

**ORDINANCE NO. 2064**

**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 ESTABLISHING IN ACCORDANCE WITH CHAPTER 17.110, WESTWOOD COMMERCE PARK PLANNED DEVELOPMENT DISTRICT #2 BINDING ON THE SOUTHERLY SIDE OF LANDS NOW OR FORMERLY OWNED BY NAYLOR MILL ASSOCIATES, STORER CABLE COMMUNICATIONS OF DELMARVA, SOARING VISTAS PROPERTIES, INC., AND WILLIAM L. JR. AND BARBARA TWILLEY, THE WESTERLY SIDE OF LANDS NOW OR FORMERLY OWNED BY THE KOREAN PRESBYTERIAN CHURCH OF SALISBURY, MABEL M. WATERS, FAYE Y. WATERS, HABITAT ON MD'S LOWER SHORE, INC., AND BERTINA E. JONES; THE NORTHERLY SIDE OF LANDS NOW OR FORMERLY OWNED BY THE CHURCH OF GOD K/A THE FAMILY WORSHIP CENTER, GREEN ACRES MEMORIAL PARK, INC., RONALD R. PHIPPEN, THEODORE AND JOANNE JONES, CHESTER, EUGENE AND CHARLES PARKER, GERALD B. AND EUNICE LONG, SPENCER J. AND GENEVIEVE BROWN, PERCIVAL AND VERA M. SMITH, CEDAR HILL HOMES, LLC, EMMETT S. AND LIZZIE M. SMITH, AND DANIEL J. AND LORETTA SAVOY, AND THE EASTERLY SIDE OF U.S. ROUTE 50.**

**WHEREAS**, an application for reclassification of zone from Light Industrial and Light Business and Institutional to a Planned Development District known as Westwood Commerce Park has been received in accordance with Chapters 17.108, 17.110, and 17.228 of Title 17 of the Salisbury Municipal Code; and,

**WHEREAS**, a Public Hearing on a Preliminary Development Plan for Westwood Commerce Park PDD #2 was held by the Planning Commission in accordance with the provisions of Chapters 17.108 and 17.228 of Title 17 of the Salisbury Municipal Code on January 18, 2007 and given approval; and,

**WHEREAS**, the Planning Commission did recommend establishment of Planned Development District No. 2 – Westwood Commerce Park, in accordance with the provisions of Chapters 17.108, 17.110 and 17.228 at its Public Hearing on November 29, 2007;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, that the Salisbury Municipal Code and Zoning Map of the City of Salisbury are hereby amended and supplemented as follows:

ADD the following new district in its entirety:

**CHAPTER 17.122**

**Planned Development District No. 2**

**Westwood Commerce Park**

- |                            |                                       |
|----------------------------|---------------------------------------|
| <b>Section 17.122.010.</b> | <b>Purpose.</b>                       |
| <b>Section 17.122.020.</b> | <b>Area of Reclassification.</b>      |
| <b>Section 17.122.030.</b> | <b>Permitted uses.</b>                |
| <b>Section 17.122.040.</b> | <b>Accessory uses and structures.</b> |
| <b>Section 17.122.050.</b> | <b>Development standards.</b>         |
| <b>Section 17.122.060.</b> | <b>Street standards.</b>              |
| <b>Section 17.122.070.</b> | <b>Amendments.</b>                    |
| <b>Section 17.122.080.</b> | <b>Final Development Plan.</b>        |

**Section 17.122.090. Control of Development During Construction and After Completion.**

Section 17.122.010. Purpose.

**The purpose of Planned Development District No. 2 is to provide for the development of certain lands binding on the southerly side of lands now or formerly owned by Naylor Mill Associates, Storer Cable Communications of Delmarva, Soaring Vistas Properties, Inc., and William L. Jr. and Barbara Twilley, the westerly side of lands now or formerly owned by the Korean Presbyterian Church of Salisbury, Mabel M. Waters, Faye Y. Waters, Habitat on MD's Lower Shore, Inc., and Bertina E. Jones; the northerly side of lands now or formerly owned by the Church of God K/A The Family Worship Center, Green Acres Memorial Park, Inc., Ronald R. Phippen, Theodore and Joanne Jones, Chester, Eugene and Charles Parker, Gerald B. and Eunice Long, Spencer J. and Genevieve Brown, Percival and Vera M. Smith, Cedar Hill Homes, LLC, Emmett S. and Lizzie M. Smith, and Daniel J. and Loretta Savoy, and the easterly side of U.S. Route 50, with light industrial, regional commercial and neighborhood business type uses in a business park type setting.**

**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 September 27, 2007.**

Section 17.122.020. Area of Reclassification.

