

**AS AMENDED ON ON FEBRUARY 26, 2007**

**ORDINANCE NO. 2026**

**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 4.05 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 RESIDENTIAL DISTRICT #11 ON THE WESTERLY SIDE OF BEAGLIN PARK DRIVE, THE NORTHERLY SIDE OF GLEN AVENUE, THE EASTERLY SIDE OF CIVIC AVENUE, THE SOUTHERLY SIDE OF PROPERTIES NOW OR FORMERLY OWNED BY MILFORD W. TWILLEY, INC., THE EASTERLY AND SOUTHERLY SIDES OF THE VESTRY OF ST. ALBAN'S PARISH, AND THE SOUTHERLY SIDE OF MT. HERMON ROAD.**

**WHEREAS**, an application for reclassification of zone from Regional Commercial (old Salisbury Mall parcel) and St. Alban's Commons PRD #9 to a Planned Residential District (PRD) to be known as Village at Salisbury Lake PRD #11 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 PRD #11 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 December 14, 2006; and,

**WHEREAS**, the Planning Commission did recommend approval of the proposed Preliminary Development Plan including revisions dated November 30, 2006

(hereinafter “Preliminary Development Plan”) and establishment of Planned Residential District #11 Village at Salisbury Lake in accordance with the provisions of Chapters 17.108 and 17.228 at a Public Hearing on December 14, 2006;

**WHEREAS**, for the reasons expressed in the Findings of Fact of the Salisbury City Council, which are attached to this Ordinance as Exhibit “A” and incorporated herein by reference, the Salisbury City Council concludes that the application for establishment of Planned Residential District #11 – Village at Salisbury Lake should be approved.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, that:

**Section 1:** Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

**DELETE IN ITS ENTIRETY CHAPTER 17.117 – ST. ALBAN’S COMMONS PDD #2.**

**DELETE IN ITS ENTIRETY CHAPTER 17.121 – VILLAGE AT SALISBURY LAKE PDD #3.**

**ADD THE FOLLOWING AS A NEW CHAPTER 17.121:**

## Chapter 17.121

### PLANNED RESIDENTIAL DISTRICT NO. 11 – VILLAGE AT SALISBURY LAKE

#### Sections:

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

#### **17.121.010 Purpose.**

- A. The purpose of Planned Residential District No. 11 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 office, retail, and other permitted uses primarily for the service and convenience of the residents of the development and the immediate neighborhood, 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 Development Plan, as approved by the Mayor and City Council.

#### **17.121.020 Area of reclassification.**

The area to be rezoned as Planned Residential District No. 11 – Village 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, the southerly side of properties now or formerly owned by Milford W. Twilley, Inc. and Vestry of St. Alban's Parish, the easterly side of the Vestry of St. Alban's Parish and the southerly side of Mt. Hermon Road, saving and excepting approximately five acres located at the corner of Glen Avenue and Civic Avenue, the same being shown on the Preliminary Development Plan, which shall be 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. All uses permitted within Chapter 17.32, provided that such uses shall be primarily for the service and convenience of the residents of the Village at Salisbury Lake and the immediate neighborhood.

**17.121.040 Accessory uses and structures.**

- A. Residential accessory uses, as set forth in Chapter 17.160;
- B. Commercial accessory uses, as set forth in Chapter 17.32;
- C. Accessory structures clearly incidental to or customarily, 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: twenty (20) feet.

