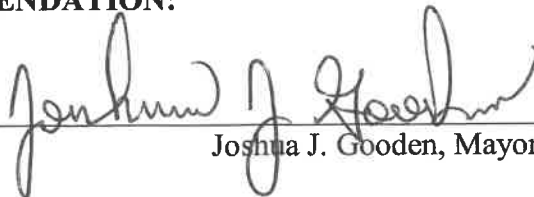
FINANCIAL IMPACT:

Budgeted: YES <input type="checkbox"/>	NO <input type="checkbox"/>	No Financial Impact <input checked="" type="checkbox"/>
Amount:		Positive Financial Impact <input type="checkbox"/>

If fund expenditure or positive revenue generation is expected, the amount and the line item name/number must be stated. If required funds for an expenditure are not available in the appropriate line item but they are available in a different line item within the department, you must state from which line item name/number you propose to transfer the funds.

STAFF RECOMMENDATION:

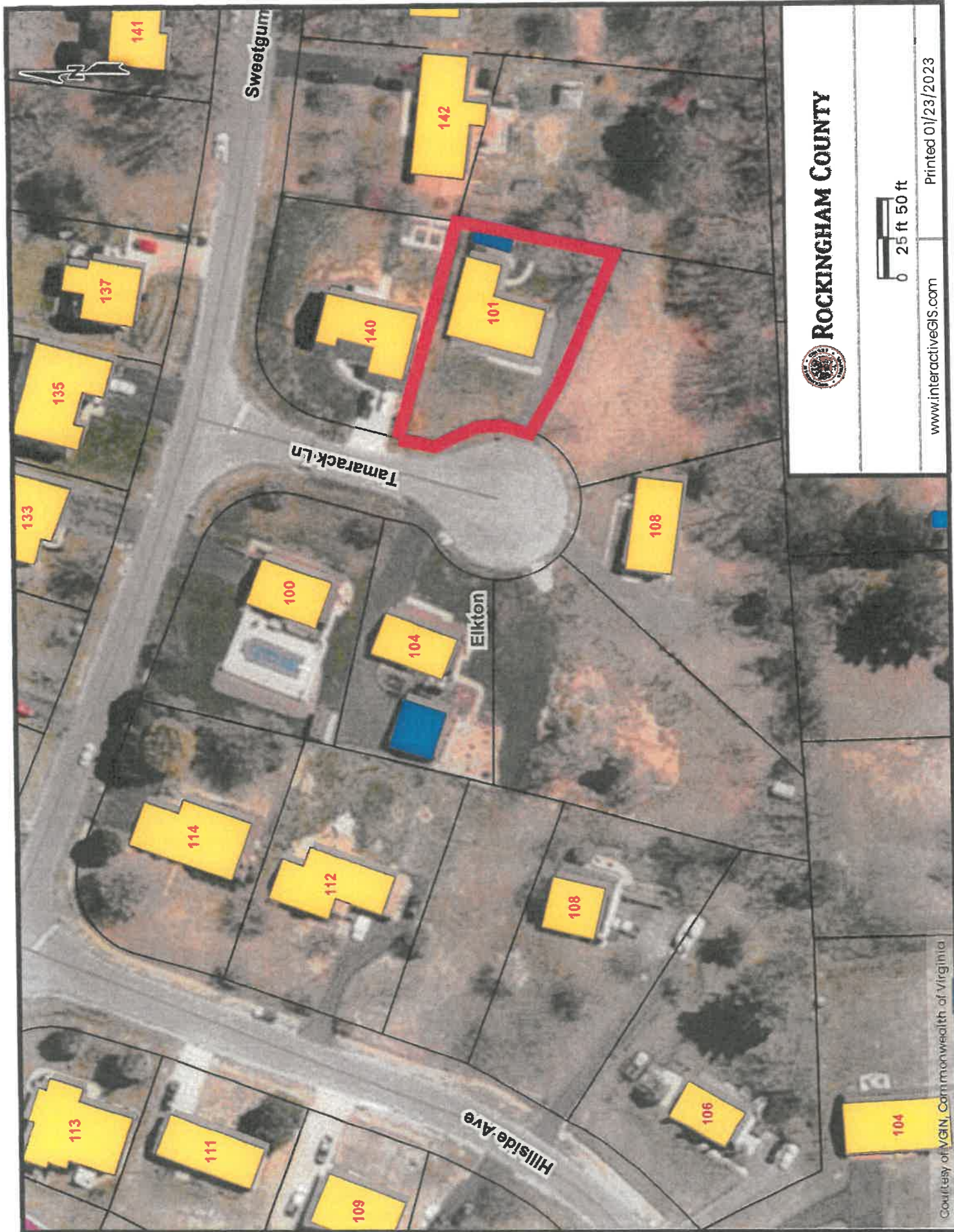
APPROVAL:


 Joshua J. Gooden, Mayor

ATTACHMENTS:

1. GIS Plat of location
2. Description from Mr. Stace
3. §110-715, §110-604
4. Emergency Guide
5. Evacuation Plan

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.



Please provide brief description of this project :**Please print or type all information**

Owner, Seth Stace, is a member of the US Army Reserves and would like to rent the family home on Airbnb while deployed for 10-15 months since it will be vacant. A series of short-term rentals will likely have less wear and tear on the home and it can continue to be furnished without the additional expenses of paying for storage. Of the 3x bedroom/2 bath home, only 2x bedrooms/2 baths will be rented to prospective tenants. One room and the detached garage will remain locked and only used by owner for storage of personal belongings and supplies for tenants, only to be accessed by the property manager. The property manager is the next door neighbor, Emory Bare, at 140 Sweetgum Elkton, VA 22827, and has all keys to the property. In the event Airbnb is not utilized or successful, a long-term tenant/renter may be pursued instead.

I Certify that:

- I have the authority to make the foregoing application, that the information given is correct, including any attached plans or drawings and that all construction will conform with all applicable State, County and Town Laws, ordinances and regulations with regard to zoning, health and building. **Failure to do so** will automatically render this permit invalid.
- Two copies of a plot plan or (a signage plan for signs) must be submitted with this application.
- Construction requires a building permit issued by the Rockingham County Building Officials.
- I agree to give advanced notification to the Town when footer inspection is to be performed by County Inspectors
- I agree to give advanced notification to the Town when a final inspection is to be performed by County Inspectors
- A separate application must be made for Water & Sewer connections.
- All contractors must register with the Town prior to commencing work.
- I agree to repair any damages to sidewalks, streets, and utilities caused during construction.
- I agree to pay an inspection deposit and notify the Zoning Administrator within (10) days of completion of the work for an inspection and issuance of a Certificate Of Zoning compliance.
- Failure to do so may result in the forfeiture of the deposit, which in no way relieves me of any obligation to comply with all Town requirements.
- Land may not be used or occupied, and buildings structurally altered or erected be used or changed in use until the Certificate of Zoning Compliance is issued.

Date 18JAN2023Print Name Seth Stace

Signature _____

**** FOR TOWN USE ONLY ****

Lot and Zoning verification performed _____ Sig _____ Date _____

Is Parcel in the flood plain? ☐ Yes ☒ NoRefer to Planning Commission ☒ Yes ☐ No Approved ☐ Yes ☒ NO sig _____ Date _____Refer to Town Council ☒ Yes ☐ No Approved ☐ Yes ☒ NO sig _____ Date _____Public Hearing Required ☒ Yes ☐ No Public Hearing Date _____Requires Advertisement ☒ Yes ☐ No First Advertisement second advertisement Date _____Requires Foundation Survey ☐ Yes ☒ No Zoning Administrator ☐ Approved Fee paid _____☐ Disapproved☐ Approved with conditions

Signature (Zoning Administrator) _____

Date _____

§ 110-604 Single-Family Residential District R-3.

A. Purpose of Single-Family Residential District R-3. The purpose of the R-3 Single-Family Residential District is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods. The regulations for this district tend to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, concentrations of traffic, light, dust, odors, smoke, or other obnoxious influences.

B. Permitted uses. Within the Single-Family Residential District R-3 the following uses are permitted:

(1) Single-family detached dwellings.

(2) Public utilities.

(3) Public water and sewage facilities.

(4) Public service or storage buildings.

(5) Modular homes.

[Added 3-25-1991]

(6) Accessory apartment, subject to the provisions of § **110-716**.

[Added 1-28-2020]

C. Special exceptions. When, after review of an application and hearing thereon, in accordance with Article **VIII** herein, the following uses may be permitted by special exception permit:

[Amended 3-25-1991]

(1) Schools.

(2) Churches and other places of worship with attendant educational, and recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot.

(3) Public parks, playgrounds, recreational facilities, tennis courts, public swimming pools, and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet from any residential lot.

(4)

Child-care centers and family day-care homes. The main structure shall not be located closer than 50 feet from any residential lot.

(5) Family care homes, foster homes, or group homes serving the mentally retarded, developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met.

(6) Bed-and-breakfast facilities, limited.

(7) Homes for adults.

(8) Commercial radio wave towers.

(9) Cemeteries.

(10) Professional offices.^u

[Added 6-7-2021]

[1] *Editor's Note: Former Subsection C(10), home occupations, was redesignated as an accessory use 4-18-2005. See now Subsection D(10).*

(11)

Other uses of the same general character as those listed have and deemed appropriate by the Planning Commission and in accordance with Article VIII.

(12) Short-term rental.

[Added 9-17-2018]

D. Accessory uses. Where a lot is devoted to a permitted principle use, customary accessory uses and structures are authorized, including but not limited to the following:

[Amended 11-18-1991]

(1) Living quarters of persons principally employed on the premises.

(2) Travel trailers which shall be stored within the minimum yard requirements and shall be prohibited from occupancy.

(3) Temporary buildings or office trailers for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work.

(4) Signs as provided for in Article VII.

(5) Parking as provided for in Article VII.

(6) Private parking garage.

(7) Shelter for house pets.

(8) Private swimming pool.

(9) Satellite antenna.

(10) Home occupations in accordance with § 110-705.

[Added 4-18-2005]

E. Lot regulations.

(1) Main building:

(a) Minimum lot size:

[1] 10,000 square feet with public water and sewer.

[2] 21,000 square feet with other facilities.

[3] Existing lots of 6,250 square feet or greater may be developed in the R-3 Residential Single-Family, R-4 Residential, and R-5 Residential Districts. All

subdivision of parcels into lots less than 6,250 square feet shall be prohibited in all districts, except for R-4 and R-5 Residential Districts. The R-1 and R-2 Districts will remain the same, but the R-3 Residential Single-Family District will require lot sizes of a minimum of 10,000 square feet.

[Amended 6-17-1997]

(b) Setback: 25 feet.

(c) Frontage at setback: 50 feet.

(d) Side yard:

[1] One side: five feet.

[2] Two sides: 15 feet.

[3] Add 15 feet for corner lots.

[4] Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same blocks and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the existing side yards on the developed lots, plus 15 extra feet for corner lots.

[Amended 11-18-2013]

(e) Rear yard: 25 feet.

(f) Maximum height: 35 feet.

[1] The height limit for dwellings may be increased up to a maximum of 45 feet and up to three stories, provided that each side yard is 20 feet, plus one foot or more of side yard for each additional foot of building height over 35 feet.

[2] A public or semipublic building, such as a school, church, or library, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

[3]

Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antenna and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

[4] For buildings over 45 feet in height, approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workers are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

(2) Accessory buildings and uses: 10 feet from main building.

(a) Side yard: five feet.

[1] Add 15 feet for corner lots.

[2] Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the average of the existing side yards on the existing developed lots.

(b) Rear yard: five feet.

(c) Height: 35 feet. Accessory buildings over one story in height shall be at least 10 feet from any lot line. All accessory buildings shall not exceed the main building in height.

