

**ORDINANCE NO. 2716**

**AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 17.04.040 OF THE SALISBURY CITY CODE, ENTITLED “METHOD OF REGULATION”, TO ADD CONFIRMATORY LANGUAGE EXEMPTING FEDERAL, STATE AND LOCAL GOVERNMENTS FROM TITLE 17 OF THE SALISBURY CITY CODE.**

**WHEREAS**, the ongoing application, administration and enforcement of Title 17 (Zoning) of the City Code of the City of Salisbury (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of Title 17 current, comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

**WHEREAS**, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

**WHEREAS**, the Mayor and Council may amend Title 17 (Zoning) of the Salisbury City Code pursuant to the authority granted by MD Code, Land Use, § 4-102, subject to the provisions set forth in § 17.228.020 of the Salisbury City Code;

**WHEREAS**, it is widely accepted in Maryland that a local government, when it owns, leases, or otherwise controls property in that locality and puts the property to public use, is not subject to its own zoning laws, absent an explicit legislative provision manifesting an intent that the local government be subject to those laws;

**WHEREAS**, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Section 17.04.040 of the Salisbury City Code to add confirmatory language that Federal, State and Local governments are exempt from Title 17;

**WHEREAS**, pursuant to § 17.228.020 of the Salisbury City Code, any amendment to the Salisbury Zoning Code requires the recommendation of the Salisbury Planning and Zoning Commission (the “**Planning Commission**”) prior to the passage of an ordinance amending Chapter 17.04;

**WHEREAS**, a public hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of § 17.228.020 of the Salisbury City Code on April 21, 2022;

**WHEREAS**, at the conclusion of its April 21, 2022 meeting, the Planning Commission recommended, by a vote of 5-0, that the amendment to Section 17.04.040 of the Salisbury City Code set forth herein be approved by the Mayor and Council; and

**WHEREAS**, the Mayor and Council have determined that the amendment to Section 17.04.040 of the Salisbury City Code set forth shall be adopted as set forth herein.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, that Title 17 of the Salisbury City Code is hereby amended by adding the bolded and underlined language and deleting the strikethrough language as follows:

**Section 1.** By amending Section 17.04.040 of the Salisbury City Code, entitled “Method of regulation” as follows:

The method to be used for carrying out the legislative intent shall be by ordinance of the city council dividing the city into districts of such number, shape and area as may be deemed necessary to carry out the purpose of the grant of powers in ~~Article 66B~~ **the Land Use Article** of the Annotated Code of Maryland to promote health, safety, morals and the general welfare of the community. Within such districts the city may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. The regulations herein are intended to carry out the mandate of the Acts and Articles expressed in the legislative authority above.

**This Title (Title 17) shall not apply to land, buildings or other structures owned by or leased solely to the Federal Government, the State of Maryland, Wicomico County, or the City of Salisbury, provided that such land, buildings or other structures are used for a public purpose.**

**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.

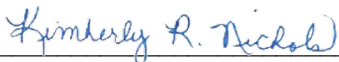
**Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication 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.

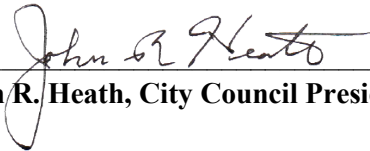
**Section 5.** This Ordinance shall take effect from and after the date of its final passage.

**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 25<sup>th</sup> day of April, 2022 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 of the City of Salisbury on the 23<sup>rd</sup> day of May, 2022

**ATTEST:**



**Kimberly R. Nichols, City Clerk**



**John R. Heath, City Council President**


Approved by me, this 25 day of May, 2022.



**Julia Glanz, City Administrator, for and at the direction of Jacob R. Day, Mayor**



City of  
**Salisbury**  
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator  
From: Richard D. Baldwin, Acting Director of Infrastructure and Development   
Date: April 21, 2022  
Re: Zoning Code Text Amendment Amending Section 17.04.04

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The text amendment to section 17.04.04 was prepared by the City Attorney and received Planning Commission Public Hearing and Planning Commission approval on April 21, 2022.

1. Ordinance for a text amendment to Zoning Code in Title 17 Zoning.
  - a. Amending Section 17.04.04 of the Salisbury City Code, entitled "Method Of Regulation," to add language exempting Federal, State And Local Governments from Title 17.
  - b. The amendment will clarify confusing language in the existing code. Wicomico County has similar exemption language.
  - c. This language was being added as part of the comprehensive rezoning process, however the Anne Street Village project is accelerating the need for the amendment.

Unless you or the Mayor has further questions, please forward a copy of this memo and the ordinance to the City Council.

Department of Infrastructure & Development  
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