# SALISBURY ZONING REWRITE

Taskforce Meeting #1



**PRESENTED TO:**

Salisbury Zoning Rewrite Taskforce

JUNE 22, 2020

WITH JAKUBIAK AND ASSOCIATES, INC.

# VIRTUAL MEETING GROUND RULES

Taskforce Meeting #1

- This meeting is being recorded, and these slides will be posted online
- Please use the chat function to comment before speaking, and you will be called on
- Please state your name before speaking
- Please use your video camera if possible
- Keep yourself on mute when not speaking
- Use audio from either computer or phone – not both

- Please be respectful to diverse ideas and opinions, and do not speak over someone else

# Today's Presentation

- **Introductions**

- **Purpose and Goals**

- **Schedule**

- **Best Practices Review**

- **Next Steps**

# Meet the Team

**Anne Roane**

City Planner, Salisbury

**Allysha Lorber,** PLA, AICP

Project Manger

**Chris Jakubiak,** AICP
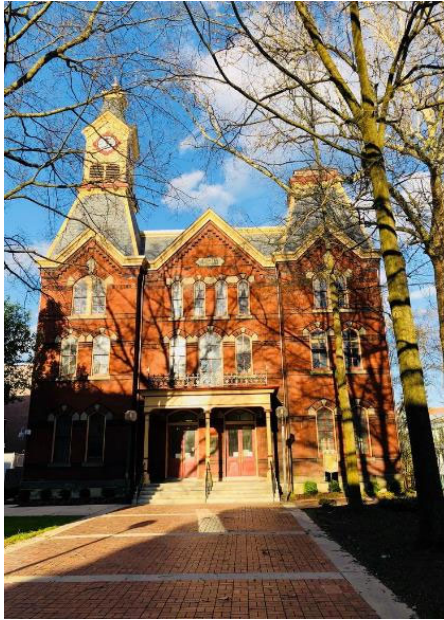
Zoning Expert

**Sarah Diehl,** MCRP

Urban Designer
Researcher
GIS Mapping

# Zoning Rewrite Taskforce

**Appointed by Mayor Day**

| Name | Sector | Employer/Organization |
|---|---|---|
| Bill Chambers | Chamber of Commerce | Chamber of Commerce |
| Matt Drew | Citizen of Salisbury | Bike-SBY |
| John Foley | Bicycle & Pedestrian Advisory Committee | Becker Morgan |
| Parisa Gholamvand | Citizen of Salisbury | |
| Henry Hanna | Real Estate | SVN |
| Alyssa Hastings | Salisbury Green Team | City of Salisbury |
| Meredith Mears | Real Estate | Gillis Gilkerson |
| Daniel Moreno-Holt | Citizen of Salisbury | Design Matters |
| Habacuc Petion | Citizen of Salisbury | |
| Blair Rinnier | Developer – Commercial | Rinnier Development Company |
| Nick Simpson | Developer – Residential | Simpson Builders |
| Lynn Thomas | Salisbury University | Town of Easton P&Z |

- On an as-needed basis: State Highway Administration, Salisbury Police Dept., Salisbury Fire Dept., Wicomico Dept. of Education

# Task Force Expectations

- Meet periodically over the next two years to help define the vision and goals for new zoning

- Represent your areas of expertise and stakeholder interests

- Work collaboratively and in partnership with other Task Force members and planning team