F. See § **110-701**, Area regulations.

G. See § **110-708**, Nonconforming uses.

Emergency Contact Roster

for Tenants at
101 Tamarack Lane, Elkton, VA 22827

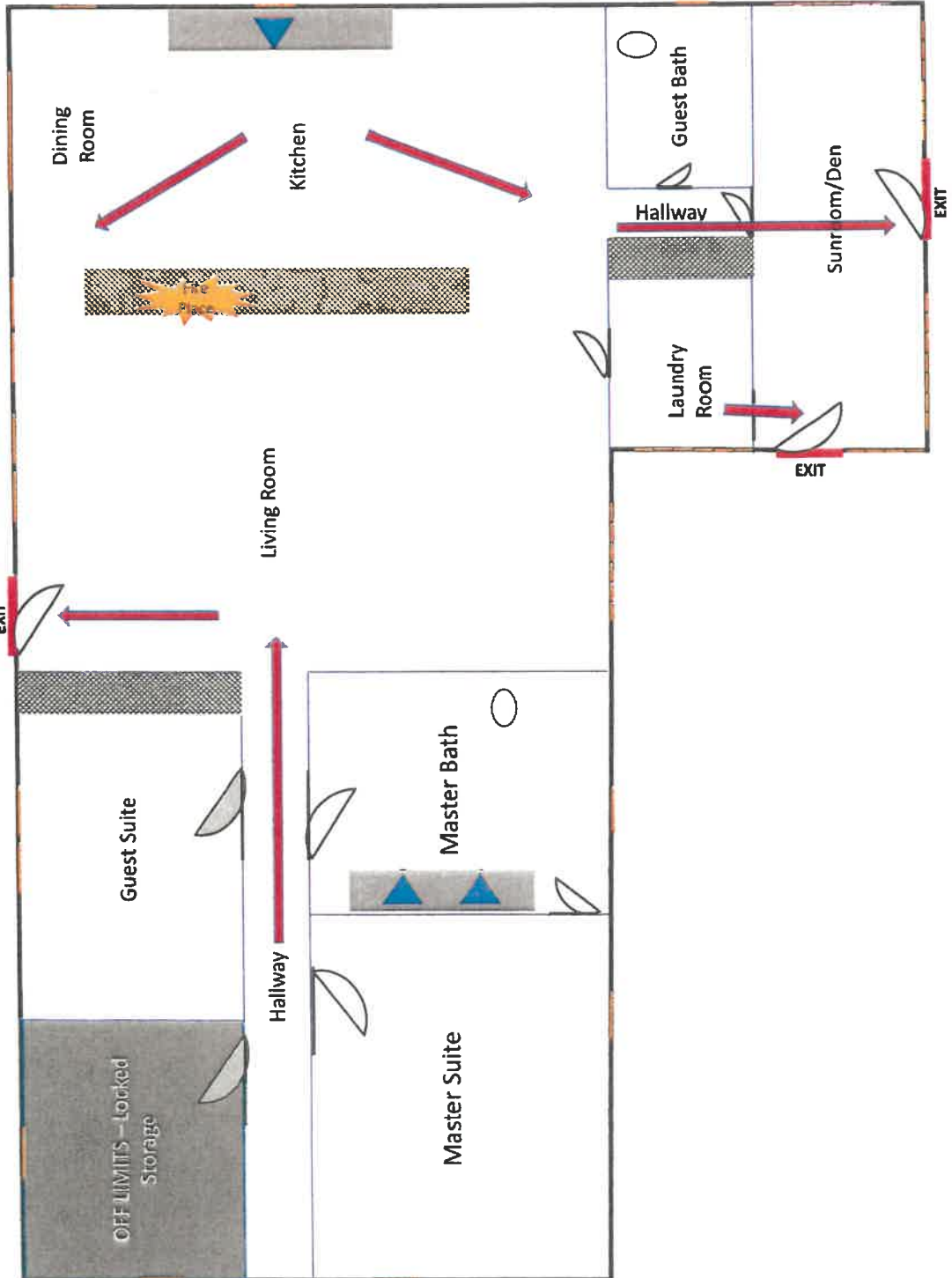
Property Manager / Primary POC:

Emory Bare: (540) 246-7643; emory.bare@merck.com
140 Sweetgum Street, Elkton, VA 22827

Secondary POC (for Emergencies ONLY):

Seth/Britt Stace: +49(0)152-29826215 / (434) 207-8049;
lbthorsey@gmail.com

EVACUATION & EMERGENCY ROUTE for 101 Tamarack Lane



Address: 101 Tamarack Ln, Elkton, VA 22827. In Elkwood, on the hill overlooking the baseball fields.

Maximum number of guests: 4 (2 per bedroom)

Local Point of Contact (property manager, Emory Bare) was provided to you in my last email with the Emergency Evacuation Plan.

House Rules:

Welcome to our home! We hope your stay is enjoyable and adventurous. Please be respectful of our home, belongings, our friendly neighborhood & our wonderful town. Elkton truly has much to offer & we know you'll love it just as much as we do.

There are 2 bedrooms and 2 bathrooms, common living areas & a sunroom with additional living room space for you to spread out and feel at home. Only 4 guests are allowed: up to 2 per bedroom suite per Elkton rules.

Please do not attempt to access any doors or areas that are locked (key or padlock). These are storage areas & you will be charged for any damage incurred and/or theft after your tenancy. If you should run out of supplies that we offer (toilet paper, paper towels, soap, etc.), please contact Emory, the property manager to coordinate resupply.

Parking for all vehicles MUST remain entirely in the driveway. No parking is allowed in the cul-de-sac or along the road in front of or adjacent to the house. Do not park on the grass; there is plenty of driveway to accommodate up to 4 vehicles. Campers, trailers, Winnebago's, tents, or "squatters" of any kind are not allowed. And absolutely NO PARTIES.

If you participate in any outdoor sporting activities (kayaking, skiing/snowboarding, bike riding, etc) & bring your own gear, please leave it OUTSIDE. Between the garage & the house (in the breezeway) is an excellent spot & no one can see it from the road or houses next door. The property manager lives next door as well, so it will likely be safe. We've kept gear out there at any given time over the past 7 years. The point is not to track mud or snow/ice and not damage the wooden floors. You may secure your items with a chain link/lock if you're really concerned about it.

Though we LOVE our furry friends, currently pets are not allowed. We want to keep our rental nice & clean for the next tenants & not everyone is as respectful with their pets as we are. We sincerely apologize!

Please do not stain the towels, burn the kitchen ware, leave a huge mess, etc. You will be charged for damages if it's outside of regular wear & tear. Again, we simply ask you to be respectful & treat our place like you're a guest & better than you treat your own. That's how we treat others' when we travel, so we expect the same in return.

Thank you for choosing our home & our little town. We know you'll have a great time!



Staff Report/Recommendation

REQUESTING DEPARTMENT: Community Development

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Schedule a joint public hearing with the Elkton Planning Commission to receive comments on a request from Sean Gorman at 252 Kensington Drive for issuance of Special Exception Permit for a Short Term Rental.

BACKGROUND: On January 31, 2023 the Elkton Planning Commission voted unanimously to recommend a joint public hearing with Town Council to receive comments on a request from Sean Gorman for the issuance of Special Exception Permit §110-603 C (9) Short Term Rental in compliance with code §110-715 Short-term rentals.

ACTION REQUESTED:

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Report <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input checked="" type="checkbox"/>	Closed Session <input type="checkbox"/>

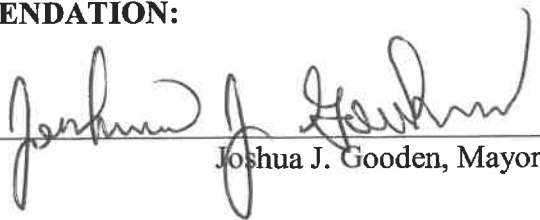
FINANCIAL IMPACT:

Budgeted: YES <input type="checkbox"/>	NO <input type="checkbox"/>	No Financial Impact <input checked="" type="checkbox"/>
Amount:		Positive Financial Impact <input type="checkbox"/>

If fund expenditure or positive revenue generation is expected, the amount and the line item name/number must be stated. If required funds for an expenditure are not available in the appropriate line item but they are available in a different line item within the department, you must state from which line item name/number you propose to transfer the funds.

STAFF RECOMMENDATION:

APPROVAL:


 Joshua J. Gooden, Mayor

ATTACHMENTS:

1. GIS Plat of location
2. Letter from Mr. Gorman
3. §110-715, §110-603, §110-802
4. Emergency Guide
5. Evacuation Plan

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.



ROCKINGHAM COUNTY



www.interactiveGIS.com

Printed 01/23/2023

Courtesy of VGIN, Commonwealth of Virginia

January 20, 2023

To the Town of Elkton and to those whom it may concern,

I am writing this letter in reference to the home that I inherited from my father, Paul Gorman at 252 Kensington Drive, in the Woodbridge Development, Town of Elkton Virginia. I am seeking permission and permit approval to use my home as a short term rental on AirBnB and VRBO, etc.

My wife and I are residents of the State of Colorado, but enjoy coming and visiting Elkton and the Shenandoah Valley. The costs to own homes in two states has proven to be very expensive, and I'd like to offset the costs. We could see ourselves moving to the home in the future, and this would provide us the opportunity to keep the home, while we work through those details. We do plan on living in the home 8-12 weeks per year.

Our plan is not to turn this home into a business to make profit. The intention is to occasionally rent the home to offset our overhead and fixed costs in ownership. We will not allow renters under the age of 25 years old, we will only rent to guests with high previous rental review scores, are limiting the total number of guests to 6 people (2 people per bedroom), and am not allowing smoking of any kind, or pets of any kind. We feel that by implementing these restrictions, we can minimize the impact not only to the home, but also any disruption/annoyances to our neighbors. The house has an empty lot on both sides, has a large front driveway for parking (easy will handle 4 vehicles), and will continue to be maintained and kept up as it has been.

I appreciate your time and consideration this matter.

Sincerely,

Sean Gorman

A handwritten signature in blue ink, appearing to read 'Sean Gorman', with a stylized flourish at the end.

§ 110-715 Short-term rentals.

[Added 9-17-2018]

All short-term rentals shall be subject to the following conditions, which conditions shall be approved by the Zoning Administrator, in the Zoning Administrator's sole discretion, and which conditions the Zoning Administrator shall have the authority to enforce, in addition to any other enforcement mechanism in this Code:

A. The owner(s) of any dwelling shall apply for a Town of Elkton business license pursuant to the terms of Chapter **148**, Taxation, of the Town Code, prior to using the dwelling as a short-term rental.

B. Prior to using the dwelling as a short-term rental, the owner(s) shall obtain a special exception permit pursuant to the terms of Article **VIII** herein.

Owner(s) shall not be required to submit a site plan as detailed in § **110-802B(1)**; however, owner(s) shall provide any documentation requested by the Zoning Administrator detailing the proposed use of the property, including, but not limited to, the area(s) or rooms of the property to be utilized for short-term rental and the emergency evacuation plan detailed in Subsection **G** below.

C. Prior to using the dwelling as a short-term rental, a property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted for review and approval by the Zoning Administrator. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to Town staff, public safety officials and, if applicable, the HOA/POA of the subdivision. The plan must be provided as part of the rental contract.

D. Maximum number of occupants shall be no more than two individuals over the age of 12 per bedroom.

E. Parking for the short-term rental shall be located in driveways or other designated and approved parking areas. Parking of vehicles is prohibited in or along all rights-of-way.

F. Upon application for a business license, the Rockingham County Building Official may do a life safety inspection of the short-term rental.

G. The owner(s) of the short-term rental shall post in a conspicuous place an emergency evacuation plan for the dwelling and the neighborhood. The owner shall provide a copy of the proposed plan to the Town at the time of

application for a permit, which plan must be approved by the Town prior to issuance of the permit.

H. The owner(s) of the short-term rental property shall be obligated to pay lodging taxes on the short-term rental as more particularly detailed in Chapter **148**, Article **VI**, of the Town Code.

I. Failure to comply with these supplemental regulations will result in violation of the Town of Elkton Zoning Ordinance.

J. Pursuant to Code of Virginia, § 15.2-983, as amended from time to time, all owners of short-term rental properties, except those individuals listed in Code of Virginia, § 15.2-983.B.2, shall be required to register annually the use of the property as a short-term rental with the Zoning Administrator. Such application shall be filed no later than January 31 of each year. The application shall be on a form prescribed by the Zoning Administrator. The owner(s) shall be required to provide the complete name of the owner(s) and the address of each property in the locality offered for short-term rental by the owner and such other information as the Zoning Administrator may require. The Town shall collect a registration fee from the property owner(s) at the time of each annual registration in the amount of \$100 per year. Notwithstanding any other provision of this Code, failure to comply with this Subsection **J** will result in a \$500 penalty per property per violation. Until such time that the owner(s) pays the penalty and registers such property, the owner(s) may not continue to offer such property for short-term rental. Upon repeated violations of this registry requirement as it relates to a specific property, an owner(s) may be prohibited from registering and offering that property for short-term rental. In addition, any owner(s) required to register a short-term rental property may be prohibited from offering a specific property for short-term rental in the Town upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

§ 110-603 Low-Density Residential District R-2.

A. Purpose of Low-Density Residential District R-2. This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life. To these ends, development is limited to relatively low concentration, and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

B. Permitted uses. Within the Low-Density Residential District R-2 the following uses are permitted:

(1) Single-family detached dwellings.

(2) Public utilities.

(3) Public water and sewage facilities.

(4) Public service or storage buildings.

(5) Modular homes.

[Added 3-25-1991]

(6) Accessory apartment, subject to the provisions of § **110-716**.

[Added 1-28-2020]

C. Special exceptions. When, after review of an application and hearing thereon, in accordance with Article **VIII** herein, the following uses may be permitted by special exception permit:

[Amended 3-25-1991]

(1) Schools.

(2) Churches and other places of worship with attendant educational and recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot.

(3) Public parks, playgrounds, recreational facilities, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet from any residential lot.

(4) Child-care centers and family day-care homes. The main structure shall not be located closer than 50 feet from any residential lot.

(5) Bed-and-breakfast facilities, limited.

(6) Cemeteries.

(7) (Reserved)^W

[1] *Editor's Note: Former Subsection C(7), home occupations, which immediately followed, was redesignated as an accessory use 4-18-2005. See now Subsection **D(10)**.*

(8) Other uses of the same general character as those listed above and deemed appropriate by the Planning Commission and in accordance with Article **VIII**.

(9) Short-term rental.

[Added 9-17-2018]

D. Accessory uses. Where a lot is devoted to a permitted principle use, customary accessory uses and structures are authorized, including but not limited to the following:

[Amended 11-18-1991]

(1) Living quarters of persons principally employed on the premises.

(2) Travel trailers, which may be stored within the minimum yard requirements and shall be prohibited from occupancy.

(3) Temporary buildings or office trailers for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work.

(4) Signs as provided for in Article **VII**.

(5) Parking as provided for in Article **VII**.

