

AS AMENDED ON SECOND READING

ORDINANCE NO. 1868

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 17.04.120, 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 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; 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 June 20, 2002, and on October 17, 2002; and

WHEREAS, the Planning Commission has recommended proposed text changes submitted by citizens of 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 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:

DELETE THE FOLLOWING TEXT (STRUCK OUT) IN SECTION 17.04.120, DEFINITIONS:

~~Family~~

~~A. Includes:~~

- ~~1. An individual;~~
- ~~2. Two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit;~~
- ~~3. Not more than three persons in an attached or apartment dwelling unit or four persons in a detached dwelling unit, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.~~

- ~~B. In all cases, domestic servants employed on the premises and foster children placed by an agency licensed to operate in Maryland may be housed on the premises without being counted as a family or members of a family. In no case shall more than four unrelated persons, a rooming or boarding house, a hotel or a fraternity or sorority house constitute a family.~~

INSERT IN LIEU THEREOF THE FOLLOWING TEXT IN SECTION 17.04.120, DEFINITIONS:

“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 operate 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. In any dwelling or dwelling unit, including an apartment, in an R-5, R-8, or R-10 district or in any detached or duplex single-family dwelling or townhouse in any other district, the maximum shall be two unrelated persons not including the children of either of them.

Any existing lawful occupancy by more than two unrelated persons that is made nonconforming by this subpart may continue until June 30, 2005, when it shall cease to be permitted. Before that date, if a dwelling or dwelling unit is or shall become unlawfully occupied by unrelated persons, then any and all nonconforming occupancy thereof by unrelated persons will no longer be permitted.

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.

- C. A group of not more than four persons who are granted a special exception as a "functional family" pursuant to the procedure and general criteria for a special exception and a finding that they each meet the following specific criteria:

1. Share a permanent personal bond and commitment to one another;
2. Not dependent upon or supported by someone who does not maintain legal domicile at the particular dwelling unit and reside therein;
3. Maintain legal domicile at the particular dwelling unit;
4. Share a single household budget;
5. Share in the repair and maintenance of the dwelling unit and its grounds, if any;
6. Prepare and eat meals together on a regular basis;
7. Share in legal ownership or tenancy of the dwelling unit.

- 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 the family, provided that no more than two unrelated persons, not including any permitted provider of health care or assisted living services, reside in the dwelling.

Exceptions: 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.

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, which occurred on December 9, 2002,

AND IT IS FURTHER PROVIDED THAT, effective with the second Council meeting in January 1, 2005, the City Council shall, at a public forum to be advertised, review the changes enacted by this Ordinance in light of any different circumstances then existing.

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 9th day of December, 2002, and having been published as required by law, in the meantime, was finally passed at its meeting on the 16th day of December, 2002.

Lavonzella Siggers
President of the City Council of
the City of Salisbury

Approved by me this _____
day of _____, 2002

Barrie Parsons Tilghman
Mayor of Salisbury

Brenda J. Colegrove
City Clerk