

**CITY OF SALISBURY
ORDINANCE NO. 1941**

AN ORDINANCE OF THE CITY COUNCIL OF SALISBURY TO EXTEND FROM JUNE 30, 2005, TO OCTOBER 1, 2005, THE PERIOD OF EXISTING LAWFUL OCCUPANCY BY MORE THAN TWO (2) UNRELATED PERSONS WITHIN THE "FAMILY" DEFINITION AS SET FORTH IN SECTION 17.04.120 DEFINITIONS.

WHEREAS, the June 30, 2005, date for the cessation of existing lawful occupancies by more than two (2) unrelated persons as set forth in the "Family" definition in Section 17.04.120 Definitions of the Zoning Code, is rapidly approaching; and

WHEREAS, in the April, 2005, Election, the City Council added two (2) new members; and

WHEREAS, the current City Council desires to further evaluate the effect of the current "Family" definition on housing in the City; and

WHEREAS, the current City Council desires to further examine the legality of the current "Family" definition.

NOW, THEREFORE, be it enacted and ordained by the City Council of the City of Salisbury, Maryland, in regular session, that Section 17.04.120 Definitions be amended as follows:

"Family" means and includes, subject to the exceptions stated below:

I. A core consisting of one person living along or one of the following groups living as a single housekeeping unit;

A. Two or more persons who are related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, such as foster children placed by an agency licensed to operate in Maryland;

B. Up to a maximum of four persons who are not so related, hereinafter referred to as "unrelated persons," provided, however, that:

1. a. In any dwelling or dwelling unit, including an apartment, in an R-5, R-8, or R-10 district or in any detached or duplex single-family dwelling or townhouse in any other district, or in Spring Chase PRD No. 1, the maximum shall be two unrelated persons not including the children of either of them. Any existing lawful occupancy by more than two unrelated persons that is made nonconforming by this subpart may continue until ~~June 30, 2005~~, October 1, 2005, when it shall cease to be permitted. Before that date, if a dwelling or dwelling unit is or shall become unlawfully occupied by unrelated persons, then any and all nonconforming occupancy thereof by unrelated persons will no longer be permitted.

b. The following lots are exempt from the occupancy restriction set forth in subsection (B)(1)(a) of this section: all dwelling units shown on an approval final comprehensive development plan; and where the total land area shown thereon is subject to a special exception granted by the board of zoning appeals prior to December 23, 2002; and for which the director of building, housing and zoning has determined that the units were proposed and constructed primarily for student housing.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 23rd day of May, 2005, and thereafter a statement of the substance of

the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the _____ day of _____, 2005.

Brenda J. Colegrove, City Clerk

Michael P. Dunn,
President of the Council of
the City of Salisbury

Approved by me, this _____
day of _____, 2005.

Barrie P. Tilghman,
Mayor of the City of Salisbury