

**ORDINANCE NO. 2389**

**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 AMENDING SECTION 17.105.040.D, DEVELOPMENT STANDARDS IN THE RIVERFRONT REDEVELOPMENT MULTI-USE DISTRICT #2**

**WHEREAS**, the ongoing application, administration and enforcement of Title 17, Zoning of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation, and amendments 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**, Mayor Jacob R. Day submitted a request to amend the text of Section 17.105.040.D Development Standards in the Riverfront Redevelopment Multi-Use District #2 to appropriately recognize its inclusion in the established Parking Tax District; and

**WHEREAS**, a Public Hearing on the proposed amendment 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 May 19, 2016; and

**WHEREAS**, the Planning Commission did recommend approval of the proposed text amendment to Section 17.105.040.D.

**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:

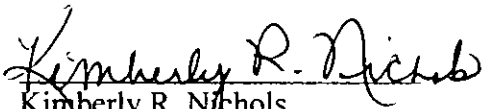
**AMEND SECTION 17.105.040.D, DEVELOPMENT STANDARDS, BY ADDING THE FOLLOWING:**


- D. **Parking.** Parking shall be provided in accordance with Chapter 17.196, **EXCEPT WHERE GOVERNED BY THE ESTABLISHED PARKING TAX DISTRICT REGULATIONS.**

**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 13<sup>th</sup> day of June, 2016, 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 11<sup>th</sup> day of July, 2016.

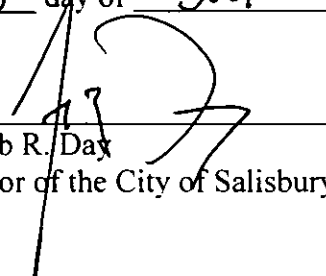
ATTEST:

  
\_\_\_\_\_  
Kimberly R. Nichols  
City Clerk

  
\_\_\_\_\_  
Laura Mitchell, Vice-President  
Salisbury City Council

Approved by me this

15<sup>th</sup> day of JULY, 2016.

  
\_\_\_\_\_  
Jacob R. Day  
Mayor of the City of Salisbury



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



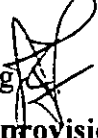
JACOB R. DAY  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

BOB CULVER  
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

May 25, 2016

**TO:** Tom Stevenson, City Administrator  
**FROM:** John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning   
**SUBJECT:** **PUBLIC HEARING – Text Amendment – To amend the parking provisions of the Riverfront Redevelopment Multi-Use District #2 – Planning Commission Recommendation**

## I. INTRODUCTION.

On May 19, 2016, the Salisbury Planning Commission held a public hearing on a request by Mayor Jacob R. Day for the above-noted text amendment relative to the parking provisions of Riverfront Redevelopment Multi-Use District #2. (See Attachment A.)

## II. RECOMMENDATION.

The Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and Council for the proposed amendment.

Unless you or the Mayor has further questions, please forward this memo and its attachments to the City Council.

## III. BACKGROUND.

The Commission noted that Riverfront Redevelopment Multiuse District #2 (RRMU2) is located on the west side of the Wicomico River with road frontage along Fitzwater Street. As shown in Attachment #3 of the Staff Report, the entirety of the Riverfront Redevelopment District #2 is located within the currently established City Parking District. The proposed Zoning Amendment would include language in the District Development Regulations to mirror that which has been successfully applied in the Central Business District.

The stated purpose of this District is “to promote the development and redevelopment of lands along the Wicomico River south of West Main Street with a mixture of uses and activities which are either dependent upon or appropriate to the waterfront”. It is further intended to “complement and strengthen the function of the waterfront with certain recreation, shopping, business and residential uses”. A Certificate of Design and Site Plan Approval from the Planning & Zoning Commission is required for all new development.

Attachments



# City of Salisbury – Wicomico County

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DIRECTOR OF ADMINISTRATION

## STAFF REPORT

### MEETING OF MAY 19, 2016

**CASE NO.:** #SP-1605

**APPLICANT:** Mayor Jacob R. Day

**REQUEST:** **PUBLIC HEARING – Text Amendment - To amend Section 17.105.040.D - to amend the parking provisions in the Riverfront Redevelopment Multi-Use District #2.**

#### I. REQUEST:

Mayor Jake Day has submitted a request to amend the text of the Riverfront Redevelopment Multi-Use District #2. Specifically, it is proposed to amend the on-site parking requirements so as to be consistent with those for the adjacent Central Business District.

