

ORDINANCE NO. 1976

AN ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, TO AMEND CHAPTER 17 - ZONING.

WHEREAS, the City Council desires to create a Department of Building, Permitting and Inspection and a Department of Neighborhood Services and Code Compliance by splitting the functions currently assigned to the Department of Building, Housing and Zoning; and

WHEREAS, the Salisbury City Council intends to amend the appropriate Sections of the City Code to reflect the reassignment of duties and authority to each department.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, in regular session, that Chapter 17 is hereby amended as follows:

CHAPTER 17.04

GENERAL PROVISIONS

Section 17.04.090 Complaints regarding violations.

Whenever a violation of this title occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating in full the causes and basis thereof, shall be filed with the department of building, housing and zoning permitting and inspections or the department of neighborhood services and code compliance depending on the nature of the claim. ~~The director of the department of building, housing and zoning~~ Either the building inspector or the housing inspector shall properly record the complaint, immediately investigate and take action thereon as provided by this title. (Prior code § 150-8)

Section 17.04.120 Definitions.

"Building inspector," ~~"bureau of inspections"~~ means the department of building, housing and zoning permitting and inspections, ~~as established by the city council on October 13, 1986,~~ and the duly designated building official.

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

I. C. A group of not more than four persons who are approved by the department of ~~building, housing and zoning~~ neighborhood services and code compliance pursuant to Section 15.24.1620 as a "functional family."

"Housing inspector" means the department of neighborhood services and code compliance and the duly designated housing official.

CHAPTER 17.12

ADMINISTRATION AND ENFORCEMENT

ARTICLE II Department of ~~Building, Housing and Zoning~~ Neighborhood Services and Code Compliance

Article I Organization

Section 17.12.010 Administrative agencies.

The administration of this title is vested in the following offices of the government of the city of Salisbury;

- A. Department of ~~building, housing and zoning~~ neighborhood services and code compliance.
- B. Department of public works;
- C. The planning commission;
- D. The Salisbury city council;
- E. The board of zoning appeals. (Prior code § 150-280)

ARTICLE II Department of ~~Building, Housing and Zoning~~ Neighborhood Services and Code Compliance.

Section 17.12.030 Duties.

Duties of the department of ~~building, housing and zoning~~ neighborhood services and code compliance shall be as follows:

- A. To issue zoning authorization and make and maintain records thereof;
- B. To receive applications for variances, special exceptions or any other matter to be considered by the board of zoning appeals;
- C. To initiate and request inspections of structures and use of land to determine compliance with the terms of this title or actions of the planning commission,

city council or board of zoning appeals and, where there are violations, to initiate action to secure compliance therewith. (Prior code §150-282)

Section 17.12.100 Jurisdiction and authority.

C. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the director of the department of building, housing and zoning permitting and inspections or the department of neighborhood services and code compliance under this title;

CHAPTER 17.52

HISTORIC DISTRICTS - GENERAL PROVISIONS

Section 17.52.040 Application for permission to construct, alter, reconstruct, move or demolish.

D. The department of building, housing and zoning neighborhood services and code compliance may not grant a permit for a change to a site or structure located in a district until the historic district commission has acted on the application as provided under Section 17.52.120 of this Chapter.

Section 17.52.060 Enforcement.

A historic district commission may request that the department of building, housing and zoning neighborhood services and code compliance institute any of the remedies and penalties provided by law for any violation of an ordinance or resolution adopted under this Chapter.

Section 17.52.100 Powers and duties.

E. Special Consideration.

2. Unless a commission is satisfied that proposed construction, alteration, reconstruction, moving or demolition will not materially impair the historic, archeological, or architectural significance of a site or structure, the commission shall reject the application and shall file with the department of building, housing and zoning neighborhood services and code compliance a copy of the rejection of such application.

