



**CITY OF SALISBURY - WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT**



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Wicomico County Board of Zoning Appeals
City of Salisbury Board of Zoning Appeals
Agricultural Land Preservation Advisory Board

April 4, 2005

TO: John Pick, Executive Officer

FROM: John F. Lenox, AICP, Director of Planning & Zoning

SUBJECT: **PUBLIC HEARING - REZONING - Lake Street and Wicomico River - General Commercial to Riverfront Redevelopment Multi-Use District and TEXT AMENDMENTS to the Riverfront Redevelopment Multi-Use District and the Central Business District Parking Standards - Planning Commission Recommendations**

I. INTRODUCTION.

On March 17, 2005, the Salisbury Planning Commission held a public hearing on a proposal to rezone five parcels totaling 3.26 acres located on the northerly side of U.S. Route 50, the easterly side of Lake Street and the westerly side of the Wicomico River from General Commercial to Riverfront Redevelopment Multi-Use District #1. (See Attachment A.)

In addition, during the same public hearing the Planning Commission reviewed proposed text amendments to the Riverfront Redevelopment Multi-Use District to create Riverfront Redevelopment Multi-Use District #1 by deleting certain uses from the district, modify the language of other uses, and add several permitted uses to the district for the area of the North Prong of the Wicomico River. A proposal to create a Riverfront Redevelopment Multi-Use District #2 was reviewed that re-adopted the language of the existing district to cover the area zoned Riverfront Redevelopment Multi-Use District south of West Main Street. Finally, amendments to the parking standards in the Riverfront Redevelopment Multi-Use District and the Central Business District as well as corresponding language in the Apartment Standards section of the Code was reviewed by the Commission.

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II. RECOMMENDATION.

The Salisbury Planning and Zoning Commission and the Planning and Zoning Staff recommend to the Mayor and City Council the proposed rezoning of these properties to Riverfront Redevelopment Multi-Use District #1 be **Approved** based on the Findings of Fact.

The Commission and the Planning Staff also recommend **Approval** of the proposed Text Amendments to the Code creating two Riverfront Redevelopment Multi-Use Districts, amending the language of the districts, and amending the parking standards of the Riverfront Redevelopment Multi-Use District and the Central Business District found in the Parking Standards (Section 17.196) and the Apartment Standards (Section 17.168) of the Code. The attachments accompanying this report include the Planning Commission staff report, the Planning Commission decision letter, the draft Ordinance including both the rezoning and the text amendments, and draft Findings of Fact for the rezoning.

III. BACKGROUND.

Section 17.228 of the Salisbury Municipal Code requires rezoning requests to be reviewed by the Mayor and City Council at a public hearing.

During their review of the requested Rezoning and the surrounding area, the Planning Commission noted that although the 1997 Metro Core Comprehensive Plan designated this area for commercial development, little new commercial development has occurred in the neighborhood and there are several vacant structures and properties. The Commission also noted that this rezoning in conjunction with other proposed text amendments to the Code would assist the Urban River Project II in promoting redevelopment in the area.

Regarding the Text Amendments, the Commission found that it is desirable to remove certain industrial uses from the Riverfront Redevelopment Multi-Use District, create two Riverfront Redevelopment Multi-Use Districts, and amend the parking standards for both the Riverfront Redevelopment Multi-Use Districts #1 and #2 and the Central Business District to further plans for multi-family development in the area and promote redevelopment efforts in the Wicomico River North Prong area.

Attachments

cc: William Holland, Director, Building, Housing and Zoning Dept.
Paul Wilber, City Solicitor
Mayor Barrie Parsons Tilghman
John Pick, Executive Officer



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STAFF REPORT

MEETING OF MARCH 17, 2005

CASE NO.: #SP-0508

- PROPOSALS:**
- (1) **REZONING** of lands located between Lake Street and the Wicomico River from General Commercial to Riverfront Redevelopment Multi-Use District.
 - (2) **TEXT AMENDMENT** to create RRMU District #1 (north of U.S. Route 50) and RRMU District #2 (south of U.S. Route 50).
 - (3) **TEXT AMENDMENT** to amend the parking standards in the Central Business District and RRMU District #2.

I. INTRODUCTION:

The Planning and Zoning Department was asked to review the zoning of certain properties along the easterly side of Lake Street and the westerly side of the Wicomico River relative to a zoning classification change from General Commercial to Riverfront Redevelopment Multi-Use District. At the same time, Staff was asked to review the provisions of the Riverfront Redevelopment Multi-Use District, Chapter 17.168, for the purpose of drafting amendments to create two Riverfront Redevelopment Multi-Use Districts. Finally, the Staff has held meetings with several developers proposing condominium/multi-family developments in the Riverfront Redevelopment Multi-Use District and the Central Business District relative to the parking standards required for these developments. This set of proposals is the result of that review.

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Zoning Classification changes and Text Amendments to the Code. The Commission must forward a recommendation (within six months) to the City Council. The City

Council must also hold a Public Hearing before granting final approval to a Rezoning or Code text amendments (by Ordinance).

II. PROPOSAL I:

Lake Street/Wicomico River Rezoning. A Task Force formed by the Greater Salisbury Committee and the Mayor's Office is working on an Urban River Project II for the north prong of the Wicomico River. The committee is working to formulate ideas for rehabilitation of this industrial area that is now long past is prime. The committee intends to seek Priority Places assistance.

To facilitate commercial, residential and retail development here, review of the area indicated a need for rezoning of four properties along the westerly side of the Wicomico River that are currently zoned General Commercial.

A. NEIGHBORHOOD:

Decisions in Maryland court cases regarding rezoning of land have stated the requirement that a "neighborhood" must be specifically delineated in any rezoning study. The neighborhood examined in this study is shown in **Attachment #1**. U.S. Route 50 borders the "neighborhood" on the south, Cypress Street on the west, West Isabella Street on the north, and North Division Street on the east.

B. SITE AND NEIGHBORHOOD DESCRIPTION:

1. Site:

The rezoning area consists of five parcels and totals 3.26 acres. Parcel #1635 is vacant but once contained a gas station. Parcel #1633 contains a car wash and dry cleaning station that is now vacant. Parcels #1631 and 1632 contain auto and truck repair businesses. Parcel #1630 appears to be used by MAC, Inc.

2. Neighborhood:

The surrounding land in the neighborhood is a mixture of uses and zoning districts.

The remainder of the riverfront on both sides of the Wicomico River north to West Isabella Street is zoned Riverfront Redevelopment Multi-Use District. The area contains a vacant parcel, a residence, Bradley's Market, the Perdue grain facility, the former BP fuel terminal, the City Utility Division, Salisbury Monument Co., Cain Masonry, Jones Auto Repair, OMO Petroleum, MARCOR, Rothchild, Teleplus,

International Cash Register, RC Holloway, and Farmers and Planters as well as a proposed recycling site.

East of Mill Street the area bordered by West Isabella Street, Park Avenue and Chestnut Street is zoned R-10 Residential and is part of the Newtown Historic District. Further east is an R-8 Residential District that is also part of Newtown. South of Chestnut Street to Route 50 is an Office Service Residential District that contains several counseling offices, surveying/engineering offices, and the John B. Parsons Home. A part of this area is also in Newtown.

West of Lake Street to Cypress Street is a General Commercial District containing a multi-family house, a cab company, the former McDonald's site, Super Soda, Pro-Rad, Delmarva Trailer Rentals, A & L Service Center and another residence. North of the General Commercial District (north of Burton Street) is a Light Industrial District that is mostly vacant land except for one building and Bailey's Taxi. It was once part of the BP fuel facility; its exact use is unknown. North of Gordon Street to West Isabella Street is an R-5 Residential District consisting mostly of older two-story residences. (See Attachment #2.)

C. ZONING HISTORY.

The proposed rezoning site was first zoned Industrial in 1936 and remained zoned Industrial after the 1959 rezoning of the City. Following the City's most recent Comprehensive Rezoning in 1983, the subject properties were rezoned to General Commercial, which they remain to date.

D. EXISTING ZONING.

The existing zoning of the neighborhood and adjacent areas is shown on Attachment #2. Land within the neighborhood is zoned General Commercial, Light Industrial, R-5 Residential, R-8 Residential, R-10 Residential, Office and Service Residential, and Riverfront Redevelopment Multi-Use District. (See Neighborhood description above.)

E. PROPOSED ZONING.

The five parcels along Lake Street and the westerly side of the Wicomico River are proposed for rezoning from General Commercial to Riverfront Redevelopment Multi-use District. This zoning would

be consistent with the remainder of the north prong section of the river (north of U.S. Route 50) on both sides of the River.

The General Commercial District currently provides for an extensive list of uses, including 35 permitted uses, 5 uses permitted by special exception (Board of Appeals approval) and 7 uses permitted by Ordinance Permit (City Council approval). The Purpose notes that this district is to provide for a "wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities." (See Attachment #3)

F. FINDINGS OF FACT:

For Maryland Counties that receive their Planning and Zoning authority from Article 25A of the Maryland Annotated Code (such as Wicomico County), past court cases have required rezonings to be based upon Findings of Fact made in each specific case including, but not limited to the following:

1. **Population Change.** Through the Assessment Records, Staff could document only one new structure in the neighborhood constructed since 1983. Most of the housing stock in the R-5 District included within the defined neighborhood was constructed in the early 1900's.
2. **Availability of Public Facilities.** These parcels are located on the northerly side of U.S. Route 50 and the west side of the Wicomico River. The area is served with public water and sewer services.
3. **Present and Future Transportation Patterns.** U.S. Route 50 is a State Highway. The rezoning site has adequate access to U.S. Route 50 utilizing Lake Street.
4. **Compatibility with Existing and Proposed Development.**

The proposed rezoning is consistent with the existing zoning classification on the remainder of the properties on both sides of the North Prong of the Wicomico River.

The surrounding properties to the west and north are zoned General Commercial and Light Industrial.

The properties to the south, across U.S. Route 50 are in the Industrial and Central Business Districts.
5. **Relationship to the Comprehensive Plan.** The City Council adopted the Metro Core Comprehensive Plan on September 22, 1997. The proposed rezoning site is designated as General Commercial on the Metro Core Land Use Plan.

G. THE “CHANGE OR MISTAKE” RULE:

Article 66B of the Maryland Code states that a local legislative body shall make findings of fact in each rezoning request as discussed above, and may approve a rezoning only if there is a finding that there was (1) a substantial change in the character of the neighborhood where the property is located, or (2) that there is a mistake in the existing zoning classification. The following section evaluates the applicants' rezoning request in relation to this rule.

1. **Change in the Character of the Area.** For Planning purposes, a “change” is the cumulative effect of the alteration of a number of development factors in the neighborhood which are different than those which were planned or in existence at the time of the last comprehensive rezoning.

In this case, the last comprehensive rezoning occurred in 1983; therefore, changes to be considered for a rezoning must have occurred since that date. Typically, items that could qualify as “changes” include such things as rezonings, annexations, or new road constructions.

The staff could not document any changes of this nature that have occurred in the area since 1983.

2. **Mistake in the Existing Zoning.** For Planning purposes, a “mistake” is an error of commission or omission by the local elected body during its review and adoption of the current zoning and the relationship of that error to the case. According to the Guide of Maryland Zoning Decisions, the term error “does include the failure to take into account projects or trends reasonably foreseeable of fruition in the future. In order to establish error, there must be evidence to show that such developments were not, in fact, or could not have been, taken into account so that the Council's action was premised on a misapprehension.”

Staff believes that there is a basis for a mistake in the existing zoning based on the lack of development or redevelopment in the area in a commercial manner. Although at least two commercial structures have been built in the designated neighborhood (A & L Service Center and Delmarva Trailer Rentals), there are a number of vacant tracts and vacant buildings. The service station that was once located at the

corner of U.S. Route 50 and Lake Street is gone and the McDonald's is vacant.

H. SUMMARY OF FINDINGS:

Based on the study of the rezoning and its effect on the neighborhood by the Planning Staff, the following findings are summarized:

1. The neighborhood is bounded by U.S. Route 50 on the south, Cypress Street on the west, West Isabella Street on the north, and North Division Street on the east.
2. There has been little change in population in the neighborhood since the last comprehensive rezoning in 1983.
3. Public sewer and water services are available to these sites.
4. Access to the property is adequate through Lake Street to U.S. Route 50.
5. Neither the existing nor the proposed rezoning is entirely in accord with the 1997 Metro Core Comprehensive Plan, which recommends "General Commercial" use for the properties.
6. There is little evidence of "change" in this neighborhood since the City's 1983 comprehensive rezoning to warrant a rezoning at this location. Changes that have occurred have been in the form of vacant properties and decline of the area rather than the normal elements of change reviewed by Staff (rezonings, annexations or road construction).
7. There is evidence to support a rezoning based on a "mistake" in the existing zoning. Development of vacant sites or redevelopment of existing sites with General Commercial uses has not occurred. There are several vacant buildings in the designated neighborhood.

I. RECOMMENDATION:

The Planning Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for reclassification of zone from General Commercial to Riverfront Redevelopment Multi-Use District for the five parcels on the easterly side of Lake Street and the westerly side of the Wicomico River based on a Mistake in the Existing Zoning and the Findings of Fact included in this report.

III. PROPOSAL II:

Riverfront Redevelopment Multi-Use District #1. The Planning and Zoning Department was also asked to review the text of the Riverfront Redevelopment Multi-Use District for the purpose of identifying possible modifications to the district. The district, added to the Code in 1983 as part of the last City Comprehensive Rezoning, permits a mixture of uses and activities “appropriate to the waterfront”. The Purpose notes that industries and commercial activities dependent on water access are to be given “primary consideration.”

However, 20 years later, there is now a desire to promote redevelopment of the North Prong of the Wicomico River with uses that are not industrial in nature. The oil companies which formerly occupied sites in this area have moved south of the U.S. Route 50 and West Main Street bridges for access reasons. Several sites along the river are now vacant.

Because of the active industrial sites south of the bridges that require river access, the Planning Staff proposes splitting the RRMU District into two districts. District #1 will encompass the North Prong of the River. District #2 will encompass the area south of the bridges and the text remains mostly unchanged.

The proposed text for RRMU District #1 is included as **Attachment #4** and a map of the area as **Attachment #5**. Modifications to the proposed permitted uses have been completed by removing the industrial uses and by adding a number of uses from the Central Business District as follows:

Proposed Deletions/Modifications:

- B. Boat sales, service, rentals, ramps, docks, marinas and commercial sightseeing;
- C. Commercial fishing and seafood wholesale or retail outlets and related uses;
- E. Industrial uses dependent upon the waterfront for delivery or shipment of goods and materials necessary to their operation;
- F. Marine railways, construction and repair yards, storage yards and marine supply outlets;
- L. Specialty ~~and marine~~ shopping facilities, such as art, gift, antique, import, health and natural goods, fishing tackle and equipment, marine hardware and boat furniture shops, including uses of a more general commercial nature which do not detract from the purpose of the waterfront and which are necessary to its economic viability;

- M. Trucking and freight transfer terminals and depots, wholesaling, warehousing and distribution facilities, all of which are dependent upon the waterfront for their operation;

Proposed Additions:

- D. BUSINESS USES AND OFFICES, INCLUDING INSURANCE, REAL ESTATE AND FINANCIAL OFFICES;
- F. CULTURAL USES, SUCH AS MUSEUMS, LIBRARIES, MEETING ROOMS, AND THEATERS;
- G. GOVERNMENTAL USES, SUCH AS FEDERAL, STATE, COUNTY, CITY ADMINISTRATIVE OFFICES, COURT AND DETENTION FACILITIES, THE POST OFFICE, FIRE STATION AND POLICE STATION;
- H. INSTITUTIONAL USES, SUCH AS HOSPITALS, CARE HOMES, CHURCHES AND NURSING HOMES;
- I. PROFESSIONAL USES, INCLUDING MEDICAL, LEGAL ENGINEERING, SURVEYING AND ARCHITECTURAL OFFICES AND FACILITIES;

The current text of the Riverfront Redevelopment Multi-Use District (Chapter 17.104) is included as **Attachment #6**. This section of the Code is proposed for renumbering as RRMU District #2.

