

AS AMENDED ON APRIL 22, 2013
ORDINANCE NO. 2237

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, MOORE PROPERTY COMMERCE PARK PLANNED DEVELOPMENT DISTRICT #3 BINDING ON THE WESTERLY SIDE OF WALSTON SWITCH ROAD (COUNTY ROAD #297), THE SOUTHERLY SIDE OF U.S. ROUTE 50, THE EASTERLY SIDE OF LAND NOW OR FORMERLY OWNED BY JD HANNA, LLC AND THE NORTHERLY SIDE OF LAND NOW OR FORMERLY OWNED BY FRANCIS C. AND LOIS T. PERDUE.

WHEREAS, an application for reclassification of zone from ~~Light Business and Institutional Mixed Use – Non-Residential~~ to a Planned Development District known as Moore Property 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 Moore Property Commerce Park PDD #3 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 July 19, 2012 and given approval on September 20, 2012, and,

WHEREAS, the Planning Commission did recommend establishment of Planned Development District No. 3 – Moore Property Commerce Park, in accordance

with the provisions of Chapters 17.108, 17.110 and 17.228 at its Public Hearing on September 20, 2012;

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 17.123

PLANNED DEVELOPMENT DISTRICT NO. 3 – MOORE PROPERTY

Sections:

- 17.123.010 Purpose.**
- 17.123.020 Area of reclassification.**
- 17.123.030 Permitted uses.**
- 17.123.040 Accessory uses and structures.**
- 17.123.050 Development standards.**
- 17.123.060 Street standards.**
- 17.123.070 Amendments.**
- 17.123.080 Final development plan.**
- 17.123.090 Control of development during construction and after completion.**

17.123.010 Purpose.

The purpose of planned development district No. 3 is to provide for the development of certain lands on the southerly side of U.S. Route 50 and the westerly side of Walston Switch Road on lands now or formerly owned by Florence E. Moore & Frances L. White, Trustee, with light business and select commercial 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 June 2012.

17.123.020 Area of reclassification.

The area to be rezoned as planned development district No. 3--Moore Property, consists of 21.65 +/- acres of land binding upon the southerly side of U.S. Route 50 and the westerly side of Walston Switch Road on lands now or

formerly owned by Florence E. Moore & Frances L. White, Trustee, being the same as shown on the preliminary subdivision plat prepared by George, Miles and Buhr, and revised August 15, 2012. The site is further identified as part of Parcel No. 430 on State City Tax Map No. 39.

17.123.030 Permitted uses.

Permitted uses shall be as follows:

- A. Uses permitted inherently or by special exception in Chapter 17.28, Light Business and Institutional District, except that apartments shall be excluded;
- B. Uses permitted inherently or by special exception in Chapter 17.32, Neighborhood Business District, except that apartments shall be excluded;
- C. Uses permitted inherently or by special exception in Chapter 17.44, Select Commercial District, except that apartments shall be excluded.

17.123.040 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.

17.123.050 Development standards.

Development standards for planned development district No. 3 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 Chapter 17.180, shall be submitted to the Salisbury Planning Commission for its review and approval.
- B. Minimum Lot Requirements.

1. Lot area: one and one-half 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: twenty (20) feet;
 2. Side yard: ten feet (two required);
 3. Rear yard: fifteen (15) feet.
- D. Height: fifty (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 June 2012, 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 shall be approved by the Salisbury Planning and Zoning Commission for each lot in Moore Property PDD No. 3 as a part of the Comprehensive Development Plan. The sign standards for the light business and institutional district (Section 17.216.120) shall be used as a guide for such sign plans.

17.123.060 Street standards.

Accessways and street entrances shall be provided as shown on the preliminary development site plan dated June 2012, subject to any subsequent modification thereto required by the City Council or Salisbury Department of Public Works and shown on the final development plan.

17.123.070 Amendments.

Amendments to planned development district No. 3 shall be in accordance with the procedures established in Chapters 17.108, 17.112 and 17.228.

17.123.080 Final development plan.

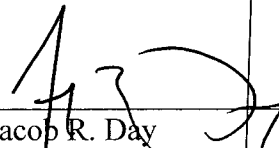
Development of the site shall be in general conformance with the approved preliminary comprehensive site plan and landscaping plan revised August 15, 2012, approved by the City Council. The preliminary development site plan shall be recorded in the Land Records of Wicomico County.

17.123.090 Control of development during construction and after completion.

Development of planned development district No. 3 shall be controlled by the final development plan as approved by the Salisbury 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.

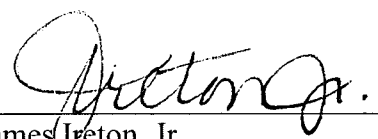
AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage but in no event until ten (10) days after the date of the Council's Public Hearing, and,

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 11th day of March, 2013, and having been published as required by law, in the meantime, was finally passed at its meeting on the 22nd day of April, 2013.



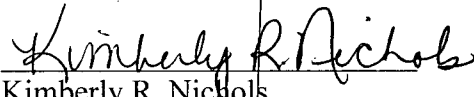
Jacob R. Day
President of the City Council of
The City of Salisbury

Approved by me, this 29th
day of April, 2013.



James Ireton, Jr.
Mayor of Salisbury

Witness:



Kimberly R. Nichols
City Clerk