

1 **ORDINANCE NO. 2310**

2 ***REVISED ORD. NO. 2310 (COUNCIL CHANGES REDLINED) FOR 1/12/15 PUBLIC HEARING***

3
4 **AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND,**
5 **PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE**
6 **SALISBURY MUNICIPAL CODE AND SECTION 4.04 OF ARTICLE 66B**
7 **OF THE ANNOTATED CODE OF MARYLAND FOR THE PURPOSE OF**
8 **AMENDING SECTION 17.04.120, DEFINITIONS, SECTION 17.64.040,**
9 **USES AND DEVELOPMENT STANDARDS IN THE NEWTOWN**
10 **HISTORIC DISTRICT, AND SECTION 17.196.030, PARKING**
11 **STANDARDS, TO ADD BED AND BREAKFAST INNS.**

12
13 **WHEREAS,** the ongoing application, administration and enforcement of Title 17,
14 Zoning of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation,
15 and amendments that will keep Title 17 current; and

16 **WHEREAS,** the Mayor and City Council may amend Title 17, Zoning, of the Salisbury
17 Municipal Code, pursuant to the authority granted by Article 66B of the Maryland Annotated
18 Code and in accordance with specific provisions of Chapter 17.228, Amendments and Rezoning,
19 of Title 17, Zoning; and

20 **WHEREAS,** the Mayor and City Council requested that the Salisbury Planning and
21 Zoning Commission periodically review Title 17 in light of existing procedural practices and
22 input from the City Council and members of the public; and

23 **WHEREAS,** the Newtown Neighborhood Association has expressed its desire to allow
24 bed and breakfast establishments within its neighborhood; and

25 **WHEREAS,** the Newtown Historic District is one of Salisbury's oldest and most
26 treasured neighborhoods containing structures with architectural and historical significance and
27 historical value to the community, the homes in the district are among the largest in Salisbury,
28 their size has contributed to their lack of viability as private single-family residences and their
29 use as group housing and rental homes; and

30 WHEREAS, bed and breakfast facilities contribute to the stability and vitality of a
31 neighborhood and to the charm of historic districts; and

32 WHEREAS, the City Council has proposed amendments to the Salisbury Municipal
33 Code to create add bed and breakfast inns in the Newtown Historic District; and

34 WHEREAS, a Public Hearing on the proposed amendments was held by the Planning
35 Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the
36 Salisbury Municipal Code on December 18, 2014; and

37 WHEREAS, the Planning Commission did recommend approval of the proposed text
38 amendments to Sections 17.04.120, 17.64.040, and 17.196.030.

39 NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF
40 SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code is hereby
41 amended as follows:

42 AMEND section 17.04.120 by adding the following definition:

43
44 **“BED AND BREAKFAST INN” MEANS THE RENTING OF NOT MORE THAN**
45 **THREE (3) ROOMS IN AN OWNER-OCCUPIED DWELLING FOR LODGING**
46 **AND SERVING OF BREAKFAST TO NOT MORE THAN SIX (6) CASUAL AND**
47 **TRANSIENT ADULT ROOMERS (AND THE CHILDREN OF THOSE SIX**
48 **ADULTS), PROVIDED THAT:**

49 **A. THE RENTING OF SUCH ROOMS FOR SUCH PURPOSE IS INDICENTAL**
50 **AND SUBORDINATE TO THE PRINCIPLE USE OF THE DWELLING;**

51 **B. NO ROOMER’S STAY SHALL EXCEED FOURTEEN (14) DAYS IN ANY**
52 **SIX MONTH PERIOD;**

53 **C. ALL MEALS AND ALL AMENITIES CONNECTED WITH THE GUEST**
54 **ROOMS SHALL BE SOLELY FOR USE BY THE OWNER, THE OWNER’S**
55 **FAMILY AND THE OWNER’S REGISTERED GUESTS;**

56 **D. THERE SHALL BE ONLY ONE KITCHEN AND NO GUEST ROOM SHALL**
57 **INCLUDE COOKING FACILITIES;**

58 **E. THE OWNER SHALL MAINTAIN A GUEST REGISTER, SHALL**
59 **PRESERVE ALL REGISTRATION RECORDS FOR NO LESS THAN**
60 **THREE (3) YEARS, AND SHALL CONSENT TO AND THEREAFTER**

61 MAKE SUCH RECORDS AVAILABLE IMMEDIATELY TO THE HOUSING
62 INSPECTOR UPON REQUEST;

63 F. THE OWNER MAY DISPLAY A SINGLE EXTERIOR SIGN, AS PROVIDED
64 FOR UNDER SECTION 17.216.060, "SIGN STANDARDS"; AND

65 G. THE OWNER HAS BEEN ISSUED A PERMIT FOR THE USE AND
66 OPERATION OF THE OWNER OCCUPIED DWELLING AS A BED AND
67 BREAKFAST INN BY THE HOUSING INSPECTOR PURSUANT TO THE
68 REQUIREMENTS ESTABLISHED BY ORDINANCE.

69
70 AMEND section 17.64.040, uses and development standards by lettering the current
71 sentence of that section as paragraph a and adding the following paragraph b:

72
73 B. IN ADDITION TO THOSE USES PERMITTED IN THE UNDERLYING
74 ZONING DISTRICT, BED AND BREAKFAST INNS ARE PERMITTED IN
75 THE NEWTOWN HISTORIC DISTRICT BY SPECIAL EXCEPTION,;
76 PROVIDED NO PARKING SHALL BE PERMITTED IN THE FRONT YARD.

77
78 AMEND section 17.196.030 parking space requirements, by adding the following:

79
80 BED AND BREAKFAST INN: TWO SPACES FOR THE PRINCIPLE USE, PLUS
81 ONE ADDITIONAL SPACE FOR EACH GUEST
82 ROOM AND EACH EMPLOYEE. REQUIRED
83 SPACES TO BE PROVIDED ON SITE OR
84 PROXIMATE TO THE SITE AS ~~CONFIRMED~~
85 ALLOWED BY SPECIAL EXCEPTION. IN
86 RESIDENTIAL ZONES, THE MINIMUM
87 PARKING SETBACK SHALL BE FIVE FEET
88 AND, WHEN MORE THAN FOUR GUEST OR
89 EMPLOYEE SPACES ARE REQUIRED, THE
90 PARKING AREA SHALL BE SCREENED FROM
91 DIRECT VIEW OF ANY NEARBY
92 RESIDENTIAL USE BY A PLANTED VISUAL
93 BARRIER CONSISTING OF EVERGREENS
94 WITH A MINIMUM HEIGHT OF SIX FEET AND
95 PLACED NO MORE THAN EIGHT FEET
96 APART. PARKING SHALL NOT BE LOCATED
97 IN THE FRONT YARD AREA OF THE
98 RESIDENCE.

99
100 AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY,
101 MARYLAND, that this Ordinance shall take effect from and after the date of its final passage,
102 but in no event until ten (10) days after the date of the Council's Public Hearing, and

103 **THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the
104 ___ day of ____, 2015, and thereafter, a statement of the substance of the ordinance having
105 been published as required by law, in the meantime, was finally passed by the Council on the
106 ___ day of _____, 2015.

107
108 **ATTEST:**

109
110
111 _____
112 Kimberly R. Nichols
113 City Clerk

Jacob R. Day, President
Salisbury City Council

114
115
116 Approved by me this
117
118 day of _____, 2015.

119
120
121 _____
122 James Ireton, Jr.
123 Mayor of the City of Salisbury