

ORDINANCE NO. 1978

AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE, AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSE OF AMENDING THE APPROVED PRELIMINARY DEVELOPMENT PLAN AND THE TEXT OF CHAPTER 17.150.050, AYDELOTTE FARM PRD #7.

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

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

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

WHEREAS, a Public Hearing on said Preliminary Development Plan and text amendments to the Development Standards in Aydelotte Farm PRD #7, Section 17.150, Title 17, Zoning, of the Salisbury Municipal Code 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,

WHEREAS, the Planning Commission did recommend approval of the proposed Revised Preliminary Development Plan and text changes at a Public Hearing on June 16, 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:

AMEND THE TEXT OF SECTION 17.150 AS FOLLOWS:

Chapter 17.150

PLANNED RESIDENTIAL DISTRICT NO. 7 – ~~AYDELOTTE FARM~~
THE VILLAGES AT AYDELOTTE FARM

Sections:

- 17.150.010 Purpose.
- 17.150.020 Area of reclassification.
- 17.150.030 Permitted uses.
- 17.150.040 Accessory uses and structures.

- 17.150.050 Development standards.
- 17.150.060 Street standards.
- 17.150.070 Special Conditions.
- 17.150.080 Amendments.
- 17.150.090 Final development plan.

- 17.150.100 Control of development during construction and after completion.

17.150.010 Purpose.

- A. The purpose of Planned Residential District No. 7 is to provide for the development of the **THE VILLAGES AT** Aydelotte Farm with

a planned community consisting of a variety of housing types and minor neighborhood service uses located in harmony with the natural features of the site. The development is designed to preserve natural wooded slope areas along two on-site streams, to preserve non-tidal wetlands areas, and to provide a nine-acre intensive use recreational area as part of one hundred thirty-three acres of planned open space and recreation.

- B. The development further provides right-of-way for and is further designed to accommodate a major collector road that is included in the Northeast Metro Core Development Management Plan and identified as the Northeast Collector.
- C. The following regulations have been designed to carry out these purposes and are further implemented on the AMENDED development standards plan dated July 15, 1992 MAY 10, 2005 as approved by the Mayor and City Council.

17.150.020 Area of reclassification.

The area to be rezoned as Planned Residential District No. 7 – THE VILLAGES AT Aydelotte Farm, consists of one hundred seventy-five acres of land, more or less, located at the northerly terminus of existing Aydelotte Road and also on the north side of Middle Neck Drive Extended, Peggy Branch, west side of Parkhurst Manor and Kathleen's Delight subdivisions, south side of Nottingham Woods subdivision, and Gordy Road Extended and east side of Middle Neck Branch; the same being shown on the REVISED Preliminary Subdivision Plat prepared by Davis, Bowen, and Friedel, Inc., dated July 15, 1992 PARKER AND ASSOCIATES DATED MAY 10, 2005.

17.150.030 Permitted uses.

Permitted uses shall be as follows:

- A. Apartment AND CONDOMINIUM buildings, townhouses, cluster developments, in accordance with Chapter 17.176;
- B. Dwellings, one and two-family, patio dwellings;
- C. Neighborhood business uses, as set forth in Chapter 17.32;
- D. Park and playground, public and private;
- E. Other uses as permitted in an R-10 Residential District as listed in Chapter 17.156.

17.150.040 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.

17.150.050 Development standards.

A. Individual Parcel Standards.

- 1. Parcel A – Recreation or Residential Alternative Uses.
 - a. Minimum land area: eight acres.
 - b. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet.
 - ii. PRD perimeter: thirty (30) feet.
 - iii. 100-year flood plain: ten feet.
 - iv. Adjoining NE Metro Core Collector Road: fifty (50) feet.
 - c. Height: thirty-five (35) feet maximum.
 - d. Parking: in accordance with the requirements of Chapter 17.220.
 - e. Residential standards alternative: the same as Parcel B.
- 2. Parcel B – Residential.
 - a. Minimum land area: six acres.
 - b. Density: not to exceed seven units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. ~~Distance between buildings: thirty (30) feet minimum.~~
 - e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet.
 - ii. **SIDE: TEN (10) FT.**
 - iii. **REAR: THIRTY (30) FT.**
 - iv. PRD perimeter: thirty (30) feet.
 - v. 100-year flood plain: ten feet.
 - vi. Adjoining NE Metro Core Collector Road: fifty (50) feet.
 - f. Parking: 1.8 spaces per unit minimum.

