

ORDINANCE NO. 2507

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE SALISBURY MUNICIPAL CODE AND SECTION 4-203 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND FOR THE PURPOSE OF AMENDING SECTION 17.76.020 A., TO ADD CHURCH OR OTHER PLACE OF WORSHIP AS A PERMITTED USE IN THE LIGHT INDUSTRIAL 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 MD Code, Land Use, § 4-101, et seq. and in accordance with specific provisions of Chapter 17.228, Amendments and Rezoning of Title 17, Zoning; and

WHEREAS, the Mayor and City Council request 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, Sperry Van Ness/Miller Commercial Real Estate submitted an application to amend the text of Chapter 17.76 (Light Industrial District), to add Church or Other Place of Worship as a permitted use in Section 17.76.020 A.; and

WHEREAS, a Public Hearing on the proposed amendment was held by the Salisbury Planning and Zoning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on July 19, 2018; and

WHEREAS, the Salisbury Planning and Zoning Commission did recommend approval of the proposed text amendment to Section 17.76.020 A.

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 17.76.020 A., Permitted Uses, by adding the following item:

33. CHURCH OR OTHER PLACE OF WORSHIP.

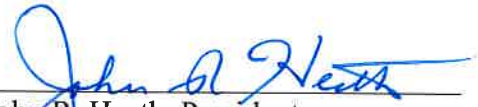
AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, but in no event until ten (10) days after the date of the Council's Public Hearing, and

THE ABOVE ORDINANCE was introduced at a meeting of the City Council on the 8th day of October, 2018, and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed at a Public Hearing on the 13th day of November, 2018 and is to become effective on November 13, 2018.

ATTEST:

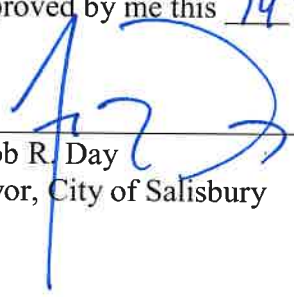


Kimberly R. Nichols
City Clerk



John R. Heath, President
Salisbury City Council

Approved by me this 14th day of NOVEMBER, 2018.



Jacob R. Day
Mayor, City of Salisbury



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Anne Roane, City Planner *AR*
Date: September 18, 2018
Re: Ordinance to modify Chapter 17 to allow Church or other place of worship in the Light Industrial Zoning District

This proposed text amendment to Chapter 17, Section 76.020A – Light Industrial District will allow a Church or other place of worship as a permitted use. The amendment was requested by Sperry Van Ness/Miller Commercial Real Estate, on behalf of Brick Kiln Properties and was supported by Staff and the Planning Commission.

Text amendments require two Public Hearings in order to be adopted. The first required Public Hearing was held by the Planning Commission on July 19, 2018. The minutes of the July 19, 2018 Planning Commission meeting are attached for reference. A second Public Hearing will be set by the City Council.

Unless you or the Mayor have further questions, please forward a copy of this memo and the Ordinance to the City Council.



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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JACOB R. DAY
MAYOR

BOB CULVER
COUNTY EXECUTIVE

JULIA GLANZ
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

MINUTES

The Salisbury-Wicomico Planning and Zoning Commission met in regular session on July 19, 2018 in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman
Scott Rogers
Marc Kilmer
Mandel Copeland
James McNaughton
James Thomas
Jack Heath

CITY/COUNTY OFFICIALS:

Anne Roane
Henry Eure

PLANNING STAFF:

Jack Lenox, Director
Amanda Rodriquez, Recording Secretary



The meeting was called to order at 1:35 p.m. by Mr. Dashiell, Chairman.



Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission **APPROVED** the minutes of the June 21, 2018 meeting as submitted. Mr. Kilmer abstained from voting as he was absent at the last meeting.



PUBLIC HEARING – TEXT AMENDMENT SALISBURY MUNICIPAL CODE – To allow a Church or other Place of Worship as a permitted use in the Light Industrial District – Brick Kiln Properties, LLC, represented by Sperry Van Ness/Miller Commercial Real Estate – #201800557 (H. Eure)

Mr. Henry Eure and Mr. John McClellan, of Sperry Van Ness/Miller Commercial Real Estate, came forward.

