

**AS AMENDED ON APRIL 8, 2013
ORDINANCE NO. 2236**

**AN ORDINANCE 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
ADDING SECTION 17.46, MIXED USE NON-RESIDENTIAL ZONING
DISTRICT AND AMENDING SECTION 17.08, DISTRICTS-MAPS-
BOUNDARIES.**

WHEREAS, the ongoing application, administration and enforcement of Title 17, Zoning of the Salisbury Municipal Code, demonstrates a need for 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 requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing procedural practices and input from the City Council and members of the public; and

WHEREAS, the City Council has proposed amendments to the Salisbury Municipal Code to create a new zoning district, Section 17.46, Mixed Use Non-Residential District and to amend other necessary sections of the Salisbury Municipal Code; and

WHEREAS, a Public Hearing on the proposed amendments was held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on February 21, 2013; and

WHEREAS, the Planning Commission did recommend approval of the proposed text amendments to Section 17.08 and the addition of Section 17.46 after a Public Hearing on February 21, 2013.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

ADD NEW CHAPTER 17.46 AS FOLLOWS:

TITLE 17 – ZONING

CHAPTER 17.46

MIXED USE NON-RESIDENTIAL DISTRICT

17.46.010 PURPOSE.

THE PURPOSE OF THE MIXED-USE NON-RESIDENTIAL DISTRICT IS TO PROVIDE AREAS FOR WELL-DESIGNED, FUNCTIONAL, AND ATTRACTIVE DEVELOPMENT WITH INDOOR RETAIL, OFFICE, SERVICES, AND INSTITUTIONAL USES. LAND USES ARE ENVISIONED THAT PROMOTE THE BEST POSSIBLE BUILDING DESIGNS, DEVELOPMENT OF PUBLIC STREETS AND UTILITIES, AND CONSERVATION OF ENVIRONMENTALLY SENSITIVE AREAS. THE DISTRICT SHOULD BE LOCATED IN AREAS THAT CONTINUE ORDERLY DEVELOPMENT AND CONCENTRATION OF MODERATE COMMERCIAL USES ON OR WITHIN CLOSE PROXIMITY TO MAJOR THOROUGHFARES.

THE USES PERMITTED IN THIS DISTRICT ARE THOSE THAT MAY BENEFIT FROM THE HIGH DEGREE OF VISIBILITY BUT DO NOT GENERATE LARGE VOLUMES OF TRAFFIC. MAJOR RETAIL USERS ARE DISCOURAGED AND RESIDENTIAL USES ARE PROHIBITED IN THE DISTRICT.

THE FOLLOWING USES, STANDARDS, AND AREA REGULATIONS HAVE BEEN DEVELOPED BASED UPON THIS PURPOSE, WHICH IS IN ACCORD WITH THE FINDINGS AND RECOMMENDATIONS OF THE SALISBURY COMPREHENSIVE PLAN.

17.46.020 PERMITTED USES.

PERMITTED USES SHALL BE AS FOLLOWS:

- A. SAME AS THE LIGHT BUSINESS AND INSTITUTIONAL DISTRICT (SECTION 17.28.020), EXCEPT RESIDENTIAL USES.**
- B. SAME AS THE NEIGHBORHOOD BUSINESS DISTRICT (SECTION 17.32.020), EXCEPT RESIDENTIAL USES.**
- C. SAME AS THE SELECT COMMERCIAL DISTRICT (SECTION 17.44.020), EXCEPT RESIDENTIAL USES AND EXCEPT RETAIL USES OVER 30,000 GROSS SQUARE FEET OF FLOOR AREA.**

17.46.030 USES PERMITTED BY SPECIAL EXCEPTION.

USES PERMITTED BY SPECIAL EXCEPTION SHALL BE AS FOLLOWS:

- A. SAME AS THE LIGHT BUSINESS AND INSTITUTIONAL DISTRICT (SECTION 17.28.030), EXCEPT RESIDENTIAL USES.**
- B. ~~SAME AS THE NEIGHBORHOOD BUSINESS DISTRICT (SECTION 17.32.030), EXCEPT RESIDENTIAL USES.~~**
SAME AS THE SELECT COMMERCIAL DISTRICT (SECTION 17.44.030), EXCEPT SHOPPING CENTERS OVER 30,000 GROSS SQUARE FEET OF FLOOR AREA

17.46.040 ACCESSORY USES AND STRUCTURES.

ACCESSORY USES AND STRUCTURES SHALL BE AS FOLLOWS:

