

ORDINANCE NO. 2039

**VIOLA BAILEY
LAKE STREET REZONING**

**R & B DUPONT PROPERTIES, LLC
WEST ISABELLA STREET REZONING**

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 SOUTHERLY SIDE OF WEST ISABELLA STREET, THE WESTERLY SIDE OF LAKE STREET, THE NORTHERLY SIDE OF BIRCH STREET (FORMER PAPER STREET) THE EASTERLY SIDE OF CYPRESS STREET, THE SOUTHERLY SIDE OF GORDON STREET AND THE EASTERLY SIDE OF WALKER STREET FROM R-5 RESIDENTIAL AND LIGHT INDUSTRIAL TO GENERAL COMMERCIAL AND ALSO PROPERTY LOCATED ON THE SOUTHERLY SIDE OF WEST ISABELLA STREET AND THE EASTERLY SIDE OF CYPRESS STREET FROM R-5 RESIDENTIAL TO GENERAL COMMERCIAL.

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 two requests, in accordance with the provisions of Chapter 17.228 of Title 17, Zoning, of the Salisbury Municipal

Code, to rezone property owned by Viola Bailey and property owned by R & B DuPont Properties, LLC; and,

WHEREAS, the Salisbury Planning and Zoning Commission held a Public Hearings on July 20, 2006 and October 19, 2006, reviewed all information, and gave a favorable recommendation on each request as well as the staff recommendation; 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, 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 these matters were discussed; and,

WHEREAS, the City Council has found that there has been a change in the character of the area surrounding the Bailey property and that there was a mistake in the existing zoning of the DuPont property;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY MARYLAND, that the existing zoning of these properties as shown in Exhibits A and B attached hereto and made a part hereof, shall be changed as follows:

- (a) Reclassification of the Light Industrial-zoned area to General Commercial.
- (b) Reclassification of the R-5 Residential properties between Walker Street and Lake Street, which contain apartments, rentals, and an outdoor advertising structure, to General Commercial.
- (c) Reclassification of the R-5 Residential property at 534 West Isabella Street to General Commercial.

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 __, 2007, and having been published as required by law, in the meantime, was finally passed at its meeting on the __ day of __, 2007.

Louise Smith
President of the City Council of
the City of Salisbury

Approved by me this _____
day of _____, 2007.

Witness:

Barrie Parsons Tilghman
Mayor of Salisbury

Brenda J. Colegrove
City Clerk