

AS AMENDED ON OCTOBER 26, 2005
ORDINANCE NO. 1957

AN ORDINANCE OF THE MAYOR AND 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 17.04.120, DEFINITIONS, TO AMEND THE DEFINITION OF A “FAMILY.”

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 text 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 Re-zoning 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; and

WHEREAS, Public Hearings on text amendment of the definition of a “Family”, Section 17.04.120, Definitions, of Title 17, Zoning, of the Salisbury Municipal Code were held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code, on September 22, 2005; and

WHEREAS, the Planning Commission made a recommendation about proposed text changes to the definition of a “Family” in Section 17.04.120; and

WHEREAS, the Salisbury City Council, following a public forum that it conducted on the proposed changes and recommendation of the Planning Commission, has discussed such Definition at work sessions and finds that the changes made by this Ordinance are in the public interest of the City of the Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the text of Section 17.04.120, Definitions, of Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

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

I. A core consisting of one person living alone 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 operated 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. Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment, in an R-5, R-8 or R-10 district or in Spring Chase PRD No. 1, the maximum shall be two unrelated persons, not including the children of either of them, after December 16, 2002, subject to the occupancy permitted by Paragraph b and c below.

b. Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the

maximum shall be three unrelated persons, not including the children of either of them, if the dwelling or dwelling unit was occupied by three unrelated persons, during the one (1) year period prior to December 16, 2002. The occupancy may continue as a non-conforming use. In an apartment, the maximum occupancy shall not exceed the number of unrelated persons set forth in Paragraph 2 below.

c. Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the maximum shall be four unrelated persons, not including the children of either of them, if the dwelling or dwelling unit was occupied by four unrelated persons, during the one (1) year period prior to December 16, 2002, and meets the requirements of Section 15.24.1600. The occupancy may continue as a non-conforming use. In an apartment, the maximum occupancy shall not exceed the number of unrelated persons set forth in Paragraph 2 below.

d. 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 approved 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.

2. In any district other than an R-5, R-8 or R-10 district, in an apartment or any attached dwelling unit, except a townhouse or duplex dwelling, the maximum shall be the following number of unrelated persons not including the children of any of them:

Two - in an efficiency or one bedroom unit;

Three - in a unit having two or more bedrooms; or

Four - in any unit constructed after November 25, 2002 (effective date of Ordinance No. 1864) having two or more bedrooms, if the entire parcel or tract of land on which it is located complies with the off-street parking requirement in effect when it was completed.

All dwelling units shall comply with parking code requirements.

C. A group of not more than four persons who are approved by the Department of Building, Housing and Zoning pursuant to Section 15.24.1620 as a “functional family”.

II. In addition to its core member(s) a family may include:

A. One or more persons who provide health care or assisted living services to any core member of the family that are essential to the health, safety or general well-being of such core member, by performing such services at least eight hours each day.

B. One or more domestic servants who perform personal or household services at the dwelling or dwelling unit at least eight hours each day.

C. In the case of an owner-occupied dwelling unit in an R-5, R-8 or R-10 district, one person who is not a core member of a related family, provided that no more than two unrelated persons, not including any permitted provider of health care or assisted living services, may reside in the dwelling.

III. A “family” may not include or consist in whole or in part of:

1. Any society, club, fraternity, sorority, association, lodge, federation, or like organization.

2. Occupants of a rooming house or boarding house.
3. Persons whose association as a group is temporary or seasonal in nature.
4. Persons living in a group arrangement as a result of criminal conduct.

IV. The "Family" definition shall be applied to occupancy in accordance with the requirements of State and Federal Law.

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 initial Public Hearing on this Ordinance.

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 10th day of October, 2005, and having been published as required by law, in the meantime, was finally passed at its meeting on the 26th day of October, 2005.

Brenda J. Colegrove
City Clerk

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

Approved by me this
day of _____ 2005.

Barrie P. Tilghman
Mayor of the City of Salisbury