RECOMMENDATION:

The Planning Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for the following actions regarding the Text of the Riverfront Redevelopment Multi-Use District:

1. **DELETE CHAPTER 17.104 IN ITS ENTIRETY.**
2. **AMEND THE TEXT OF THE SALISBURY MUNICIPAL CODE BY ADDING A NEW CHAPTER 17.104 AS RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1. (SEE ATTACHMENT #4.)**
3. **AMEND THE TEXT OF THE SALISBURY MUNICIPAL CODE BY RE-ADOPTING CHAPTER 17.104 AS CHAPTER 17.105, RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #2. (SEE ATTACHMENT #7.)**

IV. PROPOSAL III:

Riverfront Redevelopment Multi Use District and Central Business District Parking Standards. Plans are being prepared for several projects to be located in the Riverfront Redevelopment Multi Use District and Central Business District. During the plan preparations, the parking standards that were adopted in 2002 as a part of the amendments to the definition of a “family” came to light.

The parking standards for apartments and “attached dwelling units” are now based on the number of bedrooms in the units as follows (**also See Attachment #9**):

Apartment development (constructed after to 11/2002)	2 for each efficiency or one-bedroom unit, 3 for each unit containing three bedrooms or more plus 20% of total for guest parking*
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The amendments to the parking standards in 2002 were in response to student parking problems that had surfaced in several neighborhoods and small complexes. Several situations had arisen where students were parking in the front yards of units due to insufficient parking.

The Central Business District requires parking to be provided in accordance with Chapter 17.196 unless in an area governed by “established parking tax district regulations.” Although no new Parking Tax Districts have been established in a number of years, Staff interprets this language to mean where there are municipal parking lots. The Riverfront Redevelopment Multi-Use District also requires parking in accordance with Chapter 17.196. (**See Attachments #6 [RRMU] and #10 [CBD]**).

Both the CBD and RRMU Districts permit residential development at a density of 40 units per acre and building heights of 75 ft. Theoretically, this allows developers to create infill development using smart growth principles such as “efficient use of land” and “efficient use of infrastructure.” However, the designers of several proposed luxury condominium projects are finding it difficult to provide sufficient parking even utilizing a lower density of development.

The Planning Staff was provided statistics on the parking standards from several other metropolitan codes including Baltimore City, Annapolis, Laurel as well as nearby Ocean City.

RECOMMENDATION:

Staff recommends that the Planning Commission forward a **Favorable** recommendation to the Salisbury City Council for adoption of the proposed amendments to Chapter 17.196 as follows:

AMEND CHAPTER 17.196.030 BY ADDING THE FOLLOWING:

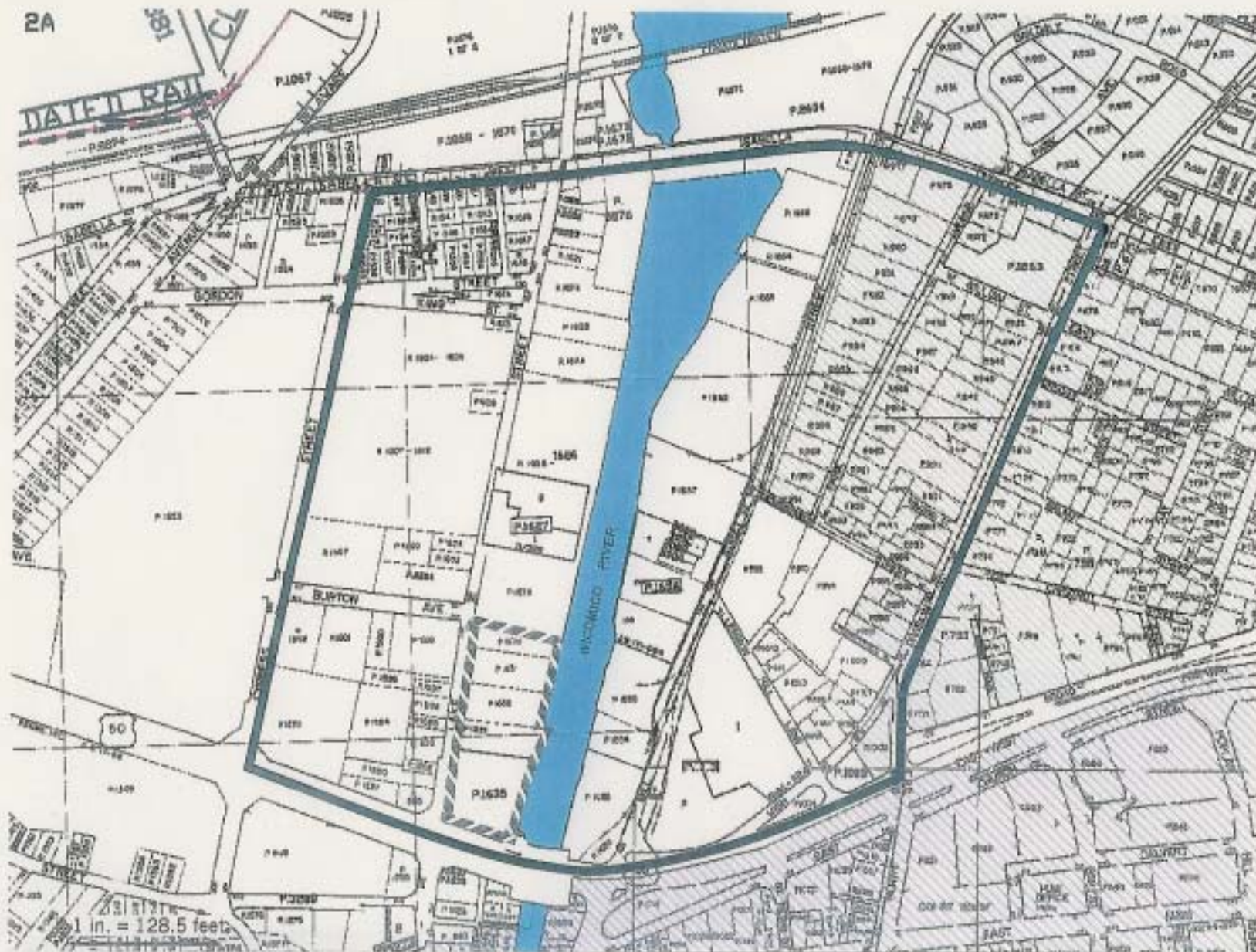
**IN THE CBD AND RRMU
DISTRICT #1 AND RRMU
DISTRICT #2:**

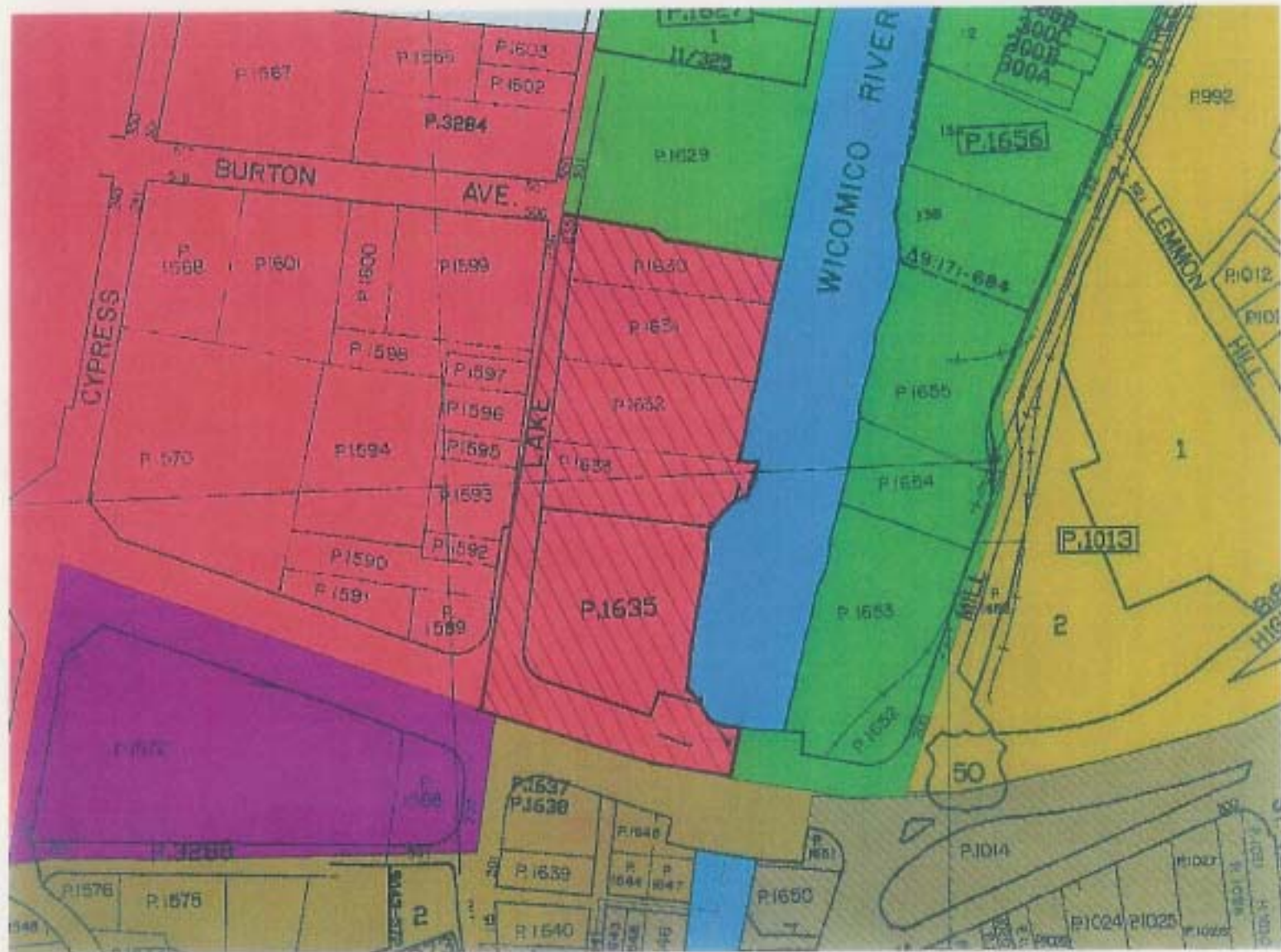
**1 SPACE FOR EACH EFFICIENCY OR
1.5 SPACE FOR EACH ONE- BEDROOM
UNIT, 1.75 SPACE FOR EACH TWO-
BEDROOM UNIT, 2 FOR EACH
THREE- BEDROOM UNIT, .25
ADDITIONAL SPACES FOR EACH
BEDROOM ABOVE THREE PLUS 10%
OF TOTAL FOR GUEST PARKING**

**AMEND CHAPTER 17.168.050.E.1 BY ADDING A NEW ITEM c. AS
FOLLOWS:**

- c. FOR APARTMENT PROJECTS AND SINGLE-FAMILY
ATTACHED DWELLING UNITS, EXCEPT TOWNHOUSE UNITS
IN THE CENTRAL BUSINESS AND RIVERFRONT
REDEVELOPMENT MULTI-USE DISTRICTS #1 AND #2, ONE
OFF-STREET PARKING SPACE FOR EACH EFFICIENCY, ONE
AND ONE-HALF (1.5) SPACES FOR EACH ONE BEDROOM
UNIT, ONE AND THREE-QUARTERS (1.75) SPACES FOR EACH
TWO BEDROOM UNIT, TWO OFF-STREET PARKING SPACES
FOR EACH THREE BEDROOM UNIT, AND ONE-QUARTER (.25)
ADDITIONAL SPACES FOR EACH BEDROOM ABOVE THREE,
PLUS TEN (10) PERCENT OF THE TOTAL FOR GUEST
PARKING SHALL BE PROVIDED.**

COORDINATOR: Gloria Smith, Planner
DATE: March 10, 2005





Chapter 17.36

GENERAL COMMERCIAL DISTRICT

Sections:

- 17.36.010 Purpose.**
- 17.36.020 Permitted uses.**
- 17.36.030 Uses permitted by special exception.**
- 17.36.040 Uses permitted by ordinance permit.**
- 17.36.050 Accessory uses and structures.**
- 17.36.060 Development standards.**

17.36.010 Purpose.

The purpose of the General Commercial district is to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities.

To alleviate problems with traffic congestion and unnecessary turning movements, unified access and consolidation of businesses is encouraged. Because of the potential impact of these types of activities, special landscaping and screening requirements are established for certain uses.

The following uses, standards and area regulations have been established consistent with this purpose. (Ord. 1599 Section 1 (part): Prior Code Section 150-65)

17.36.020 Permitted uses.

A. Permitted uses shall be as follows:

1. Apartment units, in accordance with Chapter 17.168.;
2. Bank;
3. Bakery;
4. Boardinghouse/rooming house;
5. Business center in accordance with the requirements of Chapter 17.172, provided that each individual lot shall have a minimum of six thousand (6,000) square feet of land area;
6. Carpenter, sheet metal, sign, blacksmith and welding shop, provided that all activities are confined within a building;
7. Church and other place of worship;
8. Club, lodge and fraternal organization;
9. Cultivation of land;

10. Cultural uses such as museum, library or art gallery;
11. Dry-cleaning plant;
12. Eating and drinking establishments, including tavern, dance hall, nightclub and restaurants, all types;
13. Firehouse;
14. Equipment sales, rental, service, repair or maintenance facility for industrial, automotive, marine, office, construction, household, business or farm equipment;
15. Greenhouse, florist and nursery;
16. Hotel, motel or motor hotel;
17. Laboratory and establishment for production, sale, fitting or repair of eyeglasses, hearing aids and prosthetic appliances;
18. Light industrial uses, as listed in the Light Industrial District, completely confined within a building with no outside storage of raw materials or finished products;
19. Lumber and building supplies;
20. Marina;
21. Medical care facility;
22. Medical and dental office and clinic;
23. Police station or substation;
24. Parking garage, public or private;
25. Mixed use building as defined in Section 17.04.120 in this Chapter in accordance with a Comprehensive Site Plan, as approved by the Planning Commission, with a mandatory five-foot-wide landscaping area abutting all property lines and parking lots. Signage shall be the same as required for a shopping center;
26. Neighborhood shopping center not exceeding thirty thousand (30,000) gross square feet of building area, in accordance with the requirements of Chapter 17.212;
27. Office or office building for more than one office;
28. Radio or television broadcasting station or studio;
29. Retail sales;
30. School of special instruction;
31. Service, rental or repair establishment, such as laundry or laundromat, automobile rental, gasoline and service station, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, hairdresser shop, pet-grooming shop, excluding outdoor runs, upholstery shop, funeral home, tailor and other uses of similar nature;

- 32. Taxi and limousine service;
- 33. Theater, excluding drive-in theater;
- 34. Wholesale business, warehouse, moving, storage and distribution establishment, including wholesale sales. (Ord. 1599, Section 1 (part), 1995; Prior Code Section 150-66)
- 35. Group domiciliary care facility. **(Added 11/13/00 by Ord. No. 1786)**

17.36.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Animal hospital or kennel or any other facility for the treatment of animals with outside pens or runs;
- B. Bus terminal;
- C. Shopping centers, neighborhood, over thirty thousand (30,000) gross square feet of floor area, commercial and regional shopping centers in accordance with Chapter 17.212;
- D. Trucking and freight stations, terminals, and storage yards, excluding the above ground storage of flammable liquids, except for servicing vehicles owned or used in the conduct of the business;
- E. Recreational establishment, indoor. (Ord. 1599 Section 1 (part) Prior Code Section 150-67)

17.36.040 Uses permitted by ordinance permit.

Uses permitted by ordinance permit shall be as follows:

- A. Commercial auction;
- B. Communication tower, over seventy-five (75) feet in height or any other electronic communications facilities with more than one sending or receiving disk in accordance with Chapter 17.220;
- C. Liquor stores and dispensaries (off-sale);
- D. Public or private utility building and uses;
- E. Recreational establishment, outdoor;
- F. Utility substation, in accordance with Chapter 17.220;
- G. Compact concrete dispenser as an accessory use to a use listed in Section 17.36.020, Permitted uses, and/or Section 17.36.030, Uses permitted by special exception. (Ord. 1599 Section 1 (part) Prior Code Section 150-68)

17.36.050 Accessory uses and structures.

Accessory uses and structures shall be as follows

- A. Off-street parking lot or structure;
- B. Off-street loading and unloading facilities;
- C. Underground storage of flammable liquids for vehicles used in the conduct of the business of the principal use;
- D. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;
- E. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- F. Day-care services for employees or patrons of a permitted use. (Prior Code Section 150-69)

17.36.060 Development standards.

Development standards for the General Commercial District shall be as follows:

- A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: ten thousand (10,000) square feet;
 - 2. Interior lot width: eighty (80) feet;
 - 3. Corner lot width: one hundred (100) feet.
- B. Minimum yard requirements shall be as follows:
 - 1. Front: twenty-five (25) feet;
 - 2. Rear: fifteen (15) feet;
 - 3. Side: two, not less than twenty (20) feet total in any combination.
 - 4. Corner, side: same as front yard.
- C. The height limitation shall be fifty (50) feet.
- D. Parking, loading and unloading areas shall be provided for all uses in accordance with Chapter 17.196.
- E. Access. Direct access onto a street or major highway shall be reduced or eliminated wherever the City Department of Public Works determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion. Service drives and loading and unloading areas shall be located so that in the process of loading or unloading no truck will block the passage of other vehicles on the service drive or extend into any public street or private drive used for traffic circulation.