- Provide input to the planning team as the new zoning code is drafted

- Share information with your stakeholder groups and networks

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# Poll Question

## How familiar are you with Zoning Ordinances? (pick one)
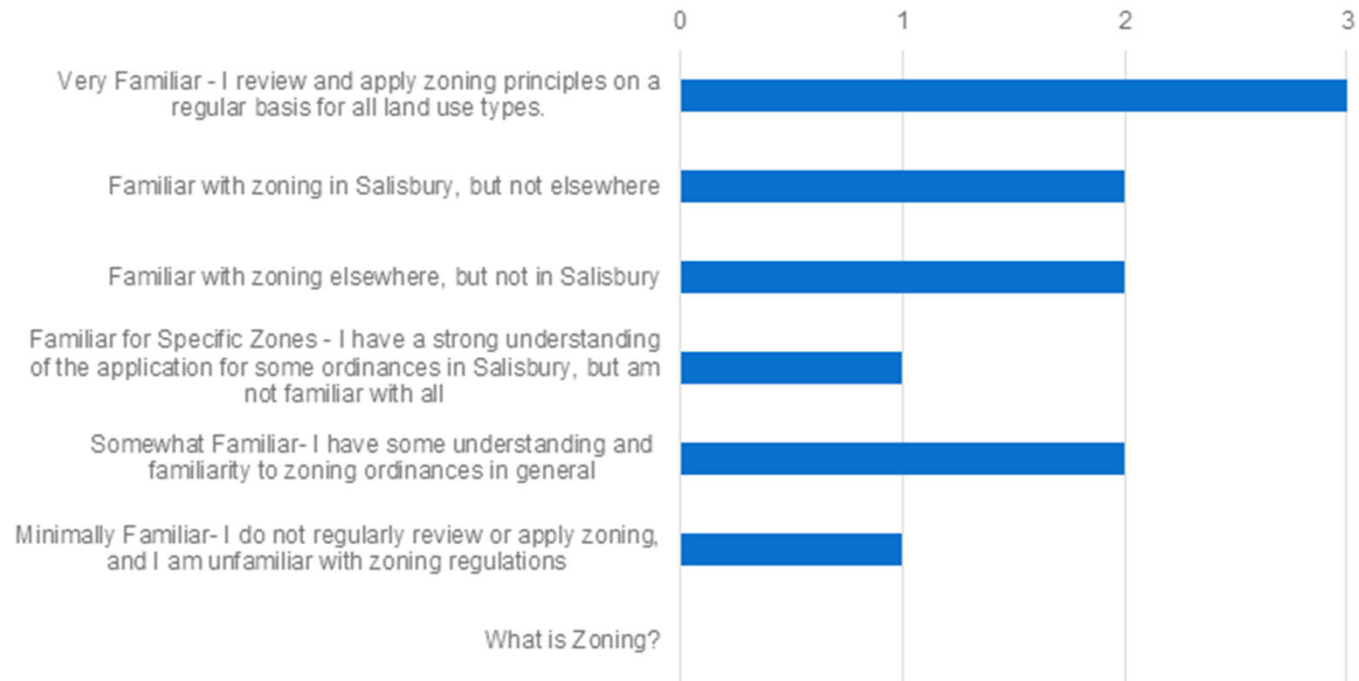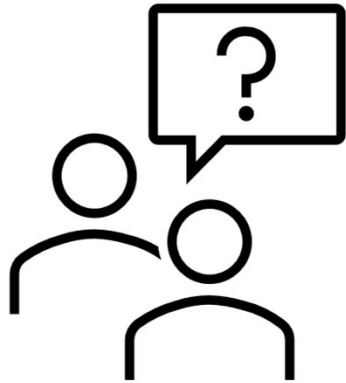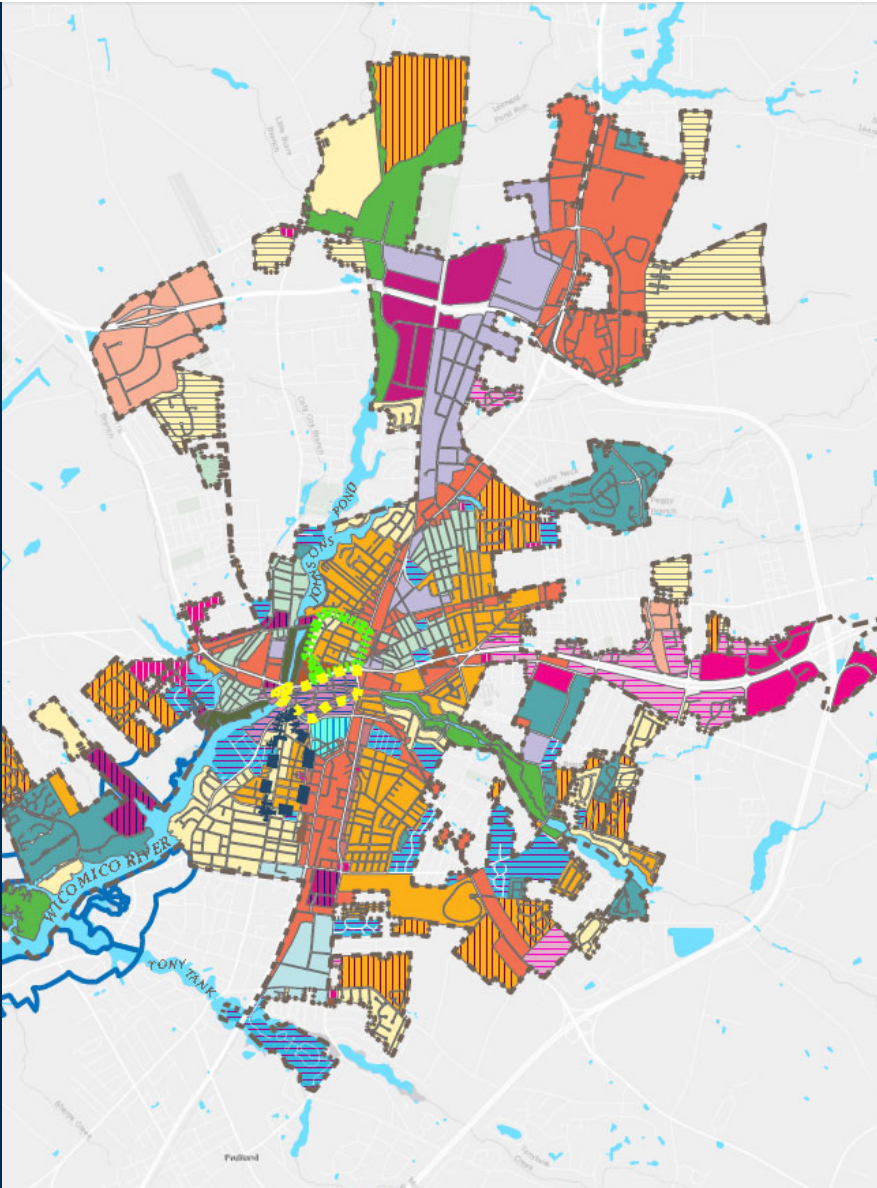
# Purpose and Goals