(6) Private parking garage.

(7) Shelter for house pets.

(8) Private swimming pool.

(9) Satellite antenna.

(10) Home occupations in accordance with § **110-705**.

[Added 4-18-2005]

E. Lot regulations.

(1) Main building:

(a) Minimum lot size:

[1] 12,500 square feet with public water and sewer.

[2] 21,000 square feet with other facilities.

[3] For certain R-2 lots with frontage at the setback line of 50 feet or more but less than 100 feet, see the exception contained in § **110-708B(1)(b)**.

(b) Setback: 25 feet.

(c) Frontage at setback: 100 feet.

(d) Side yard:

[1] One side: 10 feet.

[2] Two sides: 20 feet.

[3] Add 15 feet for corner lots.

[4] Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same blocks and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the existing side yards on the developed lots, plus 15 extra feet for corner lots.

[Amended 11-18-2013]

(e) Rear yard: 25 feet.

(f) Maximum height: 35 feet.

[1] The height limit for dwellings may be increased up to a maximum of 45 feet and up to three stories, provided that each side yard is 20 feet, plus one foot or more of side yard for each additional foot of building height over 35 feet.

[2] A public or semipublic building, such as a school, church, or library, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

[3] Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antenna and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

[4] For buildings over 45 feet in height, approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

(2) Accessory Buildings and uses: 10 feet from main building.

(a) Side yard: 5 feet.

(b) Add 15 feet for corner lots.

(c) Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the average of the existing side yards on the existing developed lots.

(d) Rear yard: 5 feet.

(e) Height: 35 feet. Accessory buildings over one story in height shall be at least 10 feet from any lot line. All accessory buildings shall not exceed the main building in height.

F. See § **110-701**, Area regulations.

G. See § **110-708**, Nonconforming uses.

§ 110-802 Zoning and building permit procedures.

Zoning and building permits shall be issued in accordance with the following provisions and procedures:

C. Application procedure for special exceptions. An application for a special exception permit for a special exception shall be submitted to the Zoning Administrator, who shall refer the application to the governing body for a public hearing. An application for a special exception permit must be submitted in accordance with the following procedures:

(1) An application shall be accompanied by two copies of an acceptable site plan drawn in accordance with applicable provisions of this § **110-802** of this chapter, with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, as a minimum, the following: the dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); watercourses, fences, street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.

(2) An application for a special exception permit for a special exception shall be accompanied by payment of a fee as set forth in Article **X** to help defray the cost of publicizing and conducting the public hearing.

(3) The application shall be sent to the Commission for review and recommendation, and said Commission shall have 60 days within which to submit a report. If the Commission fails to submit a report within a sixty-day period, it shall be deemed to have approved the proposed special exception.

(4) The governing body shall consider the proposed special exception after notice and public hearing in accordance with § 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed special exception within 60 days from the date of the public hearing.

(5) In evaluating the proposed special exception, the governing body shall address the following concerns:

(a) The effect of the proposed special exception, on existing and projected traffic volumes in the neighborhood.

(b) The current and future need for the proposed use in the Town of Elkton.

(c) The character of the existing neighborhood and the effect of the proposed use or special exception on existing property values.

(d) Compatibility with surrounding uses.

(e) The consistency with the intent of this chapter and the Comprehensive Plan, the public interest, and all other provisions of law and ordinances of the Town of Elkton.

(f) The proximity of dwellings, churches, schools, parks, or other places of public gathering.

[Added 1-19-2006]

(g) The probable effect of the proposed use on the peace and enjoyment of people in their homes.

[Added 1-19-2006]

(h) The preservation of cultural and historical landmarks and trees.

[Added 1-19-2006]

(i) The probable effect of noise and glare upon the uses of surrounding properties.

[Added 1-19-2006]

(j) The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods.

[Added 1-19-2006]

(6) In approving a proposed special exception, the governing body may impose such conditions and requirements as are necessary to protect the public interest. The governing body may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfillment of any and all conditions and requirements imposed by the governing body.

(7) If the governing body approves the application for a zoning permit for a proposed special exception, the Zoning Administrator shall issue a special exception permit, indicating the restricted nature of the use.

(8) If the governing body disapproves the application for a zoning permit for a proposed special exception, the governing body shall inform the applicant of the decision in writing within 30 days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one copy of the site plan and one copy of the refusal, and shall keep them as a public record.

(9) A property owner, or his or her agent, shall not initiate action for a special exception permit relating to the same special exception affecting the same parcel of land more often than once every 12 months.

(10) A use allowed by a special exception permit must be put into effect six months after the date the permit is issued, unless otherwise provided in the permit itself.

(11) A special exception permit which has expired pursuant to Subsection **C(10)** above may be granted by the Town Council upon written request. Such renewal does not require a public hearing unless the original conditions in the permit are changed, but notice of the renewal shall be shown on the agenda of the Town Council.



Emergency Guide for your stay

To help make sure your stay is a safe one, here's some important info in case of emergencies.



This address

252 Kensington Drive
Elkton, VA 22827



Telephone numbers

Emergency: **911**
Local Fire Department: (540) 298-8555
Non-Emergency Police: (540) 298-9441



Nearest hospital or medical center

Name: Rockingham Memorial Hospital
Address: 2010 Health Campus Dr
Harrisonburg, VA 22801



Safety amenities

☐ Fire extinguisher
Location: Under Kitchen Sink

☐ First aid kit
Location: Under the bathroom sink

☐ Gas shut-off valve
Location: Outside back door on west outer wall
of home (Yellow valve on wall)



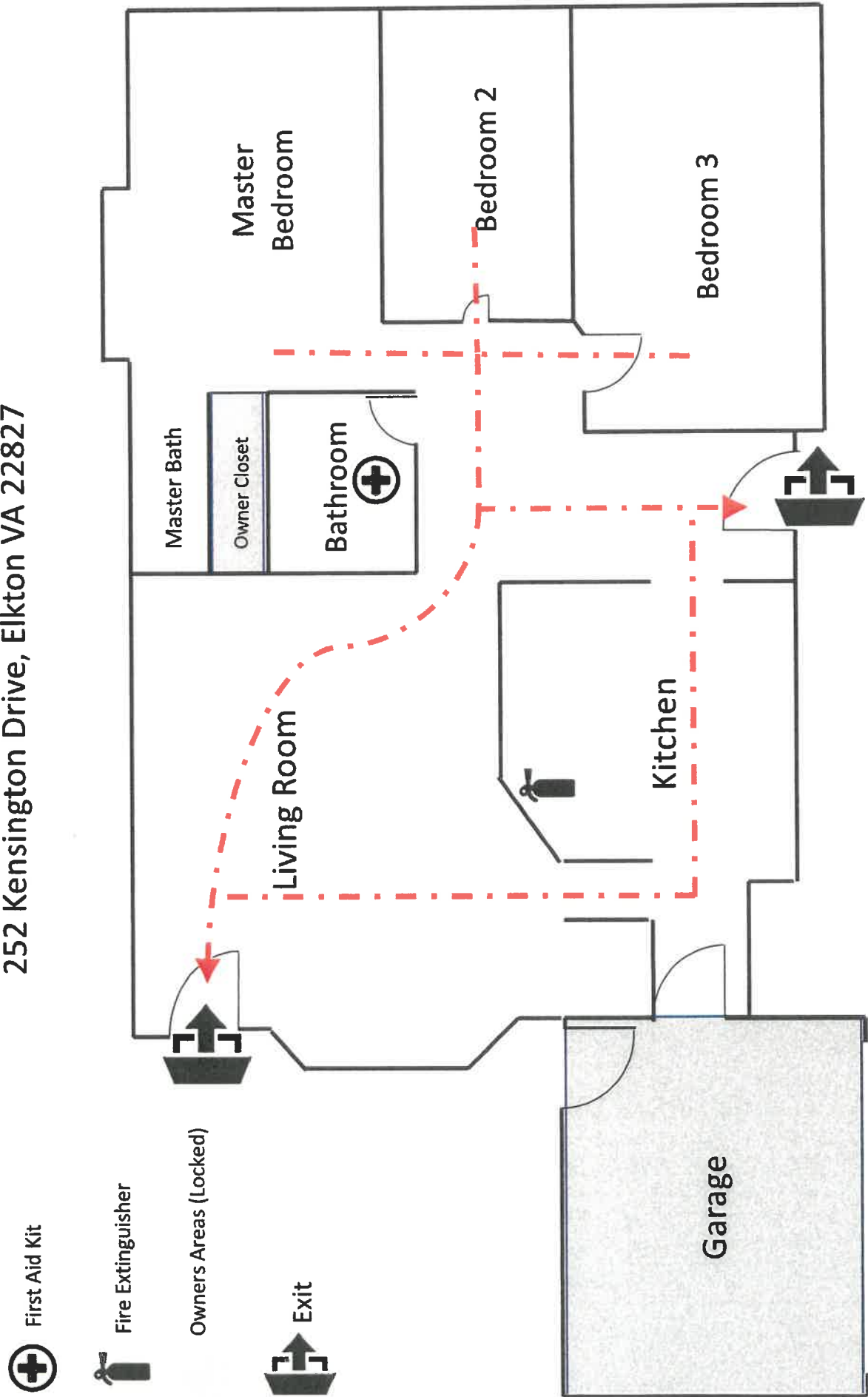
Emergency evacuation plan

What to do/where to go:

In case of emergency

EVACUATION PLAN

252 Kensington Drive, Elkton VA 22827



SHORT TERM RENTAL AGREEMENT

1. The Parties

This agreement made this ____ day of _____, 20____ between
_____[name of tenant] of _____ [address of tenant] Hereinafter referred to
as "Tenant", and _____ [name of landlord] of _____ [address of landlord] Hereinafter referred
to as "Landlord".

2. The Property

Property Location: 252 Kensington Drive, Elkton, VA 22827

3. Period and Guests

Total people in renting party consists of _____ Adults, _____ Children, _____, and not to
exceed 6.

Rental period begins at ____:____ ☐ AM ☐ PM (local time) on the ____ day of
_____, 20____ and ends at ____:____ ☐ AM ☐ PM on the
day of _____, 20____.

4. Rental Amount

Total rental amount for the period is _____ Dollars (\$_____)
or equal to _____ Dollars (\$_____) per night.

5. Fees, Taxes, and Deposit

☐ Cleaning Fee: \$_____

☐ Security Deposit: \$_____

☐ Taxes: \$_____

☐ Other _____: \$_____

Total Deposit and Fees Due with Signed Agreement: \$ _____

6. Termination

The Landlord has the right to inspect the premises and complete necessary repairs with prior notice as stated with the applicable laws. Should the Tenant violate any of the terms of this agreement, the rental period shall be terminated immediately in accordance with applicable law. The Tenants waive all rights to process if they fail to vacate the premises upon termination of the rental period. The Tenants shall vacate the premises at the expiration time and date of this agreement.

7. Maintenance and Repairs

The Tenants shall maintain the premises in a good, clean, and ready to rent condition, and use the premises only in a careful and lawful manner. Tenants shall pay for maintenance and repairs should the premises be left in a lesser condition. The tenants agree that the Landlord shall deduct costs of said services from the security deposit prior to refund if tenants cause damage to the premises or its furnishings.

8. House Rules.

Tenant agrees to abide by the House Rules attached as Exhibit A at all times while at the property and shall cause all members of the rental party and anyone else Tenant permits on the property to abide by such rules at all times while at the property.

9. Trash

The Tenants shall dispose of all waste material generated during the rental period in the designated garbage and recycling area.

10. Subletting

The Tenant shall not have the right to sublet the property.

11. Quiet Enjoyment

The Tenants shall behave in a civilized manner and shall be good neighbors respecting the rights of the surrounding property owners. The Tenants shall not create noise or disturbances likely to disturb or annoy the surrounding property owners. Creating a disturbance of the above nature shall be grounds for immediate termination of this agreement and Tenants shall then immediately vacate the premises.

12. Essentials

Landlord shall provide the Tenant with towels, linens, cups, knives, forks, spoons and dishes. It is the responsibility to the Tenant to clean the forgoing during the tenancy.

13. Landlord's Liability

The Tenants and Tenants' Guests shall hereby indemnify and hold harmless the Landlord against any and all claims of personal injury or property damage or loss arising from use of the premises regardless of the nature of the accident, injury or loss. Tenants expressly recognize that any insurance for property damage or loss which the Landlord may maintain on the property does not cover the personal property of Tenants, and that Tenants should purchase their own insurance for Tenants and Guests if such coverage is desired.

14. Rental Deposit

Amount is fully refundable up to _____ prior to the beginning of the rental period. After said period prior to the rental start date the Landlord shall have the right to retain the initial Rental Deposit at the Landlord's discretion.

15. Attorney's Fees

Tenants agree to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by Landlord enforcing this agreement.

16. Use of Property

Tenants expressly acknowledge and agree that this Agreement is for transient occupancy of the Property, and that Tenants do not intend to make the property a residence or household nor will it be used for commercial purposes.

17. Shortened Stays and Conditions

There shall be no refunds of rents due to shortened stays or ruined expectations because of weather conditions.

18. Showings

If the property should go on the MARKET FOR SALE, it may be shown to qualified buyers during the Tenant's stay. Every effort will be made to schedule the showing at a convenient time and not interrupt the Tenant's term. Tenant shall allow reasonable viewings of the home between 9 am and 8 PM (local time) whether they may be present or not.