- F. Lighting shall be designed so as not to throw glare on surrounding properties. Flashing lights are prohibited.
- G. Signs. Signs shall be in accordance with Chapter 17.216.
- H. Storage. All necessary outside storage of parts, materials, heavy equipment and inoperable vehicles accessory to uses permitted herein shall be in accordance with Chapter 17.220. Open, unenclosed storage of parts, materials, heavy equipment and inoperable vehicles is prohibited.
- I. Landscaping and Screening.
 - 1. Either landscaping or screening shall be provided for all uses in accordance with the provisions of Chapter 17.220;
 - 2. In addition to the requirements of Chapter 17.220, all areas not devoted to building or required parking areas shall be landscaped as defined in Section 17.220.080, provided that a landscaped area of at least three feet shall be required abutting all property lines where a zero setback is not provided. (Ord. 1599, Section 1 (part), 1995; Prior Code Section 150-70)

Chapter 17.104

RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1

Sections:

- 17.104.010 Purpose.
- 17.104.020 Certificate of design and site plan approval required.
- 17.104.030 Permitted uses.
- 17.104.040 Development standards.

17.104.010 Purpose.

- A. THE PURPOSE OF THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1 IS TO RECOGNIZE THAT THE AREA ON BOTH SIDES OF THE WICOMICO RIVER BETWEEN U.S. ROUTE 50 AND WEST ISABELLA STREET AS AN AREA PRIME FOR REDEVELOPMENT AS A COMMERCIAL RETAIL AND RESIDENTIAL CENTER. IT IS UNIQUELY SITUATED NORTH OF THE WEST MAIN STREET AND U.S. ROUTE 50 DRAWBRIDGES WHICH HAVE CONTRIBUTED TO THE DECLINE OF THE AREA. THE NORTH PRONG OF THE WICOMICO RIVER IS ALSO A HIGHLY VISIBLE AREA DUE TO ITS EXPOSURE TO HIGH VOLUMES OF TRAFFIC AS WELL AS THE SURROUNDING TOPOGRAPHY.
- B. TO ENSURE COMPATIBILITY WITH RIVERFRONT DEVELOPMENT IN THE ADJOINING CENTRAL BUSINESS AND HISTORIC DISTRICT COMPATIBILITY OF ARCHITECTURE, LANDSCAPING AND SITE DESIGN FOR DEVELOPMENT WITHIN THE DISTRICT AND PUBLIC ACCESS TO AND ALONG THE WATERFRONT WITH PROPER EMPHASIS ON PEDESTRIAN MOVEMENT AND ITS SEPARATION FROM COMMERCIAL TRAFFIC, ALL USES WITHIN THIS DISTRICT ARE SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION.
- C. COORDINATION OF SITE PLANS, LANDSCAPING AND PEDESTRIAN AND TRAFFIC MOVEMENT IS A NECESSARY CONCERN FOR REVIEW AND APPROVAL OF USES TO ASSURE THAT WATERFRONT DEVELOPMENT USES CAN FUNCTION HARMONIOUSLY AND COMPATIBLY WITH LESS INTENSIVE USES PERMITTED TO COMPLEMENT AND STRENGTHEN THE WATERFRONT AREA. THE FOLLOWING USES, STANDARDS AND REVIEW PROCEDURES HAVE BEEN DEVELOPED IN ACCORDANCE WITH THIS PURPOSE, WHICH IS CONSISTENT WITH THE FINDINGS AND RECOMMENDATIONS OF THE METRO CORE COMPREHENSIVE PLAN FOR DEVELOPMENT OF THE WICOMICO RIVER WATERFRONT.

17.104.020 Certificate of design and site plan approval required.

PRIOR TO THE DEVELOPMENT OR REDEVELOPMENT OF ANY LOT OR PARCEL OF LAND WITHIN THE RIVERFRONT

REDEVELOPMENT MULTI-USE DISTRICT, A CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL SHALL BE OBTAINED FROM THE PLANNING COMMISSION. REPAIRS, MAINTENANCE AND MINOR ADDITIONS OR CHANGES OF USE NOT AFFECTING THE EXISTING SITE ARRANGEMENT OF BUILDINGS, PARKING, VEHICULAR OR PEDESTRIAN MOVEMENT OR BUILDING AREA OR HEIGHT SHALL NOT REQUIRE A CERTIFICATE.

17.104.030 Permitted uses.

PERMITTED USES SHALL BE AS FOLLOWS:

- A. APARTMENTS AND SINGLE-FAMILY ATTACHED RESIDENTIAL USES, PROVIDED THAT SUCH DEVELOPMENT IS DESIGNED NOT TO PRECLUDE ACCESS TO THE WATERFRONT;
- B. HOTEL, MOTEL OR OTHER TOURIST-RELATED FACILITY;
- C. OFFICE BUILDING;
- D. BUSINESS USES AND OFFICES, INCLUDING INSURANCE, REAL ESTATE AND FINANCIAL OFFICES;
- E. CULTURAL USES, SUCH AS MUSEUMS, LIBRARIES, MEETING ROOMS, AND THEATERS;
- F. GOVERNMENTAL USES, SUCH AS FEDERAL, STATE, COUNTY, CITY ADMINISTRATIVE OFFICES, COURT AND DETENTION FACILITIES, THE POST OFFICE, FIRE STATION AND POLICE STATION;
- G. INSTITUTIONAL USES, SUCH AS HOSPITALS, CARE HOMES, CHURCHES AND NURSING HOMES;
- H. PROFESSIONAL USES, INCLUDING MEDICAL, LEGAL ENGINEERING, SURVEYING AND ARCHITECTURAL OFFICES AND FACILITIES;
- I. PARKING LOT OR STRUCTURE;
- J. PUBLIC OR PRIVATE UTILITY BUILDINGS OR USES AND UTILITY SUBSTATION;
- K. RECREATIONAL, SOCIAL, CULTURAL FACILITIES, PUBLIC PARKS AND OPEN SPACE;
- L. RESTAURANTS AND OUTDOOR EATING FACILITIES;
- M. SPECIALTY SHOPPING FACILITIES, SUCH AS ART, GIFT, ANTIQUE, IMPORT, HEALTH AND NATURAL GOODS, INCLUDING USES OF A MORE GENERAL COMMERCIAL NATURE WHICH DO NOT DETRACT FROM THE PURPOSE OF THE WATERFRONT;
- N. DAY-CARE SERVICES FOR EMPLOYEES OR PATRONS OF A PERMITTED USE AS AN ACCESSORY USE.

17.104.040 Development standards.

MINIMUM STANDARDS FOR DEVELOPMENT IN THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1 SHALL BE AS FOLLOWS:

- A. MINIMUM LOT REQUIREMENTS. ALL LOTS HEREAFTER ESTABLISHED SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS:
 - 1. LOT AREA: FIVE THOUSAND (5,000) SQUARE FEET;
 - 2. LOT WIDTH: FIFTY (50) FEET.
- B. SETBACK, HEIGHT AND DENSITY. THE FOLLOWING MINIMUM STANDARDS ARE ESTABLISHED AS GUIDES FOR DESIGN OF DEVELOPMENT. THESE STANDARDS MAY BE INCREASED OR DECREASED BY THE DEVELOPMENT REVIEW COMMITTEE UPON REVIEW OF INDIVIDUAL SITE DESIGN IN RELATION TO SURROUNDING PROPERTIES AND DEVELOPMENT OF THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1 AS A WHOLE.
 - 1. SETBACKS.
 - a. SETBACKS SHALL BE AS FOLLOWS:
 - i. SETBACKS SHALL BE THE SAME AS THE ESTABLISHED SETBACKS FOR EXISTING BUILDINGS WITHIN THE SAME BLOCK.
 - ii. WHERE THERE ARE MINOR IRREGULARITIES IN EXISTING SETBACKS FOR THE SAME BLOCK, ANY ONE OF THE EXISTING SETBACKS WHICH THE PLANNING COMMISSION CONSIDERS MOST APPLICABLE MAY BE USED.
 - iii. WHERE THERE ARE MAJOR IRREGULARITIES IN EXISTING SETBACKS FOR THE SAME BLOCK, THE SETBACK SHALL BE NO LESS THAN THE AVERAGE OF SETBACKS FOR EXISTING BUILDINGS ON EITHER SIDE OF THE PROPOSED DEVELOPMENT.
 - iv. WHERE NO ESTABLISHED BUILDING SETBACKS EXIST, THE SETBACK SHALL BE A MINIMUM OF FIVE FEET FROM THE BACK OF THE SIDEWALK.

- v. SETBACKS FROM THE WICOMICO RIVER SHALL BE A MINIMUM OF TEN FEET FROM THE BACK OF THE EXISTING OR PROPOSED BULKHEADING LINE.
- vi. SETBACKS FROM INTERIOR LOT LINES SHALL BE A MINIMUM OF TEN FEET.

b. MODIFICATIONS TO SETBACKS.

- i. DURING ITS REVIEW OF ANY DEVELOPMENT REQUIRING A MODIFICATION TO SETBACKS, THE PLANNING COMMISSION SHALL CONSIDER THE LOCATION OF BUILDINGS ON THE SITE RELATIVE TO SAFE VEHICULAR MOVEMENT ON EXISTING OR PROPOSED STREETS, LIGHT, AIR AND ABILITY OF FIRE OR EMERGENCY EQUIPMENT AND VEHICLES TO ADEQUATELY SERVE THE DEVELOPMENT.
- ii. SPECIAL CONSIDERATION SHALL BE GIVEN TO THE LOCATION OF LANDSCAPED AREAS AND AREAS OF PEDESTRIAN MOVEMENT TO ASSURE COORDINATION OF LANDSCAPING AND FREEDOM AND SAFETY OF PEDESTRIAN MOVEMENT.
- iii. THE PLANNING COMMISSION MAY CONSIDER AN INCREASE OR DECREASE IN SETBACKS WHEREVER A REARRANGEMENT OF BUILDINGS ON THE SITE WILL AID IN ACHIEVING A CONTINUOUS LINK OF DEVELOPMENT WITH FREEDOM AND ENCOURAGEMENT OF PEDESTRIAN MOVEMENT FROM ONE DEVELOPMENT TO ANOTHER.

2. DENSITY.

- a. FLOOR AREA FOR COMMERCIAL OR OTHER USES SHALL NOT BE USED WHEN

COMPUTING DENSITY FOR DWELLING
UNITS.

- b. INHERENT DENSITY SHALL NOT EXCEED FORTY (40) UNITS PER ACRE.
- c. INCREASED DENSITY SHALL REQUIRE A SPECIAL EXCEPTION FROM THE BOARD OF ZONING APPEALS. IN ADDITION TO CONSIDERATION OF THE CRITERIA REQUIRED BY CHAPTER 17.232, SECTION 17.232.020, THE BOARD SHALL CONSIDER THE CRITERIA SET FORTH IN SUBSECTION (B)(4) OF THIS SECTION.

3. HEIGHT.

- a. INHERENT HEIGHT SHALL NOT EXCEED SEVENTY-FIVE (75) FEET.
- b. INCREASED HEIGHT SHALL REQUIRE A SPECIAL EXCEPTION FROM THE BOARD OF ZONING APPEALS. IN ADDITION TO CONSIDERATION OF THE CRITERIA REQUIRED BY CHAPTER 17.232, SECTION 17.232.020, THE BOARD SHALL CONSIDER THE CRITERIA SET FORTH IN SUBSECTION (B)(4) OF THIS SECTION.

4. CRITERIA FOR INCREASED HEIGHT AND/OR DENSITY.

- a. WHEN ACTING UPON A REQUEST FOR EITHER INCREASED HEIGHT OR DENSITY, THE BOARD OF ZONING APPEALS SHALL CONSIDER ANY OR ALL OF THE FOLLOWING CRITERIA AS MAY APPLY TO THE TYPE OF DEVELOPMENT PROPOSED:
 - i. RECOMMENDATION FROM THE PLANNING COMMISSION;
 - ii. THE TYPE OF RESIDENTIAL DEVELOPMENT PROPOSED RELATIVE TO THE ABILITY OF THE SITE TO ACCOMMODATE THE DENSITY PROPOSED;
 - iii. THE AVAILABILITY OF CITY SERVICES TO THE SITE, SUCH AS WATER, SEWER, STREETS AND PARKING LOTS OR STRUCTURES; AND WHETHER THE SITE CAN ACCOMMODATE A HIGHER DENSITY AND/OR HEIGHT

WITHOUT AN UNDUE BURDEN OF
EXPENSE TO THE CITY;

- iv. THE FUNCTIONAL, VISUAL AND
SPATIAL RELATIONSHIP OF THE
PROPOSED HEIGHT RELATIVE TO
SURROUNDING DEVELOPMENT
AND THE CBD AS A WHOLE;
- v. WHETHER THE PROPOSED
HEIGHT WILL CREATE AN
INTRUSION OR CONFLICT WITH
THE SPATIAL ARRANGEMENT OF
EXISTING OR PROPOSED
BUILDINGS;
- vi. SHADOWS WHICH MAY
INTERFERE WITH SOLAR PANELS
OR OTHER SOLAR EQUIPMENT
ALREADY IN EXISTENCE OR
UNDER CONTRACT TO BE
INSTALLED ON EXISTING
BUILDINGS OR BUILDINGS
APPROVED FOR CONSTRUCTION
IN THE IMMEDIATE VICINITY;
- vii. WATER PRESSURE AND
CAPABILITY OF COMMUNITY
FIRE-FIGHTING EQUIPMENT, IN
ADDITION TO ANY REQUIRED
CONSTRUCTION OR FIRE SAFETY
DEVICES, TO ASSURE SAFETY OF
OCCUPANTS;
- viii. THE MERITS OF THE DESIGN AND
WHETHER THE TREATMENT OF
SETBACKS, LANDSCAPING OR
OTHER AMENITIES, IN ADDITION
TO ARCHITECTURAL TREATMENT
OF THE BUILDING, PROVIDE AN
EXCELLENCE OF DESIGN WHICH
CONTRIBUTES TO THE
FURTHERANCE OF THE PURPOSE
OF THE CBD.

