

AS AMENDED ON OCTOBER 11, 2021 AND OCTOBER 25, 2021
ORDINANCE NO. 2690

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 17.16 OF THE SALISBURY CITY CODE BY ADDING SUBSECTION 17.16.090 NONCONFORMING USE ZONING EXEMPTION PROGRAM

WHEREAS, housing studies show vacant properties create a large financial burden to the jurisdictions they are located in through an increased number of calls for emergency services, city/town absorbed maintenance costs and lost tax revenue as a result of decreased property values; and

WHEREAS, the Mayor and Council of the City of Salisbury desire to update the Salisbury Municipal Code to adopt a nonconforming use zoning exemption program to reduce vacant properties within the City and create additional housing opportunities; and

WHEREAS, subsection 17.16.040.D of the Salisbury City Code provides “No building, structure or lot where a nonconforming use has substantially ceased for a continuous period of one year, whether or not fixtures or equipment are removed, shall again be put to a nonconforming use”; and

WHEREAS, the City of Salisbury Housing and Community Development Department has identified a number of properties that are vacant because each individual property’s nonconforming use has ceased for more than one year pursuant to subsection 17.16.040.D of the Salisbury City Code; and

WHEREAS, many such property owners have expressed it is not economically feasible to return their properties to single-family homes and, as a result, the properties remain vacant; and

WHEREAS, implementing the Nonconforming Use Zoning Exemption Program will allow such properties to continue as legal nonconforming uses, which may result in positive economic and social effects, including but not limited to eliminating vacant properties and creating additional housing options in the City; and

WHEREAS, the City Housing and Community Development Department therefore proposes the creation of a zoning exemption program to allow properties to regain legal nonconforming use status within strict parameters; and

WHEREAS, the City through the Housing and Community Development Department and the Department of Infrastructure and Development shall develop an Application for participation in the Nonconforming Use Zoning Exemption Program; and

WHEREAS, the Housing and Community Development Department and the Department of Infrastructure and Development shall review all completed Applications and approve or deny participation in the Nonconforming Use Exemption Program; and

WHEREAS, the procedures and criteria necessary to qualify a property owner for participation in the Nonconforming Use Exemption Program shall be codified in an amendment to Chapter 17.16 of the City of Salisbury Municipal Code

WHEREAS, a Public Hearing on the proposed amendment was held by the Salisbury Planning and Zoning Commission in accordance with the provisions of Chapter 17.16, of Title 17, Zoning, of the Salisbury Municipal Code on September 16, 2021; and

WHEREAS, the Salisbury Planning and Zoning Commission did recommend approval of the proposed text amendment to Section 17.16.090; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to allow property owners to regain legal nonconforming use status when specified criteria are met; and

WHEREAS, the Mayor joins with the City Council in recommending the implementation of the Non-conforming Use Exemption Program and application process.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, as follows:

Section 1. Chapter 17.16 of the City of Salisbury Municipal Code, entitled “Nonconforming Lots, Structures and Uses” be and hereby is amended by adding a new subsection to Chapter 17.16, titled “Nonconforming Use Zoning Exemption Program”, as follows:

CHAPTER 17.16.090 - NONCONFORMING USE ZONING EXEMPTION PROGRAM

A. Purpose.

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

B. Definitions.

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. “Program” means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. “Property” means a residential property subject to the Nonconforming Use Zoning Exemption Program.

C. Criteria for approval—Conditions.

1. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
2. The Property must be vacant and the Property’s nonconforming use must have substantially ceased for a continuous period of one year.

D. Application Requirements.

1. All applications to participate in the Program must be submitted on or before November 30, 2022.
2. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be defined as:
 - i. Applicant shall not owe delinquent taxes to the City of Salisbury.
 - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
 - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
3. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
4. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
5. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

E. Program Requirements.

1. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
 - i. ~~Compete~~ Complete all terms and conditions of Applicant's rehabilitation plan;
 - ii. Obtain a Certificate of Occupancy; and
 - iii. The Property must be inspected by the Housing and Community Development Department.
2. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
3. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
 - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;
 - ii. The Property owner shall maintain Code and Standards of Livability requirements;
 - iii. There shall be no more than 3 code violations per Property, per year; and
 - iv. There shall be no more than 3 calls for service per unit located on the Property, per year.
4. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

F. Costs.

1. There shall be a \$500.00 non-refundable application fee per Property.
2. During the three-year probationary period, Applicant shall pay the following licensing costs:
 - i. \$240.00 per landlord license, per year.
 - ii. \$240.00 per rental unit, per year.
3. At the end of the three-year probationary period, all costs shall return to those then in effect.