- 3. Parcel C – Residential – Single-family detached

3. Parcel C – Residential – Single Family Detached.

- a. Minimum land area: eighteen acres.
- b. Density: not to exceed three units/acre.
- c. Height: thirty-five (35) feet maximum.
- d. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet.
 - ii. Side: ten feet.
 - iii. Rear: thirty (30) feet.
 - iv. 100-Year floodplain: ten feet.
- e. Lot area: ten thousand (10,000) sq. ft. minimum.
- f. Lot width: Interior lots: seventy (70) feet minimum; Corner lots: eighty-five (85) feet minimum.
- g. Parking: two spaces per unit minimum.

4. Parcel D – Residential:

- a. ~~Minimum land area: six acres.~~
- b. ~~Density: not to exceed four units/acre.~~
- c. ~~Height: thirty-five (35) feet maximum.~~
- d. ~~Distance between buildings: thirty (30) feet minimum.~~
- e. ~~Setbacks shall be not less than:~~
 - i. ~~Street: twenty-five (25) feet.~~
 - ii. ~~Side: ten feet.~~
 - iii. ~~100-Year floodplain: ten feet.~~
- f. ~~Parking: 1.8 spaces per unit minimum.~~

4. Parcel I – Residential/ PARCELS D AND E - Neighborhood Business.

- a. Minimum land area: seven ONE (1) acre.
- b. Density: not to exceed:
 - i. ~~Residential: seventeen (17) units/acre.~~
 - ii. Neighborhood business: ~~fifty thousand (50,000)~~ THIRTY (30,000) square feet gross floor area;
- c. Height: ~~sixty-five (65)~~ FORTY (40) feet maximum.
- d. Distance between buildings: thirty (30) feet minimum.
- e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet.
 - ii. Side: twenty-five (25) feet.
- f. Parking:
 - i. ~~Residential: 1.8 spaces per unit minimum.~~
 - ii. Neighborhood business: a minimum of one space per three hundred (300) square feet of floor area used for such uses.

5. Parcel E – Residential:

- a. ~~Minimum land area: seven acres.~~
- b. ~~Density: not to exceed ten units/acre.~~
- c. ~~Height: thirty-five (35) feet maximum.~~
- d. ~~Distance between buildings: thirty (30) feet minimum.~~
- e. ~~Setbacks shall be not less than:~~
 - i. ~~Street: twenty-five (25) feet.~~
 - ii. ~~Side: ten feet.~~
 - iii. ~~100-Year floodplain: ten feet.~~
- f. ~~Parking: 1.8 spaces per unit minimum.~~

6. Parcel F – Residential (CONDOMINIUM).

- a. Minimum land area: ~~thirteen (13)~~ SEVEN (7) acres.
- b. Density: not to exceed ~~sixteen (16)~~ TEN (10) units/acre.
- c. Height: ~~forty-five (45)~~ FIFTY-FIVE (55) feet maximum.
- d. Distance between buildings: thirty (30) feet minimum.
- e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet.
 - ii. Side: ten feet.
 - iii. 100-Year floodplain: ten feet.
 - iv. Adjoining NE Metro Core Collector road: fifty (50) feet.
- f. Parking: 1.8 spaces per unit minimum.

7. Parcel G – Residential (CONDOMINIUM)

7. ~~Parcel F~~ **PARCEL G - Residential (CONDOMINIUM).**

- a. Minimum land area: ~~thirteen (13)~~ **SEVEN (7)** acres.
- b. Density: not to exceed ~~sixteen (16)~~ **TEN (10)** units/acre.
- c. Height: ~~forty-five (45)~~ **FIFTY-FIVE (55)** feet maximum.
- d. Distance between buildings: thirty (30) feet minimum.
- e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet.
 - ii. Side: ten feet.
 - iii. 100-Year floodplain: ten feet.
 - iv. Adjoining NE Metro Core Collector road: fifty (50) feet.
- f. Parking: 1.8 spaces per unit minimum.

8. ~~Parcel H - Recreation:~~

- a. ~~Minimum land area: ten acres.~~
- b. ~~Setbacks shall be not less than:~~
 - i. ~~Street: twenty-five (25) feet.~~
 - ii. ~~Side: twenty-five (25) feet.~~
- c. ~~Height: thirty-five (35) feet maximum.~~
- d. ~~Parking: in accordance with the requirements of Section 17.196.030.~~