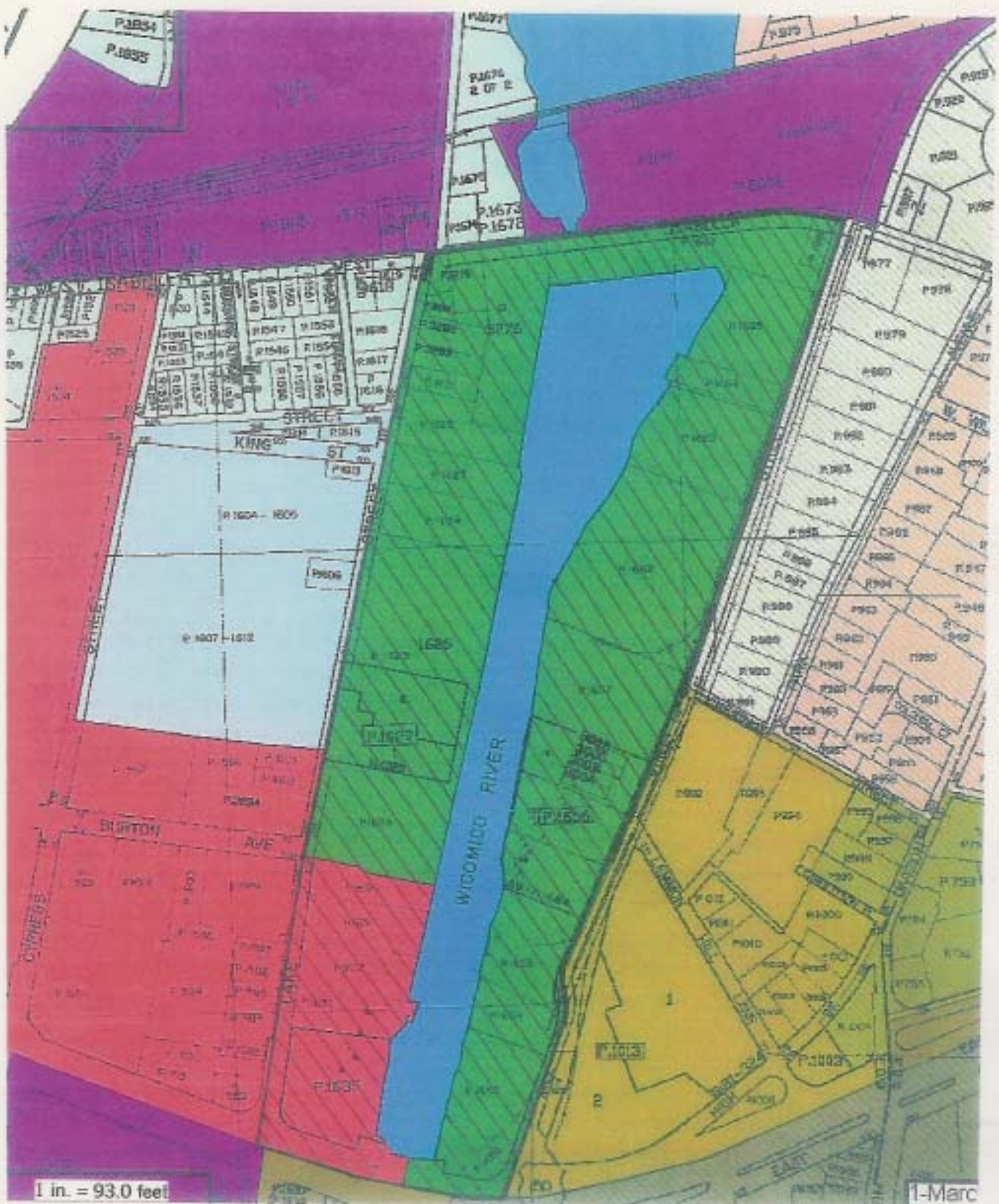
- b. THE BOARD MAY SOLICIT ANY EXPERT
REVIEW AND ADVICE TO ASSIST IT IN
MAKING A DECISION ON THE REQUEST FOR
INCREASED HEIGHT AND/OR DENSITY.

C. OPEN SPACE AND LANDSCAPING.

- 1. LANDSCAPED OPEN SPACE SHALL BE PROVIDED TO
ATTRACT DEVELOPMENT, PROVIDE A PLEASING

ENVIRONMENT AND IMPROVE THE APPEARANCE OF THE ENTIRE AREA.

2. WHEREVER POSSIBLE, LANDSCAPED OPEN SPACE AREAS SHALL BE PROVIDED ADJOINING THE LANDSCAPED OPEN SPACE AREA ON AN ADJOINING PARCEL. LANDSCAPING FOR BOTH AREAS SHALL BE COORDINATED SO AS TO GIVE THE APPEARANCE OF ONE CONTINUOUS LANDSCAPED AREA.
 3. PARKING LOTS SHALL BE LANDSCAPED IN ACCORDANCE WITH CHAPTER 17.220.
 4. LANDSCAPED SCREENING AREAS MAY BE REQUIRED ALONG ANY PROPERTY LINE WHERE THE PLANNING COMMISSION FINDS THAT SUCH LANDSCAPED SCREENING AREA IS NECESSARY TO FURTHER THE PURPOSE OF THE RIVERFRONT DISTRICT AND PROVIDE SEPARATION TO MINIMIZE ANY POSSIBLE ADVERSE EFFECT FROM ADJOINING USES.
- D. PARKING. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH CHAPTER 17.196.
- E. SIGNS, SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 17.216.160.



Chapter 17.104

RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT

Sections:

- 17.104.010 Purpose.**
- 17.104.020 Certificate of design and site plan approval required.**
- 17.104.030 Permitted uses.**
- 17.104.040 Development standards.**

17.104.010 Purpose.

- A. The Wicomico River is an important and unique resource necessary to the economic viability of the city of Salisbury and Wicomico County. This district is intended to promote the development and redevelopment of lands along the Wicomico River with a mixture of uses and activities which are either dependent upon or appropriate to the waterfront. Industries which require frontage on and access to the water and certain waterfront related commercial activities are to be given primary consideration for lands adjoining the river. To complement and strengthen the function of the waterfront area certain recreation, shopping, business and residential uses are also permitted.
- B. To ensure compatibility with riverfront development in the adjoining central business and historic district compatibility or architecture, landscaping and site design for development within the district and public access to the waterfront with proper emphasis on pedestrian movement and its separation from industrial traffic, all uses within this district are subject to review and approval by the downtown/riverfront development review committee and the Salisbury Planning Commission.
- C. Coordination of site plans, landscaping and pedestrian and traffic movement is a necessary concern for review and approval of uses to assure that waterfront development uses can function harmoniously and compatibly with less intensive uses permitted to complement and strengthen the waterfront area. The following uses, standards and review procedures have been developed in accordance with this purpose, which is consistent with the findings and recommendations of the Metro Core Comprehensive Plan for development of the Wicomico River waterfront. (Prior Code Section 150-92)

17.104.020 Certificate of design and site plan approval required.

- A. Prior to the development or redevelopment of any lot or parcel of land within the Riverfront Redevelopment Multi-use District, a Certificate of Design and Site Plan approval shall be obtained from the Salisbury Planning Commission. Repairs, maintenance and minor additions or changes of use not affecting the existing site arrangement of buildings, parking, vehicular or pedestrian movement or building area or height shall not require a certificate.
- B. Any development requiring a Certificate of Design and Site Plan approval may be reviewed by the downtown/riverfront development review committee

prior to the issuance of a Certificate of Design and Site Plan approval in accordance with Chapter 17.12, Article IV. (Prior code Section 150-93)

17.104.030 Permitted uses.

Permitted uses shall be as follows:

- A. Apartments and single-family attached residential uses, provided that such development is designed not to preclude access to the waterfront;
- B. Boat sales, service, rentals, ramps, docks, marinas and commercial sightseeing;
- C. Commercial fishing and seafood wholesale or retail outlets and related uses;
- D. Hotel, motel or other tourist-related facility;
- E. Industrial uses dependent upon the waterfront for delivery or shipment of goods and materials necessary to their operation;
- F. Marine railways, construction and repair yards, storage yards and marine supply outlets;
- G. Office building;
- H. Parking lot or structure;
- I. Public or private utility buildings or uses and utility substation;
- J. Recreational, social, cultural facilities, public parks and open space;
- K. Restaurants and outdoor eating facilities;
- L. Specialty and marine shopping facilities, such as art, gift, antique, import, health and natural goods, fishing tackle and equipment, marine hardware and boat furniture shops, including uses of a more general commercial nature which do not detract from the purpose of the waterfront and which are necessary to its economic viability;
- M. Trucking and freight transfer terminals and depots, wholesaling, warehousing and distribution facilities, all of which are dependent upon the waterfront for their operation;
- N. Day-care services for employees or patrons of a permitted use as an accessory use. (Prior Code Section 150-94)

17.104.040 Development standards.

Minimum standards for development in the Riverfront Redevelopment Multi-use District shall be as follows:

- A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: five thousand (5,000) square feet;
 - 2. Lot width: fifty (50) feet.
- B. Setback, Height and Density. The following minimum standards are established as guides for design of development. These standards may be

increased or decreased by the development review committee upon review of individual site design in relation to surrounding properties and development of the Riverfront Redevelopment Multi-use District as a whole.

1. Setbacks.

a. Setbacks shall be as follows:

- i. Setbacks shall be the same as the established setbacks for existing buildings within the same block.
- ii. Where there are minor irregularities in existing setbacks for the same block, any one of the existing setbacks which the Planning Commission considers most applicable may be used.
- iii. Where there are major irregularities in existing setbacks for the same block, the setback shall be no less than the average of setbacks for existing buildings on either side of the proposed development.
- iv. Where no established building setbacks exist, the setback shall be a minimum of five feet from the back of the sidewalk.
- v. Setbacks from the Wicomico River shall be a minimum of ten feet from the back of the existing or proposed bulkheading line.
- vi. Setbacks from interior lot lines shall be a minimum of ten feet.

b. Modifications to Setbacks.

- i. During its review of any development requiring a modification to setbacks, the Planning Commission shall consider the location of buildings on the site relative to safe vehicular movement on existing or proposed streets, light, air and ability of fire or emergency equipment and vehicles to adequately serve the development.
- ii. Special consideration shall be given to the location of landscaped areas and areas of pedestrian movement to assure coordination of landscaping and freedom and safety of pedestrian movement.

- iii. The DRDRC may recommend an increase or decrease in setbacks to the Planning Commission wherever a rearrangement of buildings on the site will aid in achieving a continuous link of development with freedom and encouragement of pedestrian movement from one development to another.
2. Density.
- a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
 - b. Inherent density shall not exceed forty (40) units per acre.
 - c. Increased density shall require a special exception from the Board of Zoning Appeals. In addition to consideration of the criteria required by Chapter 17.232, Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.
3. Height.
- a. Inherent height shall not exceed seventy-five (75) feet.
 - b. Increased height shall require a special exception from the board of zoning appeals. In addition to consideration of the criteria required by Chapter 17.232, Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.
4. Criteria for Increased Height and/or Density.
- a. When acting upon a request for either increased height or density, the Board of Zoning Appeals shall consider any or all of the following criteria as may apply to the type of development proposed:
 - i. Recommendation from the Planning Commission;
 - ii. The type of residential development proposed relative to the ability of the site to accommodate the density proposed;
 - iii. The availability of city services to the site, such as water, sewer, streets and parking lots or structures; and whether the site can accommodate a higher

density and/or height without an undue burden of expense to the city;

- iv. The functional, visual and spatial relationship of the proposed height relative to surrounding development and the CBD as a whole;
- v. Whether the proposed height will create an intrusion or conflict with the spatial arrangement of existing or proposed buildings;
- vi. Shadows which may interfere with solar panels or other solar equipment already in existence or under contract to be installed on existing buildings or buildings approved for construction in the immediate vicinity;
- vii. Water pressure and capability of community fire-fighting equipment, in addition to any required construction or fire safety devices, to assure safety of occupants;
- viii. The merits of the design and whether the treatment of setbacks, landscaping or other amenities, in addition to architectural treatment of the building, provide an excellence of design which contributes to the furtherance of the purpose of the CBD.

- b. The board may solicit any expert review and advice to assist it in making a decision on the request for increased height and/or density.

C. Open Space and Landscaping.

- 1. Landscaped open space shall be provided to attract development, provide a pleasing environment and improve the appearance of the entire area.
- 2. Wherever possible, landscaped open space areas shall be provided adjoining the landscaped open space area on an adjoining parcel. Landscaping for both areas shall be coordinated so as to give the appearance of one continuous landscaped area.
- 3. Parking lots shall be landscaped in accordance with Chapter 17.220.
- 4. Landscaped screening areas shall be provided along side and/or rear property lines of industrially used property except where

adjoining the Wicomico River. All areas not used for loading and unloading along the riverfront shall be landscaped.

5. Landscaped screening areas may be required along any property line where the development review committee and Planning Commission find that such landscaped screening area is necessary to further the purpose of the Riverfront District and provide separation to minimize any possible adverse effect from adjoining uses.
- D. *Parking. Parking shall be provided in accordance with Chapter 17.196.***
- E. Signs, Signs shall be in accordance with Chapter 17.216. (Prior Code Section 150-95)**

Chapter 17.105

RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #2

Sections:

- 17.105.010 Purpose.
- 17.105.020 Certificate of design and site plan approval required.
- 17.105.030 Permitted uses.
- 17.105.040 Development standards.

17.105.010 Purpose.

- A. The Wicomico River is an important and unique resource necessary to the economic viability of the city of Salisbury and Wicomico County. This district is intended to promote the development and redevelopment of lands along the Wicomico River **SOUTH OF WEST MAIN STREET** with a mixture of uses and activities which are either dependent upon or appropriate to the waterfront. Industries which require frontage on and access to the water and certain waterfront related commercial activities are to be given primary consideration for lands adjoining the river. To complement and strengthen the function of the waterfront area certain recreation, shopping, business and residential uses are also permitted.
- B. To ensure compatibility with riverfront development in the adjoining central business and historic district compatibility or architecture, landscaping and site design for development within the district and public access to **AND ALONG** the waterfront with proper emphasis on pedestrian movement and its separation from industrial traffic, all uses within this district are subject to review and approval by the ~~downtown/riverfront development review committee and the~~ Salisbury Planning Commission.
- C. Coordination of site plans, landscaping and pedestrian and traffic movement is a necessary concern for review and approval of uses to assure that waterfront development uses can function harmoniously and compatibly with less intensive uses permitted to complement and strengthen the waterfront area. The following uses, standards and review procedures have been developed in accordance with this purpose, which is consistent with the findings and recommendations of the Metro Core Comprehensive Plan for development of the Wicomico River waterfront. (Prior Code Section 150-92)

17.105.020 Certificate of design and site plan approval required.

Prior to the development or redevelopment of any lot or parcel of land within the Riverfront Redevelopment Multi-use District, a Certificate of Design and Site Plan approval shall be obtained from the Salisbury Planning Commission. Repairs, maintenance and minor additions or changes of use not affecting the existing site arrangement of buildings, parking, vehicular or pedestrian movement or building area or height shall not require a certificate.