**What's wrong with the current zoning?**

- Outdated & Cumbersome – written in 1983

- Includes 236 sections with multiple subsections and cross-references

- Contains 24 different zones with 21 overlay districts

- Lacking the tools to achieve the vision and higher quality development

- Current zoning code doesn't require certain standards or offer incentives to developers

- Elements such as home offices and accessory apartments are not allowed but are occurring in Salisbury anyways

*Image: WBOC TV16*

# Purpose and Goals

**What can new zoning accomplish?**

- Incorporate new area Master Plans
- Increase Predictability and Flexibility
- Consolidation of Zones
- Strengthen Environmental Sustainability
- Strengthen Design Standards
- Simplify and More User-Friendly

**A comprehensive replacement of the whole zoning code is needed to best achieve these goals.**

# Potential Issues to Address

## Procedures and Due Process

- Plan submittal requirements
- Development review and decision making
- Appeals, variances, and special exceptions
- Application of design standards
- Transparency, public notice
- Codifying annexation procedures
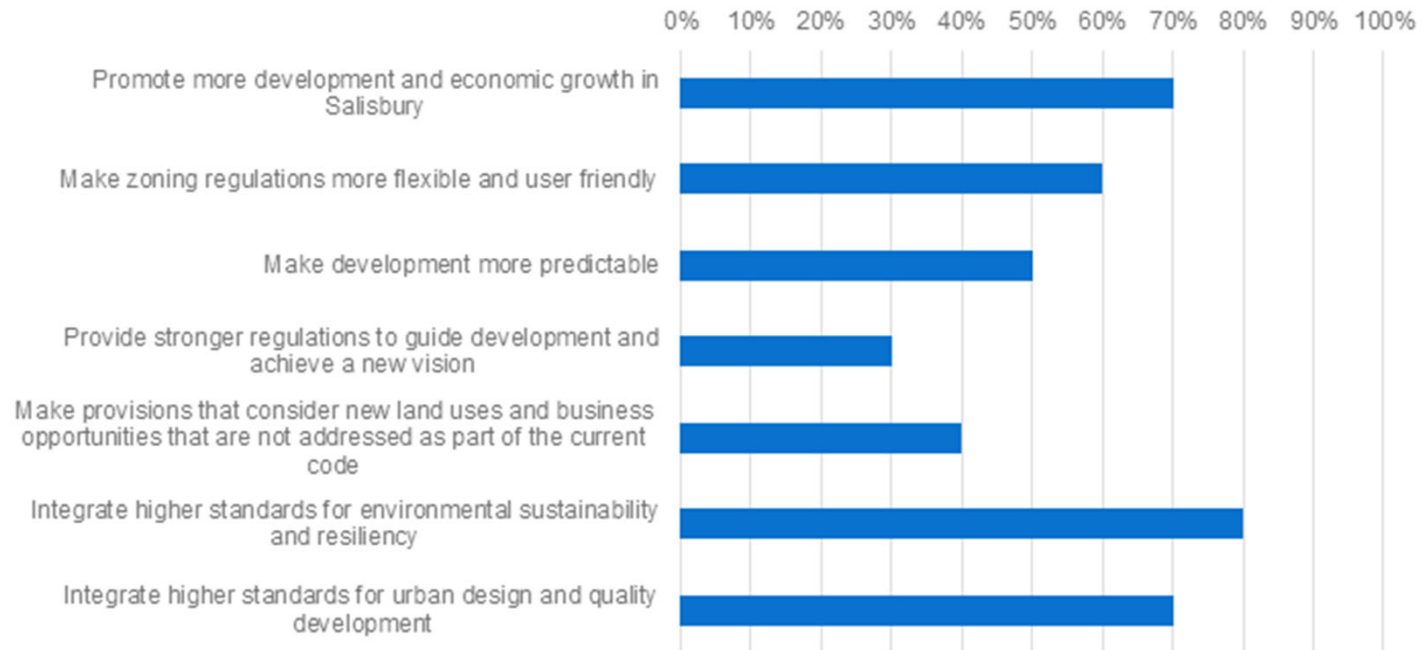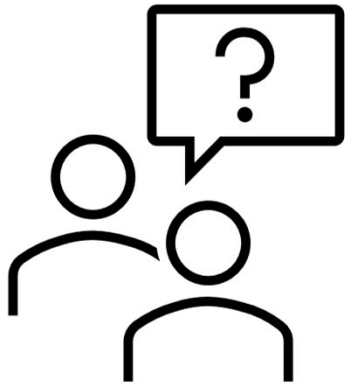- Non-conforming uses and structures