8. **PARCEL H - RESIDENTIAL (TOWNHOUSES).**

- a. **MINIMUM LAND AREA: THIRTY (30) ACRES.**
- b. **DENSITY: NOT TO EXCEED 5.5 UNITS/ACRE.**
- c. **HEIGHT: THIRTY-FIVE (35) FEET MAXIMUM.**
- d. **SETBACKS SHALL BE NOT LESS THAN:**
 - i. **STREET: TWENTY-FIVE (25) FEET.**
 - ii. **SIDE: TEN FEET.**
 - iii. **REAR: THIRTY (30) FEET.**
 - iv. **100-YEAR FLOODPLAIN: TEN FEET.**
- e. **PARKING: 1.8 SPACES PER UNIT MINIMUM.**

9. ~~Parcel I - Residential/Neighborhood Business:~~

- g. ~~Minimum land area: seven acres.~~
- h. ~~Density: not to exceed:~~
 - i. ~~Residential: seventeen (17) units/acre.~~
 - ii. ~~Neighborhood business: fifty thousand (50,000) square feet gross floor area.~~
- i. ~~Height: sixty-five (65) feet maximum.~~
- j. ~~Distance between buildings: thirty (30) feet minimum.~~
- k. ~~Setbacks shall be not less than:~~
 - i. ~~Street: twenty-five (25) feet.~~
 - ii. ~~Side: twenty-five (25) feet.~~
- l. ~~Parking:~~
 - i. ~~Residential: 1.8 spaces per unit minimum.~~
 - ii. ~~Neighborhood business: a minimum of one space per three hundred (300) square feet of floor area used for such uses.~~

9. **PARCEL I - RESIDENTIAL (TOWNHOUSES).**

- a. **MINIMUM LAND AREA: THIRTY (30) ACRES.**
- b. **DENSITY: NOT TO EXCEED 5.5 UNITS/ACRE.**
- c. **HEIGHT: THIRTY-FIVE (35) FEET MAXIMUM.**
- d. **SETBACKS SHALL BE NOT LESS THAN:**
 - i. **STREET: TWENTY-FIVE (25) FEET.**
 - ii. **SIDE: TEN FEET.**
 - iii. **100-YEAR FLOODPLAIN: TEN FEET.**
- e. **PARKING: 1.8 SPACES PER UNIT MINIMUM.**

10. ~~Parcel J - Residential:~~

- a. ~~Minimum land area: seven (7) acres.~~
- b. ~~Density: not to exceed fifteen (15) units/acre.~~
- c. ~~Height: thirty-five (35) feet maximum.~~
- d. ~~Distance between buildings: thirty (30) feet minimum.~~

- ~~d. Distance between buildings: thirty (30) feet minimum.~~
- ~~e. Setbacks shall be not less than:

 - ~~i. Street: twenty-five (25) feet.~~
 - ~~ii. Side: ten feet.~~
 - ~~iii. 100-Year floodplain: ten feet.~~~~
- ~~f. Parking: 1.8 spaces per unit minimum.~~

10. PARCEL J – RESIDENTIAL – SINGLE-FAMILY DETACHED.

- a. MINIMUM LAND AREA: EIGHT (8) ACRES.
- b. DENSITY: NOT TO EXCEED THREE UNITS/ACRE.
- c. HEIGHT: THIRTY-FIVE (35) FEET MAXIMUM.
- d. SETBACKS SHALL BE NOT LESS THAN:
 - i. STREET: TWENTY-FIVE (25) FEET.
 - ii. SIDE: TEN FEET.
 - iii. REAR: THIRTY (30) FEET.
 - iv. 100-YEAR FLOODPLAIN: TEN FEET.
- e. LOT AREA: TEN THOUSAND (10,000) SQ. FT. MINIMUM.
- f. LOT WIDTH: INTERIOR LOTS: SEVENTY (70) FEET MINIMUM; CORNER LOTS: EIGHTY-FIVE (85) FEET MINIMUM.
- g. PARKING: TWO SPACES PER UNIT MINIMUM.

~~11. Parcel K – Residential~~

- ~~a. Minimum land area: four acres.~~
- ~~b. Density: not to exceed seventeen (17) units/acre.~~
- ~~c. Height: thirty-five (35) feet maximum.~~
- ~~d. Distance between buildings: thirty (30) feet minimum.~~
- ~~e. Setbacks shall be not less than:

 - ~~i. Front Yard: twenty-five (25) feet.~~
 - ~~ii. Side yard: ten feet.~~
 - ~~iii. 100-Year floodplain: ten feet.~~~~
- ~~f. Parking: 1.8 spaces per unit minimum.~~

12. Parcel L – Residential

- a. Minimum land area: seven (7) acres.
- b. Density: not to exceed nine units/acre.
- c. Height: thirty-five (35) feet maximum.
- d. Distance between buildings: thirty (30) feet minimum.
- e. Setbacks shall be not less than:
 - i. Front: twenty-five (25) feet.
 - ii. 100-Year floodplain: ten feet.
 - iii. Adjoining NE Metro Core Collector Road: fifty (50) feet.
- f. Parking: 1.8 spaces per unit minimum.