- B. Minimum setback requirements (Townhouse, Single-family and Two- and four-family dwellings).
  - 1. Front setback:
    - a. Front garage units: 20 feet, which may include bay windows, unenclosed porches, entry features, and similar projections.
    - b. Rear garage units: No setback required.
  - 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 common open space).
- C. Minimum setback requirements (Apartments/Condominiums).
  - 1. Front setback: 10 feet from the edge of the curb in the right-of-way.
  - 2. Side/Rear setback: 10 feet from the edge of the curb in the right-of-way or the adjacent property line.
- D. Minimum setback requirements (Senior Housing).
  - 1. Front setback: 8 feet from the edge of the curb in the right-of-way.
  - 2. Side/Rear setback: 8 feet from the edge of the curb in the right-of-way or the adjacent property line.
- E. Minimum setback requirements (Commercial).
  - 1. In accordance with the Preliminary Development Plan, except that no buildings or parking shall be allowed within 70 ft. from the existing Beaglin Park Drive western curb boundary.
  - 2. Intense commercial uses, as determined by the Planning Commission, shall not be located closer than one hundred fifty (150) feet to adjacent residential districts.
- F. Density. Residential development shall not exceed a total of 688 residential units in the residential area of the District as shown on the Preliminary Development Plan.
- G. Height limitation: 50 feet (excluding roof structure and surface).
- 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. On-street parking shall not be permitted in alleys.
  7. Driveways shall be a minimum of twenty (20) feet long.
- I. Building Entrance Location. All entrances to apartment/condominium 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 Development Plan as approved by the Salisbury Planning Commission.
  - K. Open space. Open space shall be provided in locations generally as shown on the Preliminary Development Plan dated November 30, 2006. 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.
  - L. Architectural Elevations. Architectural elevations for each type of building shall be submitted with Final Development Plans for each phase of development. The Village at Salisbury Lake Design Regulations, Draft dated June 2006, will be used as a general guideline for the architectural elevations unless otherwise approved by the Planning Commission.
  - M. Subdivision Plat, Community Association, and Condominium Documents. A recorded subdivision plat shall be consistent with approved 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 Development Plan shall be consistent with Section 17.04.240 and shall be 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 consistent with Section 17.04.240 and recorded for each phase or parcel of development.

The Homeowner's 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 Development Plan, dated November 30, 2006 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:
  - 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.
  - 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-alley “T” intersections and 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.
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 Residential District #11 are set forth in the Preliminary Development Plan dated November 30, 2006, however, the standards set forth in this ordinance shall control. The above criteria (Items 1-13) were developed for this project by the City of Salisbury Department of Public Works (DPW) and may be modified at DPW’S discretion as the final design is developed.

**17.121.070 Amendments.**

Amendments to Planned Residential District No. 11 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 Development Plan 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 Residential District No. 11 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.

**Section 2. AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND,** that the approvals granted in this Ordinance for the benefit of lands owned by Salisbury Mall Associates, LLC are subject to the following conditions, compliance with which shall be monitored and enforced by the Department of Planning, Zoning, and Community Development in coordination with the Public Works Department and the Department of Building, Permits & Inspection:

- 1. Demolition of the mall buildings will commence (no later than) promptly after a final unappealable rezoning is obtained and, if applicable, affirmed, and in no event will final development plans be accepted by the City unless demolition, pursuant to a demolition contract, is in progress at the time of such approval.
- 2. The lake and associated improvements shall be constructed or bonded prior to the first phase of construction.
- 3. Common facilities, including the amphitheater, pool, clubhouses, and playground shall be constructed according to a schedule submitted with the final development plan for the initial phase of construction, unless such schedule is modified by the Planning Commission.
- 4. Adequate parking shall be provided for the clubhouse(s), tot lot, and pool areas.
- 5. The commercial building at Chesapeake Drive and Glen Avenue shall comply with the visibility triangle requirements of the Code.
- 6. A phasing schedule to indicate the sequencing of demolition, construction, and provision of amenities shall be submitted with the final

development plan for the initial phase of construction and updated with the submittal of each subsequent phase.

7. The final development plan shall provide appropriate separation between improvements within the Village at Salisbury Lake PRD #11 and the Twilley Centr/St. Alban's Church sites to allow for a sustainable landscaping buffer.

8. The phasing schedule for construction shall be consistent with the Salisbury Water and Sewer Allocation Management Plan, in order to assure that there is sufficient capacity to serve the project in relation to City-wide demands.

**Section 3. 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,

**Section 4. AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND,** that if a court of competent jurisdiction issues a final decision holding that any one or more of the provisions contained in this Ordinance is for any reason invalid, illegal, or unenforceable in and respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Ordinance shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the 12th day of February, 2007, and having been published as required by law, in the meantime, was finally passed at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Michael P. Dunn  
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