

ORDINANCE NO. 1966

AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND 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 AMENDING IN ACCORDANCE WITH CHAPTER 17.112, ST. ALBAN'S COMMONS PRD #9 ON THE WESTERLY SIDE OF BEAGLIN PARK DRIVE, THE NORTHERLY SIDE OF VILLAGE AT SALISBURY LAKE PDD #3, THE EASTERLY SIDE OF ST. ALBAN'S DRIVE AND THE SOUTHERLY SIDE OF MT. HERMON ROAD (MD RTE. 350).

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:

CHAPTER 17.117

Planned Residential DEVELOPMENT District No. 9-2

**St. Alban's Commons
Amended 6/25/01 by Ordinance #1812 and
6/26/03 by Ordinance #1880**

- Section 17.117.010. **Purpose.**
- Section 17.117.020. **Area of Reclassification.**
- Section 17.117.030. **Permitted uses.**
- Section 17.117.040. **Accessory uses and structures.**
- Section 17.117.050. **Development standards.**
- Section 17.117.060. **Street standards.**
- Section 17.117.070. **Amendments.**
- Section 17.117.080. **Final Development Plan.**
- Section 17.117.090. **Control of Development During Construction and After Completion.**

Section 17.117.010. **Purpose.**

The purpose of Planned Residential DEVELOPMENT District No. 9 2 is to provide for the development of certain lands on the west side of Beaglin Park Drive, the north side of ~~Glen Avenue~~, **THE VILLAGE AT SALISBURY LAKE PDD #3**, the east side of St. Alban's Drive and the south side of Mt. Hermon Road with a ~~mixed-use development including a traditional neighborhood with a mix of housing types as well as four commercial DEVELOPMENT pads~~. The development is designed in a manner that will provide open space, perimeter setbacks with berms and landscaping, and assure compatibility with this transitional neighborhood.

The following regulations have been designed to carry out these purposes and are further implemented in the approved Preliminary Development Site Plan and approved Development Standards Plan dated 12/29/98 and the Preliminary Development Site Plan dated 1/23/03.

Section 17.117.020. Area of Reclassification.

The area to be rezoned as Planned Residential DEVELOPMENT District No. 9 2 – St. Alban’s Commons, consists of ~~26.3056~~ **4.19** acres of land binding upon the west side of Beaglin Park Drive, the north side of ~~Glen Avenue~~ **THE VILLAGE AT SALISBURY LAKE**, the east side of St. Alban’s Drive and the south side of Mt. Hermon Road, the same being as shown on the Preliminary Subdivision Plat prepared by ~~Frederick Ward Associates, Inc., dated 12/29/98 (revision date)~~ and a Preliminary Development Plan prepared by Parker and Associates and dated 1/23/03. The site is further identified as **PART OF** Parcel No. ~~2504 and 2520~~ **2581, PADS 8 AND 9** on City of Salisbury Assessment Map No. 109 and Parcel No. ~~2502~~ **2505** on City of Salisbury Assessment Map No. 121.

Section 17.117.030. Permitted uses.

A. ~~Permitted residential uses shall be as follows:~~

- ~~1. Single family, two family, three family or four family buildings (townhomes);~~
- ~~2. Condominium units;~~
- ~~3. Apartment buildings;~~

B. Permitted and special exception commercial uses shall be as follows:

1. All those uses permitted inherently or by special exception in the Neighborhood Business District (Chapter 17.32).

Section 17.117.040. Accessory uses and structures.

Accessory uses and structures shall be as follows:

~~A. Home occupation;~~

~~B. Office within an apartment solely for the purpose of ongoing management;~~

~~C. Public recreational facilities;~~

D. Uses and structures clearly incidental to, customary to and associated with the permitted use.

Section 17.117.050. Development standards.