- B. 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.
- C. Landscaping. A detailed landscaping plan shall be submitted with each phase of the development. Landscaping shall generally be in accordance with the **REVISED Preliminary DEVELOPMENT Landscaping Plan – C1.5** – as approved by the Planning Commission and the more detailed landscaping requirements in Section G, Landscaping, contained in the General Explanation of Character of Development, Section I, Preliminary Development Plan Submission, dated September 20, 1991 **DATED MAY 10, 2005**.
- D. Open space. Open space shall be provided as shown on the open space plan ~~C1.4~~ dated July 15, 1992. **REVISED PRELIMINARY DEVELOPMENT PLAN DATED MAY 10, 2005**. Details of open space, use, access, and development areas shall be shown on Final Development Plans for each phase of development.
- E. Architectural Elevations. Architectural elevations for each building shall be submitted with Final Development Plans for each phase of development.
- F. Subdivision Plat, Community Association, and Condominium Documents. A final subdivision plat shall be submitted with Final Development Plans for each parcel. The overall **VILLAGES AT Aydelotte FARM** Community Association documents regarding maintenance of open space identified on the open space plan ~~C1.4~~ dated July 15, 1992, **REVISED PRELIMINARY DEVELOPMENT PLAN DATED MAY 10, 2005** shall be approved by the Planning Commission and recorded with the final subdivision plat for the first parcel of development. Individual condominium and homeowner's association documents shall be approved by the Planning Commission and recorded for each parcel of development.
- G. Signs. Signs shall be in accordance with Sections 17.216.060, 17.216.070, and 17.216.140.

H. 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 curblin 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.
3. A swimming pool may be located in the side or rear yard no closer than twenty-five (25) feet to a street right-of-way. The combined total lot coverage of a swimming pool and all accessory buildings and structures shall not exceed seventy-five (75) percent of the required rear yard or side yard area.

17.150.060 Street standards.

- A. Streets and temporary access shall be provided as shown on the Preliminary Subdivision Plat ~~dated July 15, 1992, DATED MAY 10, 2005~~ subject to any subsequent modification thereto required by the City Council or City Department of Public Works.
- B. All streets shall be developed in accordance with standards and profiles required or approved by the City Department of Public Works.
- C. Aydelotte Road north of Middle Neck Drive shall be used as an access during Phase I. Additionally, at the commencement of Phase I, the developer will provide an easement, to the City's benefit, for the extension of Middle Neck Drive. Upon completion of Phase I, the developer will come back to the City Council for a decision whether to close Aydelotte Road and/or extend Middle Neck Drive. Any such decisions shall be at an advertised public meeting of the City Council.

17.150.070 Special conditions.

- A. ~~The recreation area shown as Parcel H on the development standards plan shall be developed with at least one basketball court and one tennis court by the end of development of Phase I. The recreation area shall be completed by the end of development of Phase III.~~
- A. Parkhurst Drive on the east side of the site shall be terminated at the property line of Aydelotte Farm and blocked with a berm or permanent landscaping before construction of Phase I, except that such berm or landscaping shall be in a manner so as to permit access for agricultural-use vehicles until the cessation of agricultural operations or the commencement of construction of Parcel C.
- B. The forty (40) foot private right-of-way (handle) on the east side of the site to Parker Road shall be conveyed to any adjoining property owners willing to accept the additional land by no later than the end of development of Parcel C.
- C. The owners of the site shall provide in fee simple a right-of-way of eighty (80) feet for the public construction of the new major northeast collector road through the site and a sixty (60) foot right-of-way for the extension of Middle Neck Drive to the new collector road.
- D. In the event that Parcel A is not utilized as a public recreation area, the parcel may be developed as residential in accordance with the same standards as Parcel B as defined in Section 17.150.050.

17.150.080 Amendments.

Amendments to Planned Development District No. 7 shall be in accordance with the provisions of Section 17.108.090 of the City Code.

17.150.090 Final development plan.

- A. The **REVISED PRELIMINARY** comprehensive development plan ~~dated July 15, 1992, MAY 10, 2005~~ as approved by the Planning Commission ~~together with the development standards plan, and the open space plan, dated July 15, 1992,~~ 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.

17.150.100 Control of development after completion.

- A. Specific development of Planned Residential District No. 7 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 ____ day of _____, 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