The Code currently requires the following regarding parking in the RRMU District #2:

#### **17.105.040 Development Standards.**

*Minimum standards for development in the Riverfront Redevelopment Multi-use District shall be as follows:*

*D. Parking. Parking shall be provided in accordance with Chapter 17.196.*

It is proposed to mirror the language of the Central Business District by adding to Paragraph D the following phrase:

*“... except where governed by the established parking tax district regulations.”*

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code text amendments.

## II. BACKGROUND:

The Riverfront Redevelopment Multiuse District #2 (RRMU2) is located on the west side of the Wicomico River with road frontage along Fitzwater Street (Attachment #1). This District contains well established private uses including Chesapeake Marine and the River's Edge Apartments. It also includes the City Marina, two municipally owned and operated parking lots, and an undeveloped City parcel abutting the Marina and the parking lot (Attachment #2). The City is currently in an Exclusive Negotiating Period with a potential developer for the undeveloped parcel.

The stated purpose of this District is "to promote the development and redevelopment of lands along the Wicomico River south of West Main Street with a mixture of uses and activities which are either dependent upon or appropriate to the waterfront". It is further intended to "complement and strengthen the function of the waterfront with certain recreation, shopping, business and residential uses". A Certificate of Design and Site Plan Approval from the Planning & Zoning Commission is required for all new development.

Immediately adjacent to this District is the Brew River Restaurant, located just across the boundary of the Central Business District (CBD). The Commission granted approval to Brew River on August 19, 1999. This approval capitalized upon the riverfront location, adjacency to the Riverwalk, and availability of the shared parking at the municipal facility. These plans were all subject to the negotiated Land Disposition Agreement transferring property from the City to the developer.

Strict adherence to standard zoning parcel-by-parcel parking requirements was not an issue with Brew River as the CBD code contains exception language for properties otherwise located within an "established parking tax district". Section 10.20 of City Code establishes a Parking District in a defined area in and adjacent to Downtown, to enable the acquisition, development, and maintenance of common City Parking Facilities (Attachment #3).

As shown, the entirety of the Riverfront Redevelopment District #2 is located within the currently established City Parking District. The proposed Zoning Amendment would include language in the District Development Regulations to mirror that which has been successfully applied in the Central Business District.

## III. DISCUSSION:

The remaining undeveloped land within the Riverfront Redevelopment District is owned by the City of Salisbury. The transfer and/or private development of City property requires a contract approved by the Mayor and Council in the form of a Land Disposition Agreement. This is the same process followed earlier with the successful Brew River development. The Land Disposition process provides assurance that support amenities will be provided, appropriate to the use in the specific location.