19. Firearms and Hazardous Materials

Firearms shall not be allowed on the premises. Tenant agrees that Fireworks and other hazardous materials shall not be used in or around the property.

20. Illegal Use

Tenant shall use the property for legal purposes only and other use, such as but not limited to, illegal drug use, abuse of any person, harboring fugitives, etc. shall cause termination of this agreement with no refund of rents or deposits. No Tenant shall grow any Marijuana, Cannabis or similar plant in any part of the premises.

21. Possessions

Valuable items left behind by tenant will be held for the tenant and every reasonable effort will be made to contact the tenant for return. If items are not claimed for longer than 15 days they shall become the property of the Landlord. The Landlord shall not be held liable for condition of said items.

22. Streaming TV

Streaming TV is provided and service level has been chosen by the Landlord. No refund of rents shall be given for outages, content, lack of content, or personal preferences with regard to streaming TV service.

23. Internet

High speed wireless internet is provided as a convenience only and is not integral to the agreement. No refund of rents shall be given for outages, content, lack of content, speed, access problems, lack of knowledge of use, or personal preferences with regard to internet service.

24. Manager/Landlord Contact

Landlord/Manager's Name: Natalie Gheen

Landlord/Manager's Telephone: (540) 333-4099

Landlord/Manager's E-Mail: natali3lee@gmail.com

Landlord/Manager's Address: _____

25. Governing Law

This agreement is governed under the laws of State of Virginia.

26. Other Agreements

In addition to the language stated in this agreement the parties, Landlord and Tenant, agree to the following:

Landlord and Tenant agree to the above conditions on this ____ day of _____, 20____ and hereby swear that the information provided is accurate and true:

Tenant's Signature _____ **Date** _____

Print Name _____

Tenant's Signature _____ **Date** _____

Print Name _____

Landlord's Signature _____ **Date** _____

Print Name _____

Exhibit A

House Rules

- No pets
- No smoking (Marijuana or tobacco cigarettes, cigars, electronic cigarette or any similar product whose use generates smoke or vapours), parties, or events
- Check-in is anytime after 4PM and check out by 10AM
- Self check-in with keypad
- Self check-in with keypad code
- Guests MUST be 25 years of age to rent, and guests under 18 years of age must never be left alone in the home.
- No bikes or skis in the home, use the front or back porch.
- No outdoor shoes on the carpet
- Use dark towels or remover cloths to remove any makeup (25\$ charge if light bath towel is used, 15\$ charge if white hand or face towel is used)
- Please be respectful of the neighbors and reduce noise volume between 10PM & 8AM
- Vehicles must be parked in the driveway only. No vehicles on the grass/ lawn, or parked on the roadway/ right of ways. Maximum number of vehicles is 4 (as long as they fit on the driveway). You are required to clean up any oil or leaking fluids from your vehicle. You will be charged for cleaning of the driveway if spots are left.
- 3 Night Minimum stay required but can not exceed 30 nights consecutively. Any stay beyond 6 nights requires additional cleaning charges for a cleaning to be completed on the 7th day of stay, etc.
- No more than 6 Guests are allowed to stay in the home. The number of guests must be agreed upon prior to staying and you will be charged additionally for guests not claimed.
- Maximum number of occupants must not exceed 2 people over the age of 12 years old.
- This is a short term rental only. The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of at least two consecutive days but fewer than 30 consecutive days, in exchange for a charge for the occupancy.
- Lawn care is provided by a service. They will be allowed on the property to access the lawn .
- Trash is picked up on Friday morning. Bags are to be left near the mailbox for pickup. Everything must be bagged to be picked up. Any garbage left that is billed to the home due to it's size or nature will be passed along as an additional charge to the renter.



Staff Report/Recommendation

REQUESTING DEPARTMENT: Community Development

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Schedule a joint public hearing with the Elkton Planning Commission to receive comments on a request from Tiffany Shepherd at 101 Hill Avenue for issuance of Special Exception permit for a Short Term Rental.

BACKGROUND: On January 31, 2023 the Elkton Planning Commission voted unanimously to recommend a joint public hearing with Town Council to receive comments on a request from Tiffany Shepherd for the issuance of Special Exception Permit §110-604 C (12) in compliance with code §110-715 Short-term rentals.

ACTION REQUESTED:

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input checked="" type="checkbox"/>	Closed Session <input type="checkbox"/>

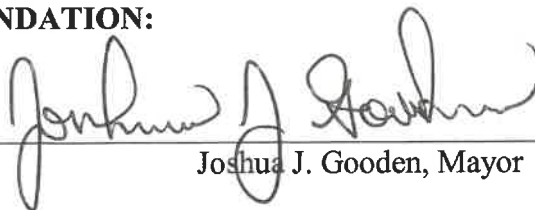
FINANCIAL IMPACT:

Budgeted: YES ☐ NO ☐ No Financial Impact ☒
 Amount:
 Budget Line Item:

If expenditure of funds is required, the amount and line item name/number must be stated. If funds are unavailable in the appropriate line item, but are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state, "There is no financial impact to the Town."

STAFF RECOMMENDATION:

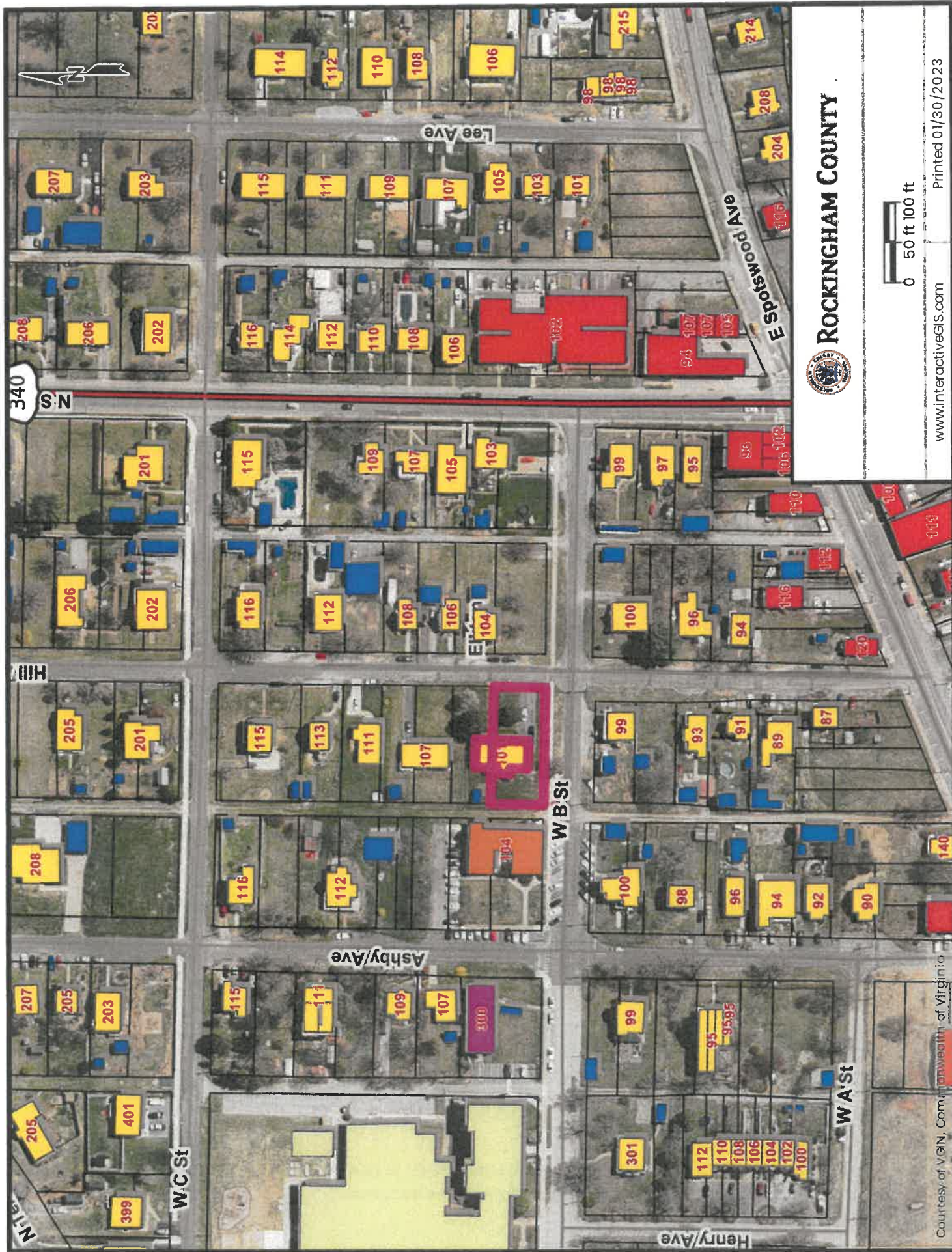
APPROVAL:


 Joshua J. Gooden, Mayor

ATTACHMENTS:

1. GIS Plat of location
2. §110-604
3. Evacuation Guide
4. Rental rules

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.



§ 110-604 **Single-Family Residential District R-3.**

A. Purpose of Single-Family Residential District R-3. The purpose of the R-3 Single-Family Residential District is to encourage residential neighborhoods and to stabilize and protect the essential character of such neighborhoods. The regulations for this district tend to protect against encroachment of commercial or industrial uses and other uses likely to generate noise, crowds, concentrations of traffic, light, dust, odors, smoke, or other obnoxious influences.

B. Permitted uses. Within the Single-Family Residential District R-3 the following uses are permitted:

- (1)** Single-family detached dwellings.
 - (2)** Public utilities.
 - (3)** Public water and sewage facilities.
 - (4)** Public service or storage buildings.
 - (5)** Modular homes.
- [Added 3-25-1991]

(6) Accessory apartment, subject to the provisions of § **110-716**.
[Added 1-28-2020]

C. Special exceptions. When, after review of an application and hearing thereon, in accordance with Article **VIII** herein, the following uses may be permitted by special exception permit:
[Amended 3-25-1991]

- (1)** Schools.
- (2)** Churches and other places of worship with attendant educational, and recreational facilities. No recreational facility shall be located closer than 100 feet from any residential lot.
- (3)** Public parks, playgrounds, recreational facilities, tennis courts, public swimming pools, and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than 100 feet from any residential lot.
- (4)**
Child-care centers and family day-care homes. The main structure shall not be located closer than 50 feet from any residential lot.
- (5)** Family care homes, foster homes, or group homes serving the mentally retarded, developmentally disabled or others, rest homes, homes for adults, or nursing homes, provided that licensing requirements are met.
- (6)** Bed-and-breakfast facilities, limited.

(7) Homes for adults.

(8) Commercial radio wave towers.

(9) Cemeteries.

(10) Professional offices.¹³

[Added 6-7-2021]

*[1]Editor's Note: Former Subsection C(10), home occupations, was redesignated as an accessory use 4-18-2005. See now Subsection **D(10)**.*

(11)

Other uses of the same general character as those listed have and deemed appropriate by the Planning Commission and in accordance with Article **VIII**.

(12) Short-term rental.

[Added 9-17-2018]

D. Accessory uses. Where a lot is devoted to a permitted principle use, customary accessory uses and structures are authorized, including but not limited to the following:

[Amended 11-18-1991]

(1) Living quarters of persons principally employed on the premises.

(2) Travel trailers which shall be stored within the minimum yard requirements and shall be prohibited from occupancy.

(3) Temporary buildings or office trailers for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work.

(4) Signs as provided for in Article **VII**.

(5) Parking as provided for in Article **VII**.

(6) Private parking garage.

(7) Shelter for house pets.

(8) Private swimming pool.

(9) Satellite antenna.

(10) Home occupations in accordance with § **110-705**.

[Added 4-18-2005]

E. Lot regulations.

(1) Main building:

(a) Minimum lot size:

[1] 10,000 square feet with public water and sewer.

[2] 21,000 square feet with other facilities.

[3] Existing lots of 6,250 square feet or greater may be developed in the R-3 Residential Single-Family, R-4 Residential, and R-5 Residential Districts. All

subdivision of parcels into lots less than 6,250 square feet shall be prohibited in all districts, except for R-4 and R-5 Residential Districts. The R-1 and R-2 Districts will remain the same, but the R-3 Residential Single-Family District will require lot sizes of a minimum of 10,000 square feet.

[Amended 6-17-1997]

(b) Setback: 25 feet.

(c) Frontage at setback: 50 feet.

(d) Side yard:

[1] One side: five feet.

[2] Two sides: 15 feet.

[3] Add 15 feet for corner lots.

[4] Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same blocks and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the existing side yards on the developed lots, plus 15 extra feet for corner lots.

[Amended 11-18-2013]

(e) Rear yard: 25 feet.

(f) Maximum height: 35 feet.

