



MARYLAND

ORDINANCE NO. 1912

AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE, AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSE OF AMENDING CHAPTER 17.100, PALEOCHANNEL DISTRICT - TO INCLUDE THE SALISBURY WELLHEAD PROTECTION ZONES.

WHEREAS, the ongoing application, administration, and enforcement of Title 17, Zoning, of the Salisbury Municipal Code, demonstrates a need for its periodic review, evaluation, and amendment that will keep Title 17 current; and,

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

WHEREAS, the Mayor and City Council have requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing development trends and practices and current City development policies as well as to review all individual amendment requests from private citizens;

WHEREAS, a Public Hearing on said text amendment to the Paleochannel District, Section 17.100 of Title 17, Zoning, of the Salisbury Municipal Code was held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on August 19, 2004; and,

WHEREAS, the Planning Commission did recommend approval of the proposed text changes at a Public Hearing on August 19, 2004;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Chapter 17.100 of Title 17, Zoning, of the Salisbury Municipal Code is hereby amended by adding the wording in bold print and as follows:

SALISBURY MUNICIPAL CODE

Chapter 17.100

PALEOCHANNEL AND WELLHEAD PROTECTION ~~DISTRICT~~ DISTRICTS

Sections:

- 17.100.010 Purpose.**
- 17.100.020 Establishment of boundaries.**
- ~~**17.100.030 Ordinance permit required.**~~
- 17.100.030 Permitted and accessory uses.**
- 17.100.040 Development standards.**

17.100.010 Purpose.

The paleochannel is an ancient buried underground riverbed with approximately seven billion (7,000,000,000) gallons of water, which extends into the northerly portion of Wicomico County from Dorchester County and which has been nominated by the City Council and designated as an area of critical state concern by the Maryland Department of State Planning. The paleochannel extends into Salisbury along its northerly corporate limits, has been mapped and studied in its known portion by the Maryland Geological Survey, provides potable water for the city of Salisbury and is a potentially unlimited source of water for both Salisbury and Wicomico County. Because of its vast potential as a potable abundant water supply, protective measures, in the form of use limitations and

review procedures, are necessary to ensure that it is protected from contamination while continual study is done of the paleochannel's recharge areas and its capabilities and limitations. The following district, uses and development standards have been developed based upon this purpose, which is in accord with the findings and recommendations for the paleochannel in the city's adopted Metro Core Comprehensive Plan.* (Prior Code Section 150-130)

IN ADDITION TO TWO (2) WELLS LOCATED IN THE PALEOCHANNEL (KNOWN AS THE PALEO WELLS), THE CITY OF SALISBURY HAS NINE (9) WELLS LOCATED ALONG THE BANKS OF THE SOUTH PRONG OF THE WICOMICO RIVER (BEAVERDAM CREEK) FROM WHICH POTABLE WATER IS OBTAINED. THESE WELLS ARE KNOWN AS THE PARK WELLS.

* Editor's Note: A map of the Salisbury paleochannel is included at the end of this chapter.

17.100.020 Establishment of boundaries.

The paleochannel district shall be shown on the official zoning map as a district overlying the existing zoning and shall include all that area within the Salisbury corporate limits shown on the Maryland Geological Survey Map for the paleochannel set forth in Bulletin 31, Part n, by James W. Weigle, 1972, and may be changed from time to time as the paleochannel is further defined without the necessity of showing a mistake in the original boundaries or a change in the neighborhood. (Prior Code Section 150-131)

THE BOUNDARIES OF THE WELLHEAD PROTECTION DISTRICT SHALL BE SHOWN ON THE OFFICIAL ZONING MAP AS A DISTRICT OVERLYING THE EXISTING ZONING AND SHALL INCLUDE ALL THAT AREA WITHIN SALISBURY'S CORPORATE LIMITS MAPPED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, INCLUDED IN THE SOURCE WATER ASSESSMENT STUDY AND DATED JANUARY 2003. THESE BOUNDARIES MAY BE CHANGED FROM TIME TO TIME AS DATA IS UPDATED FOR THE WELLHEAD PROTECTION AREAS WITHOUT THE NECESSITY OF SHOWING A MISTAKE IN THE ORIGINAL BOUNDARIES OR A CHANGE IN THE NEIGHBORHOOD.

17.100.030 Permitted and accessory uses.

Permitted uses and accessory uses shall be as follows:

- A. All uses permitted in the underlying zoning district(s), with the following exceptions:
 - 1. Uses which discharge excessive amounts of water or use, store or generate raw or waste materials which are

ignitable, corrosive, reactive or toxic, such as, but not limited to, manufacture of organic and inorganic chemicals, paint and pigments, petroleum refining, steel, metal products fabrication, electroplating and textile dyeing and finishing. (Prior code Section 150-133)

17.100.040 Development standards.

In addition to the development standards for the underlying zoning district(s), the following shall be required:

- A. All proposals for development of any lot or parcel of land for any use **WITHIN THE PALEOCHANNEL OR WELLHEAD PROTECTION DISTRICTS** shall require submission of a Comprehensive Site Plan to be reviewed by the Planning Commission.
- B. The Planning Commission shall review the proposal relative to any existing or future possibility of contamination of the paleochannel **OR WELL HEADS** through storage and handling of raw and waste materials or from the particular manufacturing or industrial process proposed. The Commission shall solicit any technical advice or information it deems necessary in its review of the proposed use to assure that possible contamination will not occur, including, but not limited to, the following:
 - 1. A copy of all necessary permits from the Maryland Department of Water Resources and any other applicable state agency;
 - 2. An impact statement from an independent consultant, at the developer's expense.
- C. If the Commission is satisfied that the proposal poses no unacceptable risk of contamination to the paleochannel **OR WELL HEADS**, the Comprehensive Site Plan shall be approved.
- D. If the Commission determines that there is any possibility that the proposal may pose an unacceptable risk of contamination to the paleochannel **OR WELL HEADS**, then the request to construct or use and operate such use at the proposed location shall be denied.
- E. A proposal which has been rejected by the Commission may be resubmitted for review if there has been a major change in the processing, storage or handling of material which eliminates the potential risk of contamination to the paleochannel **OR WELL HEADS**.

- F. Appeal from the Commission's final decision may be made to the Circuit Court for Wicomico County within thirty (30) days of the Commission's final decision.
- G. Uses operating or described in Section 17.100.040(A)(I) existing at the date of amendment of this chapter and located in the paleochannel **OR WELL HEAD** districtS shall submit a plan for management of materials which may pose a risk of contamination to the paleochannel **OR WELL HEADS**. Submission review and approval of the plan shall follow the same procedure as required for new uses, except that the required Comprehensive Site Plan shall be at the discretion of the Planning Director. (Prior Code Section 150-134) (Amended 3/27/2000 by Ordinance #1752A.)

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 27th day of September, 2004, and having been published as required by law, in the meantime, was finally passed at its meeting on the _____ day of _____, 2004.

 Michael P. Dunn
 President of the City Council of
 the City of Salisbury

Approved by me this _____
 day of _____, 2004.

Witness:

 Barrie Parsons Tilghman
 Mayor of Salisbury

 Brenda J. Colegrove
 City Clerk