## IV. RECOMMENDATION:

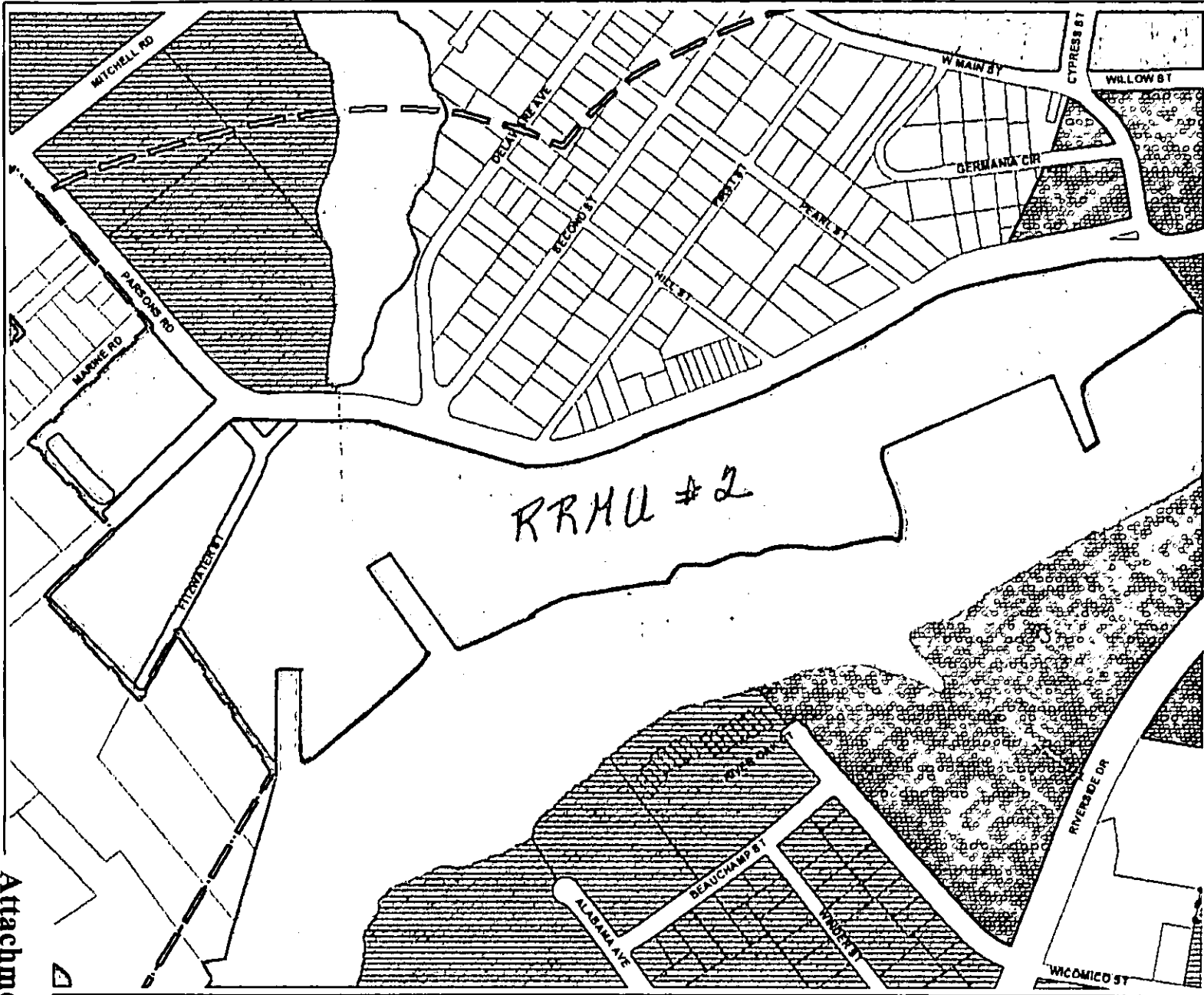
It is recommended that the Commission forward a **Favorable** recommendation to the Mayor and Council regarding the proposed Zoning Text amendment. The concept of shared parking is well established in portions of the downtown and riverfront, and is specifically consistent

with the intent and purpose of this particular District. Shared parking enables the most efficient development of properties connected by common vehicular and boat access, sidewalks, the Riverwalk, and open space. All such plans would continue to require approval of a Certificate of Design and Site Plan Approval from the Planning & Zoning Commission, as well as the Mayor and Council through the Land Disposition Agreement.