F. Approval under certain circumstances. In any case of any site or structure deemed to be valuable for its historical, archeological, or architectural significance to the neighborhood or area within which it exists, the commission may approve proposed construction, reconstruction, alteration, moving or demolition, despite the fact that the changes come within the provisions of Section 17.52.100(E) of this Chapter if:

G. In any case of any structure deemed to be valuable for the period of architecture it represents and important to the neighborhood or area within which it exists, a commission may file with the department of building, housing and zoning neighborhood services and code compliance of the city of Salisbury its approval of such application to demolish or alter such structure if any of the circumstances under which approval might have been given under the preceding sections are in existence and shall file approval if:

1. Such structure is a deterrent to a major improvement program which will be of substantial benefit to the city;
2. Retention of such structure would cause undue financial hardship to the owner; or
3. Retention of such structure would not be in the best interest of the majority of the community. (Prior code § 150-113)

Section 17.52.120 Approval or rejection of application; reapplication.

A. The commission shall file with the department of building, housing and zoning neighborhood services and code compliance its certificate of approval or rejection of all applications submitted to it for review. The commission shall set forth, in writing, its reason for approval, modification or rejection of an application.

D. In the case of rejection, such certificate shall be binding on the director of building, housing and zoning neighborhood services and code compliance, and no permit shall be issued.

Section 17.80.070 Individual site plan review.

A. The site plan, including landscaping and lighting, for each individual industry or related use proposed for locating within the park must be reviewed by the planning director, director of public works and director of building, housing and zoning permitting and inspections; and

CHAPTER 17.108

PLANNED DEVELOPMENT DISTRICTS - GENERAL PROVISIONS

Section 17.108.030 Preapplication conference.

A. Before submitting an application, the applicant may meet with the directors of public works, department of building, housing and zoning permitting and inspections for a preapplication conference to provide the developer with information concerning the requirements of this chapter, city policies and other related ordinances and to review the general concept of the proposed development, before submission to the planning commission.

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Section 17.108.110

A. The director of building, ~~housing and zoning permitting and inspections~~, in issuing a building permit for any use or structures in the planned development, shall note the issuance of each permit by each planned residential district as established.

CHAPTER 17.152

RESIDENTIAL REDEVELOPMENT DISTRICT (RR-5A)

Section 17.152.010

C. In order to qualify for an application to establish a redevelopment district, the applicant must submit evidence indicating that at least twenty (20) percent of the buildings in the area proposed for redevelopment contain one or more building deficiencies as defined in Section 17.04.120, which must be confirmed by the city department of building, ~~housing and zoning permitting and inspections~~/

CHAPTER 17.180

COMPREHENSIVE DEVELOPMENT PLAN

Section 17.180.010 Purpose - Application.

Where the provisions of this title require submission and approval of a comprehensive development plan as defined in Section 17.04.120, the following regulations shall apply. The comprehensive development plan is required of certain developments identified in this chapter for approval by the planning commission in order to ensure that the proposed development is planned in proper relationship to the configuration of the site in such a manner as to comply with all requirements of this chapter; the proposed development is planned and located on the site in a manner which will minimize any adverse impact on adjoining areas and future development, and the proposed development is properly coordinated with existing city plans and policies. Required plans shall be submitted to the planning director for distribution to all those agencies or department heads involved shall be submitted to the planning director for distribution to all those agencies or department heads involved in or affected by the proposed development, such as the department of building, ~~housing and zoning permitting and inspections~~, fire chief/fire marshal, department of public works, board of education and the department of recreation and parks.

CHAPTER 17.196

OFF-STREET PARKING AND LOADING STANDARDS

Section 17.196.020

A. Uses Not Listed. For any use, the wording of which is no specifically listed, the ~~building housing~~ official shall determine if any other use is similar in nature, and the parking provisions for such a use shall prevail. Where the director of the department of building, ~~housing and zoning permitting and inspections~~ cannot make a determination of similar use, the planning commission, in according with the provisions of Chapter 17.04, Article II, shall review the proposal and make a written determination of similar use upon which the parking provisions for such use shall prevail.