- ~~B. Any development requiring a Certificate of Design and Site Plan approval may be reviewed by the downtown/riverfront development review committee prior to the issuance of a Certificate of Design and Site~~

~~Plan approval in accordance with Chapter 17.12, Article IV. (Prior code Section 150-93)~~

17.105.030 Permitted uses.

Permitted uses shall be as follows:

- A. Apartments and single-family attached residential uses, provided that such development is designed not to preclude access to the waterfront;
- B. Boat sales, service, rentals, ramps, docks, marinas and commercial sightseeing;
- C. Commercial fishing and seafood wholesale or retail outlets and related uses;
- D. Hotel, motel or other tourist-related facility;
- E. Industrial uses dependent upon the waterfront for delivery or shipment of goods and materials necessary to their operation;
- F. Marine railways, construction and repair yards, storage yards and marine supply outlets;
- G. Office building;
- H. Parking lot or structure;
- I. Public or private utility buildings or uses and utility substation;
- J. Recreational, social, cultural facilities, public parks and open space;
- K. Restaurants and outdoor eating facilities;
- L. Specialty and marine shopping facilities, such as art, gift, antique, import, health and natural goods, fishing tackle and equipment, marine hardware and boat furniture shops, including uses of a more general commercial nature which do not detract from the purpose of the waterfront and which are necessary to its economic viability;
- M. Trucking and freight transfer terminals and depots, wholesaling, warehousing and distribution facilities, all of which are dependent upon the waterfront for their operation;
- N. Day-care services for employees or patrons of a permitted use as an accessory use. (Prior Code Section 150-94)

17.105.040 Development standards.

Minimum standards for development in the Riverfront Redevelopment Multi-use District shall be as follows:

- A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: five thousand (5,000) square feet;
 - 2. Lot width: fifty (50) feet.
- B. Setback, Height and Density. The following minimum standards are established as guides for design of development. These standards may be

increased or decreased by the development review committee upon review of individual site design in relation to surrounding properties and development of the Riverfront Redevelopment Multi-use District as a whole.

1. Setbacks.

a. Setbacks shall be as follows:

- i. Setbacks shall be the same as the established setbacks for existing buildings within the same block.
- ii. Where there are minor irregularities in existing setbacks for the same block, any one of the existing setbacks which the Planning Commission considers most applicable may be used.
- iii. Where there are major irregularities in existing setbacks for the same block, the setback shall be no less than the average of setbacks for existing buildings on either side of the proposed development.
- iv. Where no established building setbacks exist, the setback shall be a minimum of five feet from the back of the sidewalk.
- v. Setbacks from the Wicomico River shall be a minimum of ten feet from the back of the existing or proposed bulkheading line.
- vi. Setbacks from interior lot lines shall be a minimum of ten feet.

b. Modifications to Setbacks.

- i. During its review of any development requiring a modification to setbacks, the Planning Commission shall consider the location of buildings on the site relative to safe vehicular movement on existing or proposed streets, light, air and ability of fire or emergency equipment and vehicles to adequately serve the development.
- ii. Special consideration shall be given to the location of landscaped areas and areas of pedestrian movement to assure coordination of landscaping and freedom and safety of pedestrian movement.

- iii. The **DRDRG** **PLANNING COMMISSION** may **recommend CONSIDER** an increase or decrease in setbacks ~~to the Planning Commission~~ wherever a rearrangement of buildings on the site will aid in achieving a continuous link of development with freedom and encouragement of pedestrian movement from one development to another.

2. Density.

- a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
- b. Inherent density shall not exceed forty (40) units per acre.
- c. Increased density shall require a special exception from the Board of Zoning Appeals. In addition to consideration of the criteria required by Chapter 17.232, Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.

3. Height.

- a. Inherent height shall not exceed seventy-five (75) feet.
- b. Increased height shall require a special exception from the board of zoning appeals. In addition to consideration of the criteria required by Chapter 17.232, Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.

4. Criteria for Increased Height and/or Density.

- a. When acting upon a request for either increased height or density, the Board of Zoning Appeals shall consider any or all of the following criteria as may apply to the type of development proposed:
 - i. Recommendation from the Planning Commission;
 - ii. The type of residential development proposed relative to the ability of the site to accommodate the density proposed;
 - iii. The availability of city services to the site, such as water, sewer, streets and

density and/or height without an undue burden of expense to the city;

- iv. The functional, visual and spatial relationship of the proposed height relative to surrounding development and the CBD as a whole;
- v. Whether the proposed height will create an intrusion or conflict with the spatial arrangement of existing or proposed buildings;
- vi. Shadows which may interfere with solar panels or other solar equipment already in existence or under contract to be installed on existing buildings or buildings approved for construction in the immediate vicinity;
- vii. Water pressure and capability of community fire-fighting equipment, in addition to any required construction or fire safety devices, to assure safety of occupants;
- viii. The merits of the design and whether the treatment of setbacks, landscaping or other amenities, in addition to architectural treatment of the building, provide an excellence of design which contributes to the furtherance of the purpose of the CBD.

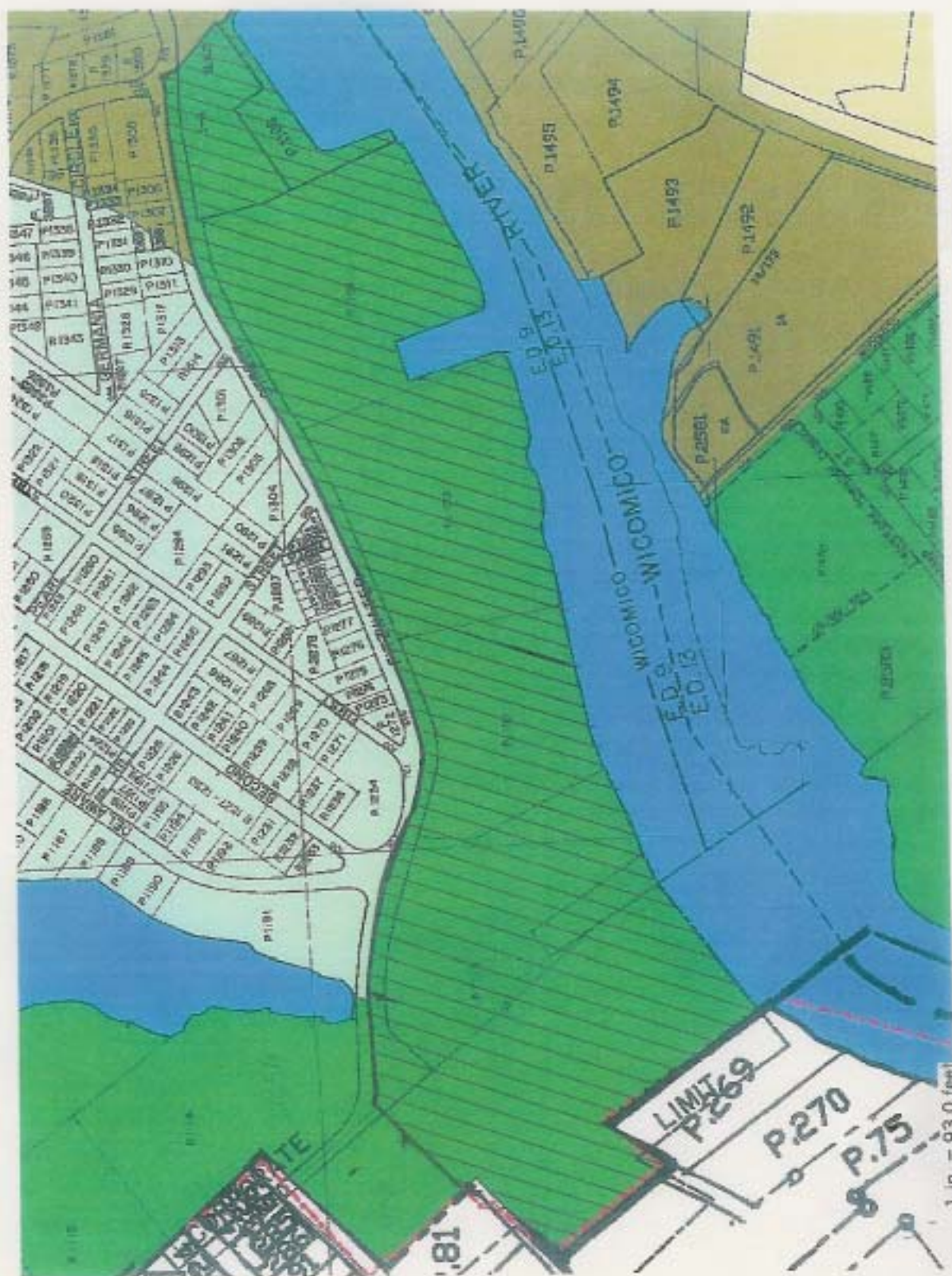
- b. The board may solicit any expert review and advice to assist it in making a decision on the request for increased height and/or density.

C. Open Space and Landscaping.

- 1. Landscaped open space shall be provided to attract development, provide a pleasing environment and improve the appearance of the entire area.
- 2. Wherever possible, landscaped open space areas shall be provided adjoining the landscaped open space area on an adjoining parcel. Landscaping for both areas shall be coordinated so as to give the appearance of one continuous landscaped area.
- 3. Parking lots shall be landscaped in accordance with Chapter 17.220.
- 4. Landscaped screening areas shall be provided along side and/or rear property lines of industrially used property except where

adjoining the Wicomico River. All areas not used for loading and unloading along the riverfront shall be landscaped.

5. Landscaped screening areas may be required along any property line where the development review committee and Planning Commission find that such landscaped screening area is necessary to further the purpose of the Riverfront District and provide separation to minimize any possible adverse effect from adjoining uses.
- D. Parking. Parking shall be provided in accordance with Chapter 17.196.
- E. Signs, Signs shall be in accordance with Chapter 17.216. (Prior Code Section 150-95)



Chapter 17.196

OFF-STREET PARKING AND LOADING STANDARDS

Sections:

- 17.196.010 Purpose.**
- 17.196.020 General standards.**
- 17.196.030 Parking space requirements.**
- 17.196.040 Loading space requirements.**
- 17.196.050 Drive-in-window requirements.**

17.196.030 Parking space requirements.

Parking space requirements shall be as follows:

Type of Use	Parking Spaces Required
Residential:	
All residential uses except those specified below	2 for each dwelling unit
Apartment development (constructed prior to 11/2002)	1 1/2 for each dwelling unit, plus 20%, of total for guest parking*
Apartment development (constructed after to 11/2002)	2 for each efficiency or one-bedroom unit, 3 for each unit containing three bedrooms or more plus 20% of total for guest parking*

Chapter 17.24

CENTRAL BUSINESS DISTRICT (CBD)

Sections :

- 17.24.010 Purpose.
- 17.24.020 Certificate of design and site plan approval required.
- 17.24.030 Permitted uses.
- 17.24.040 Development standards.

17.24.10 Purpose.

- A. In 1732 the town of Salisbury was established at the head of the Wicomico River. The CBD is located in this central area of the city where the town began. For many years "downtown" was the center of all trade and industrial activity for the region. It survived and was rebuilt twice after being practically destroyed by fires in 1860 and 1866. Through the years as the city grew and other business areas sprang up along major highways and intersections, the downtown area evolved from the traditional main street central shopping area into the center of governmental, professional, institutional and law enforcement facilities while still retaining service and retail activities. This was accomplished through the city's involvement in adoption and implementation of plans, urban renewal and studies for revitalization of the downtown area.
- B. In 1962 the Central Business District revitalization plan was adopted. In the late 1960's and early 1970's an urban design study was completed, two urban renewal projects were completed, and an urban river plan was adopted, recognizing the Wicomico River as an important natural asset to future development of the downtown area. In 1980 a R/UDAT Study was completed, and in 1981 a downtown historic district was created. During this time considerable public and private funds were expended implementing these plans and studies.
- C. The purpose of the Central Business District is to maintain and strengthen the role of the downtown area as the community and regional center for a broad range of governmental, cultural, institutional, professional, business, service and retail activities; to enhance the vitality of the downtown by encouraging residential uses; to continue to carry out and implement the recommendations contained in adopted plans and studies for development of the CBD; and to assure that improvements made using public funds are utilized to the greatest extent possible for the benefit of the public in further development of the downtown area. To ensure that the role of the CBD is maintained and land uses are compatible, general functional categories of land use are described, and special standards for development are set forth. To ensure that development within this district is consistent with the recommendations of the adopted plans, the Downtown Historic District and any other special development plans which may be effective from time to time, a development review committee is established as a technical advisory committee to the Planning Commission, procedures for review of new development and redevelopment are set forth, and a certificate of design and site plan approval from the Planning Commission is required. The following uses, standards and review procedures have been

developed in accordance with this purpose, which is in accord with the findings and recommendations contained in the plans and studies mentioned herein and the Metro Core Comprehensive Plan. (Prior code Section 150-88)

17.24.020 Certificate of design and site plan approval required.

- A. Prior to development or redevelopment of any lot or parcel of land within the CBD, a certificate of design and site plan approval shall be obtained from the Salisbury Planning Commission. Repairs, maintenance and minor additions or change of use not affecting the existing site arrangement of buildings, parking, vehicular or pedestrian movement or building height shall not require a certificate.
- B. Any development requiring a certificate of design and site plan approval may be reviewed by the Downtown/Riverfront Development Review Committee prior to the issuance of a certificate of design and site plan approval in accordance with Chapter 17.12, Article IV. (Prior Code Section 150-89)

17.24.030 Permitted uses.

- A. Uses permitted are those that fulfill the purpose and intent of the district, encourage residential use, provide business, professional or financial services, bring people together for cultural and recreational events, support the nearby regional medical center and offer, at retail, a variety of consumer goods and services and promotional activities.
- B. Permitted uses shall be as follows:
 - 1. Apartments above the first floor, apartment buildings, motels, hotels and single-family attached dwellings;
 - 2. Business uses and offices, including insurance, real estate and financial offices;
 - 3. Broadcasting, television and communication facilities, including accessory antennas and towers;
 - 4. Cultural uses, such as museums, libraries, meeting rooms, theaters and convention facilities;
 - 5. Governmental uses, such as federal, state, county, city administrative offices, court and detention facilities, the post office, fire station and police station;
 - 6. Institutional uses, such as hospitals, care homes, churches and nursing homes;
 - 7. Light manufacturing and assembly conducted entirely within a building;
 - 8. Parking lot or structure;
 - 9. Printing and publishing establishment;
 - 10. Professional uses, including medical, legal engineering, surveying and architectural offices and facilities;

11. Promotional activities, including displays, rallies, circuses, carnivals, shows, fundraising activities by church groups or service organizations and similar activities;
12. Retail activities, such as, but not limited to, department stores, variety stores, specialty shops, boutiques, restaurants (all types), nightclubs, bars and dance halls, saunas, health clubs, marinas, boat ramps, indoor recreational establishments and swimming pools as an accessory use;
13. Utilities. Facilities for public and private utilities, including but not limited to, telephone, electric and municipal utility stations;
14. Warehousing as an accessory to and on the same premises with the principal business for the sale of merchandise within the CBD;
15. Day-care center as a permitted use or day-care services for employees or patrons of a permitted use as an accessory use. (Ord. 1599 Section 13, 1995; Prior Code Section 150-90)
16. Group domiciliary care facility. (Added 11/13/00 by Ord. No. 1786)

17.24.040 Development standards.

Minimum development standards for the central business district shall be as follows:

- A. Minimum Lot Requirements. All lots hereafter established shall meet the following requirements:
 1. Lot area: five thousand (5,000) square feet;
 2. Lot width: fifty (50) feet.
- B. Setback, Height and Density. The following minimum standards are established as guides for design of development. These standards may be increased or decreased by the Development Review Committee upon review of individual site design in relation to the surrounding properties and development of the CBD as a whole.
 1. Setbacks.
 - a. Setbacks shall be as follows:
 - i. Setbacks shall be the same as the established setbacks for existing buildings within the same block.
 - ii. Where there are minor irregularities in existing setbacks for the same block, any one of the existing setbacks which the Planning Commission considers most applicable may be used.
 - iii. Where there are major irregularities in existing setbacks for the same block, the setback shall be no less than the average of

setbacks for existing buildings on either side of the proposed development.

- iv. Where no established building setbacks exist, the setback shall be a minimum of five feet from the back of the sidewalk.
- v. Setbacks from the Wicomico River shall be a minimum of ten feet from the back of the existing or proposed bulkheading line.
- vi. Setbacks from interior lot lines shall be a minimum of ten feet.

b. Modifications to Setbacks.

- i. During its review of any development requiring a modification to setbacks, the Planning Commission shall consider the location of buildings on the site relative to safe vehicular movement on existing or proposed streets, light, air and ability of fire or emergency equipment and vehicles to adequately serve the development.
- ii. Special consideration shall be given to the location of landscaped areas and areas of pedestrian movement to assure coordination of landscaping and freedom and safety of pedestrian movement.
- iii. The DRDRC may recommend an increase or decrease in setbacks to the Planning Commission wherever a rearrangement of buildings on the site will aid in achieving a continuous link of development with freedom and encouragement of pedestrian movement from one development to another.