Development standards for Planned Residential DEVELOPMENT District No. 9 2 shall be as follows:

A. ~~Minimum lot requirements – Townhouses:~~

- ~~1. Lot area: two thousand five hundred (2,500) sq. ft.~~
- ~~2. Lot width: twenty-five (25) feet;~~
- ~~3. All other uses to be subdivided in accordance with the approved Planned Development District Plan;~~

~~B. Minimum yard and perimeter requirements – Townhouses:~~

- ~~1. Front yard: 20 feet~~
- ~~2. Front yard – corner units: 15 feet;~~
- ~~3. Side yard: 20 feet between buildings;~~
- ~~4. Rear yard: 30 feet from rear lot line~~
- ~~5. Perimeter – Beaglin Park Drive: 25 feet from right-of-way;~~
- ~~6. Perimeter – St. Alban’s Drive: 25 feet from right-of-way;~~

~~C. Minimum yard and perimeter requirements – Condominiums/Garden Apartments:~~

- ~~1. Front yard: 30 feet from right-of-way;~~
- ~~2. Front yard – setback from parking lot: 20 feet;~~
- ~~3. Side yard: 20 feet (35 feet between buildings);~~
- ~~4. Perimeter – Beaglin Park Drive: 30 feet from right-of-way;~~
- ~~5. Perimeter – St. Alban’s Drive: 30 feet from right-of-way;~~

D. Minimum yard and perimeter requirements – Commercial Lots:

1. Front yard: 50 feet, except that the setback for Parcel #2502 shall be 25 feet.
2. Side yard: 10 feet.
3. Residential setback: 15 feet.

- E. Density: The total number of units on the site shall not exceed **THAT SHOWN ON THE PRELIMINARY DEVELOPMENT PLAN DATED** those as specifically listed as follows:
1. ~~Townhouses: 52.~~
 2. ~~Garden apartments: 120~~
 3. ~~Condominium units: 72~~
 4. ~~Commercial lots: 4~~
- F. Height: Not to exceed 35 feet or three stories.
- G. Parking **SHALL BE**
1. ~~Townhouses: No less than 102 spaces.~~
 2. ~~Garden apartments: No less than 216 spaces.~~
 3. ~~Condominium units: No less than 130 spaces.~~
 4. ~~Commercial lots: in accordance with Section 17.196 of the Code.~~
- H. Landscaping and Open Space. Landscaping and open space, including perimeter berms and plantings, shall be provided in accordance with the Preliminary Development Plan dated 12/29/98, subject to any subsequent modifications thereto required by the Salisbury Planning Commission or City Council. Landscaping of the commercial lots shall be provided in accordance with Comprehensive Development Plans to be approved by the Planning Commission for each lot.
- I. Signs. Signs shall be installed in accordance with Section 17.216 of the Salisbury Municipal Code.

Section 17.117.060. Street standards.

Accessways and street entrances shall be provided as shown on the Preliminary Development Site Plan dated 12/29/98 and a Preliminary Development Site Plan dated 1/23/03 subject to any subsequent modification thereto required by the City Council, the Salisbury Department of Public Works, or the State Highway Administration and shown on the Final Development Plan.

Section 17.117.070. Amendments.

Amendments to Planned Development District No. 9 2 shall be in accordance with the procedures established in Chapters 17.108, 17.112, and 17.228.

Section 17.117.080. Final Development Plan.

Development of the site shall be in general conformance with the approved Comprehensive Site Plan and Landscaping Plan dated 12/29/98, approved by the City Council and a Preliminary Development Plan dated 1/23/03 approved by the City Council incorporating Parcel #2502 into St. Alban's Commons. The Preliminary Development Site Plan shall be recorded in the Land Records of Wicomico County.

A Comprehensive Development Plan shall be approved by the Planning Commission for each commercial lot. Development of Parcel #2502 shall be subject to the subdivision covenants and restrictions and subsequent modifications as necessary for St. Alban's Commons PRD #9 PDD #2, execution of appropriate shared facilities agreements for stormwater management WITH THE VILLAGE AT SALISBURY LAKE PDD #3, and submission of an ANY amended overall PRD Site Plan for St. Alban's Commons PRD #9 PDD #2 FOR THE DEVELOPMENT OF incorporating Parcel #2502 into the PRD.

Section 17.117.090. Control of Development During Construction and After Completion.

Development of Planned Residential DEVELOPMENT District No. 9 NO. 2 shall be controlled by the Final Development Plan as approved by the Planning Commission and any amendments thereto. Where specific regulations are not addressed in this District, all other regulations of Title 17, Zoning, of the Salisbury Municipal Code shall govern.

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 _____ day of _____, 2005.

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

Approved by me this _____ Witness:
 day of _____, 2005.

Barrie Parsons Tilghman
Mayor of Salisbury

Brenda J. Colegrove
City Clerk