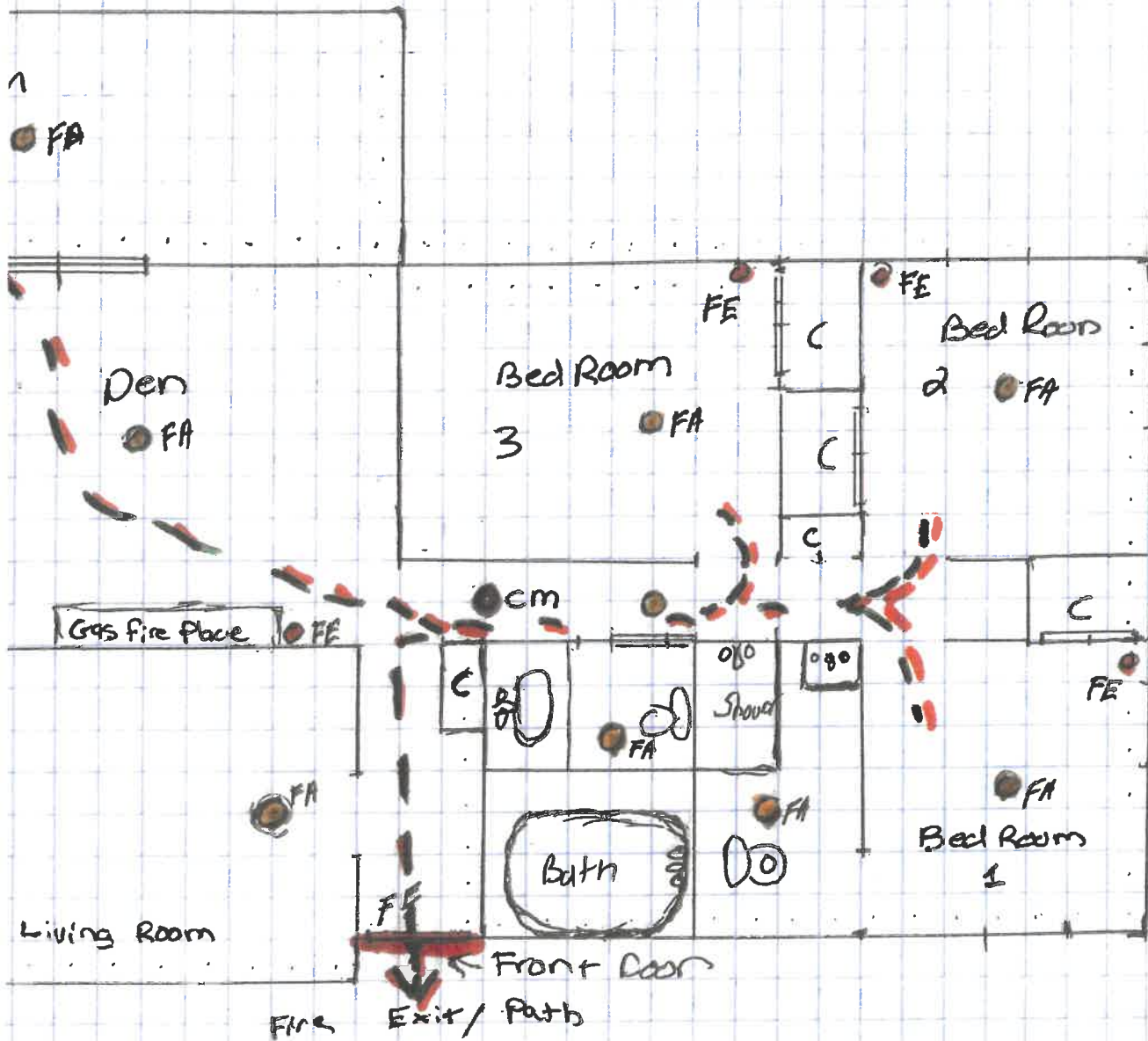
[1] The height limit for dwellings may be increased up to a maximum of 45 feet and up to three stories, provided that each side yard is 20 feet, plus one foot or more of side yard for each additional foot of building height over 35 feet.

[2] A public or semipublic building, such as a school, church, or library, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

[3] Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antenna and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

[4] For buildings over 45 feet in height, approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workers are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

(2) Accessory buildings and uses: 10 feet from main building.



(a) Side yard: five feet.

[1] Add 15 feet for corner lots.

[2] Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the average of the existing side yards on the existing developed lots.

(b) Rear yard: five feet.

(c) Height: 35 feet. Accessory buildings over one story in height shall be at least 10 feet from any lot line. All accessory buildings shall not exceed the main building in height.

F. See § **110-701**, Area regulations.

G. See § **110-708**, Nonconforming uses.

Rental Rules 101 hill Ave Elkton .Va 22827

- No loud noise after 10 p.m.
- No parties or events.
- No pets.
- No smoking in the house.
- No shoes inside of the house.
- Upon checking out all dishes to be placed in the dishwasher and start the dishwasher..
- All bedsheets and towels to be placed in the provided laundry basket.
- All lights and appliances to be turned off.
- Upon check out, set the thermostat back to 67 degrees during winter.
- Upon check out, set the thermostat back to 75 degrees during summer.
- Upon check out key's need to be returned to the lock box on the front door and all doors and windows need to be locked.

Rules of Rental Contract

Property Address:

101 hill Ave Elkton .Va 22827

Maximum Number of Guest and house Rules:

3 Bedroom

Max Guest 6

Period of 2 days no more than 30 consecutive days.

Rental Rules 101 hill Ave Elkton .Va 22827:

- No loud noise after 10 p.m.
- No parties or events.
- No pets.
- No smoking in the house.
- No shoes inside of the house.
- Upon checking out all dishes to be placed in the dishwasher and start the dishwasher..
- All bedsheets and towels to be placed in the provided laundry basket.
- All lights and appliances to be turned off.
- Upon check out, set the thermostat back to 67 degrees during winter.
- Upon check out, set the thermostat back to 75 degrees during summer.
- Upon check out key's need to be returned to the lock box on the front door and all doors and windows need to be locked.
- Parking Park only in the driveway.. No parking on the side of the street..

Point of Contact:

Management Phone: Tiffany Shepherd (540)271-0006

Other Phone: Kevin shepherd (540)287-6672

Email: absolutelymyairbandb@gmail.com

Other Email: chipset2009@gmail.com

Parking:

- Park only in the driveway.. No parking on the side of the street..



Staff Report/Recommendation

REQUESTING DEPARTMENT: Community Development

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: A request from Rockingham County to rezone real estate consisting of one parcel containing 3.049 +/- acres located on 20871 Blue and Gold Drive, further described as tax map no. 131-A-34B from R-8 Planned Unit Development to General Business District B-2.

BACKGROUND: On January 31, 2023 the Elkton Planning Commission voted unanimously to recommend a joint public hearing with Town Council to receive comments on the rezoning (map amendment) request.

ACTION REQUESTED:

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Report <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input checked="" type="checkbox"/>	Closed Session <input type="checkbox"/>

FINANCIAL IMPACT:

Budgeted: YES ☐ NO ☐ No Financial Impact ☒
 Amount:
 Budget Line Item:

If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."

STAFF RECOMMENDATION:

APPROVAL: _____

Joshua J. Gooden, Mayor

ATTACHMENTS:

1. §110-611 B-2 General Business District Code
2. §110-609 R-8 Planned Unit Development District
3. Plat prepared by Newman Surveying dated January 6, 2023
4. Rockingham County GIS

§ 110-611 General Business District B-2.

A. Intent of General Business District B-2. Generally, this district covers that portion of the Town intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theaters, business offices, newspaper offices, printing presses, restaurants and taverns, and garages and service stations.

B. Permitted uses. Within the General Business District B-2 the following uses are permitted:

(1) Department stores, variety stores, specialty shops, discount shops, and appliance stores.

(2) Bakeries.

(3) Laundries, dry cleaning shops, and clothes dyeing establishments.

(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.

[Amended 12-19-2005]

(5) Retail stores and shops.

(6) Theaters, assembly halls, playhouses and dinner theaters.

(7) Hotels.

(8) Banks and loan and finance offices, including drive-in types.

(9) Churches and other places of worship, and church school buildings.

(10) Libraries.

(11) General hospitals.

(12) Special care hospitals.

(13) Funeral home and/or mortuary.

(14) Automobile service stations and public garages (with major repair under cover).

(15) Clubs and lodges.

(16) Automobile sales.

(17) Lumber and building supply (with storage under cover).

(18) Plumbing and electrical supply (with storage under cover).

(19) Carpentry, cabinet making, furniture refinishing, woodworking, electrical, plumbing, heating, welding sheet metal, appliance, bicycle, watch and shoe

repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops, provided that any use shall be conducted within a completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary windows or required fire exits within 100 feet of any residential district.

(20) Public utilities.

(21) Public service and storage buildings.

(22) Restaurants including dairy product stores and soda fountains, and drive-in restaurants.

(23) Newspaper offices and printing shops.

(24) Business and professional offices.

(25) Greenhouses.

(26) Police, fire, and rescue squad stations.

(27) Post offices.

(28) Bus stations and taxi stands.

(29) Radio and television broadcasting studios.

(30) Public buildings and properties of a cultural, administrative, or service type.

(31) Individual residential uses associated with a permitted use such as the residence of an entrepreneur, but not including subdivisions and multifamily complexes.

(32) Parking garages and parking lots.

(33) Business and vocational schools.

(34) Off-street parking as required by this chapter.

(35) Signs as provided in Article **VII**.

(36) Museums.

(37) Picture frame manufacturing and assembling.

(38) Single-family detached dwelling, provided that the single-family detached dwelling is existing and otherwise conforms with all other requirements in Chapter **110** as of the date of the adoption of this subsection with lot regulations and accessory uses consistent with R-3 District standards, and there shall be no more than one single-family detached dwelling per lot.

[Added 1-18-2010]

C. Special exceptions. When after review of an application and hearing thereon, in accordance with Article **VIII** herein, the following uses may be permitted by special exception permit:

(1) Wholesale and processing not objectionable because of dust, noise, or odors.

(2) Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement.

(3) Satellite antennas.

(4) Athletic fields, stadiums, and arenas.

(5) Beverage manufacturing, bottling or distribution stations and food processing, packaging, or distribution stations.

(6) Circuses, carnivals, fairs, and sideshows.

(7) Drive-in theaters, provided that all parts of such drive-in shall be distant at least 200 feet from any residential district and provided that the screen shall be located as not to be visible from adjacent streets or highways, and it shall be set back not less than 200 feet from the established right-of-way of said street or highway.

(8) Livestock market and sales pavilions.

(9) Overnight recreational vehicle park.

(10) Shooting range or gallery.

(11) Wholesale business, storage or warehouse provided that any such use shall be distant at least 50 feet from any residential district.

(12) Existing apartments in structures existing at the time of adoption of this chapter.

(13) Commercial kennels and animal hospitals, provided that any structure or premises used for such purposes shall be located at least 200 feet from any residential district.

(14) Swimming pools, skating rinks, golf driving ranges, miniature golf courses, or similar recreational use or facility if located at least 200 feet from any residential lot.

(15) Auction houses.

[Added 12-18-2000]

(16) Telecommunications facilities.

[Added 12-18-2000]

(17) Other uses of the same general character as these listed above and deemed appropriate by the Planning Commission and in accordance with Article **VIII**.

(18) Adult businesses.

[Added 1-19-2006]

(19) Structures that were originally designed to be residential in nature, existed before January 18, 2010, but did not meet the requirements for single-

family dwellings at that time, may be permitted to be returned to single-family dwellings provided that the following requirements are met:

[Added 8-17-2015]

(a) The structure is proven to be habitable.

(b) The structure meets R-3 District standards.

(c) The owner certifies that no more than one family will live in the dwelling.

(d) Two off-street parking spaces are provided.

(e) The use of this structure as a residence is not in conflict with existing businesses.

(20) Short-term rental, provided the property is a permitted use under § **110-611B(38)**.

[Added 9-17-2018]

(21) Motel, motel court, motor hotel, lodge, or inn.

[Added 5-17-2021]

D. Requirements for permitted uses in the General Business District B-2. Final grading and site finishing are required on the parcel where uses are permitted in this district. The execution of this requirement must take into consideration traffic hazards. Landscaping will be restricted to a height of three feet within 50 feet of the intersection of two roads.

E. Accessory uses. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

(1) Living quarters in the main building of persons employed on the premises.

(2) Private parking garage.

(3) Temporary buildings and/or trailers for uses incidental to construction work; such buildings shall be removed upon completion or abandonment of the construction work.

(4)

Signs as provided for in Article **VII**.

(5) Parking as provided for in Article **VII**.

F. Lot regulations.

(1) Main building: N/A.

(a) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Zoning Administrator shall require greater area as considered necessary by the Health Official.

(b) Setback: 25 feet.

(c) Frontage at setback: 50 feet.

(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.

[Amended 12-20-2004]

(e) 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.

[Amended 12-20-2004]

(f) Maximum height: 35 feet.

[1] The height limit for dwellings may be increased up to a maximum of 45 feet and up to three stories, provided that each side yard is 20 feet, plus one foot or more of side yard for each additional foot of building height over 35 feet.

[2] A public or semipublic building, such as a school, church, or library, may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

[3] Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antenna and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

[4] For buildings over 45 feet in height, approval shall be obtained from the Zoning Administrator. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.

(2) Accessory buildings and uses: zero feet from main building.

(a) 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.

[Amended 12-20-2004]

(b) Height: 35 feet. Accessory buildings over one story in height shall be at least 10 feet from any lot line. All accessory buildings shall not exceed the main building in height.

G. See § **110-701**, Area regulations.

H. See § 110-708, Nonconforming uses.

§ 110-609 Planned Unit Development District R-8.

