

ORDINANCE NO. 2009
(As Amended On Second Reading)

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 CHAPTERS 17.168.030.B.1, 17.168.030.B.2, APARTMENT STANDARDS – PERMITTED DENSITY AND 17.196.030, PARKING STANDARDS, RELATIVE TO TWO-BEDROOM UNITS PERMITTED IN ELDERLY HOUSING, THE MINIMUM AGE OF OCCUPANTS IN ELDERLY HOUSING, AND THE PARKING RATIO FOR ELDERLY HOUSING PROJECTS.

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, Public Hearings on said text amendments to the Apartment and Parking Standards, Sections 17.168.030.B.1, 17.168.030.B.2, and 17.196.030, 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 June 15, 2006, and July 20, 2006; and,

WHEREAS, the Planning Commission did recommend approval of the proposed text changes at Public Hearings on June 15, 2006 and July 20, 2006;

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 deleting the wording designated with strike-thru lines and adding the wording in bold print as follows:

AMEND SECTION 17.168.030.B.1, APARTMENT STANDARDS, PERMITTED DENSITY, BY DELETING THE FOLLOWING LANGUAGE:

- B. Housing of Elderly and Handicapped.
 - 1. Density for apartment development for the housing of the elderly and handicapped shall be as follows: ~~and shall be limited to efficiency and one bedroom units, except that five percent of the total number of units may be two bedroom to provide for live in assistance requiring separate bedrooms.~~

AMEND SECTION 17.168.030.B.2, APARTMENT STANDARDS, PERMITTED DENSITY, BY AMENDING THE FOLLOWING LANGUAGE:

- B. Housing of Elderly and Handicapped.
 - 2. For the purpose of occupancy, elderly and handicapped shall include only:
 - a. Persons who are ~~sixty-two (62)~~ **FIFTY-FIVE (55)** years of age or over;
 - b. ~~Families~~ **HOUSEHOLDS** where ~~either the husband or wife~~ **AT LEAST ONE OCCUPANT** is ~~sixty-two (62)~~ **FIFTY-FIVE (55)** years of age or over;

- c. Handicapped persons under ~~sixty two (62)~~ **FIFTY-FIVE (55)** if determined to have physical impairments which:
 - i. Are expected to be of long-continued and indefinite duration,
 - ii. Substantially impede the ability to live independently, and
 - iii. Are of such a nature that the ability to live independently could be improved by more suitable housing conditions.

AMEND SECTION 17.196.030, OFF-STREET PARKING AND LOADING STANDARDS, BY ADDING THE FOLLOWING LANGUAGE:

Housing for the elderly and handicapped

A minimum of 1 ½ SPACES for each dwelling unit, subject to additional requirements of a Comprehensive Development Plan approval

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 14th day of August, 2006, and having been published as required by law, in the meantime, was finally passed at its meeting on the 28th day of August, 2006.

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

Approved by me this _____
 day of _____, 2006.

Witness:

 Barrie Parsons Tilghman
 Mayor of Salisbury

 Brenda J. Colegrove
 City Clerk