

**AS AMENDED ON SEPTEMBER 23, 2013
ORDINANCE NO. 2258**

AN ORDINANCE OF THE CITY OF SALISBURY TO ELIMINATE OR REDUCE WATER OR SEWER CHARGES FOR EQUIVALENT DWELLING UNITS (EDUs) IN ACCORDANCE WITH CHAPTER 13.02 OF THE CITY CODE TO ENCOURAGE DEVELOPMENT IN THE DOWNTOWN AREA AND THE ENTERPRISE ZONE.

WHEREAS, Chapter 13.00.070 states that the Council may allow discounts for the comprehensive connection charges established in this chapter; and

WHEREAS, the City seeks to encourage development and redevelopment in the Downtown Development District, the Central Business District, the Riverfront Redevelopment Area, and the Enterprise Zone; and

WHEREAS, the City seeks to reduce the capacity fees for eligible development and redevelopment in the Downtown area by means of an Equivalent Dwelling Unit (EDU) Incentive Area; and

WHEREAS, the Director of Public Works made due diligence efforts to notify as many developers as practical that may be potentially impacted by an EDU Incentive Area; and

WHEREAS, the Director of Public Works provided the City Council with a recommendation of the proposed EDU Incentive Area at the May 20, 2013 and June 17, 2013 City Council work sessions, and the July 22, 2013 City Council legislative meeting.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that Chapter 13.04 be amended by the addition of Section:

13.04.110 EDU Incentive Area

A. An Equivalent Dwelling Unit (EDU) Incentive Area is established for a period of five years from the date of final passage of the ordinance. The incentive shall be reevaluated prior to the end of the five year period. Three hundred (300) EDUs are hereby available to be allocated reallocated from the former Linens of the Week property for use in the EDU Incentive Area.

B. A developer may submit written documentation to the Director of Public Works to establish eligibility for a project within the EDU Incentive Area if the project meets all of the following criteria:

- ~~1. The project is within the Downtown Development District, the zoning district entitled the Central Business District, the Riverfront Redevelopment Area, or in the Enterprise Zone.~~
- ~~2. In the downtown area, the project must be either new development or revitalization of an existing building. Outside of the downtown area and in the Enterprise Zone, the project must be a revitalization of an existing building.~~
- ~~3. The project meets the zoning criteria at the time of application.~~
- ~~4. The project does not receive the capacity fee waiver for public sponsored or affordable housing.~~

1. The project location is within one or more of the following areas: Central Business Zoning District; Riverfront Redevelopment Zoning District #1; Riverfront Redevelopment Zoning District #2; Enterprise Zone.
2. The project within an above referenced downtown Zoning District constitutes new development or revitalization of an existing building; or a project outside a referenced District but within an Enterprise Zone which constitutes revitalization of an existing building(s).
3. The project does not receive a capacity fee waiver for public sponsored or affordable housing.
4. The project complies, or will comply, with all applicable Zoning and Building Code criteria, as confirmed by the Director of Building, Permits and Inspections.
5. The project complies, or will comply, with all requirements of the Salisbury Historic District Commission, if applicable, as confirmed by the Director of Neighborhood Services and Code Compliance.
6. The project is consistent with the adopted Comprehensive Plan of the City of Salisbury, as confirmed by the Director of Planning and Zoning.
7. The project is consistent with the Salisbury Sustainable Community Plan, on file with the Maryland Department of Housing and Community Development (DHCD), as confirmed by the Director of Community Development. Particular attention is to be given to the following action plan elements: Supporting existing communities and reducing environmental impacts; Valuing communities and neighborhoods – building upon assets creating and/or enhancing amenities; Enhancing economic competitiveness.
8. The project is consistent with one or more of the following benchmark objectives of A Plan For Transformation (2012): Increase the number of permanent, living wage jobs in the City; increase the number of downtown housing units and the associated resident population; increase the amount of commercial square footage in the City; effectively remove 25% of the impervious surface area in the downtown area without reducing existing building footprints.

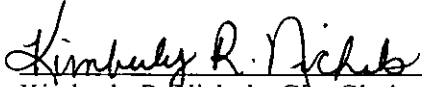
C. If eligible, the developer shall comply with the following requirements and submit the required documentation to the Director of Public Works.

1. Written requests for EDU allocations will be submitted to the Director of Public Works for review and to make an eligibility determination. After review and upon a favorable recommendation, Public Works shall submit allocation requests from qualified applicants to the Mayor for approval. With the Mayor's approval, a Resolution will be forwarded to City Council for its approval.
2. The Resolution for each property will specify that the EDU allocation is valid for two years, with the option to extend the allocation for two one-year terms if approved in writing by the Public Works Director prior to expiration of the term. The Public Works Director may refuse to grant a requested extension if the Public Works Director finds that the property owner is not making good faith efforts to complete the project.
3. The two-year allocation begins to run from the time of the signing of the Resolution awarding the EDU allocation.
4. Allocated EDUs are assigned to a project and to the property on which the project is located, and cannot be transferred by the recipient.

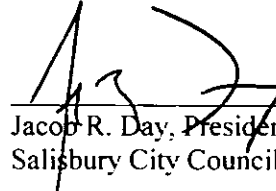
BE IT FURTHER ORDAINED that this ordinance shall take effect from the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 9th day of September, 2013, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 23rd day of September, 2013.

ATTEST:

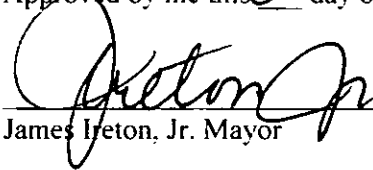


Kimberly R. Nichols, City Clerk



Jacob R. Day, President
Salisbury City Council

Approved by me this 30th day of September, 2013



James Ireton, Jr. Mayor