A. Purpose and intent. The purpose of the Planned Unit Development District R-8 is to permit larger-scale development and clustering of single-family residential dwelling units through design innovation to provide for a neighborhood with a variety of housing types and densities, neighborhood shopping facilities, schools, parks, playgrounds, off-street parking and, where necessary, land reserved to provide local employment opportunities. The development in this district shall substantially conform to a comprehensive land use master plan and shall conform to a detailed final plan. Land zoned R-8 for which a master plan conforming to the requirements of this chapter has not been approved shall not be further developed until a master plan, final plan and, as applicable, a subdivision plat have been approved. With respect to land located in a district other than R-8 for which R-8 zoning is sought, an approved master plan shall be a requirement of the rezoning process and a proposed master plan shall be submitted with the application for an amendment to the Zoning Map.

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

[Amended 10-17-2005]

(1) Single-family detached dwellings with 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 with R-5 District standards.

C. Accessory uses. In addition to the principal uses, other commercial or noncommercial service uses may be permitted provided that:

(1) Such uses are intended primarily to serve the needs of the project area residents.

(2) Such uses are designed and located for the convenience of project area residents and to protect the character of the district.

(3) All subsequent changes in use shall be approved by the Planning Commission or its agent.

(4) All commercial uses shall not total more than 10% of the total project area.

(5) Construction of commercial facilities shall not begin until 25% of the residential units or 250 dwelling units, whichever is less, of the total planned development has been completed.

D. Qualifying requirements. A tract or parcel of land may be considered for R-8 Planned Unit Development District Zoning only if it meets the following conditions:

(1) Ownership requirements. The project area must be five acres or more, owned by one person or the application shall be filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land.

[Amended 7-20-1992]

(2) Availability of public utilities. The project area must be located where public water and sewer systems are available or where a community water and sewer system can be developed as part of the project.

(3) Land suitability. Rezoning of land to an R-8 Planned Unit Development District may be denied if the Town Council determines that the land is not suitable for development because of inadequate road access, geographic constraints, inadequate community facilities, excessive distance to employment areas, nonconformity to Town development plans, or other public health, welfare or safety objectives.

E. Site design requirements. The following are the site design requirements for the R-8 Planned Unit Development District:

(1) Maximum density. The gross residential density shall not exceed 12 dwelling units per acre.

(2) Common open space. Minimum open space shall be not less than 30% of the total project area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios, and other similar improvements but inclusive of swimming pools and other active and passive recreational areas.

(3) Functional relationships. The master plan and final plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational and shopping.

(4) Lot design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and provide convenient and safe access.

(5) Street design. The street system within the project area shall:

(a) Be adequate to serve projected traffic flow;

(b) Assure safe and convenient sight distances;

(c) Complement the natural topography;

(d) Coordinate with existing and planned streets;

(e) Be dustproof and passable year round;

(f) Comply with applicable minimum Virginia Department of Transportation design and construction criteria; and

(g) Include curb, gutter and sidewalks as required by the town.

(6) Street names and signs. The name of proposed streets shall not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the master plan, final plan, preliminary and final subdivision plat. Street signs shall be provided at all intersections.

(7) Streetlighting. Streetlighting shall be provided on all streets in the development.

(8) Pedestrian circulation. Provision shall be made for pedestrian circulation, which will enable residents, visitors and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems, as determined appropriate by the town, including sidewalks if determined appropriate by the town.

(9) Parking. Off-street parking shall be provided in accordance with § **110-703C** in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit.

(10) Water and sewer. All Planned Unit Development Districts shall be served by collective water and sewer systems as follows:

(a) Wherever feasible the project area water and sewer lines shall be connected to existing public systems.

(b) Where connection to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems.

(11) Community facilities. Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the Town comprehensive land use plan.

(12) Fire hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection.

(13) Drainage. Adequate drainage shall be provided. The street and lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required, or where an existing waterway or drainage way traverses the project area, an easement or right-of-way shall be provided with

adequate improvements to contain the drainage flows from the tributary area upstream of the watershed.

(14) Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open space or other uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.

(15) Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities as required by the respective utility departments, agencies or companies.

(16) Grading. The design shall minimize the amount of grading required for development to the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety.

(17) Natural amenities. The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways and scenic overlooks. The design shall maximize the use and enjoyment of natural amenities by project residents.

(18) Landscaping and screening. Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.

F. Master plan.

(1) Master plan map. The proposed master plan shall include an accurately scaled development map of the project, including:

(a) Proposed land uses including residential types, commercial types, recreation and any other proposed use.

(b) Proposed street system including public and private right-of-way.

(c) Proposed parking areas and parking space tabulations.

(d) Proposed preliminary subdivision lot lines.

(e) Proposed utility rights-of-way or easements including water, sewer, gas, power, and telephone.

(f) Proposed general drainage plan.

(g) Proposed location of buildings, structures, and improvements, except single-family dwellings.

(h) Areas designated for proposed common property.

(i) Proposed pedestrian circulation system.

(j) A general description of proposed landscaping plan.

- (k)** Proposed treatment of the project perimeter such as screening or landscaping.
- (l)** Relationships to adjacent properties and proposed or existing connections for access and utilities.
- (2)** Master plan data. The proposed master plan shall also include the following:
- (a)** A legal description or current survey plat of the project boundaries.
- (b)** A statement of existing and proposed property owners.
- (c)** Names and addresses of all adjacent property owners.
- (d)** A statement of project development objectives and character to be achieved.
- (e)** An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate.
- (f)** A statement of intent regarding future selling or leasing of lots and improvements.
- (g)** Quantitative data including the number and type of dwelling units; parcel sizes; gross and net residential densities; total amount and percentage of open space, residential, commercial, and other land use types; total ground area covered by buildings other than single-family dwellings.
- (h)** Proposed building types, other than single-family dwellings including architectural style, height, and approximate floor area.
- (i)** Approvals from the Virginia Department of Transportation and the Health Official.
- (j)** Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership.
- (k)** A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.
- (l)** The identify of all real parties with an equitable interest in the land within the project area.
- (3)** Application for approval of master plan for land in R-8 District. Ten copies of an application for the approval of a master plan shall be filed, consisting of the proposed master plan and a written request for approval. The Zoning Administrator shall promptly forward the application and data to the Planning Commission for its review and recommendation. The Planning Commission shall consider the general plan for the community, the location, arrangement and size of lots, parks, school sites and other reservations of open space; the location and design characteristics of streets, including curb, gutter and sidewalks; the location and arrangement of parking areas; the location,

arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and related parking areas; the gross densities proposed for the project area; and such other features as will contribute to the orderly and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses.

(4) Rezoning. If the project area for a proposed planned unit development does not lie within an R-8 District, then the approval of a master plan shall be an additional requirement for amending the Zoning Map for the subject area to an R-8 District, as provided in § **110-802D**. In such event, the application for approval of a master plan shall be filed with the application for a Zoning Map amendment. The applications shall be considered together by the Town in accordance with the provisions of this section and § **110-802D**; provided, however, that the time requirements of § **110-802D** shall apply.

(5) Processing fee. At the time of filing the application for approval of the master plan, the applicant shall deposit with the Zoning Administrator a cashier's or certified check payable to the Town of Elkton in an amount designated by the Town plus an additional fee for each additional dwelling unit proposed on the development plan as set forth in Article **X**.

(6) Appearance of developer. The Planning Commission and/or the Town Council may require the developer or the developer's agent to appear before it to explain and discuss the planned development.

(7)

Master plan approval.

(a)

Within 60 days after the filing of the application to approve a master plan, the Planning Commission shall report to Town Council one of the following:

[1] Recommend approval of the plan as presented; or

[2] Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer; or

[3] Recommend disapproval.

(b) The Town Council shall give notice under § 15.2-2204 of the Code of Virginia of a public hearing to be held not more than 30 days after the receipt of the Planning Commission's report. After the hearing, the Town Council shall approve or disapprove the master plan, or approve the master plan with modifications.

(c) If the master plan is approved, or approved with modifications by the Town Council, a copy of the master plan marked as approved on behalf of the Town

by the subdivision agent and the developer shall be maintained by the Town Clerk as part of the permanent records of the town.

(8) Revisions to master plan. A master plan may be revised only by complying with the same procedures set forth herein with respect to the approval of a master plan, provided that the proposed revised master plan shall be clearly designated as a revised master plan. In the event that the revision of a master plan is so approved, the revised master plan shall be marked as approved on behalf of the Town by the subdivision agent and the developer and shall be maintained by the Town Clerk in conjunction with the original master plan as part of the permanent records of the town.

G. Final plan.

(1) Procedure for approval of final plan. Following the approval of the master plan, the applicant may file with the Zoning Administrator 10 copies of a final plan, together with a written request for approval of the final plan.

(2) Final plan requirements. The final plan may apply to part or all of the land within the master plan project area and shall include the following information with respect to such land to which the final plan applies:

(a)

Subdivision lot lines, if applicable, showing metes and bounds.

(b) Utility rights-of-way or easements including water, sewer, gas, power, television cable and telephone.

(c) Property lines and proposed use of proposed common property.

(d) Layout of all major roads or streets, showing metes and bounds.

(e) Permitted uses and location of all lots and all buildings and improvements other than detached single-family dwellings.

(f) Public or community amenities within the area.

(g) Sites or lots proposed for schools or other buildings to be built by public authority.

(h) Types of use of open areas.

(i) General landscaping plan, including a description of natural amenities and any alteration thereof.

(j) Treatment of the project perimeter such as screening or landscaping.

(k) Parking areas and calculations denoting number of parking spaces.

(l) Grading and drainage specifications.

(m) A proposed deed of dedication including restrictions safeguarding the permanent use of open areas shown on the master plan and contained within the area of the final plan for the purpose of preventing encroachment thereupon.

(n) Any information contained in the master plan not otherwise described in this subsection.

(3) Compliance with master plan. The final plan shall comply with the site design requirements set forth herein and shall not substantially vary from the master plan beyond the following parameters:

(a) Variation of the proposed residential density or intensity of use by more than 10%.

(b) Reduction of more than 10% of the area reserved for common open space.

(c) Increase of the floor area proposed for nonresidential use by more than 10%.

(d) Increase of the total ground area covered by buildings, other than single-family dwellings, by more than 5%.

(4) Additional requirement for subdivisions. If land in the area included in a final plan is to be subdivided, then the developer shall prepare a subdivision plat for such area meeting the final plat requirements of § 110-908 and shall submit 10 copies of the subdivision plat to the Planning Commission for approval with the final plan. The subdivider shall record the approved subdivision plat in the Circuit Court Clerk's office within 60 days after approval. If timely recordation does not occur, then the approval shall be deemed null and void, and no subdivision shall occur or building permits be issued for such area.

(5) Performance bond. Before any final plan is approved, an acceptable performance bond shall be furnished by the developer or subdivider for the purpose of securing all improvements shown in the final plan.

(6) Final plan approval. The Planning Commission shall review the final plan and shall approve it if it complies with the requirements of this chapter. The developer shall record the final plan and a deed of dedication for common areas, if applicable, in the Circuit Court Clerk's office within 60 days after approval. If timely recordation does not occur, then the approval shall be deemed null and void, and no subdivision shall occur or building permits be issued for the land in the final plan.

H.

Effect of approval of final plan. No lots shall be sold or building permits issued within the project area until a final plan has been approved by the town. The provisions of the final plan shall constitute the lot regulations for the land within the final plan.

I. Required improvements. All improvements shown on the final plan shall be installed by the developer or subdivider at its cost. For public streets the standards and specifications of the Virginia Department of Transportation shall be followed. For other improvements such as water and sewer systems, where specifications have been established by state departments or local ordinances, such specifications shall be followed. The developer's or subdivider's performance bond shall not be released until construction has been inspected and approved by the appropriate official.

J. Survey markers. Permanent survey markers, in accordance with current standards of professional practice, shall be provided to permanently identify lot and right-of-way lines. The monuments shall be installed as follows:

(1) Solid metal rods, a minimum of 5/8 inch in diameter, two feet long, shall be put at all street corners, at all points where the street lines intersect the exterior boundaries of the project area, and at points of a curve in each street. Survey markers shall be set flush with the finished grade.

(2) All other lot and parcel corners shall be marked with iron pins according to current surveying standards.

K. Plans and specifications. Four blue- or black-line prints of the plans and specifications of all required physical improvements to be installed shall be prepared by a licensed engineer as certified by the State of Virginia and shall be submitted to the Zoning Administrator for review. The Zoning Administrator shall approve or disapprove of the construction plans within 45 days of submission. If approved, one copy bearing certification of such approval shall be returned to the developer. If disapproved, all papers shall be returned to the developer with the reason for disapproval stated in writing. No physical improvements shall be constructed prior to such approval.

L. Maintenance of common property. The developer shall create a property owners' association to be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owner assessments, and such assessments shall constitute a lien upon the individual properties.

M. Notice to purchasers. The developer or subdivider shall provide a copy of applicable restrictive covenants, including use restrictions and the master plan to prospective property owner(s).

N. Changes in final development. Construction shall include all improvements shown on the final plan and shall conform in all other respects to the final plan and to the approved plan and specifications for physical improvements, as applicable, except upon application to the Planning Commission under the procedures provided below:

(1) Minor changes in the location, setting, and character of buildings and structures may be authorized if required by engineering or other circumstances not foreseen at the time the final plan was approved. No changes authorized by this section may increase the cubic volume of any building or structure more than 10%.

(2) All other changes in use, and rearrangement of lots, blocks, and buildings, tracts, any changes in the provisions of common open spaces, and all other changes in the approved final plan by the developer or any succeeding owner, or agent must be made under the procedure authorized by this chapter. No amendments may be made in the approved final plans unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community.