2. Density.

- a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
- b. Inherent density shall not exceed forty (40) units per acre.
- c. Increased density shall require a special exception from the board of zoning appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.

3. Height.

- a. The height of all buildings or structures shall not exceed seventy-five (75) feet.

- b. Increased height shall require a special exception from the board of zoning appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.

4. Criteria for Increased Height and/or Density.

- a. When acting upon a request for either increased height or density, the board of zoning appeals shall consider any or all of the following criteria as may apply to the type of development proposed:
 - i. Recommendation from the Planning Commission;
 - ii. The type of residential development proposed relative to the ability of the site to accommodate the density proposed;
 - iii. The availability of city services to the site, such as water, sewer, streets and parking lots or structures; and whether the site can accommodate a higher density and/or height without an undue burden of expense to the city;
 - iv. The functional, visual and spatial relationship of the proposed height relative to surrounding development and the CBD as a whole;
 - v. Whether the proposed height will create an intrusion or conflict with the spatial arrangement of existing or proposed buildings;
 - vi. Shadows which may interfere with solar panels or other solar equipment already in existence or under contract to be installed on existing buildings or buildings approved for construction in the immediate vicinity;
 - vii. Water pressure and capability of community fire-fighting equipment in addition to any required construction of fire safety devices, to assure safety of occupants;
 - viii. The merits of the design and whether the treatment of setbacks, landscaping or other amenities, in addition to architectural treatment of the building, provide an excellence of design which contributes to the furtherance of the purpose of the CBD.

- b. The board may solicit any expert review and advice to assist it in making a decision on the request for increased height and/or density.

C. Open Space and Landscaping.

1. Landscaped open space shall be provided wherever possible to attract development and provide a pleasing environment to conduct business, trade, civic and cultural affairs and improve the appearance of downtown.
2. Wherever possible, landscaped open space areas shall be provided adjoining the landscaped open space area on an adjoining parcel. Landscaping for both areas shall be coordinated so as to give the appearance of one continuous landscaped area
3. Development adjoining the Wicomico River shall provide public open space easements as required in the urban river plan or other adopted plans and shall provide open space and landscaped areas coordinated with existing open space and landscaped areas developed by the city.

D. *Parking. Parking shall be provided in accordance with Chapter 17.196, except where governed by established parking tax district regulations.*

E. Building and Development Restrictions.

1. Drive-in window service uses shall provide a reservoir of five spaces on site for each drive-in window or stall.
2. Access driveways crossing sidewalks to private parking areas shall be reduced or eliminated where it is determined that alternative or unified points of access are available resulting in less traffic congestion and pedestrian interference.
3. Common loading and unloading areas serving more than one business shall be encouraged where possible.
4. Entrance to loading and unloading areas shall be located at the rear of the building where possible. Where a business abuts more than one street, this entrance shall be on the street with the least amount of traffic.
5. Outside storage of materials or parts shall be prohibited, except that outside storage of service and delivery vehicles used in operation of a business within the CBD shall be permitted.

E. Signs. Signs shall be in accordance with Chapter 17.216. (Prior Code Section 150-91)



**CITY OF SALISBURY - WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Salisbury-Wicomico County
Planning & Zoning Commission
Historic District Commission

Fax: 410-548-4955

Wicomico County Board of Zoning Appeals
City of Salisbury Board of Zoning Appeals
Agricultural Land Preservation Advisory Board

March 21, 2005

Mayor Barrie Parsons Tilghman
City of Salisbury
P.O. Box 4118
Salisbury, Maryland 21802

**SALISBURY-WICOMICO
FILE COPY
PLANNING**

**RE: PUBLIC HEARING – TEXT AMENDMENT – SALISBURY MUNICIPAL
CODE – REZONING of lands between Lake Street and Wicomico
River and TEXT AMENDMENTS to the Riverfront Redevelopment
Multi-Use District and the Central Business District (creating two
RRMU districts and amending the parking standards in the RRMU
and CBD).**

Dear Mayor Tilghman:

The Salisbury Planning Commission at a Public Hearing held on March 17, 2005,
forwarded the following recommendations to the Mayor and City Council:

Proposal #1:

1. Reclassification of zone for Parcels #1630, 1631, 1632, 1633, and 1635 on the easterly side of Lake Street and the westerly side of the Wicomico River from General Commercial to Riverfront Redevelopment Multi-Use District based on a Mistake in the Existing Zoning and the Findings of Fact included in the Staff Report.

**Proposal #2: Amending the Text of the Riverfront Redevelopment Multi-
Use District:**

1. Delete chapter 17.104 in its entirety.
2. Amend the text of the Salisbury Municipal Code by adding a new Chapter 17.104 as Riverfront Redevelopment Multi-Use District #1 with modifications regarding Accessory Uses.
3. Amend the text of the Salisbury Municipal Code by re-adopting Chapter 17.104 as chapter 17.105, Riverfront Redevelopment Multi-Use District #2 with modifications.

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Attachment B

Proposal #3: Amending Chapter 17.196.020 as follows:

In the CBD and RRMU District #1
and RRMU District #2

1 space for each efficiency or 1.5 spaces for each one-bedroom unit, 1.75 spaces for each two-bedroom unit, 2 spaces for each three-bedroom unit, .25 additional spaces for each bedroom above three plus 10% of total for guest parking.

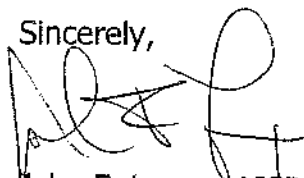
Amend Chapter 17.168.050.e.1 by adding a new item c. as follows:

- c. For apartment projects and single-family attached dwelling units, except townhouse units in the Central Business and Riverfront Redevelopment Multi-Use Districts #1 and #2, one off-street parking space for each efficiency, one and one-half (1.5) spaces for each one bedroom unit, one and three-quarters (1.75) spaces for each two bedroom unit, two off-street parking spaces for each three bedroom unit, and one-quarter (.25) additional spaces for each bedroom above three, plus ten (10) percent of the total for guest parking shall be provided.

These recommendations are being prepared for scheduling for a public hearing on the Council's regular agenda.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith at 410-548-4860.

Sincerely,



John F. Lenox, AICP

Director

Salisbury/Wicomico Planning & Zoning

JFL:brt

cc: John Jacobs, Director of City Department of Public Works
Bill Holland, Director of Building, Housing, and Zoning Department Assessments
Mr. Keith Iott/310 Hammond Street, Suite 100/Salisbury, MD 21801
The Greater Salisbury Committee/Attention: Jan Wisemann/200 West Main Street/Salisbury, Maryland 21801
Mr. Vic Laws/P.O. Box 75/Salisbury, MD 21803-0075
Mr. Tom Becker/Becker-Morgan Group/312 W. Main Street, Suite 300/Salisbury, MD 21801
Mr. Paul Wilber, City Solicitor



MARYLAND

ORDINANCE NO. 1936

LAKE STREET AND
WICOMICO RIVER REZONING

TEXT AMENDMENTS TO THE
RIVERFRONT REDEVELOPMENT MULTI-USE
DISTRICT AND THE CENTRAL BUSINESS DISTRICT

AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO THE MUNICIPAL CODE OF THE CITY OF SALISBURY AND ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND TO REZONE PROPERTY LOCATED ON THE NORTHERLY SIDE OF U.S. ROUTE 50, THE EASTERLY SIDE OF LAKE STREET AND THE WESTERLY SIDE OF THE WICOMICO RIVER FROM GENERAL COMMERCIAL TO RIVERFRONT REDEVELOPMENT DISTRICT. IN ADDITION, TEXT AMENDMENTS ARE INCLUDED TO SECTIONS 17.104, 17.168, AND 17.196 TO AMEND THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT TO CREATE DISTRICT #1 AND DISTRICT #2 AND AMEND THE PARKING STANDARDS RELATIVE TO THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT AND THE CENTRAL BUSINESS DISTRICT.

WHEREAS, the Mayor and City Council have the authority to 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 the specific provisions of Chapter 17.228, Amendments and Rezoning of Title 17, Zoning; and

WHEREAS, the City Council has received a proposal, in accordance with the provisions of Chapter 17.228 of Title 17, Zoning, of the Salisbury Municipal Code, to rezone property now or formerly owned by David F. Brown, Orville C. and Marjorie S. Jackson, and Eller Media Company; and,

WHEREAS, the City Council has received a proposal, in accordance with the provisions of Chapter 17.228 of Title 17, Zoning, of the Salisbury Municipal Code, to amend the text of the Riverfront Redevelopment Multi-Use District, Section 17.104, to delete uses, add uses, and create Riverfront Redevelopment Multi-Use District #1 and Riverfront Redevelopment Multi-Use District #2, new Section 17.105, as well as amend the Apartment Standards, Section 17.168 and the Parking Standards, Section 17.196 of the Code relative to the Riverfront Redevelopment Multi-Use District and the Central Business District; and,

WHEREAS, the Salisbury Planning and Zoning Commission held a Public Hearing on March 17, 2005, reviewed all information, and gave a favorable recommendation to the Lake Street rezoning; and,

WHEREAS, the City Council, after a Public Hearing did, in a public meeting, adopt Findings of Fact as required by Chapter 17.228.030A of Title 17, Zoning, of the Salisbury Municipal Code, relative to the Rezoning as to the following matters:

- (a) The neighborhood in which the subject properties are located;
- (b) Population change in the neighborhood;
- (c) Availability of public facilities to serve the type of uses allowed;
- (d) Present and future transportation patterns to serve this site;
- (e) Compatibility of uses allowed if the zoning is changed with existing and proposed development of the area.
- (f) The relationship of such proposed amendment to the adopted Salisbury Metro Core Comprehensive Plan; and,
- (g) The recommendation of the Salisbury Planning Commission.

WHEREAS, said Findings have been duly set forth, shall be found in the minutes of the meeting or meetings at which this matter was discussed; and,

WHEREAS, the City Council has found that there was a mistake in zoning of these properties at the time of the Comprehensive Rezoning of the City in 1983;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY MARYLAND, that the existing zoning of the property on the northerly side of U.S. Route 50, the easterly side of Lake Street and the westerly side of the Wicomico River as shown in Exhibit A attached hereto and made a part hereof, shall

be changed as from General Commercial to Riverfront Redevelopment Multi-Use District.

AND WHEREAS, the Salisbury Planning and Zoning Commission held a Public Hearing on March 17, 2005, reviewed all information, and gave a favorable recommendation to the proposed amendments to the Riverfront Redevelopment Multi-Use District and the Apartment and Parking Standards sections of the Code; and,

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

DELETE SECTION 17.104, RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT IN ITS ENTIRETY AND RE-ADOPT SECTION 17.104 AS FOLLOWS:

Chapter 17.104

RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1

Sections:

- 17.104.010 Purpose.**
- 17.104.020 Certificate of design and site plan approval required.**
- 17.104.030 Permitted uses.**
- 17.104.040 Development standards.**

17.104.010 Purpose.

- A. THE PURPOSE OF THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1 IS TO RECOGNIZE THAT THE AREA ON BOTH SIDES OF THE WICOMICO RIVER BETWEEN U.S. ROUTE 50 AND WEST ISABELLA STREET AS AN AREA PRIME FOR REDEVELOPMENT AS A COMMERCIAL RETAIL AND RESIDENTIAL CENTER. IT IS UNIQUELY SITUATED NORTH OF THE WEST MAIN STREET AND U.S. ROUTE 50 DRAWBRIDGES WHICH HAVE CONTRIBUTED TO THE DECLINE OF THE AREA. THE NORTH PRONG OF THE WICOMICO RIVER IS ALSO A HIGHLY VISIBLE AREA DUE TO ITS EXPOSURE TO HIGH VOLUMES OF TRAFFIC AS WELL AS THE SURROUNDING TOPOGRAPHY.
- B. TO ENSURE COMPATIBILITY WITH RIVERFRONT DEVELOPMENT IN THE ADJOINING CENTRAL BUSINESS AND HISTORIC DISTRICT COMPATIBILITY OF ARCHITECTURE, LANDSCAPING AND SITE DESIGN FOR DEVELOPMENT WITHIN THE DISTRICT AND PUBLIC ACCESS

TO AND ALONG THE WATERFRONT WITH PROPER EMPHASIS ON PEDESTRIAN MOVEMENT AND ITS SEPARATION FROM COMMERCIAL TRAFFIC, ALL USES WITHIN THIS DISTRICT ARE SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING COMMISSION.

- C. COORDINATION OF SITE PLANS, LANDSCAPING AND PEDESTRIAN AND TRAFFIC MOVEMENT IS A NECESSARY CONCERN FOR REVIEW AND APPROVAL OF USES TO ASSURE THAT WATERFRONT DEVELOPMENT USES CAN FUNCTION HARMONIOUSLY AND COMPATIBLY WITH LESS INTENSIVE USES PERMITTED TO COMPLEMENT AND STRENGTHEN THE WATERFRONT AREA. THE FOLLOWING USES, STANDARDS AND REVIEW PROCEDURES HAVE BEEN DEVELOPED IN ACCORDANCE WITH THIS PURPOSE, WHICH IS CONSISTENT WITH THE FINDINGS AND RECOMMENDATIONS OF THE METRO CORE COMPREHENSIVE PLAN FOR DEVELOPMENT OF THE WICOMICO RIVER WATERFRONT.

17.104.020 Certificate of design and site plan approval required.

PRIOR TO THE DEVELOPMENT OR REDEVELOPMENT OF ANY LOT OR PARCEL OF LAND WITHIN THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT, A CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL SHALL BE OBTAINED FROM THE PLANNING COMMISSION. REPAIRS, MAINTENANCE AND MINOR ADDITIONS OR CHANGES OF USE NOT AFFECTING THE EXISTING SITE ARRANGEMENT OF BUILDINGS, PARKING, VEHICULAR OR PEDESTRIAN MOVEMENT OR BUILDING AREA OR HEIGHT SHALL NOT REQUIRE A CERTIFICATE.

17.104.030 Permitted uses.

PERMITTED USES SHALL BE AS FOLLOWS:

- A. APARTMENTS AND SINGLE-FAMILY ATTACHED RESIDENTIAL USES, PROVIDED THAT SUCH DEVELOPMENT IS DESIGNED NOT TO PRECLUDE ACCESS TO THE WATERFRONT;
- B. HOTEL, MOTEL OR OTHER TOURIST-RELATED FACILITY;
- C. OFFICE BUILDING;
- D. BUSINESS USES AND OFFICES, INCLUDING INSURANCE, REAL ESTATE AND FINANCIAL OFFICES;

- E. CULTURAL USES, SUCH AS MUSEUMS, LIBRARIES, MEETING ROOMS, AND THEATERS;
- F. GOVERNMENTAL USES, SUCH AS FEDERAL, STATE, COUNTY, CITY ADMINISTRATIVE OFFICES, COURT AND DETENTION FACILITIES, THE POST OFFICE, FIRE STATION AND POLICE STATION;
- G. INSTITUTIONAL USES, SUCH AS HOSPITALS, CARE HOMES, CHURCHES AND NURSING HOMES;
- H. PROFESSIONAL USES, INCLUDING MEDICAL, LEGAL ENGINEERING, SURVEYING AND ARCHITECTURAL OFFICES AND FACILITIES;
- I. PARKING LOT OR STRUCTURE;
- J. PUBLIC OR PRIVATE UTILITY BUILDINGS OR USES AND UTILITY SUBSTATION;
- K. RECREATIONAL, SOCIAL, CULTURAL FACILITIES, PUBLIC PARKS AND OPEN SPACE;
- L. RESTAURANTS AND OUTDOOR EATING FACILITIES;
- M. SPECIALTY SHOPPING FACILITIES, SUCH AS ART, GIFT, ANTIQUE, IMPORT, HEALTH AND NATURAL GOODS, INCLUDING USES OF A MORE GENERAL COMMERCIAL NATURE WHICH DO NOT DETRACT FROM THE PURPOSE OF THE WATERFRONT;
- N. DAY-CARE SERVICES FOR EMPLOYEES OR PATRONS OF A PERMITTED USE AS AN ACCESSORY USE.
- O. ACCESSORY USES AND STRUCTURES CLEARLY INCIDENTAL TO, CUSTOMARY TO AND ASSOCIATED WITH THE PERMITTED USE, INCLUDING BUT NOT LIMITED TO SWIMMING POOLS AND BOAT SLIPS OR PIERS.