G. Violations.

1. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
2. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

H. Appeals.

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

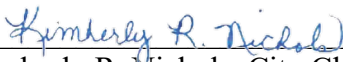
Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

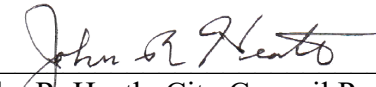
Section 5. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11th day of October, 2021 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 25th day of October, 2021.

ATTEST:



Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me, this 28th day of October, 2021.



Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Andy Kitzrow, Julia Glanz
From: Ronald L. Strickler, Jr, Director of HCDD
Date: 9/27/2021
Re: Non-Conforming Use Zoning Exemption Program

The Director of Housing and Community Development requests the opportunity to introduce an Ordinance for a Zoning Exemption Program relating to Salisbury properties which have lost their Non-Conforming use per Municipal Zoning Code 17.16.140, Section D. during the scheduled City Council Work Session on October 4, 2021. The proposed Non-Conforming Use Zoning Exemption Program Ordinance was presented to the Planning and Zoning Commission on September 16, 2021, resulting in a favorable recommendation to the City of Salisbury Mayor and City Council.

Since the current edition of the Salisbury Zoning Code was written in 1983, the City of Salisbury has witnessed their population double. Based on US Census data, our city consisted of 16,280 residents in 1980 compared to the most recent data in 2020 which recorded 33,050 residents. The City of Salisbury Metro Area realized an increase of an estimated 13.3% from 2010 to 2020 compared to the State of Maryland which increased by 4.9% and the United States by 6.7%. The City of Salisbury is the fastest growing city in Maryland and is experiencing an influx of people looking to live, work and play here.

Additionally, there is a great deal of evidence linking vacant and/or abandoned houses to threatened neighborhood stability, increased crime/vandalism rates, and decreased property value. In addition to the direct citizen impacts relating to vacant properties, the financial burden absorbed by Salisbury will continue to rise as a result of calls for service, decreased tax revenue and increased municipal maintenance cost. HCDD is confident the program will have an immediate impact on the vacant and recently purchased properties affected by the current zoning code impact on these former non-conforming use properties.

As leaders of our community, we are task with identifying and implementing strategic solutions to combat the housing shortage experienced by our citizens. With prudent guidance from the Department of Infrastructure and Development, Housing and Community Development leadership identified a practical solution to decrease a significant number of vacant properties while creating prospective housing opportunities for both current and future Salisbury residents. The time for action is now and confidence is high in the success of the Non-Conforming Use Zoning Exemption Program. Thank you for your consideration.



**Infrastructure and Development
Planning and Zoning
Commission
Staff Report
September 16, 2021**

I. BACKGROUND INFORMATION:

Applicant: City of Salisbury, Housing and Community Development Department

Nature of Request: Public Hearing - Text Amendment - To amend Title 17, Zoning Section 17.16

II. REQUEST:

Ron Strickler, Director of Housing and Community Development with the City of Salisbury, has submitted a request to amend the text of Title 17, Zoning to include the following language (**Attachment 1**):

In Chapter 17.16, Nonconforming Lots, Structures and Uses;

17.16.090 - Nonconforming Use Zoning Exemption Program

A. Purpose.

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

B. Definitions.

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. "Property" means a residential property subject to the Nonconforming Use Zoning Exemption Program.



C. Criteria for approval—Conditions.

1. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
2. The Property must be vacant and the Property's nonconforming use must have substantially ceased for a continuous period of one year.

D. Application Requirements.

1. All applications to participate in the Program must be submitted on or before _____.
2. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be defined as:
 - i. Applicant shall not owe delinquent taxes to the City of Salisbury.
 - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
 - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
3. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
4. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
5. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

E. Program Requirements.

1. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
 - i. Compete all terms and conditions of Applicant's rehabilitation plan;
 - ii. Obtain a Certificate of Occupancy; and
 - iii. The Property must be inspected by the Housing and Community Development Department.



2. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
3. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
 - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;
 - ii. The Property owner shall maintain Code and Standards of Livability requirements;
 - iii. There shall be no more than 3 code violations per Property, per year; and
 - iv. There shall be no more than 3 calls for service per Property, per year.
4. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

F. Costs.

1. There shall be a \$500.00 non-refundable application fee per Property.
2. During the three-year probationary period, Applicant shall pay the following licensing costs:
 - i. \$240.00 per landlord license, per year.
 - ii. \$240.00 per rental unit, per year.
3. At the end of the three-year probationary period, all costs shall return to those then in effect.

G. Violations.

1. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
2. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

H. Appeals.

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.



In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six (6) months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code Text Amendments (by Ordinance).

III. **DISCUSSION:**

The proposed zoning amendment will support the mission of the Housing and Community Development Department and City of Salisbury by decreasing the current number of vacant properties and blight in the City of Salisbury. When current vacant properties are converted through the proposed Nonconforming Use Zoning Exemption Program, the surrounding properties and neighborhoods will see an increase in their property value. Additionally, in support of combating the current housing availability crisis experienced across the country and within the City of Salisbury, approval and execution of the proposed program will provide expedient relief for those seeking housing opportunities in Salisbury

IV. **PLANNING AND ZONING:**

Since the current edition of the Salisbury Zoning Code was written in 1983, the City of Salisbury has seen our population double. Based on US census data, in 1980 our city consisted of 16,280 residents compared to our most recent data in 2020 of 33,050 residents. The City of Salisbury Metro Area realized an increase of an estimated 13.3% from 2010 to 2020 compared to the State of Maryland which increased by 4.9% and the United States by 6.7%. The City of Salisbury is the fastest growing city in Maryland and is experiencing an influx of people looking to live, work and play here. The leadership of the Housing and Community Development Department finds it pertinent that the Planning and Zoning Commission seriously consider approving this amendment to the Zoning code to provide housing opportunities within the City of Salisbury.

V. **STAFF RECOMMENDATION:**

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for



the proposed amendment that would inherently permit the **Nonconforming Use Zoning Exemption Program**, as follows:

AMEND SECTION 17.16 Nonconforming Lots, Structures and Uses, by adding the following:

17.16.090 - Nonconforming Use Zoning Exemption Program

A. Purpose.

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

B. Definitions.

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. "Property" means a residential property subject to the Nonconforming Use Zoning Exemption Program.

C. Criteria for approval—Conditions.

4. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
5. The Property must be vacant and the Property's nonconforming use must have substantially ceased for a continuous period of one year.

D. Application Requirements.

6. All applications to participate in the Program must be submitted on or before _____.
7. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be defined as:



- i. Applicant shall not owe delinquent taxes to the City of Salisbury.
 - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
 - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
8. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
9. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
10. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

E. Program Requirements.

11. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
 - i. Compete all terms and conditions of Applicant's rehabilitation plan;
 - ii. Obtain a Certificate of Occupancy; and
 - iii. The Property must be inspected by the Housing and Community Development Department.
12. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
13. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
 - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;
 - ii. The Property owner shall maintain Code and Standards of ASLivability requirements;



- iii. There shall be no more than 3 code violations per Property, per year; and
 - iv. There shall be no more than 3 calls for service per Property, per year.
14. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

F. Costs.

15. There shall be a \$500.00 non-refundable application fee per Property.
16. During the three-year probationary period, Applicant shall pay the following licensing costs:
- i. \$240.00 per landlord license, per year.
 - ii. \$240.00 per rental unit, per year.
17. At the end of the three-year probationary period, all costs shall return to those then in effect.

G. Violations.

18. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
19. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

H. Appeals.

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.



Attachment #1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 17.16 OF THE SALISBURY CITY CODE BY ADDING SUBSECTION 17.16.090 NONCONFORMING USE ZONING EXEMPTION PROGRAM

WHEREAS, housing studies show vacant properties create a large financial burden to the jurisdictions they are located in through an increased number of calls for emergency services, city/town absorbed maintenance costs and lost tax revenue as a result of decreased property values; and

WHEREAS, the Mayor and Council of the City of Salisbury desire to update the Salisbury Municipal Code to adopt a nonconforming use zoning exemption program to reduce vacant properties within the City and create additional housing opportunities; and

WHEREAS, subsection 17.16.040.D of the Salisbury City Code provides “No building, structure or lot where a nonconforming use has substantially ceased for a continuous period of one year, whether or not fixtures or equipment are removed, shall again be put to a nonconforming use”; and