**The area to be rezoned as Planned Development District No. 2 – Westwood Commerce Park, consists of 264 acres of land binding upon the northerly side of U.S. Route 50, both sides of the West Naylor Mill Road, both sides of West Road, both sides of Ed Taylor Drive and the southerly side of Milford Twilley Drive, being the same as shown on the Preliminary Subdivision Plat prepared by ESP Design Services, Inc., and dated February 19, 2003. The site is further identified as Parcel #141 on State Tax Map #28 and Parcels No. 91, 141, 375, and 376 on State Tax Map #29.**

Section 17.122.030. Permitted uses.

**Permitted uses shall be as follows:**

- A. Uses permitted inherently or by special exception in Chapter 17.32, Neighborhood Business District, except that Neighborhood Shopping Centers and Apartments shall be excluded.**
- B. Uses permitted inherently or by special exception in Chapter 17.40, Regional Commercial District, except that Retail department or general merchandise stores and Hospitals shall be excluded.**

- C. Uses permitted inherently or by special exception in Chapter 17.76, Light Industrial District.**

Section 17.122.040. Accessory uses and structures.

**Accessory uses and structures shall be as follows:**

- A. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;**
- B. Day care services for employees or patrons of a permitted use.**
- C. Uses and structures clearly incidental to, customary to and associated with the permitted use.**
- D. Gasoline pumps as an accessory use to a convenience store in accordance with Section 17.04.220**
- E. Off-street parking lot or structure.**
- F. Off-street loading and unloading facilities.**
- G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use on a site, excluding the outside storage of materials and open lot display of any kind.**

Section 17.122.050. Development standards.

**Development standards for Planned Development District No. 2 shall be as follows:**

- A. Approval requirements. Prior to the development of any lot in the Planned Development District, a Comprehensive Development Plan, including a Sign Plan, as defined in Section 17.04.120 and Section 17.180, shall be submitted to the Planning Commission for its review and approval.**
- B. Minimum lot requirements:**
  - 1. Lot area: one and one-half (1.5) acres.**
  - 2. Lot width: eighty (80) feet.**
  - 3. Individual lot or building areas shall be as shown on the Final Subdivision Plat.**
- C. Minimum yard and perimeter requirements:**
  - 1. Front yard: 20 feet**
  - 2. Side yard: 10 feet (two required).**

- 3. **Rear yard: 15 feet.**
- D. **Height: 50 feet.**
- E. **Parking shall be provided in accordance with Chapter 17.196. No open lot storage of unlicensed or inoperable vehicles shall be permitted.**
- F. **Landscaping and Open Space. Landscaping and open space, including perimeter plantings, shall be provided in accordance with the Preliminary Development Plan dated September 27, 2007, subject to any subsequent modifications thereto required by the Salisbury Planning Commission or City Council. Individual site landscaping shall be provided on a Landscaping Plan submitted in accordance with Chapter 17.180 as a part of the Comprehensive Development Plan.**
- G. **Signs. A Sign Plan, accompanied by written approval of the developer, shall be approved by the Salisbury Planning and Zoning Commission for each lot in Westwood Commerce Park PDD #2 as a part of the Comprehensive Development Plan.**

Section 17.122.060. Street standards.

**Accessways and street entrances shall be provided as shown on the Preliminary Development Site Plan dated September 27, 2007, subject to any subsequent modification thereto required by the City Council or Salisbury Department of Public Works and shown on the Final Development Plan.**

Section 17.122.070. Amendments.

**Amendments to Planned Development District No. 2 shall be in accordance with the procedures established in Chapters 17.108, 17.110, and 17.228.**

Section 17.122.080. Final Development Plan.

**Development of the site shall be in general conformance with the approved Preliminary Comprehensive Site Plan and Landscaping Plan dated September 27, 2007, approved by the City Council. The Preliminary Development Site Plan shall be recorded in the Land Records of Wicomico County.**

Section 17.122.090. Control of Development During Construction and After Completion.

**Development of Planned Development District No. 2 shall be controlled by the Final Development Plan as approved by the Planning Commission and any amendments thereto and Comprehensive Development Plans approved for individual site development. 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 \_\_\_\_ day of \_\_\_\_\_, 2008, and having been published as required by law, in the meantime, was finally passed at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2008.

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

Approved by me this \_\_\_\_  
day of \_\_\_\_\_, 2008.