17.104.040 Development standards.

MINIMUM STANDARDS FOR DEVELOPMENT IN THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1 SHALL BE AS FOLLOWS:

- A. MINIMUM LOT REQUIREMENTS. ALL LOTS HEREAFTER ESTABLISHED SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS:
 - 1. LOT AREA: FIVE THOUSAND (5,000) SQUARE FEET;
 - 2. LOT WIDTH: FIFTY (50) FEET.

- B. SETBACK, HEIGHT AND DENSITY. THE FOLLOWING MINIMUM STANDARDS ARE ESTABLISHED AS GUIDES FOR DESIGN OF DEVELOPMENT. THESE STANDARDS MAY BE INCREASED OR DECREASED BY THE PLANNING COMMISSION UPON REVIEW OF INDIVIDUAL SITE DESIGN IN RELATION TO SURROUNDING PROPERTIES AND DEVELOPMENT OF THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1 AS A WHOLE.

1. SETBACKS.

a. SETBACKS SHALL BE AS FOLLOWS:

- i. SETBACKS SHALL BE THE SAME AS THE ESTABLISHED SETBACKS FOR EXISTING BUILDINGS WITHIN THE SAME BLOCK.
- ii. WHERE THERE ARE MINOR IRREGULARITIES IN EXISTING SETBACKS FOR THE SAME BLOCK, ANY ONE OF THE EXISTING SETBACKS WHICH THE PLANNING COMMISSION CONSIDERS MOST APPLICABLE MAY BE USED.
- iii. WHERE THERE ARE MAJOR IRREGULARITIES IN EXISTING SETBACKS FOR THE SAME BLOCK, THE SETBACK SHALL BE NO LESS THAN THE AVERAGE OF SETBACKS FOR EXISTING BUILDINGS ON EITHER SIDE OF THE PROPOSED DEVELOPMENT.
- iv. WHERE NO ESTABLISHED BUILDING SETBACKS EXIST, THE SETBACK SHALL BE A MINIMUM OF FIVE FEET FROM THE BACK OF THE SIDEWALK.
- v. SETBACKS FROM THE WICOMICO RIVER SHALL BE A MINIMUM OF TEN FEET FROM THE BACK OF THE EXISTING OR PROPOSED BULKHEADING LINE.

vi. SETBACKS FROM INTERIOR LOT LINES SHALL BE A MINIMUM OF TEN FEET.

b. MODIFICATIONS TO SETBACKS.

i. DURING ITS REVIEW OF ANY DEVELOPMENT REQUIRING A MODIFICATION TO SETBACKS, THE PLANNING COMMISSION SHALL CONSIDER THE LOCATION OF BUILDINGS ON THE SITE RELATIVE TO SAFE VEHICULAR MOVEMENT ON EXISTING OR PROPOSED STREETS, LIGHT, AIR AND ABILITY OF FIRE OR EMERGENCY EQUIPMENT AND VEHICLES TO ADEQUATELY SERVE THE DEVELOPMENT.

ii. SPECIAL CONSIDERATION SHALL BE GIVEN TO THE LOCATION OF LANDSCAPED AREAS AND AREAS OF PEDESTRIAN MOVEMENT TO ASSURE COORDINATION OF LANDSCAPING AND FREEDOM AND SAFETY OF PEDESTRIAN MOVEMENT.

iii. THE PLANNING COMMISSION MAY CONSIDER AN INCREASE OR DECREASE IN SETBACKS WHEREVER A REARRANGEMENT OF BUILDINGS ON THE SITE WILL AID IN ACHIEVING A CONTINUOUS LINK OF DEVELOPMENT WITH FREEDOM AND ENCOURAGEMENT OF PEDESTRIAN MOVEMENT FROM ONE DEVELOPMENT TO ANOTHER.

2. DENSITY.
 - a. FLOOR AREA FOR COMMERCIAL OR OTHER USES SHALL NOT BE USED WHEN COMPUTING DENSITY FOR DWELLING UNITS.
 - b. INHERENT DENSITY SHALL NOT EXCEED FORTY (40) UNITS PER ACRE.
 - c. INCREASED DENSITY SHALL REQUIRE A SPECIAL EXCEPTION FROM THE BOARD OF ZONING APPEALS. IN ADDITION TO CONSIDERATION OF THE CRITERIA REQUIRED BY CHAPTER 17.232, SECTION 17.232.020, THE BOARD SHALL CONSIDER THE CRITERIA SET FORTH IN SUBSECTION (B)(4) OF THIS SECTION.
3. HEIGHT.
 - a. INHERENT HEIGHT SHALL NOT EXCEED SEVENTY-FIVE (75) FEET.
 - b. INCREASED HEIGHT SHALL REQUIRE A SPECIAL EXCEPTION FROM THE BOARD OF ZONING APPEALS. IN ADDITION TO CONSIDERATION OF THE CRITERIA REQUIRED BY CHAPTER 17.232, SECTION 17.232.020, THE BOARD SHALL CONSIDER THE CRITERIA SET FORTH IN SUBSECTION (B)(4) OF THIS SECTION.
4. CRITERIA FOR INCREASED HEIGHT AND/OR DENSITY.
 - a. WHEN ACTING UPON A REQUEST FOR EITHER INCREASED HEIGHT OR DENSITY, THE BOARD OF ZONING APPEALS SHALL CONSIDER ANY OR ALL OF THE FOLLOWING CRITERIA AS MAY APPLY TO THE TYPE OF DEVELOPMENT PROPOSED:
 - i. RECOMMENDATION FROM THE PLANNING COMMISSION;
 - ii. THE TYPE OF RESIDENTIAL DEVELOPMENT PROPOSED RELATIVE TO THE ABILITY OF

THE SITE TO ACCOMMODATE
THE DENSITY PROPOSED;

- iii. THE AVAILABILITY OF CITY SERVICES TO THE SITE, SUCH AS WATER, SEWER, STREETS AND PARKING LOTS OR STRUCTURES; AND WHETHER THE SITE CAN ACCOMMODATE A HIGHER DENSITY AND/OR HEIGHT WITHOUT AN UNDUE BURDEN OF EXPENSE TO THE CITY;
- iv. THE FUNCTIONAL, VISUAL AND SPATIAL RELATIONSHIP OF THE PROPOSED HEIGHT RELATIVE TO SURROUNDING DEVELOPMENT AND THE CBD AS A WHOLE;
- v. WHETHER THE PROPOSED HEIGHT WILL CREATE AN INTRUSION OR CONFLICT WITH THE SPATIAL ARRANGEMENT OF EXISTING OR PROPOSED BUILDINGS;
- vi. SHADOWS WHICH MAY INTERFERE WITH SOLAR PANELS OR OTHER SOLAR EQUIPMENT ALREADY IN EXISTENCE OR UNDER CONTRACT TO BE INSTALLED ON EXISTING BUILDINGS OR BUILDINGS APPROVED FOR CONSTRUCTION IN THE IMMEDIATE VICINITY;
- vii. WATER PRESSURE AND CAPABILITY OF COMMUNITY FIRE-FIGHTING EQUIPMENT, IN ADDITION TO ANY REQUIRED CONSTRUCTION OR FIRE SAFETY DEVICES, TO ASSURE SAFETY OF OCCUPANTS;
- viii. THE MERITS OF THE DESIGN AND WHETHER THE TREATMENT OF SETBACKS,

LANDSCAPING OR OTHER AMENITIES, IN ADDITION TO ARCHITECTURAL TREATMENT OF THE BUILDING, PROVIDE AN EXCELLENCE OF DESIGN WHICH CONTRIBUTES TO THE FURTHERANCE OF THE PURPOSE OF THE CBD.

- b. THE BOARD MAY SOLICIT ANY EXPERT REVIEW AND ADVICE TO ASSIST IT IN MAKING A DECISION ON THE REQUEST FOR INCREASED HEIGHT AND/OR DENSITY.

C. OPEN SPACE AND LANDSCAPING.

- 1. LANDSCAPED OPEN SPACE SHALL BE PROVIDED TO ATTRACT DEVELOPMENT, PROVIDE A PLEASING ENVIRONMENT AND IMPROVE THE APPEARANCE OF THE ENTIRE AREA.
- 2. WHEREVER POSSIBLE, LANDSCAPED OPEN SPACE AREAS SHALL BE PROVIDED ADJOINING THE LANDSCAPED OPEN SPACE AREA ON AN ADJOINING PARCEL. LANDSCAPING FOR BOTH AREAS SHALL BE COORDINATED SO AS TO GIVE THE APPEARANCE OF ONE CONTINUOUS LANDSCAPED AREA.
- 3. PARKING LOTS SHALL BE LANDSCAPED IN ACCORDANCE WITH CHAPTER 17.220.
- 4. LANDSCAPED SCREENING AREAS MAY BE REQUIRED ALONG ANY PROPERTY LINE WHERE THE PLANNING COMMISSION FINDS THAT SUCH LANDSCAPED SCREENING AREA IS NECESSARY TO FURTHER THE PURPOSE OF THE RIVERFRONT DISTRICT AND PROVIDE SEPARATION TO MINIMIZE ANY POSSIBLE ADVERSE EFFECT FROM ADJOINING USES.

D. PARKING. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH CHAPTER 17.196.

E. SIGNS. SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 17.216.160.

ADD SECTION 17.105, RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #2 AS FOLLOWS:

CHAPTER 17.105

RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #2

SECTIONS:

17.105.010 PURPOSE.

17.105.020 CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL REQUIRED.

17.105.030 PERMITTED USES.

17.105.040 DEVELOPMENT STANDARDS.

17.105.010 PURPOSE.

- A. THE WICOMICO RIVER IS AN IMPORTANT AND UNIQUE RESOURCE NECESSARY TO THE ECONOMIC VIABILITY OF THE CITY OF SALISBURY AND WICOMICO COUNTY. THIS DISTRICT IS INTENDED TO PROMOTE THE DEVELOPMENT AND REDEVELOPMENT OF LANDS ALONG THE WICOMICO RIVER SOUTH OF WEST MAIN STREET WITH A MIXTURE OF USES AND ACTIVITIES WHICH ARE EITHER DEPENDENT UPON OR APPROPRIATE TO THE WATERFRONT. INDUSTRIES WHICH REQUIRE FRONTAGE ON AND ACCESS TO THE WATER AND CERTAIN WATERFRONT RELATED COMMERCIAL ACTIVITIES ARE TO BE GIVEN PRIMARY CONSIDERATION FOR LANDS ADJOINING THE RIVER. TO COMPLEMENT AND STRENGTHEN THE FUNCTION OF THE WATERFRONT AREA CERTAIN RECREATION, SHOPPING, BUSINESS AND RESIDENTIAL USES ARE ALSO PERMITTED.
- B. TO ENSURE COMPATIBILITY WITH RIVERFRONT DEVELOPMENT IN THE ADJOINING CENTRAL BUSINESS AND HISTORIC DISTRICT COMPATIBILITY OR ARCHITECTURE, LANDSCAPING AND SITE DESIGN FOR DEVELOPMENT WITHIN THE DISTRICT AND PUBLIC ACCESS TO AND ALONG THE WATERFRONT WITH PROPER EMPHASIS ON PEDESTRIAN MOVEMENT AND ITS SEPARATION FROM INDUSTRIAL TRAFFIC, ALL USES WITHIN THIS DISTRICT ARE SUBJECT TO REVIEW AND APPROVAL BY THE SALISBURY PLANNING COMMISSION.
- C. COORDINATION OF SITE PLANS, LANDSCAPING AND PEDESTRIAN AND TRAFFIC MOVEMENT IS A NECESSARY CONCERN FOR REVIEW AND APPROVAL OF USES TO ASSURE THAT WATERFRONT DEVELOPMENT USES CAN FUNCTION HARMONIOUSLY AND COMPATIBLY WITH LESS

INTENSIVE USES PERMITTED TO COMPLEMENT AND STRENGTHEN THE WATERFRONT AREA. THE FOLLOWING USES, STANDARDS AND REVIEW PROCEDURES HAVE BEEN DEVELOPED IN ACCORDANCE WITH THIS PURPOSE, WHICH IS CONSISTENT WITH THE FINDINGS AND RECOMMENDATIONS OF THE METRO CORE COMPREHENSIVE PLAN FOR DEVELOPMENT OF THE WICOMICO RIVER WATERFRONT.

17.105.020 CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL REQUIRED.

PRIOR TO THE DEVELOPMENT OR REDEVELOPMENT OF ANY LOT OR PARCEL OF LAND WITHIN THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT, A CERTIFICATE OF DESIGN AND SITE PLAN APPROVAL SHALL BE OBTAINED FROM THE SALISBURY PLANNING COMMISSION. REPAIRS, MAINTENANCE AND MINOR ADDITIONS OR CHANGES OF USE NOT AFFECTING THE EXISTING SITE ARRANGEMENT OF BUILDINGS, PARKING, VEHICULAR OR PEDESTRIAN MOVEMENT OR BUILDING AREA OR HEIGHT SHALL NOT REQUIRE A CERTIFICATE.

17.105.030 PERMITTED USES.

PERMITTED USES SHALL BE AS FOLLOWS:

- A. APARTMENTS AND SINGLE-FAMILY ATTACHED RESIDENTIAL USES, PROVIDED THAT SUCH DEVELOPMENT IS DESIGNED NOT TO PRECLUDE ACCESS TO THE WATERFRONT;
- B. BOAT SALES, SERVICE, RENTALS, RAMPS, DOCKS, MARINAS AND COMMERCIAL SIGHTSEEING;
- C. COMMERCIAL FISHING AND SEAFOOD WHOLESALE OR RETAIL OUTLETS AND RELATED USES;
- D. HOTEL, MOTEL OR OTHER TOURIST-RELATED FACILITY;
- E. INDUSTRIAL USES DEPENDENT UPON THE WATERFRONT FOR DELIVERY OR SHIPMENT OF GOODS AND MATERIALS NECESSARY TO THEIR OPERATION;
- F. MARINE RAILWAYS, CONSTRUCTION AND REPAIR YARDS, STORAGE YARDS AND MARINE SUPPLY OUTLETS;
- G. OFFICE BUILDING;
- H. PARKING LOT OR STRUCTURE;

- I. PUBLIC OR PRIVATE UTILITY BUILDINGS OR USES AND UTILITY SUBSTATION;
- J. RECREATIONAL, SOCIAL, CULTURAL FACILITIES, PUBLIC PARKS AND OPEN SPACE;
- K. RESTAURANTS AND OUTDOOR EATING FACILITIES;
- L. SPECIALTY AND MARINE SHOPPING FACILITIES, SUCH AS ART, GIFT, ANTIQUE, IMPORT, HEALTH AND NATURAL GOODS, FISHING TACKLE AND EQUIPMENT, MARINE HARDWARE AND BOAT FURNITURE SHOPS, INCLUDING USES OF A MORE GENERAL COMMERCIAL NATURE WHICH DO NOT DETRACT FROM THE PURPOSE OF THE WATERFRONT AND WHICH ARE NECESSARY TO ITS ECONOMIC VIABILITY;
- M. TRUCKING AND FREIGHT TRANSFER TERMINALS AND DEPOTS, WHOLESALING, WAREHOUSING AND DISTRIBUTION FACILITIES, ALL OF WHICH ARE DEPENDENT UPON THE WATERFRONT FOR THEIR OPERATION;
- N. DAY-CARE SERVICES FOR EMPLOYEES OR PATRONS OF A PERMITTED USE AS AN ACCESSORY USE.
- O. ACCESSORY USES AND STRUCTURES CLEARLY INCIDENTAL TO, CUSTOMARY TO AND ASSOCIATED WITH THE PERMITTED USE, INCLUDING BUT NOT LIMITED TO SWIMMING POOLS AND BOAT SLIPS OR PIERS.