COORDINATOR: Jack Lenox  
DATE: May 19, 2016

# CITY OF SALISBURY

## Salisbury Zoning



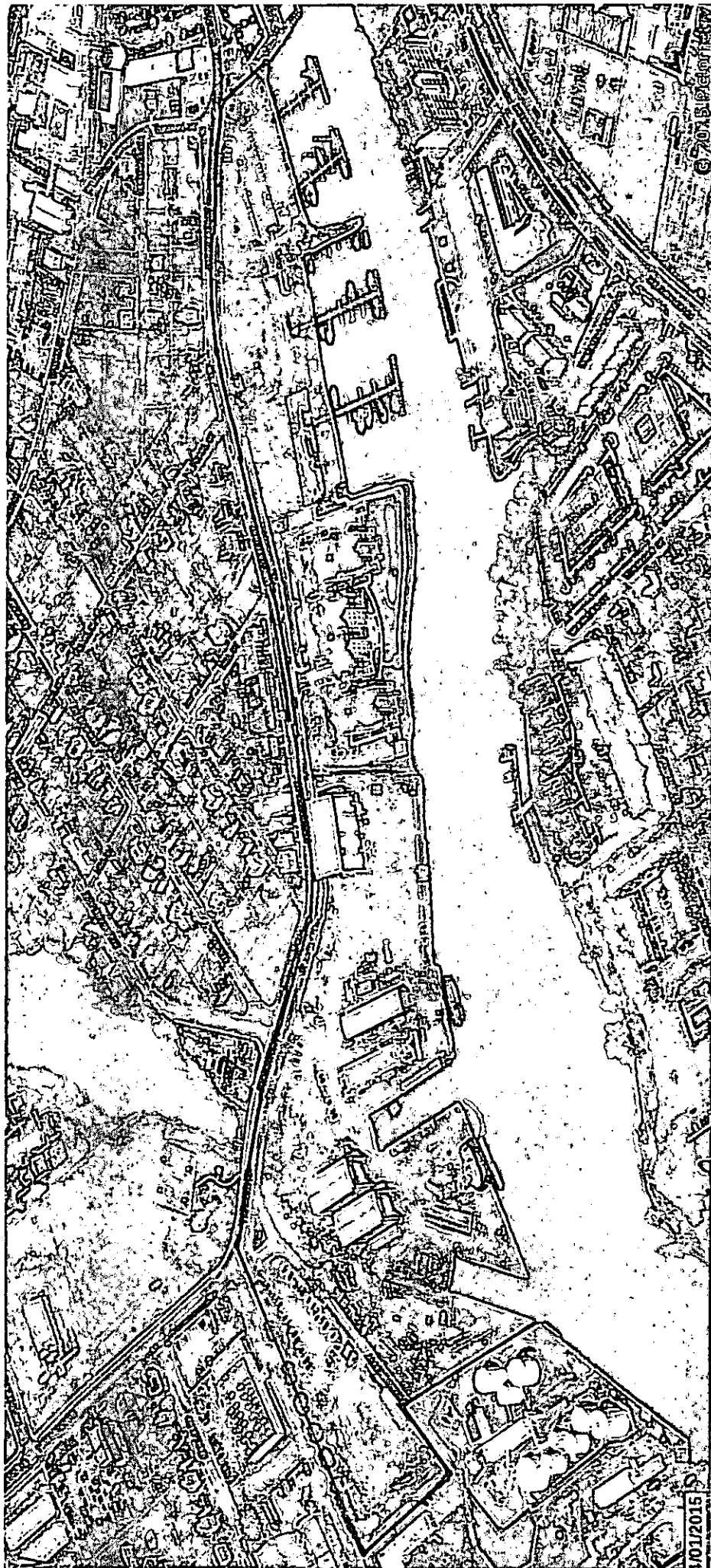
- Paleochannel
- Wethead Protection Area
- Streams
- Water Bodies
- Street Numbers
- Municipal Areas
- GAD
  - Delmar
  - Fruitland
  - Hebron
  - Mardela
  - Pitsville
  - Salisbury
  - Sharpdown
  - Wards
- Railroads
- Parcels
- Critical Area
- Historic Districts
  - Dist\_Name
  - Camden Historic District
  - Downtown Historic District
  - Newtown Historic District
- Salisbury Zoning
  - CITY\_ZON
  - College & University
    - Conservation
    - CBD
    - LBI
    - General Commercial
    - Reg Comm
    - MUNR
    - Select Commercial
    - Hospital
    - Ind
    - Ind Park
    - L Ind
    - Neighborhood Business
    - OSH
    - OSR
    - POD
    - PRD
    - R-5
    - R-5 A
    - R-8
    - R-8 A
    - R-10
    - R-10 A
    - Riverfront Redevelopment
- Street Centerlines

