

**ORDINANCE NO. 2393**

**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 17.84.020 TO ADD APARTMENTS, UP TO FOUR UNITS, IN THE OFFICE AND SERVICE RESIDENTIAL DISTRICT.**

**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**, 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**, Nick Simpson, First Move Properties, LLC submitted an application to amend the text of Section 17.84.020 to add Apartments, up to four units, in the Office and Service Residential 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 April 21, 2016; and

**WHEREAS**, the Planning Commission did recommend approval of a modified text amendment to Section 17.84.

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:

**I. AMEND SECTION 17.84.020, PERMITTED USES, BY ADDING THE FOLLOWING:**

**A. APARTMENTS, UP TO FOUR UNITS, WITHIN A RESIDENTIAL USE BUILDING, OR IN A MIXED USE BUILDING INCLUDING OTHER USES PERMITTED IN THE DISTRICT**

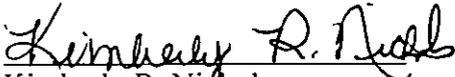
**II. AMEND SECTION 17.168.030 (C) (2), APARTMENT STANDARDS, PERMITTED DENSITY, OFFICE AND SERVICE RESIDENTIAL, BY DELETING IT IN ITS ENTIRETY.**

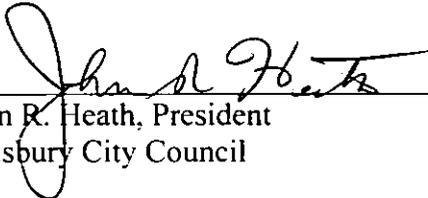
AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, but in no event until ten (10) days after the date of the Council's Public Hearing, and

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 11<sup>th</sup> day of July, 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 8<sup>th</sup> day of

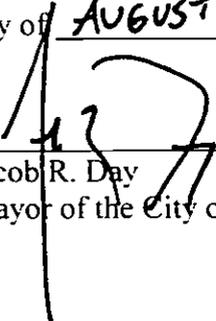
August, 2016.

ATTEST:

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

  
\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

Approved by me this 10<sup>th</sup>  
day of AUGUST, 2016.

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



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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JACOB R. DAY  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

BOB CULVER  
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

To: Tom Stevenson  
City Administrator

From: John F. Lenox  
Planning Director

Date: July 28, 2016

Re: Zoning Text Amendment – Nick Simpson/Office and Service residential

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At the work session of June 6, 2016, the City Council reviewed the proposal of Mr. Nick Simpson of First Move Properties, LLC, to amend the Office and Service Residential Zoning District to include additional provisions relative to apartments. In summary, the amendment as submitted would have allowed up to five additional units as a permitted use. The recommendation of the Planning & Zoning Commission included language that would have provided for up to four units by Special Exception.

It was the consensus of the Council to proceed with introduction of the Legislation, and a Public Hearing at Second Reading. The subject of this consideration would be the less restrictive version as originally proposed by Mr. Simpson. At the meeting of July 11, 2016, the City Council voted to approve this amendment at First Reading, and a Public Hearing has been advertised for August 8, 2016.

Since the time of First Reading, it has come to the attention of Staff that several wording changes should be considered in order assure clarity and internal consistency within the Zoning Code itself.

1) The ordinance as introduced referred alternately to "Apartments, up to five units", and "Apartments, up to four units". All references should be to the lesser number of "four", consistent with the public notice and intent of the applicant.

2) The previous reference to Apartments as a permitted use within the Office and Service Residential District was removed in 2002, however, that reference as Item "A" has gone unused. The pending legislation would best restore the Apartment provision as "A".

3) The previous reference to Apartments, although deleted in 2002, did not concurrently delete the associated density provisions within the District under the "Apartment Standards" section. These provisions, which related only to the Office and Service Residential District, should be deleted in their entirety. If left to remain, the type of use intended would be effectively precluded in most instances. By limiting the number of potential units to four (4), the need for a more complicated density calculation is precluded.

4) The reference to Apartments should be further defined, to clarify that the referenced four units may be arranged not only in a building used entirely for apartments, but also in a mixed use building.

The changes referenced above have been shown on the attached Ordinance for consideration at Second reading.

Thank you.