



**AS AMENDED ON SECOND READING**  
**NOVEMBER 22, 2010**

**ORDINANCE NO. 2124**

**AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND ESTABLISHING A FEE STRUCTURE FOR THE PLANNING AND ZONING COMMISSION, THE SALISBURY BOARD OF ZONING APPEALS, AND THE MAYOR AND CITY COUNCIL, RELATIVE TO ADVERTISING FEES FOR CERTAIN PUBLIC HEARINGS.**

**WHEREAS**, the ongoing application, administration, and enforcement of the Salisbury Subdivision and Zoning Ordinances require certain requests to be reviewed at advertised public hearings; and,

**WHEREAS**, the Department of Planning, Zoning, and Community Development, after study of these requests, has requested that a fee schedule for such activities be established pursuant to § SC2-15 of the Salisbury City Charter.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, that the following fee schedule for the advertising of certain requests is hereby adopted :

1. **BOARD OF ZONING APPEALS:** All requests, including but not limited to, Special Exceptions, Variances, and Modifications of Nonconforming Uses, and Administrative Appeals. In case of an Administrative Appeal, the applicant

would pay upfront publication fees and, if the applicant prevails, the publication fees will be refunded by the City.

The publication fees charged by the newspaper of general circulation in which the Public Hearing requests are published.

- 2. PLANNING AND ZONING COMMISSION: All requests, including but not limited to Zoning Text Amendments, Zoning Map Amendments, and Ordinance Permits:

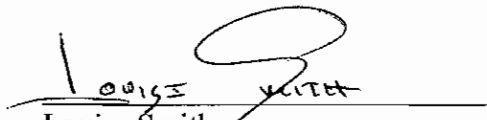
The publication fees charged by the newspaper of general circulation in which the Public Hearing requests are published.

- 3. MAYOR AND CITY COUNCIL: All requests, including but not limited to Zoning Text Amendments, Zoning Map Amendments, and Ordinance Permits:

The publication fees charged by the newspaper of general circulation in which the Public Hearing requests are published.

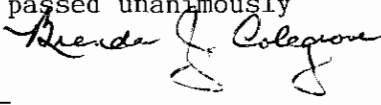
**AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND,** that this Ordinance shall take effect from and after the date of its final passage but in no event until ten (10) days after the date of the Council's Public Hearing, and,

**THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the 27<sup>th</sup> day of September, 2010, and having been published as required by law, in the meantime, was finally passed at its meeting on the 22<sup>nd</sup> day of November, 2010.


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


~~Approved by me this \_\_\_\_\_  
day of \_\_\_\_\_, 2010.  
  
James Ireton  
Mayor of Salisbury~~

Witness:

12/6/10 -- Council override of  
Mayor's veto passed unanimously  


\_\_\_\_\_  
Brenda J. Colegrove  
City Clerk

*Not approved.*  
  
Mayor

Delivered to Mayor Ireton on 11/23/10 and  
returned same day not approved.  




**CITY OF SALISBURY - WICOMICO COUNTY  
DEPARTMENT OF PLANNING, ZONING  
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission  
Historic District Commission  
Metropolitan Planning Organization

Wicomico County Board of Appeals  
Salisbury Board of Zoning Appeals  
Agricultural Land Preservation Advisory Board

September 15, 2010

TO: John Pick, City Administrator  
FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning  
& Zoning  
SUBJECT: **PUBLIC HEARING – Ordinance to Establish Advertising fees for the Board of Zoning Appeals, the Planning and Zoning Commission, and the Mayor and City Council.**

**I. INTRODUCTION.**

The Planning Department has drafted an Ordinance to codify the advertising fees being charged to applicants appearing before the Board of Zoning Appeals, the Planning and Zoning Commission, and the City Council for Public Hearing requests. The draft Ordinance is included as **Attachment A**.

**II. RECOMMENDATION.**

The Planning Staff recommends adoption of the Ordinance which includes the following language:

1. **BOARD OF ZONING APPEALS:** All requests, including but not limited to, Special Exceptions, Variances, Modifications of Nonconforming Uses, and Administrative Appeals:

The publication fees charged by the newspaper of general circulation in which the Public Hearing requests are published.

2. **PLANNING AND ZONING COMMISSION:** All requests, including but not limited to Zoning Text Amendments, Zoning Map Amendments, and Ordinance Permits:

The publication fees charged by the newspaper of general circulation in which the Public Hearing requests are published.

3. **MAYOR AND CITY COUNCIL:** All requests, including but not limited to Zoning Text Amendments, Zoning Map Amendments, and Ordinance Permits:

The publication fees charged by the newspaper of general circulation in which the Public Hearing requests are published.

### **III. BACKGROUND.**

Since 1993, the Building, Permits and Inspections Department and the Planning and Zoning Department have charged processing fees for the processing of Board of Zoning Appeals requests and Planning and Zoning Commission requests.

Since 2001, the Planning Office has also charged advertising fees for Planning and Zoning Commission public hearing requests and City Council public hearing requests. None have been charged for the Board of Zoning Appeals.

With the given budgetary constraints on the City, the Planning Staff has begun charging the applicable advertising fees for requests now being processed for public hearings before the Salisbury Board of Zoning Appeals.

Section 17.04.150B of the Salisbury Municipal Code requires newspaper advertisement of public hearing requests for requests such as special exceptions, variances, modifications to nonconforming uses, administrative appeals, text amendments, map amendments and ordinance permits. The attached Ordinance will assist the City to withstand any challenge that may arise.

#### **Attachments**

cc: Mayor James Ireton  
William Holland, Director, Building, Permitting and Inspections Dept.  
Paul Wilber, City Solicitor

**MAYOR AND CITY COUNCIL  
NOTICE OF PUBLIC HEARING  
ADVERTISING FEES AMENDMENTS**

The ongoing application, administration, and enforcement of the Salisbury Subdivision and Zoning Ordinances require certain requests to be reviewed at advertised public hearings. Amendments to the advertising fees charged for public hearings before the Salisbury Board of Zoning Appeals, the Salisbury Planning Commission and the Mayor and City Council are proposed.

**A PUBLIC HEARING WILL BE HELD**

Monday, October 25, 2010, at 6:00 P.M. in the Council Chambers, Room 301, of the Government Office Building, 125 North Division Street, Salisbury, Maryland to hear opponents and proponents, if there be any.

**The Council reserves the right to close a part of this meeting as authorized by State Government section 10-508(a) of the Maryland Annotated Code. (FOR FURTHER INFORMATION CALL 410-548-4860)**

John Pick, City Administrator

mbs, 10/11, 18, '10.