O. Development schedule and review. The construction and provision of all facilities and improvements on common property, which are shown on the final plan, must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final plan the developer shall provide to the Zoning Administrator a written summary comparing the extent of building permits issued for the planned development with the construction which has taken place on the site. If the Zoning Administrator shall find that the rate at which facilities and improvements on common property have been constructed and provided is not in accordance with the original development schedule, he or she shall forward this information to the Building Official who shall not issue any additional building permits until the scheduled facilities and improvements on common property have been provided.

P. Failure to begin development. If no substantial construction has begun or no substantial use has been established in the portion of the planned development included in a final plan within one year from the approval of the final plan, the final plan shall lapse and be of no further effect. In its discretion, and for good cause, the Planning Commission may, upon receipt of written application, extend for one additional year the beginning of construction of the improvements as shown on the approved final plan. If the final plan lapses under the provisions of this section, the Zoning Administrator shall file in the Circuit Court Clerk's office a notice of revocation which shall be indexed against the recorded final plan and subdivision plats, if any, and before further development may occur the developer shall file a new final plan in conformance with the provisions of this chapter. The new final plan shall be approved prior to the issuance of building permits or the sale of lots in the area included in the new final plan.

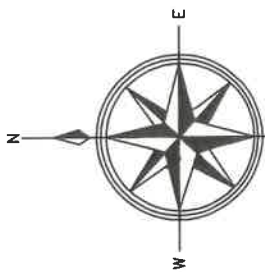
Q. Effectual clauses.

(1) Authority. This chapter has been enacted under the authority granted under Title 15.2, Chapter **22**, Articles 6 and 7 of the Code of Virginia, as amended.

(2) Validity. Should any article, section, subsection, or provision of this chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

(3) Private covenants. This chapter bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official. When this chapter calls for more restrictive standards than are required by private contract, the provisions of this chapter shall control.

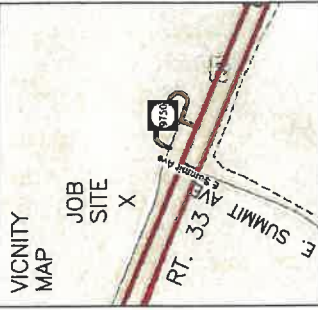
(4) Penalties. Any developer who violates any provision of this chapter shall be guilty of a misdemeanor, punishable by a fine designated by the Town of Elkton plus an additional fine for each dwelling unit proposed in the master plan.



- 1 = BEARINGS ARE MAGNETIC
2 = SCALE 1" = 100'
3 = TAX MAP = 131-A-34B
4 = DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS A CURRENT FIELD SURVEY.
5 = NO TITLE REPORT FURNISHED
6 = OTHER RIGHTS OF WAY AND EASEMENTS IF ANY, ARE NOT SHOWN

- LEGEND
● = IRON PIN FOUND
○ = IRON PIN SET
■ = VDOT MONUMENT

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2909.79'	223.43'	223.37'	N 68°39'04" W

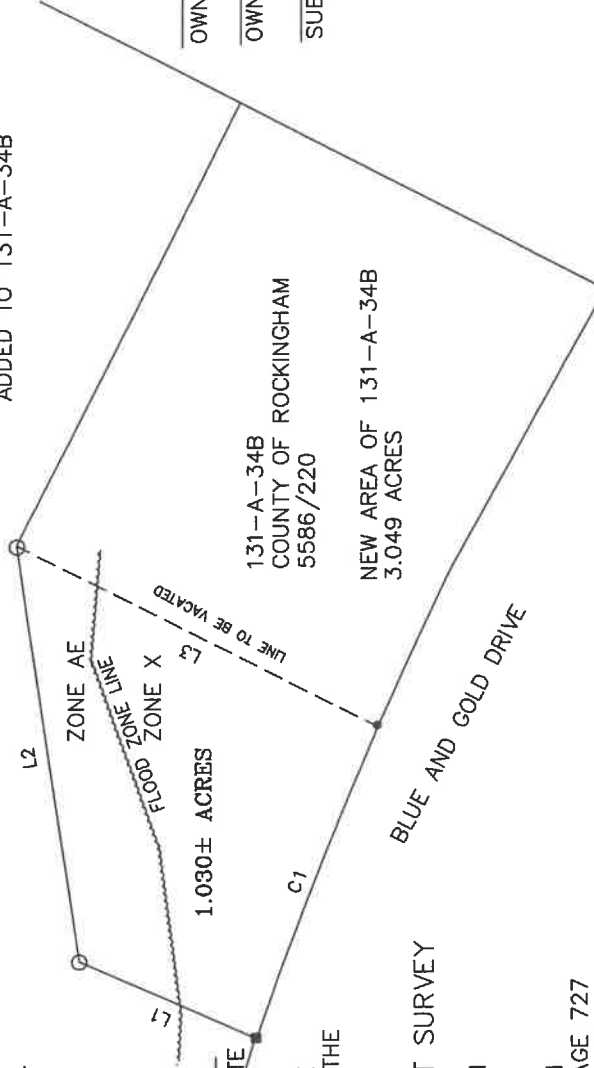


THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED AS COMPLIANT WITH REGULATIONS OF THE TOWN OF ELKTON, VIRGINIA.

TOWN OF ELKTON
131-A-34

THE 1.030+ ACRES IS TO BE ADDED TO 131-A-34B

LINE	BEARING	DISTANCE
L1	N 23°46'15" E	128.71'
L2	N 81°36'42" E	280.70'
L3	S 26°51'07" W	269.07'



OWNER _____ DATE _____

OWNER _____ DATE _____

SUBD. AGENT _____ DATE _____



AGENT OF THE TOWN OF ELKTON DATE _____
THIS SUBDIVISION IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE PROPERTY OWNER.

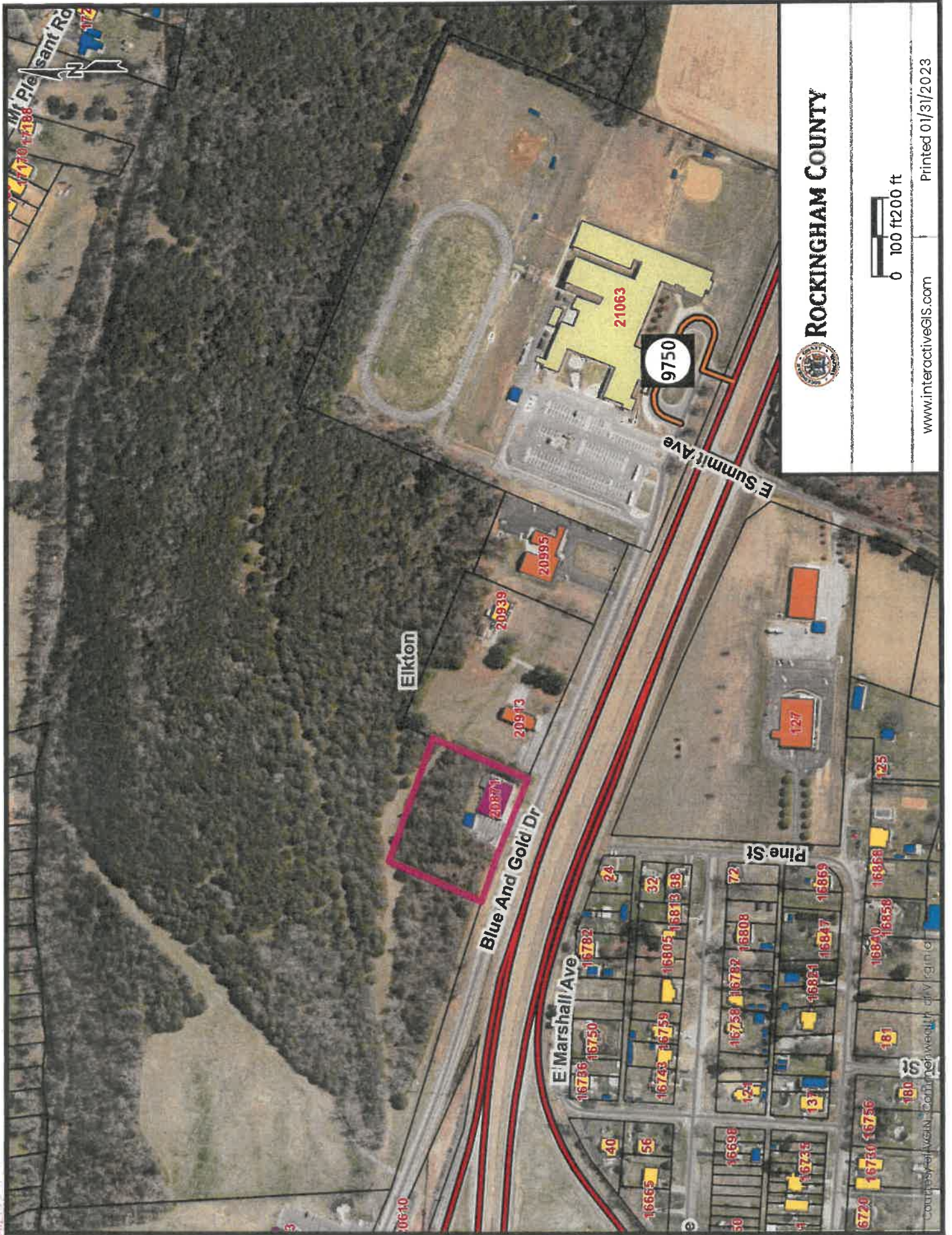
BOUNDARY LINE ADJUSTMENT SURVEY

LOCATED IN THE TOWN OF ELKTON
ROCKINGHAM COUNTY, VIRGINIA.

OWNER: COUNTY OF ROCKINGHAM
REFERENCE: DEED BOOK 5649. PAGE 727

NEWMAN SURVEYING
Licensed Land Surveyor
GROTTOES, VIRGINIA 24441
(540) 421-6232

JOB NO. R131-A-34SQUAD DATE: JANUARY 6, 2023



0 100 ft 200 ft

www.interactiveGIS.com

Printed 01/31/2023



Staff Report/Recommendation

REQUESTING DEPARTMENT: Community Development

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: A request from the Town of Elkton to rezone the residue of tax map # 131-A-34 real estate consisting of one parcel containing 113 +/- acres located on Blue and Gold Drive, from R-8 Planned Unit Development to C-1 Conservation District. Also, 3.351 +/- acres located on Blue and Gold Drive, 20913, 20939 Blue and Gold Drive also identified as tax map no., 131-(A)-L31, 20995 Blue and Gold Drive also identified as tax map no., 131-(A)-L32, 21063 Blue and Gold Drive also identified as tax map 131-(A)-L33, rezone to General Business District B-2.

BACKGROUND: On January 31, 2023 the Elkton Planning Commission voted unanimously to recommend a joint public hearing with Town Council to receive comments on the rezoning (map amendment) request.

ACTION REQUESTED:

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Report <input type="checkbox"/>
Action Item <input checked="" type="checkbox"/>	Public Hearing <input checked="" type="checkbox"/>	Closed Session <input type="checkbox"/>

FINANCIAL IMPACT:

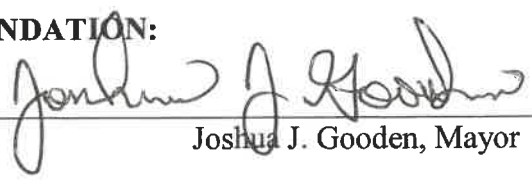
Budgeted: YES ☐ NO ☐ No Financial Impact ☒

Amount:

Budget Line Item:

If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."

