

ORDINANCE NO. 1965

AS AMENDED FOR SECOND READING ON JANUARY 23, 2006

AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND AND PURSUANT TO CHAPTERS 17.108 AND 17.228 OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE, AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSE OF ESTABLISHING IN ACCORDANCE WITH CHAPTER 17.112, VILLAGE AT SALISBURY LAKE PLANNED DEVELOPMENT DISTRICT #3 ON THE WESTERLY SIDE OF BEAGLIN PARK DRIVE, THE NORTHERLY SIDE OF GLEN AVENUE, THE EASTERLY SIDE OF CIVIC AVENUE AND THE SOUTHERLY SIDE OF PROPERTIES NOW OR FORMERLY OWNED BY MILFORD W. TWILLEY, INC., THE VESTRY OF ST. ALBAN'S PARISH, AND CSQUARED, LLC (ECKERD PHARMACY).

WHEREAS, an application for reclassification of zone from Regional Commercial and St. Alban's Commons PRD #9 to a Planned Development District known as Village at Salisbury Lake has been received in accordance with Chapters 17.108, 17.112, and 17.228 of Title 17, Zoning, of the Salisbury Municipal Code, and,

WHEREAS, a Public Hearing on a Preliminary Development Plan for Village at Salisbury Lake PDD #3 was held by the Planning Commission in accordance with the provisions of Chapters 17.108, 17.112, and 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on June 16, 2005 and continued on July 21, 2005 and August 18, 2005; and,

WHEREAS, the Planning Commission did recommend approval of the proposed Preliminary Development Plan and establishment of Planned Development District #3 Villages at Salisbury Lake in accordance with the provisions of Chapters 17.108 and 17.228 at a Public Meeting on August 18, 2005;

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 and deleting the wording with strike-throughs as follows:

ADD the following new District in its entirety:

Chapter 17.121

PLANNED DEVELOPMENT DISTRICT NO. 3 –  
VILLAGE AT SALISBURY LAKE

Sections:

- 17.121.010 Purpose.
- 17.121.020 Area of reclassification.
- 17.121.030 Permitted uses.
- 17.121.040 Accessory uses and structures.
- 17.121.050 Development standards.
  
- 17.121.060 Street standards.
- 17.121.070 Amendments.
- 17.121.080 Final development plan.
- 17.121.090 Control of development during construction and after completion.

17.121.010 Purpose.

- A. The purpose of Planned Development District No. 3 is to provide for the development of the Village at Salisbury Lake with a planned community consisting of a variety of housing types and office, service, and retail uses designed to integrate with the surrounding community. The development is designed to emphasize the needs of pedestrians while remaining accessible for motor vehicles, and to provide public open space and recreation areas with an urban park feeling.
- B. The residential development follows a mixture of conventional and traditional neighborhood design principles, with many residences having rear garages.
- C. The commercial development consists of a retail center providing ease of pedestrian access along with conventional retail, restaurant, and pad sites.

- D. The following regulations have been designed to carry out these purposes and are further implemented in accordance with the Preliminary Comprehensive Development Plan with Development Guidelines referenced thereon, dated August 18, 2005 as approved by the Mayor and City Council.

**17.121.020 Area of reclassification.**

The area to be rezoned as Planned Development District No. 3 – Villages at Salisbury Lake, consists of approximately 80 acres of land, located on the westerly side of Beaglin Park Drive, the northerly side of Glen Avenue, the easterly side of Civic Avenue and the southerly side of properties now or formerly owned by Milford W. Twilley, Inc., the Vestry of St. Alban's Parish, and CSquared, LLC (Eckerd Pharmacy); the same being shown on the Preliminary Comprehensive Development Plan dated August 18, 2005 and recorded in the Land Records of Wicomico County.

**17.121.030 Permitted uses.**

Permitted uses shall be as follows:

- A. Residential.
1. Apartments and Condominiums
  2. Single-family dwellings,
  3. Townhouses.
  4. Two- and four-family dwellings,
  5. Senior housing.
  6. Public/Private recreation facilities;
- B. Commercial.
1. Retail uses.
  2. Service uses.
  3. Home occupation.
  4. Office uses.
  5. Office within an apartment solely for the purpose of ongoing management.
  6. Off-site parking for public/private use.
  7. Hotel/Motel.
  8. All uses permitted within the General Commercial District.

