



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

ATTACHMENT E

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 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. 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.

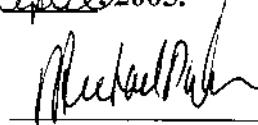
The Council found that there is evidence to support a rezoning based on "mistake" in the existing zoning based on the lack of development or redevelopment in the area in a commercial manner. Although at least two commercial structures have been built in the designated neighborhood (A & L Service Center 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.

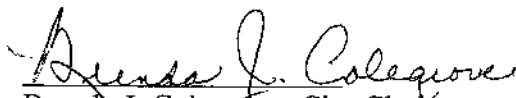
NOW, THEREFORE, upon a motion by Mr. Conway, seconded by Mrs. Pothcat and duly carried, the Salisbury City Council hereby adopts these Findings of Fact and hereby directs that one copy of these signed and certified Findings be attached to and made a part of the minutes of this meeting.

APPROVED THIS 11th DAY OF April 2005.



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

Witness:



Brenda J. Colegrove, City Clerk