- A. OTHER ACCESSORY USES AND STRUCTURES CLEARLY INCIDENTAL TO, CUSTOMARY TO AND ASSOCIATED WITH THE PERMITTED USE;**

17.46.050 DEVELOPMENT STANDARDS.

DEVELOPMENT STANDARDS FOR THE (MIXED USE NON RESIDENTIAL) DISTRICT SHALL BE AS FOLLOWS:

- A. PRIOR APPROVAL REQUIREMENTS. PRIOR TO THE DEVELOPMENT OF A TRACT, LOT, PARCEL OR ANY PART OF THE DISTRICT, A COMPREHENSIVE DEVELOPMENT PLAN, AS DEFINED IN SECTION 17.04.120, SHALL BE SUBMITTED TO THE PLANNING COMMISSION FOR REVIEW AND APPROVAL IN ACCORDANCE WITH CHAPTER 17.180.**

- B. MINIMUM LOT REQUIREMENTS. ALL LOTS HEREAFTER ESTABLISHED SHALL MEET THE FOLLOWING MINIMUM REQUIREMENTS:**
- 1. LOT AREA: TWENTY-FIVE THOUSAND (25,000) SQUARE FEET;**
 - 2. INTERIOR LOT WIDTH: ONE HUNDRED (100) FEET;**
 - 3. CORNER LOT WIDTH: ONE HUNDRED TWENTY (120) FEET.**
- C. MINIMUM YARD REQUIREMENTS SHALL BE AS FOLLOWS:**
- 1. FRONT: FORTY-FIVE (45) FEET FROM PROPERTY LINE;**
 - 2. SIDE, INTERIOR: TWO REQUIRED, TEN FEET EACH, EXCEPT THIRTY (30) FEET WHERE ADJACENT TO A RESIDENTIAL DISTRICT;**
 - 3. SIDE, CORNER: FORTY-FIVE (45) FEET FROM PROPERTY LINE;**
 - 4. REAR: THIRTY (30) FEET FROM PROPERTY LINE.**
- D. THE HEIGHT LIMITATION SHALL BE FORTY (40) FEET.**
- E. PARKING, LOADING AND UNLOADING SHALL BE IN ACCORDANCE WITH CHAPTER 17.196.**
- F. ACCESS. DIRECT ACCESS ONTO A STREET OR HIGHWAY SHALL BE REDUCED OR ELIMINATED WHEREVER THE CITY DEPARTMENT OF PUBLIC WORKS DETERMINES THAT ALTERNATE OR UNIFIED POINTS OF ACCESS ARE AVAILABLE TO A SITE RESULTING IN BETTER TRAFFIC FLOW AND LESS TRAFFIC CONGESTION.**
- G. SIGNS. SIGNAGE SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 17.216.120, LIGHT BUSINESS AND INSTITUTIONAL DISTRICT.**
- H. LIGHTING. LIGHTING SHALL BE DESIGNED SO AS NOT TO THROW GLARE ONTO SURROUNDING PROPERTIES. FLASHING LIGHTS ARE PROHIBITED.**
- I. LANDSCAPING AND SCREENING. IN ADDITION TO THE REQUIREMENTS OF CHAPTER 17.220, THE FOLLOWING SHALL BE REQUIRED:**
- 1. ALL AREAS NOT DEVOTED TO BUILDING OR REQUIRED PARKING AREAS SHALL BE LANDSCAPED AS DEFINED IN SECTION 17.04.120 AND MAINTAINED IN ACCORDANCE WITH SECTION 17.220.080.**

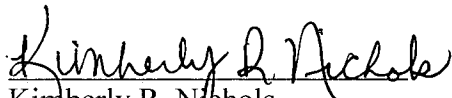
Amend Section 17.08 – Districts-Maps-Boundaries by adding the following:

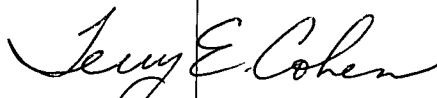
ADD SECTION 17.08.010.A.3 – NEW ITEM f. MIXED USED NON-RESIDENTIAL DISTRICT.

AND BE IT FURTHER ORDAINED BY 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

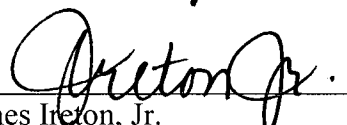
THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 11th day of March, 2013, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 8th day of April, 2013.

ATTEST:


Kimberly R. Nichols
City Clerk


Terry E. Cohen
President of the City Council
of the City of Salisbury

Approved by me this
day of 16th April 2013.


James Ireton, Jr.
Mayor of the City of Salisbury