**17.121.040 Accessory uses and structures.**

- A. Residential accessory uses, as set forth in Chapters 17.156 and 17.160;
- B. Uses and structures clearly incidental or customary to, associated with any permitted use.

**17.121.050 Development standards.**

- A. Minimum lot requirements (Townhouse, Single-family and Two- and four-family dwellings).
1. Lot area: one thousand three hundred (1,300) square feet.
  2. Lot width: eighteen (18) feet.
  3. All other uses to be subdivided in accordance with the approved Preliminary Comprehensive Development Plan.
- B. Minimum setback requirements (Townhouse, Single-family and Two- and four-family dwellings).
1. Front setback:
    - a. Front garage units: twenty (20) feet, which may include bay windows, unenclosed porches, entry features, and similar projections.
  2. Side setback: 5 feet, with at least 10 feet between buildings.
  3. Rear setback: 15 feet from the rear lot line (10 ft. when facing public open space).
- C. Minimum setback requirements (Apartments).
1. Front setback: 10 feet from right-of-way.
  2. Side/Rear setback: 10 feet.
- D. Minimum setback requirements (Senior Housing).

1. Front setback: 8 feet.
  2. Side/Rear setback: 8 feet.
- E. Minimum setback requirements and perimeter requirements (Commercial).
1. Front setback: 0 feet, except that no buildings or parking shall be allowed within 70 ft. from the Beaglin Park Drive right-of-way.
  2. Side yard: 10 feet.
  3. Residential setback: 10 feet.
- F. Density. Residential development shall not exceed a total of 823 residential units in the residential area of the District as shown on the Preliminary Comprehensive Development Plan dated August 18, 2005
- G. Height limitation: 65 feet (or six stories).
- H. Parking.
1. Office uses: 3 spaces per 1,000 sq. ft. gross floor area.
  2. Retail/service uses: 4 spaces per 1,000 sq. ft. gross floor area.
  3. Townhouses:
    - (a) one-car garage: 2 spaces per unit, plus 20% of total units for guest parking within a reasonable proximity
    - (b) two-car garage: 3 spaces per unit
  4. Apartments/Condominiums: 1 space per unit.
  5. Senior housing: .75 spaces per unit.
  6. Hotel/motel: 1 space per room.
  7. Wicomico Youth and Civic Center: A 5.0+/- acre site shall be provided as shown on the Preliminary Comprehensive Development Plan.
  8. On-street parking shall not be permitted in alleys.
  9. Driveways shall be a minimum of twenty (20') feet long.
- I. Building Entrance Location. All entrances to apartment buildings shall be no greater than eighty (80) feet from a parking lot. Fire hydrants shall be installed as required by City policy.
- J. Landscaping. A detailed landscaping plan shall be submitted with each phase of the development, consistent with the provisions of Chapter 17.220. Landscaping shall generally be in accordance with the Preliminary Comprehensive Development Plan as approved by the Salisbury Planning Commission dated August 18, 2005 and as described in the Development Guidelines referenced thereon.
- K. Open space. Open space shall be provided as shown on the Preliminary Comprehensive Development Plan dated August 18, 2005. Details of open space, use, access (including access to the Salisbury City Park and Zoo), and development areas shall be shown on Final Development Plans for each phase of development as described in the Design Guidelines.
- L. Architectural Elevations. Architectural elevations for each type of building shall be submitted with Final Development Plans for each phase of development.
- M. Subdivision Plat, Community Association, and Condominium Documents. A preliminary subdivision plat shall be submitted with Final Development Plans for each phase or parcel. The overall Village at Salisbury Lake Community Association documents regarding maintenance of open space identified on the Preliminary Comprehensive Development Plan dated August 18, 2005 shall be approved by the Planning Commission and recorded with the final subdivision plat for the first phase or parcel of development. Individual condominium and homeowner's association documents shall be approved by the Planning Commission and recorded for each phase or parcel of development.
- The Community Association shall be responsible for maintenance of all alleys, playgrounds, pocket parks, and landscaped islands within public right of ways.
- N. Signs. Signs shall be in accordance with Sections 17.216.060, 17.216.070, and 17.216.110
- O. Accessory Buildings and Structures.
1. No part of any accessory building or structure shall be located closer than five (5) feet to a rear, side, or floodplain line. On a corner lot, no accessory building shall be located closer than twenty-five (25) feet to the curb line of an abutting street.
  2. No accessory building shall occupy more than fifty (50) percent of a required rear or side yard on a single-family residential lot.