WHEREAS, the City of Salisbury Housing and Community Development Department has identified a number of properties that are vacant because each individual property’s nonconforming use has ceased for more than one year pursuant to subsection 17.16.040.D of the Salisbury City Code; and

WHEREAS, many such property owners have expressed it is not economically feasible to return their properties to single-family homes and, as a result, the properties remain vacant; and

WHEREAS, implementing the Nonconforming Use Zoning Exemption Program will allow such properties to continue as legal nonconforming uses, which may result in positive economic and social effects, including but not limited to eliminating vacant properties and creating additional housing options in the City; and

WHEREAS, the City Housing and Community Development Department therefore proposes the creation of a zoning exemption program to allow properties to regain legal nonconforming use status within strict parameters; and

WHEREAS, the City through the Housing and Community Development Department and the Department of Infrastructure and Development shall develop an Application for participation in the Nonconforming Use Zoning Exemption Program; and



City of
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Jacob R. Day, Mayor

WHEREAS, the Housing and Community Development Department and the Department of Infrastructure and Development shall review all completed Applications and approve or deny participation in the Nonconforming Use Exemption Program; and

WHEREAS, the procedures and criteria necessary to qualify a property owner for participation in the Nonconforming Use Exemption Program shall be codified in an amendment to Chapter 17.16 of the City of Salisbury Municipal Code

WHEREAS, a Public Hearing on the proposed amendment was held by the Salisbury Planning and Zoning Commission in accordance with the provisions of Chapter 17.16, of Title 17, Zoning, of the Salisbury Municipal Code on [REDACTED]; and

WHEREAS, the Salisbury Planning and Zoning Commission did recommend approval of the proposed text amendment to Section 17.16.090; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to allow property owners to regain legal nonconforming use status when specified criteria are met; and

WHEREAS, the Mayor joins with the City Council in recommending the implementation of the Non-conforming Use Exemption Program and application process.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, as follows:

Section 1. Chapter 17.16 of the City of Salisbury Municipal Code, entitled “Nonconforming Lots, Structures and Uses” be and hereby is amended by adding a new subsection to Chapter 17.16, titled “Nonconforming Use Zoning Exemption Program”, as follows:

CHAPTER 17.16.090 - NONCONFORMING USE ZONING EXEMPTION PROGRAM

A. Purpose.

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

B. Definitions.

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. "Property" means a residential property subject to the Nonconforming Use Zoning Exemption Program.



C. Criteria for approval—Conditions.

1. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
2. The Property must be vacant and the Property’s nonconforming use must have substantially ceased for a continuous period of one year.

D. Application Requirements.

1. All applications to participate in the Program must be submitted on or before [REDACTED].
2. Applicant shall be in good standing with the City of Salisbury. “Good standing” shall be defined as:
 - i. Applicant shall not owe delinquent taxes to the City of Salisbury.
 - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
 - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
3. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
4. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
5. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

E. Program Requirements.

1. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
 - i. Complete all terms and conditions of Applicant’s rehabilitation plan;
 - ii. Obtain a Certificate of Occupancy; and
 - iii. The Property must be inspected by the Housing and Community Development Department.
2. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
3. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
 - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;



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Salisbury
Jacob R. Day, Mayor

- ii. The Property owner shall maintain Code and Standards of Livability requirements;
 - iii. There shall be no more than 3 code violations per Property, per year; and
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4. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

F. Costs.

1. There shall be a \$500.00 non-refundable application fee per Property.
2. During the three-year probationary period, Applicant shall pay the following licensing costs:
 - i. \$240.00 per landlord license, per year.
 - ii. \$240.00 per rental unit, per year.
3. At the end of the three-year probationary period, all costs shall return to those then in effect.

G. Violations.

1. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
2. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

H. Appeals.

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.



City of
Salisbury
Jacob R. Day, Mayor

Section 4. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

Section 5. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2021 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 ___ day of _____, 2021.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2021.

Jacob R. Day, Mayor



Attachment #2

I. Purpose of Program

- a. The City of Salisbury Housing and Community Development department has identified a number of properties currently sitting vacant due to the properties losing their non-conforming use exemption. Property owners who learned about the loss of the non-conforming exemption after purchasing the property have found that they are not worth the return on investment to rehabilitate as a single-family home. As a solution to eliminate these vacant properties and have the home rehabilitated to create additional housing options in the city HCDD is proposing a Special Zoning Exemption Program that would allow for the properties to regain their Non-Conforming Use with a strict set of Parameters. All housing studies show vacant properties create a large financial burden to the jurisdictions they are located in through an increased number of calls for emergency services, city/town absorbed maintenance cost and lost tax revenue as a result of decreased property values. By instituting the Special Zoning Exemption Program, the City of Salisbury believes we will see private investment in vacant properties, increased property values, increased tax revenue, and an increase in neighborhood stability.

