

AS AMENDED ON SEPTEMBER 24, 2012 and OCTOBER 8, 2012

**CITY OF SALISBURY
ORDINANCE NO. 2221**

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND AMENDING TITLE 17, THE ZONING CODE, TO ~~IN SOME SITUATIONS EXEMPT CERTAIN~~ HISTORIC DISTRICT PROPERTY APPLICATIONS FROM THE REQUIREMENT TO ADVERTISE IN A NEWSPAPER OF LOCAL CIRCULATION AND TO CORRECT MINOR TYPOGRAPHICAL ERRORS.

WHEREAS, it has been determined that an historic application should comply with the public notice requirements as indicated in ordinance No. 2184; and

WHEREAS, it would be cost prohibitive for the owner of a property which is located within a historic district to advertise an application for a certificate of approval in a newspaper of local circulation; and

WHEREAS, placing such responsibility on the owner of the historic property may cause undue financial hardship; and

WHEREAS, such requirement may discourage maintenance and improvements to historic properties; and

WHEREAS, posting the property fourteen (14) days prior to the hearing; notifying, in writing, any surrounding property owner within the required 200' (two hundred foot) radius around the property; posting a copy of the hearing agenda on the bulletin board in the lobby of the Government Office Building; and posting a copy of the hearing agenda on the city website shall provide sufficient notice to the public and interested parties surrounding the property.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Chapter 17.52, be amended as follows:

Title 17 – Zoning

Article III

Public Notice

17.04.150 Procedure.

Unless otherwise expressly provided by law, all notice to the general public required by the terms of this title shall be made as follows:

- A. Posting of the Property.

1. The property affected or to be affected by the pending proceeding shall be posted by the appropriate city official. Such posting shall be made not less than fourteen (14) days prior to a public hearing for a variance, special exception, ordinance permit or other such zoning application or appeal and not less than fourteen (14) days prior to a public hearing for a zoning reclassification or zoning amendment. Such posting shall not be required for sectional or comprehensive amendment proceedings.
2. A sign shall be erected, within ten feet of whatever boundary line of such land abuts the most traveled public road so as to be clearly visible to the public, and if no public road abuts thereon, then facing in such a manner as most readily may be seen by the public.
3. The property owner shall be responsible for maintaining the posted notice on the property. If the sign shall be obstructed, removed, or relocated on the property, then the property owner shall either remove the obstruction, return the sign to its original location, or replace the sign. The department director may postpone a hearing in order to provide the required posted notice.

B. Newspaper Advertising. All proceedings under the terms of this title requiring a public hearing shall be advertised at least once in a newspaper of general local circulation, as follows:

1. A variance, special exception, change in nonconforming use, ordinance permit or other such application or appeal shall be advertised fourteen (14) days prior to the scheduled hearing; except that applications for a certificate of approval from the Salisbury Historic District Commission shall only not be required to be advertised in a newspaper if the estimated cost of the project will exceed \$15,000.00 (fifteen thousand dollars). A copy of the hearing notice shall be placed on the bulletin board in the lobby of the Government Office Building and on the city website.
2. A text amendment or reclassification of zone shall be advertised once each week for two successive weeks, with the first publication appearing at least fourteen (14) days prior to the scheduled hearing;
3. The advertisement shall state:
 - a. The date, time and place of hearing,
 - b. A summary of the purpose of the proceeding in sufficient detail to inform the public of the nature of the proceeding and the relief sought by the initiator of the proceeding,

- c. The location of the property involved, its size, name of owner, zoning reference and the name of the governmental body before which such proceeding is to be conducted,
- d. Any other information deemed necessary to adequately inform the public of the proceeding.

C. Notice to Adjacent Property Owners.

1. Notice shall be provided to all property owners within two hundred (200) feet of the subject property boundaries and to the neighborhood association and/or homeowners' association, if any. Such notice shall not be required for sectional or comprehensive amendment proceedings.
 2. The notice shall state that an application or appeal under this title has been filed, as follows:
 - a. The name and address of the applicant or appellant,
 - b. The name and address of the property owner, if different,
 - c. The location and size of the property,
 - d. A summary of the requested relief,
 - e. The date, time and place of the public hearing; and
 - f. The name of the governmental body before which such proceeding is to be conducted.
 3. Mailing.

The notice shall be mailed by regular mail, postage prepaid, at least fourteen (14) days prior to the date scheduled for the public hearing. The notice shall be mailed to the property owners' address to which city real estate tax bills are sent.
 4. Re-notification.

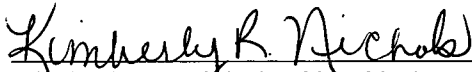
Re-notification of adjacent property owners under this section is not required for any hearing that is properly convened and continued in accordance with the requirements of this chapter.
 5. Non-receipt.

Failure of a property owner, or neighborhood association, or homeowners' association to receive notice under this section shall not affect the public hearing or the action on the application.

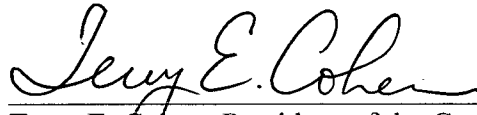
D. Responsibility for Public Notice.

It shall be the responsibility of the applicable board or commission to ensure that the provisions of this article are fully complied with for all matters that come before the applicable board or commission or the City Council. (Prior code § 150-309)

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the changes in the Ordinance shall take effect on the 8th day of October, 2012.

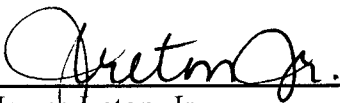


Kimberly R. Nichols, City Clerk



Terry E. Cohen, President of the Council of
the City of Salisbury

Approved by me this 9th day
of Oct, 2012.



James Ireton, Jr,
Mayor of the City of Salisbury