H. Required Off-Street Parking Spaces.

ii. The director of department of building, ~~housing and zoning permitting and inspections~~, at the request of an applicant, may approve alternative parking space dimensions of not less than nine feet wide and eighteen (18) feet in length, provided that:

I. 4. b. All yards surrounding the parking lot, exclusive of driveways providing ingress and egress to the lot, shall be bordered by a curb six inches high along the sides of the yard area abutting the parking lot, including spaces and aisles. Concrete curb or bumpers shall be required in areas where, in the opinion of the director of ~~the bureau of inspections~~ department of building, ~~housing and zoning permitting and inspections~~ and the director of public works, a curb constructed of asphalt or similar material would be vulnerable to vehicular damage. If bumpers are provided at the end of each parking space, a curb is not required. Setback areas shall be planted with grass or similar vegetative material and may include shrubs, fences or walls, provided that they are not placed closer than three feet from any parking space.

CHAPTER 17.204
PLANNED DEVELOPMENTS

Section 17.204.020 Preapplication conference.

A. The director of public works, department of building, ~~housing and zoning permitting and inspections~~ shall be required to meet with the applicant. The director of the department of building, ~~housing and zoning permitting and inspections~~ shall be responsible for notifying the directors and the applicant of the time and place the conference is to be held.

Section 17.204.070 Final development plan.

A. Within six months following approval of the preliminary development plan, the applicant shall file with the director of the department of building, ~~housing and zoning permitting and inspections~~ a final development plan containing, in final form, the information required in the preliminary development plan. The director of the department of building, ~~housing and zoning permitting and inspections~~ shall forward the plans to the planning office for review by the planning commission. In its discretion and for good cause, the planning commission may extend for six months the period for filing of the final development plan.

CHAPTER 17.216
SIGN STANDARDS

Section 17.216.200 General provisions.

16. C. The following temporary signs or displays may be permitted upon written approval of the director of the department of building, ~~housing and zoning permitting and inspections~~.

Section 17.216.210 Nonconforming signs.

C. A nonconforming sign, except outdoor advertising structures, which is fifty (50) percent or more damaged or destroyed or becomes substandard under any applicable city code to the extent that the sign becomes a hazard or danger shall terminate and shall be removed within thirty (30) days from the date of notification for removal from the director of the department of building, ~~housing and zoning permitting and inspections~~.

Section 17.216.230 Unusual signs and displays.

Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the director of the department of building, ~~housing and zoning permitting and inspections~~ to the board of zoning appeals for the purpose of interpretation by the board and recommendation for action on the application to the director.

Section 17.216.240 Outdoor advertising structure license.

B. All applications for an outdoor advertising structure license shall be filed with the director of the department of building, ~~housing and zoning permitting and inspections~~ and shall state, under oath, the following:

CHAPTER 17.220
SPECIAL DEVELOPMENT STANDARDS

Section 17.220.060 Planting guide.

B. A sample list of plant materials suitable in this area for screening and landscaping is available for reference from the planning office or the department of building, ~~housing and zoning permitting and inspections~~.

Section 17.220.120 Planning commission authority.

B. An interpretation by the commission may be at the request of an applicant, the director of the department of building, ~~housing and zoning permitting and inspections~~, or the planning director.

CHAPTER 17.228
AMENDMENTS AND REZONING

Chapter 17.228.080 Enforcement of conditions.

A. The director of the department of building, ~~housing and zoning permitting and inspections~~ shall be the officer authorized by the city council to enforce the conditions imposed by the city council in the governing ordinance.

conditions imposed by the City Council in the approving ordinance.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the amendment set forth in this Ordinance shall take effect from and after the date of its final passage.

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 28th day of November, 2005, and having been published as required by law, in the meantime, was finally passed at its meeting on the ____ day of December, 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