**17.121.060 Street, Alley and Utility standards.**

- A. Streets and temporary access shall be provided as shown on the Preliminary Comprehensive Development Plan, dated August 18, 2005 subject to any subsequent modification thereto required by the City Council or Salisbury Department of Public Works.

- B. All streets shall be developed in accordance with the standards contained in Salisbury Code Chapter 16.40, except as noted below unless otherwise approved by the Salisbury Department of Public Works:
1. All alleys shall be private and constructed to standards of the Salisbury Department of Public Works.
  2. All alleys shall have a minimum width of twenty (20') feet of clear pavement, measured from edge to edge. (See Development Guidelines)
  3. There shall be a minimum sixty (60') foot separation distance between dwellings across alleys.
  4. Decks, privacy fences, and other structures shall extend no more than ten (10') feet from the outside of the dwelling.
  5. Curb radii at street and/or alley intersections shall be a minimum of twenty (20') feet.
  6. On-street parking shall not be permitted within thirty (30') feet of the centerline of an alley where alleys and/or streets intersect.
  7. The geometry of alley-street "T" intersections shall be minimum thirty (30') feet wide by minimum sixty (60') feet long for the top portion of the "T".
  8. The turning radii of 20' and 24' wide roads shall be approved by Salisbury Department of Public Works. (See Development Guidelines).
  9. Streets with no on-street parking shall be a minimum of twenty (20') feet wide.
  10. Short dead end street/alleys are acceptable, subject to Salisbury Public Works approval, if a common trash pick-up site is provided for the units on the dead end.
  11. Grass plots between sidewalks and curbs shall be a minimum width of 5.5' if trees are to be planted in the plot.
  12. Traffic calming devices are to be included at a minimum of every 500' on public streets.
  13. Public utilities will be allowed in the grassed "mews" areas, provided that no trees are planted above or within ten (10') of utilities.
- General street standards for the Village at Salisbury Lake Planned Development District #3 are set forth in the Development Guidelines accompanying the Preliminary Comprehensive Development Plan dated August 18, 2005, however, the standards set forth in this ordinance shall control.

**17.121.070 Amendments.**

Amendments to Planned Development District No. 3 shall be in accordance with the provisions of Section 17.108.090 of the City Code.

**17.121.080 Final development plan.**

- A. The Preliminary Comprehensive Development Plan, dated August 18, 2005 as approved by the Salisbury Planning Commission, shall be recorded in the Land Records of Wicomico County. Development of the site shall be in general conformance with these plans.
- B. A final development plan for each parcel of development or any proposed phase of development shall be submitted to and approved by the Planning Commission in accordance with Section 17.108.100.

**17.121.090 Control of development after completion.**

- A. Specific development of Planned Development District No. 3 shall be controlled by the Final Development Plan as approved by the Planning Commission and any amendment thereto.
- B. Where specific regulations are not addressed in this Chapter, all other regulations of Title 17 shall govern. In the event of any conflict between the provisions of this Chapter and other provisions of Title 17, the requirements of this Chapter shall apply.

**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 **28th** day of **November, 2005**, and having been published as required by law, in the meantime, was finally passed at its meeting on the **23<sup>rd</sup>** day of **January, 2006**.

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

Approved by me this \_\_\_\_\_  
 day of \_\_\_\_\_, 2006.

Witness:  
 \_\_\_\_\_  
 Brenda J. Colegrove

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 Barrie Parsons Tilghman

Mayor of Salisbury

City Clerk

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