

**CITY OF SALISBURY  
ORDINANCE NO. 2070**

AN ORDINANCE of the City Council of the City of Salisbury to suspend the acceptance and processing of special exception applications for lots where a zoning district boundary crosses a lot and sixty percent (60%) of the lot is in one zoning district and forty percent (40%) is in another zoning district, as set forth in Code Section 17.08.030(C), in order to provide a six (6) month period to allow for study and revision of this Code Section interpreting zoning district boundaries for affected lots throughout the City of Salisbury.

WHEREAS, the Mayor and City Council of Salisbury are concerned about the interpretation of the Zoning Code provision (Section 17.08.030), for lots where a zoning district boundary crosses a lot and sixty percent (60%) of the lot is in one zoning district and forty percent (40%) of the lot is in another zoning district, particularly as this provision affects incursion of commercial zones into residential zones for lots throughout the City; and

WHEREAS, the Mayor and City Council of Salisbury believe that a moratorium on the acceptance and processing of special exception applications under Section 17.08.030(C) by departments and boards of the City of Salisbury is necessary to provide sufficient time to study lots throughout the City affected by Section 17.08.030 with particular emphasis on commercial zone incursion into residential zones.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, that the appropriate departments and boards of the City of Salisbury shall suspend acceptance of special exception applications and processing of special exception applications under Section 17.08.030(C) of the City Zoning Code; for a period of six (6)

months from the date of final passage, to allow study and revision of Section 17.08.030(C) Interpretation of District Boundaries, in order to resolve any ambiguity and to consider the effect of allowing commercial zone uses in residential zones on split zone lots throughout the City.

Section 17.08.030(C) currently provides:

“C. When a zoning district boundary line crosses a lot and sixty (60) percent of the lot is in one zoning district and forty (40) percent is in another zoning district, a special exception may be granted to use the entire property for uses allowed in the zoning district that applies to the sixty (60) percent portion of the lot. In addition to the sixty (60) percent requirement, the following restrictions shall apply:

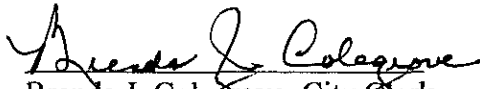
1. A nonresidential use shall not extend over a lot in a residential district closer than twenty-five (25) feet to a street in a residential district; and the twenty-five-foot area shall be maintained as a landscaped front yard;

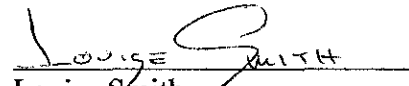
2. When a nonresidential use is extended over a lot in a residential district, a ten-foot-wide screening area shall be provided adjacent to all lot lines in the residential zoning district. (Ord. 1599 § 2, 1995; prior code § 150-20)”

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

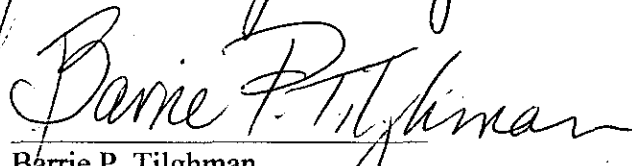
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 8<sup>th</sup> day of December, 2008, a public hearing was held on December 22, 2008, and thereafter, a statement of the substance of the ordinance having

been published as required by law, in the meantime, was finally passed by the Council on the 12<sup>th</sup> day of January, 2009.

  
Brenda J. Colegrove, City Clerk

  
Louise Smith,  
President of the Council of  
the City of Salisbury

Approved by me, this  
13<sup>th</sup> day of January, 2009.

  
Barrie P. Tilghman,  
Mayor of the City of Salisbury

**MEMORANDUM**

**TO: MAYOR BARRIE P. TILGHMAN  
JOHN R. PICK  
CITY COUNCIL**

**RE: MORATORIUM ORDINANCE  
OUR FILE NO. 30303-1093**

**FROM: PAUL D. WILBER**

**DATE: December 3, 2008**

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After discussions with Mayor Tilghman regarding the impact of Section 17.08.030(C) of the Zoning Code, I have drafted a moratorium ordinance which suspends the acceptance or processing of special exception applications under this Zoning Code Section. Mayor Tilghman is requesting the enactment of a moratorium for six (6) months in order to provide sufficient time to study the impact of split zone lots in the City, and to allow for necessary revision of this section of the Zoning Code.

PDW/mam