

ORDINANCE NO. 2032

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 17.168.030.B.2, APARTMENT STANDARDS, RELATIVE TO AGE AND OCCUPANCY OF SENIORS HOUSING.

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 Apartment Standards, Section 17.168.030.B.2, 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 February 15, 2007; and,

WHEREAS, the Planning Commission did recommend approval of the proposed text changes at a Public Hearing on February 15, 2007;

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 17.168.030.B.2, APARTMENT STANDARDS, PERMITTED DENSITY, BY REPEALING THE EXISTING LANGUAGE AND ADOPTING THE LANGUAGE BELOW:

- B. Housing of Elderly and Handicapped.
 - 2. For the purpose of **DENSITY**, elderly and handicapped **HOUSING** shall include only **RESIDENTIAL UNITS**:
 - a. **THAT ARE OPERATED AS HOUSING FOR OLDER PERSONS IN ACCORDANCE WITH AND SATISFYING THE TERMS AND PROVISIONS OF THE FEDERAL FAIR HOUSING ACT, TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968, AS AMENDED BY THE FAIR HOUSING AMENDMENTS ACT OF 1988, 42 U.S.C. SECTION 3607, INCLUDING THOSE REQUIRING AT LEAST ONE PERMANENT OCCUPANT OF EIGHTY (80) PERCENT OF THE OCCUPIED UNITS TO BE AT LEAST** Persons who are fifty-five (55) years of age ~~or over~~; **PROVIDED, HOWEVER, THAT THE UNITS ARE SUBJECT TO RECORDED COVENANTS THAT EXPRESSLY RESTRICT OCCUPANCY OF THE UNITS IN ACCORDANCE WITH THE FEDERAL FAIR HOUSING ACT, AS AMENDED, AND ANY ADDITIONAL**

REQUIREMENTS UNDER MARYLAND LAW.

- ~~b. Households where at least one occupant is fifty five (55) years of age or over;~~
- b. **OCCUPANCY BY A Handicapped persons under fifty-five (55) YEARS OF AGE WHO IS** 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.

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 26th day of March, 2007, and having been published as required by law, in the meantime, was finally passed at its meeting on the _____ day of _____, 2007.

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

Approved by me this _____
day of _____, 2007.

Witness:

Barrie Parsons Tilghman
Mayor of Salisbury

Brenda J. Colegrove
City Clerk