Witness:

\_\_\_\_\_  
Barrie Parsons Tilghman  
Mayor of Salisbury

\_\_\_\_\_  
Brenda J. Colegrove  
City Clerk

**RESOLUTION OF DECISION AND  
FINDINGS OF FACT**

**WESTWOOD COMMERCE PARK PDD #2**

The Mayor and City Council reviewed and considered all testimony and written evidence presented at a public hearing held in the request of Westwood Development, LLC to rezone 264.38 acres of land to Westwood Commerce Park PDD #2. The rezoning site is located on the easterly side of U.S. Route 50 on both sides of Naylor Mill Road and both sides of the Salisbury Bypass. The site is currently zoned Light Industrial and Light Business and Institutional.

The Council does hereby make the following Findings of Fact in accordance with the provisions of Sections 17.108 and 17.110 of Title 17, Zoning, of the Salisbury Municipal Code.

**A. SPECIFIC FINDINGS OF FACT:**

1. **Neighborhood.** The Council finds that the neighborhood is generally bounded by Log Cabin Road, Naylor Mill Road, and Jersey Road on the east, Adventist Drive and Queen Avenue on the south, Business U.S. Route 50 on the west and the borders of Parcels 122, 73, 25, 238, 28, and 22 on the north.
2. **Population Change.** The Council finds that a Planning Department analysis of the “neighborhood” through GIS data and Planning Department data found that 52 new single-family units have been constructed in the designated “neighborhood” since the 2004 Comprehensive rezoning of the County. These new residences have resulted in an approximate population increase of 130 persons in the neighborhood.
3. **Availability of Public Services.** The Council finds that the subject project site will have access to City water and sewer services via lines (12-inch sewer and 12 inch water lines) that have been installed to serve Westwood and Sassafras Meadows.

4. **Transportation Patterns.** The Council finds that the site is located on both sides of Naylor Mill Road and both sides of the Salisbury Bypass at the intersection of the Bypass and Business Route 50. The sites will have access to Naylor Mill Road via interior streets and access to U.S. Route 50 and the Salisbury Bypass via Naylor Mill Road. These plans create adequate transportation patterns for this property that should not be detrimental to the adjoining residential areas.
5. **Compatibility with Existing and Proposed Development.** The Council finds that the development of this site with 45 commercial lots is compatible with the recommended development for these properties as well as the existing zoning of the properties. With proper screening, there should be minimal impacts on adjoining residential development.
6. **Relationship to Comprehensive Plan.** The Council finds that on September 22, 1997, the Salisbury City Council adopted the 1997 Metro Core Comprehensive Plan. This Plan designates this site as “Urban Corridor”, a land use designation for intensive commercial, institutional, and employment development at key intersections of major routes.
7. **Change in the Character of the Area/Mistake in the Existing Zoning.** Planned Development Districts are “floating zones” which become “fixed” to a specific location after proof that the proposed plan meets all criteria for the development district when the Preliminary Development Plan is approved. An applicant for a rezoning to a Planned Development District does not need to prove change in the neighborhood or mistake in the original zoning, only that the specific project has been designed in accordance with the purposes and standards of the district.

**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 as follows:

1. The rezoning of the subject tract to Westwood Commerce Park PDD #2 is consistent with the uses permitted in a Planned Development District as defined in Sections 17.108 and 17.110 of the Salisbury Municipal Code. The proposed district is designed to have minimal impact on the adjoining residential uses. The site layout, building design, landscaping/screening and sign plans for individual lots will be approved by the Salisbury Planning Commission in accordance with a Comprehensive Development Plan.
2. The subject tract is in a transitional area at the edge of the Salisbury Metro Core area. It is bisected by the Salisbury Bypass as well as



Naylor Mill Road. Proposed development on the individual sites includes uses similar to those permitted in the current zoning districts. The proposed uses will not require a substantially greater demand for services (water, sewer, transportation, etc.) than the nearby single and multi-family uses on nearby sites.

3. The design and location of the proposed interior street network and site entrances have been designed to minimize impact on adjoining properties and through traffic on Naylor Mill Road. The Landscaping Plan will create buffers within the development.

**NOW, THEREFORE**, upon a motion by \_\_\_\_\_, seconded by \_\_\_\_\_ 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.**

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

Approved by me this \_\_\_\_\_  
day of \_\_\_\_\_, 2008.

Witness:

\_\_\_\_\_  
Barrie Parsons Tilghman  
Mayor of Salisbury

\_\_\_\_\_  
Brenda J. Colegrove  
City Clerk