

AS AMENDED ON SECOND READING

ORDINANCE NO. 1952

AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE, AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSE OF AMENDING CHAPTER 17.156, R-5, R-8 AND R-10 RESIDENTIAL DISTRICTS, CHAPTER 17.160, R-5A, R-8A, AND R-10A RESIDENTIAL DISTRICTS, AND CHAPTER 17.196, OFF-STREET PARKING AND LOADING STANDARDS RELATIVE TO PARKING VIOLATIONS ON RESIDENTIAL PROPERTIES.

WHEREAS, the ongoing application, administration, and enforcement of Title 17, Zoning, of the Salisbury Municipal Code, demonstrates a need for its periodic review, evaluation, and amendment that will keep Title 17 current; and,

WHEREAS, the Mayor and City Council may amend Title 17, Zoning, of the Salisbury Municipal Code pursuant to the authority granted by Article 66B of the Maryland Annotated Code and in accordance with specific provisions of Chapter 17.228, Amendments and Rezoning of Title 17, Zoning; and,

WHEREAS, the Mayor and City Council have requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing development trends and practices and current City development policies as well as to review all individual amendment requests from private citizens;

WHEREAS, a Public Hearing on said text amendments to the Development Standards in the R-5, R-8, and R-10 Residential District, Section 17.156.060D, Title 17, Zoning, of the Salisbury Municipal Code was held by the

Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on July 21, 2005; and,

WHEREAS, the Planning Commission after a presentation by the Planning Staff and the Salisbury Police Department and discussion by the Commission did recommend approval of alternate text changes at a Public Hearing on July 21, 2005;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code are hereby amended by adding the wording in bold print as follows:

AMEND SECTION 17.156.060D, DEVELOPMENT STANDARDS IN THE R-5, R-8 AND R-10 RESIDENTIAL DISTRICTS BY DELETING THE FOLLOWING:

D. Parking shall be provided in accordance with Chapter 17.196.

1. No motor vehicle, whether operable or inoperable, shall be parked in the front yard of any residence unless the same shall be positioned in a driveway or designated parking area with continuous access to a public street.

~~In the event of a violation, the following procedure will be followed:~~

- a. ~~For an initial violation, a notice will be placed on the windshield of the vehicle warning the owner or possessor thereof that failure to remove said vehicle within four hours will result in the issuance of a citation.~~
- b. ~~In the event the vehicle has not been permanently and continuously removed within four hours, a parking violation citation will be issued. No warning notice shall be required before issuance of a subsequent violation citation for said vehicle. A separate parking violation citation may be issued after each twenty-four (24) hour time period.~~
- c. ~~A person who receives a citation under paragraph b of this subsection may:~~

- ~~i. Pay the penalty, in accordance with instructions on the citation, directly to the City; or,~~
- ~~ii. Elect to stand trial for the alleged violation pursuant to Section 10.24.050.~~

AMEND SECTION 17.160.060D, DEVELOPMENT STANDARDS IN THE R-5A, R-8A AND R-10A RESIDENTIAL DISTRICTS BY DELETING THE FOLLOWING:

D. Parking shall be provided in accordance with Chapter 17.196.

- 1. No motor vehicle, whether operable or inoperable, shall be parked in the front yard of any residence unless the same shall be positioned in a driveway or designated parking area with continuous access to a public street.

~~In the event of a violation, the following procedure will be followed:~~

- ~~a. For an initial violation, a notice will be placed on the windshield of the vehicle warning the owner or possessor thereof that failure to remove said vehicle within four hours will result in the issuance of a citation.~~
- ~~b. In the event the vehicle has not been permanently and continuously removed within four hours, a parking violation citation will be issued. No warning notice shall be required before issuance of a subsequent violation citation for said vehicle. A separate parking violation citation may be issued after each twenty four (24) hour time period.~~
- ~~c. A person who receives a citation under paragraph b of this subsection may:
 - ~~i. Pay the penalty, in accordance with instructions on the citation, directly to the City; or,~~
 - ~~ii. Elect to stand trial for the alleged violation pursuant to Section 10.24.050.~~~~

AMEND SECTION 17.196.020C, OFF-STREET PARKING AND LOADING STANDARDS – GENERAL STANDARDS – PROHIBITED USES, BY AMENDING THE SECTION AS FOLLOWS:

C. Prohibited Uses.

- 1. NO PARKING AREA SHALL BE USED FOR THE SALE, REPAIR, DISMANTLING OR SERVICING OF ANY VEHICLES OR EQUIPMENT OR FOR THE STORAGE OF MATERIALS OR SUPPLIES, EXCLUDING EMERGENCY SERVICE AND REPAIR OF VEHICLES.**
- 2. NO MOTOR VEHICLE, WHETHER OPERABLE OR INOPERABLE, SHALL BE PARKED IN THE FRONT YARD OF ANY RESIDENCE UNLESS THE SAME SHALL BE POSITIONED IN A DRIVEWAY OR DESIGNATED PARKING AREA WITH CONTINUOUS ACCESS TO A PUBLIC STREET.**

IN THE EVENT OF A VIOLATION, THE FOLLOWING PROCEDURE WILL BE FOLLOWED:

- a. A PARKING VIOLATION CITATION WILL BE ISSUED AND PLACED ON THE WINDSHIELD OF THE VEHICLE. A SEPARATE PARKING VIOLATION MAY BE ISSUED AFTER EACH TWENTY-FOUR (24) HOUR TIME PERIOD.**
- b. A PERSON WHO RECEIVES A CITATION UNDER PARAGRAPH A OF THIS SUBSECTION MAY:**
 - i. PAY THE PENALTY, IN ACCORDANCE WITH INSTRUCTIONS ON THE CITATION, DIRECTLY TO THE CITY; OR,**
 - ii. ELECT TO STAND TRIAL FOR THE ALLEGED VIOLATION PURSUANT TO SECTION 10.24.050.**

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall

take effect from and after the date of its final passage but in no event until ten (10) days after the date of the Council's Public Hearing, and,

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 22nd day of August, 2005, and having been published as required by law, in the meantime, was finally passed at its meeting on the 12th day of September, 2005.

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

Approved by me this _____
day of _____, 2005.

Witness:

Barrie Parsons Tilghman
Mayor of Salisbury

Brenda J. Colegrove
City Clerk