II. Residential Property Qualifications

- a. Vacant residential properties (1 year or more) that have lost their non-conforming use exemption; or
- b. Any residential property that has lost its non-conforming use exemption within the last 5 years or 60 Months

III. Application Requirements

- a. Application must be submitted within 12 months following program approval from City Council
- b. Property owners must be in good standing with the City of Salisbury. Good standing shall be defined as;
 - i. No outstanding delinquent taxes
 - ii. No outstanding code violations
 - iii. No condemned properties w/o approved rehab plans



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Salisbury
Jacob R. Day, Mayor

- c. Complete rehabilitation plan for review by Housing and Community Development and Infrastructure and Development Departments
 - i. *Architectural renderings of exterior and interior*
- d. Off-street parking plan
 - i. *Minimum of one parking space per unit*
 - 1. *On-Site*
 - 2. *Off-Site (Parking lot or garage pass)*
- e. Agreement to adhere to Federal/State/Local Fair Housing Guidelines/Practices

V. Program Property Operational Requirements

- a. Rehabilitation plan must be completed and rental units available within 12 months from HCDD approval
 - i. *Applicable Permits required for rehabilitation (DID)*

VI. Program Property Operational Requirements continued

- a. Probational period of three (3) years
 - i. Property units subject to yearly inspection
 - ii. Must maintain Code and Standards of Livability requirements
 - iii. Must maintain minimal Code Violations
 - 1. Maximum of three (3) per year
 - iv. Must maintain minimal calls for service (PD)
 - 1. Maximum of three (3) per year, per unit

VII. Program Cost

- a. Application Fee
 - i. \$500.00 non-refundable application fee
- b. Probational period landlord license and rental unit cost
 - i. 240.00 per landlord license, per year
 - 1. Zoning exemption landlord license require
 - ii. \$240.00 per rental unit, per year
 - iii. License fees after completion of probational period
 - 1. Landlord license cost
 - a. Fee approved by Council at completion of probation (Current \$75.00)
 - 2. Rental unit license cost
 - a. Fee approved by Council at completion of probation (Current \$75.00)