Mr. Lenox read the public hearing advertisement and administered the oath.

Mr. Eure presented and entered the Staff Report into the record and compared this proposed project to other "multi-use" buildings from Commission meetings past. He explained that this amendment would allow Churches to minister in multi-use buildings in the Light Industrial Zoning District. The Staff recommended forwarding to the City Council on a favorable recommendation from the Planning Commission.

Mr. McClellan agreed with the Staff recommendation and personally believes that a Church should be a permitted use in this zoning district.

Chairman Dashiell called for any other interested parties in this matter to come forward. No attendees approached the Commission.

Dr. James McNaughton asked for the definition of a "church" from the city zoning code in the event there could be a conflict with future use of the property.

Mr. Eure read the definition of a "church" from the City Zoning Code, which reads, "Church" means an institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term shall include buildings and all customary accessory activities including but not limited to a chapel, day care center, school of general instruction, gymnasium, or social hall."

There were no further comments or questions from the Commission or any Interested Parties.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and unanimously carried, the Commission forwarded a Favorable recommendation to the Mayor and City Council for approval of the proposed amendment that would inherently permit a Church or other place of worship in the Light Industrial zoning district.



REVISED COMPREHENSIVE DEVELOPMENT PLAN – Marley Manor – Snow Hill Road & Robins Avenue – R-8A Residential District - #201800573 – M-48, G10, P-491 (H. Eure)

Mr. Henry Eure and Mr. L.B. Steele came forward.

Mr. Eure presented and entered the Staff Report into the record and explained that this plan would include the construction of six (6) five-car garages to the previously approved plan.

Chairman Dashiell asked for a review of attachment #2, which detailed the locations of the proposed garages, as the printed copies were difficult to read and determine the exact placement.

Ms. Roane asked if there were examples of similar garages constructed on other multi-family properties that had been approved previously.

Mr. Eure answered that these were going to be the exact design and footprint of the garages constructed on site at Ocean Aisle, located off of Sharen Drive, but with a color scheme that better matched the scheme at Marley Manor.

Mr. Eure stated that the Staff recommends approval for the Revised Comprehensive Development Plan as submitted.

Chairman Dashiell inquired about the setback requirements for the garages as the plan revealed that two of the proposed garages would violate the setback requirements.

After brief discussion, Mr. Eure clarified that the Planning Commission has the ability to waive the setback requirements per City Zoning Code Section 17.180.040.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission approved the Revised Comprehensive Development Plan as submitted with the condition that the Commission hereby waives the setback requirements to accommodate the construction of the proposed garages.



**PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN – Westwood Self Storage – West Road
– Westwood Commerce Park PDD #2 - #18-011 – M-29, G-13, P-375, L-3 (A. Roane)**

Ms. Roane, Mr. Chris Davis, of Miller Commercial Real Estate, and Mr. Steve Fuller, of Solutions Integrated Planning Engineering & Management, LLC, came forward.

Ms. Roane presented and entered the Staff Report into the record and explained that the Staff recommends the approval of the Preliminary Comprehensive Development Plan subject to the following items being provided prior to final approval:

1. Provide Building Architecture/Scheme;
2. Provide Building Elevations/Floor Plans;

3. Provide Signage Detail;
4. Provide Landscape buffer along Rt 50 with the exception of the east most last bay;
5. Provide statements of costs, ownership, expected schedule of development and impact to surrounding area;
6. Prove Concept Stormwater Management Plan

Ms. Roane also noted the inclusion in the plan of a sidewalk tie-in project that is currently underway through City Infrastructure.

Mr. Davis stated that he was in agreement with all of the terms of the Staff Report.

Mr. Fuller was able to provide a brief update of the progress of the Stormwater Management Plan.

Mr. Heath inquired about the size of the dumpsters that would be placed on site.

Mr. Fuller stated that he was unsure of the exact size.

Mr. Davis explained that from his previous experience, commercially sized dumpsters would not be necessary as the dumpsters would only be for the disposal of trash by the owners, not the tenants.

Mr. Heath asked about the locking mechanism, should there be one, and what would be in place to restrict access to the site.

Ms. Roane and Mr. Davis stated that there would be a keypad at the gate to allow only entry of the current tenants.