STAFF RECOMMENDATION:

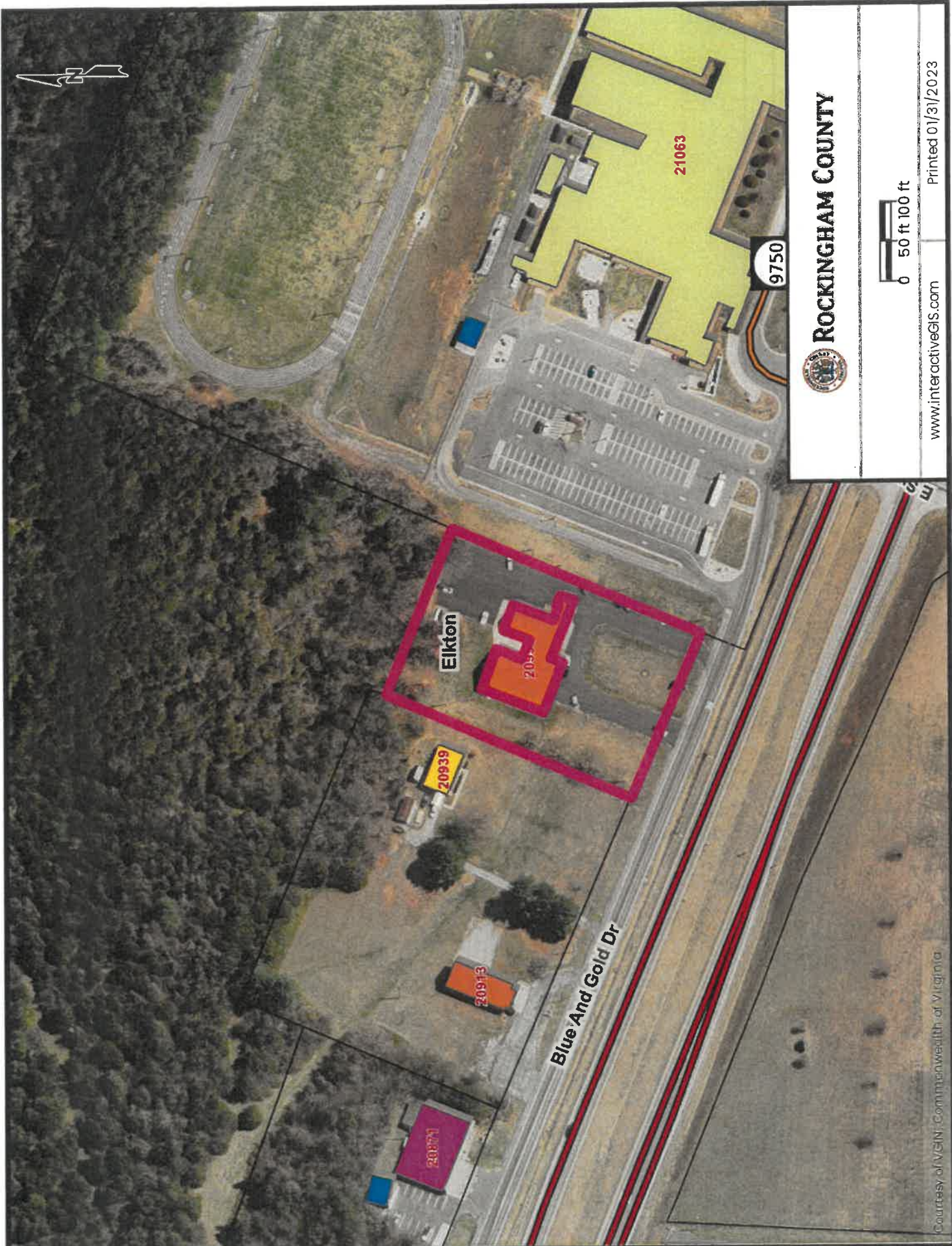
APPROVAL: 
Joshua J. Gooden, Mayor

ATTACHMENTS:

1. §110-601 Conservation District C-1
2. Rockingham County GIS

Request(s) to be added to the agenda MUST be received within five (5) working days prior to the meeting date. All pertinent information MUST be attached in order for this item to be placed on the agenda.



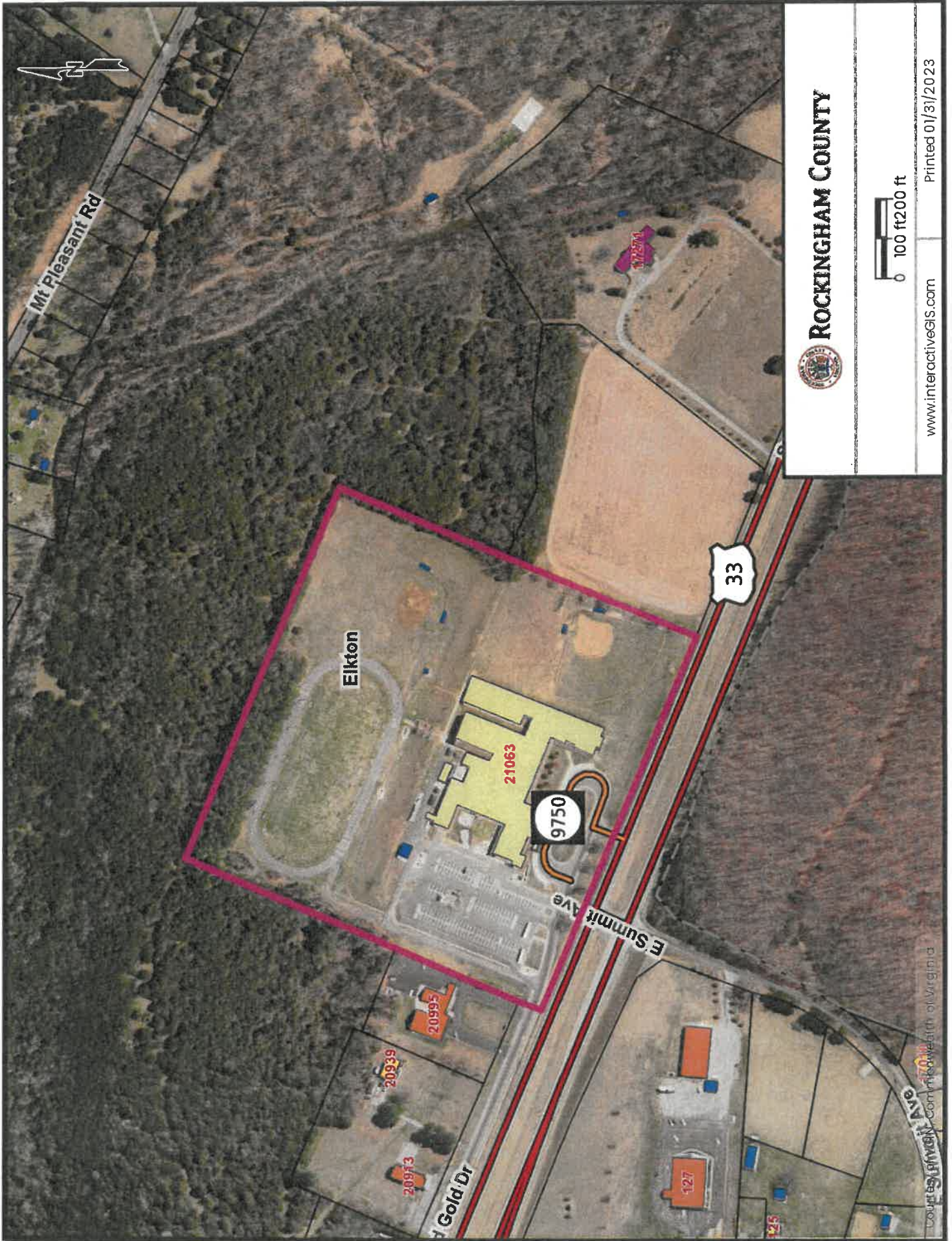


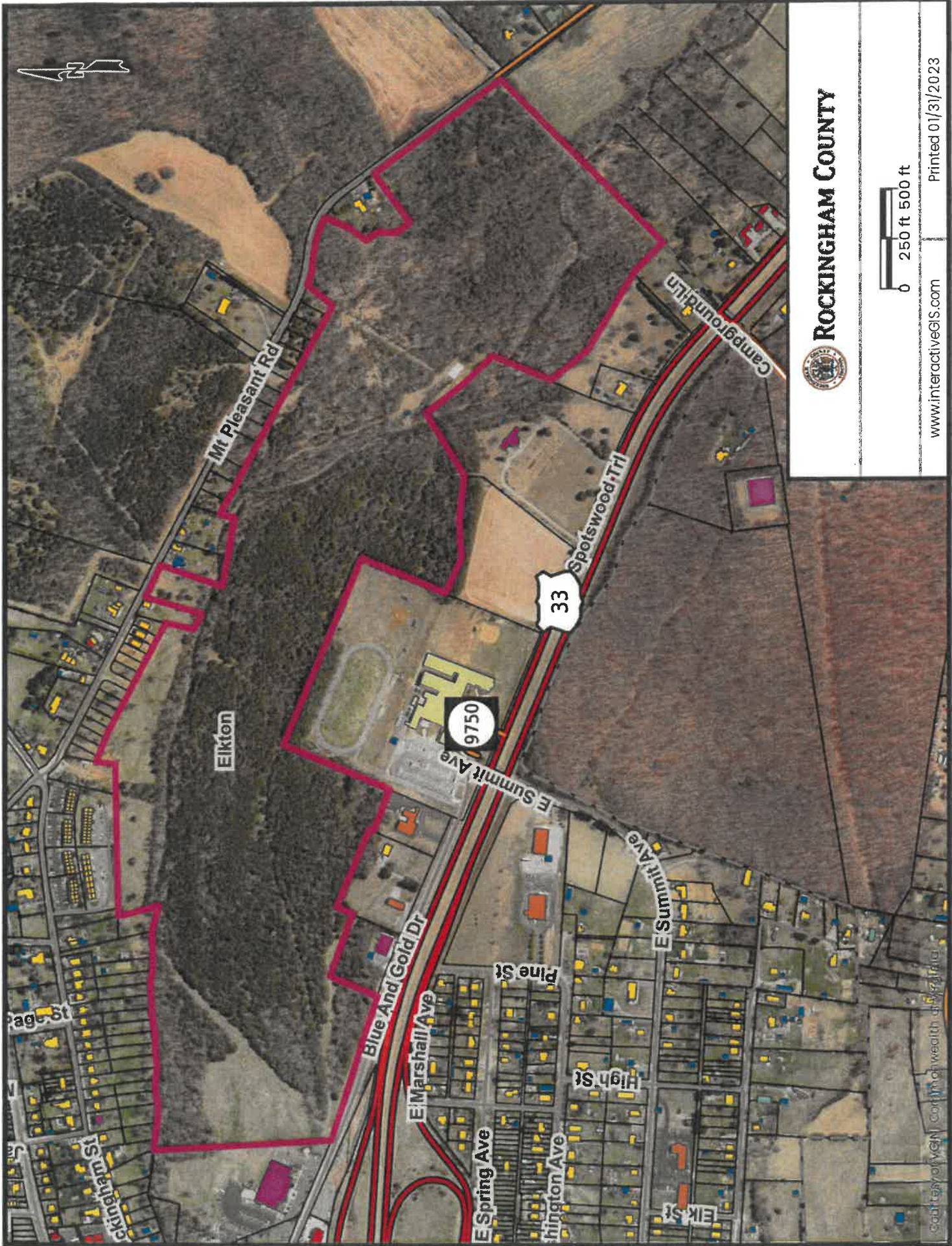
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Courtesy of VGIN: Commonwealth of Virginia





§ 110-601 Conservation District C-1.

A. Intent of Conservation District C-1. This district covers portions of the Town which are occupied by various open uses, such as agriculture, national forests and parks, state-owned forest and parklands, and local-government-owned lands. This district is established for the specific purpose of providing recreation and open space uses, conservation of water and other natural resources, reducing soil erosion, protecting watersheds, and reducing hazards from flood and fire.

B. Permitted uses. Within the Conservation District C-1 the following uses are permitted:

- (1)** Wildlife areas or game refuges.
- (2)** Flood control and watershed structures.
- (3)** Public utilities.
- (4)** Public service or storage buildings.
- (5)** Nursery or tree farms.
- (6)** Fish hatcheries.
- (7)** Timber production, forests.
- (8)** Agriculture.
- (9)** Public water and sewage systems.

C. Special exceptions. When, after review of an application and hearing thereon, in accordance with Article **VIII** herein, the following uses may be permitted by special exception permit:

- (1)** Parks, playgrounds, and recreational facilities, commercial and noncommercial.
- (2)** Cemeteries.

D. Lot regulations.

(1) Main building:

(a) Minimum lot size:

[1] 12,500 square feet with public water and sewer.

[2] 21,000 square feet with other facilities.

(b) Setback: 25 feet.

(c) Frontage at setback: 100 feet.

(d) Side yard:

[1] One side: 10 feet.

[2] Two sides: 20 feet.

[3] Add 15 feet for corner lots.

[4] Minimum side yard requirement of this chapter, for yards facing streets, shall not apply to any lot where the average side yard on developed lots within

the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the side yard on such lot may be less than the required side yard, but not less than the average of the existing side yards on the existing developed lots.

(e) Rear yard: 25 feet.

(f) Maximum height: 35 feet.

(2) Accessory buildings and uses: N/A.

E. See § **110-701**, Area regulations.

F. See § **110-708**, Nonconforming uses.



Staff Report/Recommendation

REQUESTED: Mayor Joshua J. Gooden

MEETING DATE: February 6, 2023

SUBJECT/TOPIC: Closed Session pursuant to Virginia Code § 2.2-3711.A.7; § 2.2-3711.A.1; and 2.2-3711.A.3.

BACKGROUND: N/A

ACTION REQUESTED:

Information Only <input type="checkbox"/>	Discussion <input type="checkbox"/>	Reports <input type="checkbox"/>
Action Item <input type="checkbox"/>	Public Hearing <input type="checkbox"/>	Closed Session <input checked="" type="checkbox"/>

FINANCIAL IMPACT:

Budgeted: YES ☐ NO ☐ No Financial Impact ☐
 Amount: N/A
 Budget Line Item: N/A

If expenditure of funds is required, the amount and the line item name/number that the funds are to be taken from must be stated. If funds are not available in the appropriate line item but they are available in a different line item within the department, this must be explained. If no funds are to be expended, simply state "There is no financial impact to the Town."

STAFF RECOMMENDATION: That Council go into a Closed Session pursuant to the following:

- a. Virginia Code § 2.2-3711.A.7 for, "Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter."
- b. Virginia Code § 2.2-3711.A.1 for, "Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body."
- c. Pursuant to Virginia Code 2.2-3711.A.3 for, "Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held

TOWN OF ELKTON



VIRGINIA

Staff Report/Recommendation

real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body."

APPROVAL:

A handwritten signature in black ink, which appears to read "Joshua J. Gooden", is written over a horizontal line.

Joshua J. Gooden, Mayor

ATTACHMENTS: None

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