Attachment #1

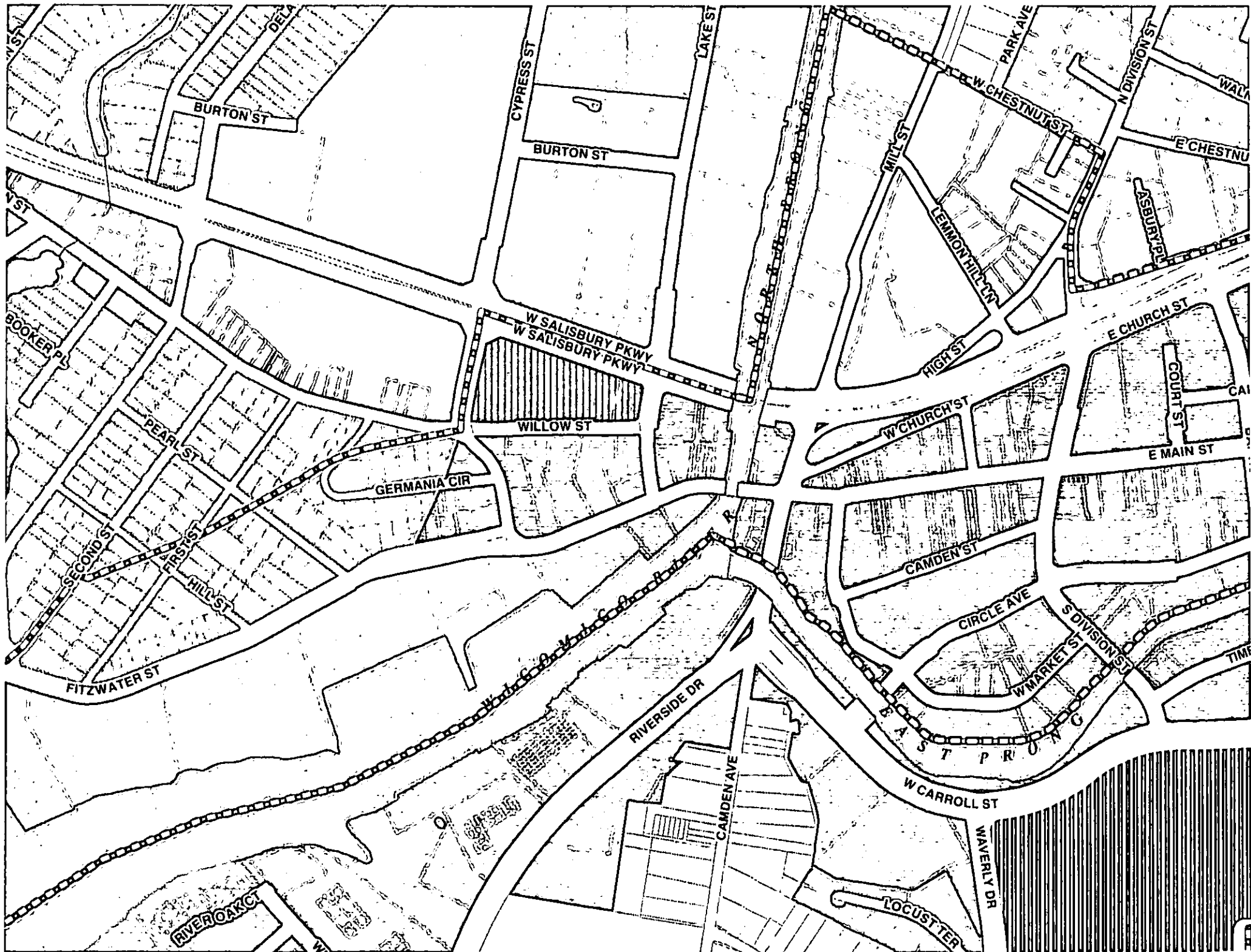
102 ft

SalisburyWicorrico GIS

## RRMU #2 Zoning District







# City of Salisbury



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**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**, Mayor Jacob R. Day submitted a request to amend the text of Section 17.105.040.D Development Standards in the Riverfront Redevelopment Multi-Use District #2 to appropriately recognize its inclusion in the established Parking Tax District; and

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**THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the \_\_\_\_ day of \_\_\_\_\_, 2016, 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 \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Kim Nichols  
City Clerk

\_\_\_\_\_  
John "Jack" Heath, President  
Salisbury City Council

Approved by me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jacob R. Day  
Mayor of the City of Salisbury

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Jacob R. Day  
Mayor of the City of Salisbury