There were no further comments from the Commission or Interested Parties.

Upon a motion by Mr. Kilmer, seconded by Mr. Thomas, and duly carried, the Commission granted a Preliminary Comprehensive Development Plan approval for Westwood Self Storage as submitted.



CITY SUBDIVISION PLAT:

Hunters Crest, Sec. 2-- Birchwood & Still Meadow Drives, Prel./Final, 28 Lots M-38, G-6, P-219

Ms. Anne Roane and Mr. Brock Parker, Parker and Associates, came forward.

Ms. Roane presented and entered the Staff Report into the record and explained that this subdivision is part of "Planned Residential District No. 7- The

Villages at Aydelotte Farm" and previous activity in this district was approved by the Commission on October 20, 2016.

The Staff recommended the approval of this Preliminary/Final Plat for Hunter's Crest, Section 2 with the following conditions:

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations;
2. Health Department approval is required prior to recordation of the Final Plat;
3. The Final Plat shall comply with all requirements of the Forest Conservation Program;
4. Hunters Crest, Section 2 shall become part of the existing Homeowners Association OR a Homeowners Association shall be created to maintain the open space, recreation areas, Stormwater management facilities, drainage and maintenance easements and forest conservation easements;
5. Lots 33 & 34 shall be denied direct vehicular access to Beaglin Park Dr.;
6. Approval is subject to further review by Salisbury Department of Infrastructure and Developments to include public water/ sewer extensions, curb gutter and sidewalks, streetlights and Stormwater management.

Mr. Parker stated that this project has been in the works for a while as single family dwellings were already planned for this area but were never constructed. This plan would be contiguous with the lots that have been built on Twin Creek Drive. Mr. Parker said the lots that they have developed on Twin Creek Dr. have been selling quickly.

Mr. Heath questioned the conditions about usage of the phrase "OR a Homeowners Association shall be created to maintain the open space, recreation areas, Stormwater management facilities, drainage and maintenance easements and forest conservation easements". He asked if there already was a Homeowners Association.

Mr. Parker stated that it would be part of the existing Homeowners Association.

Mr. Heath requested to remove the section from the Conditions that contained the phrase in question.

There were no further comments from the Commission or Interested parties.

Upon a motion by Mr. Rogers, seconded by Mr. Heath, and duly carried, the Commission approved the Preliminary/Final Plat for Hunters Crest, Section 2 with the amended condition #4 language.

ANNEXATION ZONING – Milford Street Associates, Inc. – John Deere Drive – 2.55 acres – M-39; G-9; P-38, L- 11 & 12 (A. Roane)

Ms. Anne Roane and Mr. Brock Parker, Parker and Associates, came forward.

Ms. Roane presented and entered the Staff Report into the record and reminded the Commission of the Annexation process in regards to properties already located in this area. She gave the examples of the Royal Farms and Arby's located near Wor-Wic as similar properties.

Chairman Dashiell asked for an explanation of the differences between "Mixed Use" and "Mixed Use Non-Residential" usage.

Ms. Roane explained that they are both terms for areas with Commercial Zoning, but there is really no difference and the terms can be used interchangeably.

Mr. Parker stated that he had no objections to the Staff report under the current Annexation agreement.

There were no further comments from the Commission or Interested Parties.

Upon a motion by Mr. Rogers, seconded by Mr. Copeland, and unanimously carried, the Commission approved the Zoning of the property in question as Mixed Use Non-Residential.



ANNEXATION ZONING – Penntex Ventures, LLC - Route 13, north of Dagsboro Road – 2.33 acres – M-20; G-24; P-153, 18, & 215 (A. Roane)

Ms. Anne Roane, Mr. Ted Donald, of Penntex Ventures LLC, and Mr. Jack Harmon, the civil engineer for Penntex Ventures LLC, came forward.

Mr. Donald passed out supplemental material that included copies of site plans to all members of the Commission.

Ms. Roane presented and entered the Staff Report into the record and stated that the Staff recommends the zoning be changed from Low Density Residential to General Commercial.

Chairman Dashiell inquired about the difference between Commercial and General Commercial.

Ms. Roane confirmed they are the same and there is no change in meaning.

Dr. McNaughton asked if there would be large environmental disruption or friction at this site.