City of
Salisbury
Jacob R. Day, Mayor

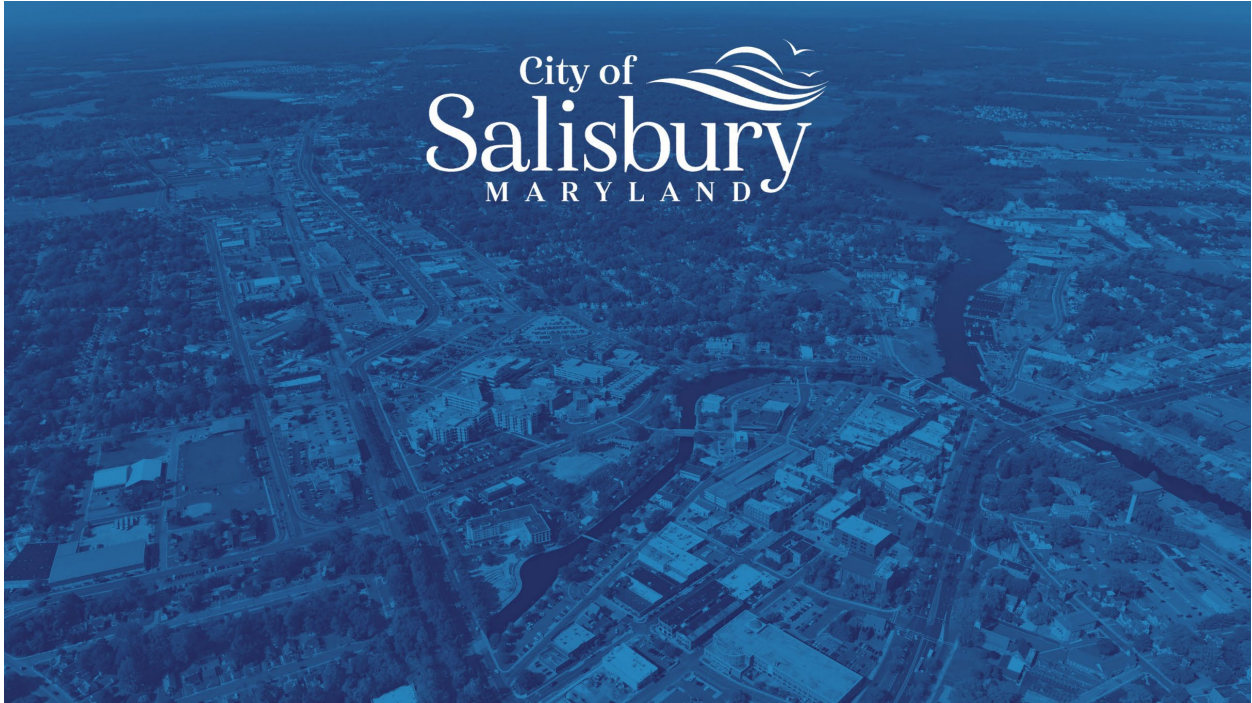
VIII. Program Violations

- a. Participating properties cannot be vacant for more than a 12-month period following the completion of rehabilitation plan
 - i. Should any property violate this stipulation, it will result in the loss of non-conforming use status pursuant to the City of Salisbury zoning code
- b. Rehabilitation of property taking longer than 12 months from approval will have licenses revoked
- c. The Housing and Community Development department reserves the right to revoke the licenses of any property participating in the Non-conforming Use Zoning Exemption Program for violating any of the probation period requirements



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Attachment # 3





Zoning Code - 17.16.040 - Nonconforming Uses

- A. A "nonconforming use" is a use which legally exists at the effective date of adoption or amendment of this title but that does not comply with the use regulations of the district in which it is located. Such nonconforming use may consist of a nonconforming use of land, a nonconforming use of a structure or a nonconforming use of land and a structure.
- B. A nonconforming use may continue so long as it otherwise remains lawful.
- C. A nonconforming use may not be changed to another nonconforming use, extended or enlarged without approval of the board of zoning appeals in accordance with Article II of this chapter.
- D. ***No building, structure or lot where a nonconforming use has substantially ceased for a continuous period of one year, whether or not fixtures or equipment are removed, shall again be put to a nonconforming use.***



Special Exemption Program Objectives

Increase in the following :

- *Property Value*
- *Tax Revenue*
- *Neighborhood Stability*
- *Housing*
- *Program Revenue*

Decrease in the following:

- *Calls for Service (Crime and Vandalism)*
- *Blight*
- *Vacant Properties*
- *City absorbed maintenance expense*



106 Colonial Ct.





Special Exemption Program Eligibility Requirements

- Vacant Property (1 year or more) that has lost its non-conforming use or;
- Any Property that has lost its non-conforming use within the last 5 years (60 Months)
- Application must be submitted within 12 months following program approval from City Council
 - Program is renewable by City Council after initial 12 month period
- Property owners must be in good standing with the City of Salisbury. Good standing shall be defined as:
 - No Delinquent Taxes
 - No Outstanding Code Violations
 - No Condemned Properties w/o approved rehab plans



Special Exemption Program Application Process

- Property owner Application Includes:
 - Rehabilitation plan for review by Housing and Community Development and Infrastructure and Development Departments
 - Architectural renderings
 - Historical and current proof of property reinvestment
 - Plans for adequate off-street parking
 - One parking space per unit
 - On-Site
 - Off-Site (Parking lot or garage pass)
 - Agreement to adhere to Federal/State/Local Fair Housing Guidelines/Practices





Special Exemption Program Terms

- Rehabilitation plan must be completed and rental units available within 12 months from HCDD approval
 - Applicable Permits required for rehabilitation (DID)
- Probational period of three (3) years
 - Property units subject to yearly inspection
 - Must maintain Code and Standards of Livability requirements
 - Must maintain minimal Code Violations, Three (3) per year
 - Must maintain minimal Calls for Service (PD), Three (3) per year
- Probational period landlord license and rental unit cost
 - \$240.00 per landlord license per year
 - \$240.00 per rental unit per year
 - After probation period is successfully completed, the rental licensing renewal fees return to the approved by City Council
- Property cannot be vacant for more than a 12 month period following the completion of rehabilitation plan. Should said property violate this stipulation, it will result in the loss of non-conforming use status per Salisbury Zoning Code



299 Locust Ter.