17.105.040 DEVELOPMENT STANDARDS.

MINIMUM STANDARDS FOR DEVELOPMENT IN THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT SHALL BE AS FOLLOWS:

- A. MINIMUM LOT REQUIREMENTS. ALL LOTS HEREAFTER ESTABLISHED SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS:
 - 1. LOT AREA: FIVE THOUSAND (5,000) SQUARE FEET;
 - 2. LOT WIDTH: FIFTY (50) FEET.
- B. SETBACK, HEIGHT AND DENSITY. THE FOLLOWING MINIMUM STANDARDS ARE ESTABLISHED AS GUIDES FOR DESIGN OF DEVELOPMENT. THESE STANDARDS MAY BE INCREASED OR DECREASED BY THE DEVELOPMENT-REVIEW COMMITTEE UPON REVIEW OF INDIVIDUAL SITE DESIGN IN RELATION TO SURROUNDING PROPERTIES AND DEVELOPMENT OF THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT AS A WHOLE.

1. SETBACKS.

a. SETBACKS SHALL BE AS FOLLOWS:

- i. SETBACKS SHALL BE THE SAME AS THE ESTABLISHED SETBACKS FOR EXISTING BUILDINGS WITHIN THE SAME BLOCK.
- ii. WHERE THERE ARE MINOR IRREGULARITIES IN EXISTING SETBACKS FOR THE SAME BLOCK, ANY ONE OF THE EXISTING SETBACKS WHICH THE PLANNING COMMISSION CONSIDERS MOST APPLICABLE MAY BE USED.
- iii. WHERE THERE ARE MAJOR IRREGULARITIES IN EXISTING SETBACKS FOR THE SAME BLOCK, THE SETBACK SHALL BE NO LESS THAN THE AVERAGE OF SETBACKS FOR EXISTING BUILDINGS ON EITHER SIDE OF THE PROPOSED DEVELOPMENT.
- iv. WHERE NO ESTABLISHED BUILDING SETBACKS EXIST, THE SETBACK SHALL BE A MINIMUM OF FIVE FEET FROM THE BACK OF THE SIDEWALK.
- v. SETBACKS FROM THE WICOMICO RIVER SHALL BE A MINIMUM OF TEN FEET FROM THE BACK OF THE EXISTING OR PROPOSED BULKHEADING LINE.
- vi. SETBACKS FROM INTERIOR LOT LINES SHALL BE A MINIMUM OF TEN FEET.

b. MODIFICATIONS TO SETBACKS.

- i. DURING ITS REVIEW OF ANY DEVELOPMENT REQUIRING A MODIFICATION TO SETBACKS, THE PLANNING COMMISSION

SHALL CONSIDER THE LOCATION OF BUILDINGS ON THE SITE RELATIVE TO SAFE VEHICULAR MOVEMENT ON EXISTING OR PROPOSED STREETS, LIGHT, AIR AND ABILITY OF FIRE OR EMERGENCY EQUIPMENT AND VEHICLES TO ADEQUATELY SERVE THE DEVELOPMENT.

- ii. SPECIAL CONSIDERATION SHALL BE GIVEN TO THE LOCATION OF LANDSCAPED AREAS AND AREAS OF PEDESTRIAN MOVEMENT TO ASSURE COORDINATION OF LANDSCAPING AND FREEDOM AND SAFETY OF PEDESTRIAN MOVEMENT.
- iii. THE PLANNING COMMISSION MAY CONSIDER AN INCREASE OR DECREASE IN SETBACKS WHEREVER A REARRANGEMENT OF BUILDINGS ON THE SITE WILL AID IN ACHIEVING A CONTINUOUS LINK OF DEVELOPMENT WITH FREEDOM AND ENCOURAGEMENT OF PEDESTRIAN MOVEMENT FROM ONE DEVELOPMENT TO ANOTHER.

2. DENSITY.

- a. FLOOR AREA FOR COMMERCIAL OR OTHER USES SHALL NOT BE USED WHEN COMPUTING DENSITY FOR DWELLING UNITS.
- b. INHERENT DENSITY SHALL NOT EXCEED FORTY (40) UNITS PER ACRE.
- c. INCREASED DENSITY SHALL REQUIRE A SPECIAL EXCEPTION FROM THE BOARD OF ZONING APPEALS. IN ADDITION TO CONSIDERATION OF THE CRITERIA REQUIRED BY CHAPTER 17.232, SECTION

17.232.020, THE BOARD SHALL CONSIDER THE CRITERIA SET FORTH IN SUBSECTION (B)(4) OF THIS SECTION.

3. HEIGHT.

- a. INHERENT HEIGHT SHALL NOT EXCEED SEVENTY-FIVE (75) FEET.
- b. INCREASED HEIGHT SHALL REQUIRE A SPECIAL EXCEPTION FROM THE BOARD OF ZONING APPEALS. IN ADDITION TO CONSIDERATION OF THE CRITERIA REQUIRED BY CHAPTER 17.232, SECTION 17.232.020, THE BOARD SHALL CONSIDER THE CRITERIA SET FORTH IN SUBSECTION (B)(4) OF THIS SECTION.

4. CRITERIA FOR INCREASED HEIGHT AND/OR DENSITY.

- a. WHEN ACTING UPON A REQUEST FOR EITHER INCREASED HEIGHT OR DENSITY, THE BOARD OF ZONING APPEALS SHALL CONSIDER ANY OR ALL OF THE FOLLOWING CRITERIA AS MAY APPLY TO THE TYPE OF DEVELOPMENT PROPOSED:
 - i. RECOMMENDATION FROM THE PLANNING COMMISSION;
 - ii. THE TYPE OF RESIDENTIAL DEVELOPMENT PROPOSED RELATIVE TO THE ABILITY OF THE SITE TO ACCOMMODATE THE DENSITY PROPOSED;
 - iii. THE AVAILABILITY OF CITY SERVICES TO THE SITE, SUCH AS WATER, SEWER, STREETS AND PARKING LOTS OR STRUCTURES; AND WHETHER THE SITE CAN ACCOMMODATE A HIGHER DENSITY AND/OR HEIGHT WITHOUT AN UNDUE BURDEN OF EXPENSE TO THE CITY;

- iv. THE FUNCTIONAL, VISUAL AND SPATIAL RELATIONSHIP OF THE PROPOSED HEIGHT RELATIVE TO SURROUNDING DEVELOPMENT AND THE CBD AS A WHOLE;
- v. WHETHER THE PROPOSED HEIGHT WILL CREATE AN INTRUSION OR CONFLICT WITH THE SPATIAL ARRANGEMENT OF EXISTING OR PROPOSED BUILDINGS;
- vi. SHADOWS WHICH MAY INTERFERE WITH SOLAR PANELS OR OTHER SOLAR EQUIPMENT ALREADY IN EXISTENCE OR UNDER CONTRACT TO BE INSTALLED ON EXISTING BUILDINGS OR BUILDINGS APPROVED FOR CONSTRUCTION IN THE IMMEDIATE VICINITY;
- vii. WATER PRESSURE AND CAPABILITY OF COMMUNITY FIRE-FIGHTING EQUIPMENT, IN ADDITION TO ANY REQUIRED CONSTRUCTION OR FIRE SAFETY DEVICES, TO ASSURE SAFETY OF OCCUPANTS;
- viii. THE MERITS OF THE DESIGN AND WHETHER THE TREATMENT OF SETBACKS, LANDSCAPING OR OTHER AMENITIES, IN ADDITION TO ARCHITECTURAL TREATMENT OF THE BUILDING, PROVIDE AN EXCELLENCE OF DESIGN WHICH CONTRIBUTES TO THE FURTHERANCE OF THE PURPOSE OF THE CBD.

- b. THE BOARD MAY SOLICIT ANY EXPERT REVIEW AND ADVICE TO ASSIST IT IN MAKING A DECISION ON THE REQUEST FOR INCREASED HEIGHT AND/OR DENSITY.

C. OPEN SPACE AND LANDSCAPING.

- 1. LANDSCAPED OPEN SPACE SHALL BE PROVIDED TO ATTRACT DEVELOPMENT, PROVIDE A PLEASING ENVIRONMENT AND IMPROVE THE APPEARANCE OF THE ENTIRE AREA.
- 2. WHEREVER POSSIBLE, LANDSCAPED OPEN SPACE AREAS SHALL BE PROVIDED ADJOINING THE LANDSCAPED OPEN SPACE AREA ON AN ADJOINING PARCEL. LANDSCAPING FOR BOTH AREAS SHALL BE COORDINATED SO AS TO GIVE THE APPEARANCE OF ONE CONTINUOUS LANDSCAPED AREA.
- 3. PARKING LOTS SHALL BE LANDSCAPED IN ACCORDANCE WITH CHAPTER 17.220.
- 4. LANDSCAPED SCREENING AREAS SHALL BE PROVIDED ALONG SIDE AND/OR REAR PROPERTY LINES OF INDUSTRIALLY USED PROPERTY EXCEPT WHERE ADJOINING THE WICOMICO RIVER. ALL AREAS NOT USED FOR LOADING AND UNLOADING ALONG THE RIVERFRONT SHALL BE LANDSCAPED.
- 5. LANDSCAPED SCREENING AREAS MAY BE REQUIRED ALONG ANY PROPERTY LINE WHERE THE DEVELOPMENT REVIEW COMMITTEE AND PLANNING COMMISSION FIND THAT SUCH LANDSCAPED SCREENING AREA IS NECESSARY TO FURTHER THE PURPOSE OF THE RIVERFRONT DISTRICT AND PROVIDE SEPARATION TO MINIMIZE ANY POSSIBLE ADVERSE EFFECT FROM ADJOINING USES.

D. PARKING. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH CHAPTER 17.196.

E. SIGNS. SIGNS SHALL BE IN ACCORDANCE WITH CHAPTER 17.216.

AMEND CHAPTER 17.196.020 AS FOLLOWS:

IN THE CBD AND RRMU DISTRICT #1 1 SPACE FOR EACH EFFICIENCY OR
AND RRMU DISTRICT #2: 1.5 SPACES FOR EACH ONE-BEDROOM
UNIT, 1.75 SPACES FOR EACH TWO-
BEDROOM UNIT, 2 SPACES FOR EACH
THREE-BEDROOM UNIT, .25
ADDITIONAL SPACES FOR EACH
BEDROOM ABOVE THREE PLUS 10%
OF TOTAL FOR GUEST PARKING.

AMEND CHAPTER 17.168.050.E.1 BY ADDING A NEW ITEM c. AS FOLLOWS:

- c. IN THE CENTRAL BUSINESS AND RIVERFRONT
REDEVELOPMENT MULTI-USE DISTRICTS #1 AND #2, ONE OFF-
STREET PARKING SPACE FOR EACH EFFICIENCY, ONE AND
ONE-HALF (1.5) SPACES FOR EACH ONE BEDROOM UNIT, ONE
AND THREE-QUARTERS (1.75) SPACES FOR EACH TWO
BEDROOM UNIT, TWO OFF-STREET PARKING SPACES FOR
EACH THREE BEDROOM UNIT, AND ONE-QUARTER (.25)
ADDITIONAL SPACES FOR EACH BEDROOM ABOVE THREE,
PLUS TEN (10) PERCENT OF THE TOTAL FOR GUEST PARKING
SHALL BE PROVIDED.
- d. e- Off-street parking for apartment buildings for the elderly and handicapped
shall be provided at the rate of one space for each dwelling unit.

**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 11th day of April, 2005, and having been published as required by law, in the meantime, was finally passed at its meeting on the _____ day of _____, 2005.

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

Approved by me this _____
day of _____, 2005.

Witness:

Barrie Parsons Tilghman
Mayor of Salisbury

Brenda J. Colegrove
City Clerk



MARYLAND

**RESOLUTION OF DECISION AND
FINDINGS OF FACT**

**LAKE STREET AND WICOMICO RIVER
REZONING**

**RECLASSIFICATION OF ZONE FROM GENERAL COMMERCIAL
TO RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #1**

The Salisbury City Council reviewed and considered all testimony and written evidence presented a public hearing held in the Lake Street and Wicomico River proposal to rezone five parcels totaling 3.26 acres of land. The rezoning site is located on the northerly side of U.S. Route 50, the easterly side of Lake Street, and the westerly side of the Wicomico River. The proposal is to change the zoning of the subject area from General Commercial to Riverfront Redevelopment Multi-use District #1.

The Council does hereby make the following Findings of Fact in accordance with the provisions of Section 17.228 Amendments and Rezoning, of Title 17, Zoning, of the Salisbury Municipal Code.

A. SPECIFIC FINDINGS OF FACT:

1. **Neighborhood.** U.S. Route 50 borders the "neighborhood" on the south, Cypress Street on the west, West Isabella Street on the north, and North Division Street on the east
2. **Population Change.** Through the Assessment Records, Staff could document only one new structure in the neighborhood constructed since 1983. Most of the housing stock in the R-5 District included within the defined neighborhood was constructed in the early 1900's.
3. **Availability of Public Facilities.** These parcels are located on the northerly side of U.S. Route 50 and the west side of the Wicomico River. The area is served with public water and sewer services.

4. **Present and Future Transportation Patterns.** U.S. Route 50 is a State Highway. The rezoning site has adequate access to U.S. Route 50 utilizing Lake Street.

5. **Compatibility with Existing and Proposed Development.**

The proposed rezoning is consistent with the existing zoning classification on the remainder of the properties on both sides of the North Prong of the Wicomico River.

The surrounding properties to the west and north are zoned General Commercial and Light Industrial.

The properties to the south, across U.S. Route 50 are in the Industrial and Central Business Districts.

6. **Relationship to the Comprehensive Plan.** The City Council adopted the Metro Core Comprehensive Plan on September 22, 1997. The proposed rezoning site is designated as General Commercial on the Metro Core Land Use Plan.

7. **Change in the Character of the Area.** For planning purposes, a "change" is the cumulative effect of the alteration of a number of development factors in the neighborhood which are different than those which were planned or in existence at the time of the last comprehensive rezoning. In this case the last comprehensive rezoning occurred on May 23, 1983; therefore, changes to be considered for a rezoning must have occurred since that date. Typically, items that could qualify as "changes" include such things as rezonings, annexations, or new road constructions.

The Council found no changes of this nature that have occurred in the area since 1983.

8. **Mistake in the Existing Zoning.** For planning purposes, a "mistake" is an error of commission or omission by the local elected body during its review and adoption of the current zoning and the relationship of that error to the case.

The Council found that there is evidence to support a rezoning based on "mistake" in the existing zoning based on the lack of development or redevelopment in the area in a commercial manner. Although at least two commercial structures have been built in the designated neighborhood (A & L Service Center and Delmarva Trailer Rentals), there are a number of vacant tracts and vacant buildings. The service station that was once located at the corner of U.S. Route 50 and Lake Street is gone and the McDonald's is vacant.

B. DECISION:

THEREFORE, after review and consideration of all written evidence and testimony during the public hearing, thereon, the Council, for the reasons stated, hereby finds that there was a mistake in the existing zoning at the time of the City Comprehensive Rezoning in 1983 to warrant a rezoning of this area from General Commercial to Riverfront Redevelopment Multi-Use District #1.

NOW, THEREFORE, upon a motion by _____, seconded by _____ and duly carried, the Salisbury City Council hereby adopts these Findings of Fact and hereby directs that one copy of these signed and certified Findings be attached to and made a part of the minutes of this meeting.

APPROVED THIS ____ DAY OF _____, 2005.

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

Witness:

Brenda J. Colegrove, City Clerk