Ms. Roane stated that the environmental impacts would be assessed when the project returned for Plan review, and reminded the Commission that this was before them as a Zoning request.

Chairman Dashiell asked for clarification of the location of the proposed site.

Mr. Donald explained that three separate parcels would be purchased, combined, and then turned into 2 lots for 2 restaurants to be constructed behind ALDI.

Chairman Dashiell stated that he assumed traffic would mostly be coming in from Rt 13 and not from behind ALDI.

Ms. Roane said that the SHA had already requested a traffic study for this area.

Mr. Eure suggested that this packet of supplemental material come before the Commission again during the Plan Review before development begins.

Chairman Dashiell agreed that this would be helpful, and that it should be listed as a condition to the zoning request approval that the material come back before the Commission during the Plan Review.

Upon a motion by Mr. Rogers, and seconded by Mr. Thomas, and unanimously carried, the Commission forwarded a favorable recommendation to the Mayor and City Council for this property to be zoned General Commercial upon annexation.



DRAFT ORDINANCE – Proposed Amendments to City Parking Standards – Chapter 17.196 – (A. Roane)

Ms. Anne Roane came forward and entered the Staff Report into the record. She explained that this matter has been before the Commission in the past. In the meantime, she has met with a commercial real estate agent as well as an architect. Both consultants felt that the Commission's approval of this matter would eliminate the need to go before the City Board of Appeals.

Chairman Dashiell raised concerns about skipping the Board of Appeals process.

Ms. Roane stated that applicants would still need to apply for a Special Exception to reduce the number of spaces required, but this would allow for

Mr. Kilmer and Dr. McNaughton both agreed that this would allow for more flexibility for businesses that know they have a larger parking need than the required minimum.

Mr. Lenox added that if a Site Plan review comes before the Commission, they have the option to waive the parking standards, but this amendment would allow for any site plan to exceed the maximum number of spaces without Board of Appeals approval as long as certain conditions were met.

Dr. McNaughton stated there should be language to clarify what those conditions and standards included.

Ms. Roane and Mr. Rogers had a brief discussion about the amount of impervious surface creation that would be allowed without the inclusion of specific language about standards.

Mr. Eure stated that the Commission could impose specific changes to Development plans to increase the amount of parking available.

Ms. Roane reminded the Commission that there would be a public hearing next meeting on this matter.



Chairman Dashiell reminded the Commission that the August meeting date was changed to August 23, 2018.

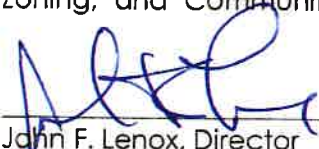
There being no further business, the Commission meeting was adjourned at 2:40 p.m. by Mr. Dashiell.



This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Salisbury-Wicomico County Department of Planning, Zoning, and Community Development Office.


Charles "Chip" Dashiell, Chairman

Amanda Rodriguez
Recording Secretary


John F. Lenox, Director



City of
Salisbury
Jacob R. Day, Mayor

To: Planning and Zoning Commissioners
From: Anne Roane, City Planner Infrastructure and Development
Date: August 14, 2018
Re: Public Hearing for Ordinance to Amend the Parking Requirements of Chapter 17 of the Municipal Code of Salisbury

Text amendments to the Zoning Code requires a Public Hearing with the Planning and Zoning Commission with a recommendation to be forwarded to the Mayor and City Council. The Council will hold an additional Public Hearing and vote to adopt the proposed changes. These changes were discussed at the Planning Commission May, 2018 meeting, as well as the July 19, 2018 meeting.

Chapter 17.196-Off-Street Parking and Loading Standards regulates the required parking for different land uses within the municipal boundaries of the City of Salisbury. These standards were originally established in the early 1980's with minor amendments throughout the following years. National standards regarding parking have changed to address the evolving needs of different land uses, as well as, lifestyle trends that encourage other types of transportation.

Attached is a proposed draft ordinance with changes to Chapter 17.196 of the Code. These recommendations are based on a comprehensive review of parking regulations in other jurisdictions within Maryland and across the country, as well as, research into articles relating to smart growth parking policies. The proposed alterations seek to reduce the number of spaces required for certain uses, institute maximums, as opposed to minimums and to include required bicycle parking.