## Plan / Policy Implementation

- District boundary map changes
- Design standards and form-based approaches
- Updating land use types
- Refining parking and landscaping requirements
- Mixed use development
- Coordination with critical area
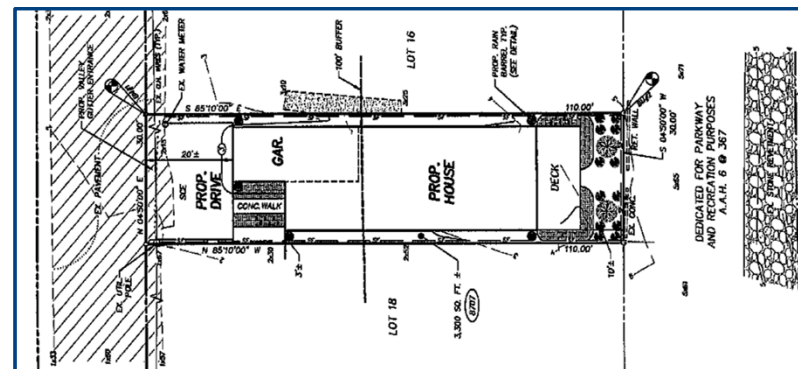
# Poll Question

## What do you hope to achieve with new zoning in Salisbury?

# Anticipated Taskforce Schedule

| Tasks | 2020 | | | 2021 | | | |
|---|---|---|---|---|---|---|---|
| | Spring | Summer | Fall | Winter | Spring | Summer | Fall |
| **Taskforce Kick Off Meeting**<br>• Review & discuss City's Comprehensive Plan and small area Master Plan updates<br>• Review the purpose and goals for new zoning<br>• Review of best practices from other jurisdictions | ▇ | | | | | | |
| **Review & Refinement**<br>• Review and refine initial recommendations for new zoning structure | | | ▇ | | | | |
| **Review & Refine Draft Zoning – Part 1**<br>• Downtown<br>• Institutional areas (including Hospital & University)<br>• Mixed Use Areas<br>• Commercial Areas Zoning | | | | ▇ | | | |
| **Review & Refine Draft Zoning – Part 2**<br>• Residential areas<br>• Historic Preservation Areas<br>• Recreation and Open Space Zoning | | | | | ▇ | | |
| **Review & Refine Draft Zoning – Part 3**<br>• Industrial Areas<br>• Agricultural Areas<br>• Chesapeake Bay Critical Areas<br>• Coastal Resiliency Zoning | | | | | | ▇ | |
| **Final Steps**<br>• Review of draft zoning ordinances<br>• Mapping<br>• Graphics<br>• User interface | | | | | | | ▇ |

# Review of Work to Date: Phase 1

| Tasks | 2019 | | | 2020 | | | | |
|---|---|---|---|---|---|---|---|---|
| | Oct | Nov | Dec | Jan | Feb | March | April | May |
| **Kick Off**<br>• Attend City Council Meeting<br>• Collect and Review Resources | ██ | ██ | | | | | | |
| **Current Plan and Zoning Assessment**<br>• Identify Inconsistencies and Conflicts<br>• Identify Overlap and Redundancies<br>• Advisory Committee Visioning Meeting<br>• Create Project Website | | ██ | ██ | | | | | |
| **Best Practices Analysis**<br>• Comparison to Similar Jurisdictions<br>• Identify Innovative Zoning Practices<br>• Public Opinion Survey<br>• Pop Up Community Meetings | | | ██ | | | | | |
| **Develop Recommendations**<br>• Zone Consolidation<br>• New Zoning Categories<br>• Form Based Codes<br>• Environmental Considerations | | | | ██ | ██ | | | |
| **Prepare Phase 1 Report**<br>• Summarize Recommendations and Next Steps<br>• Draft for Advisory Committee Review<br>• Draft for Planning Commissioners Review<br>• Final for Mayor and City Council Review | | | | | | ██ | ██ | ██ |
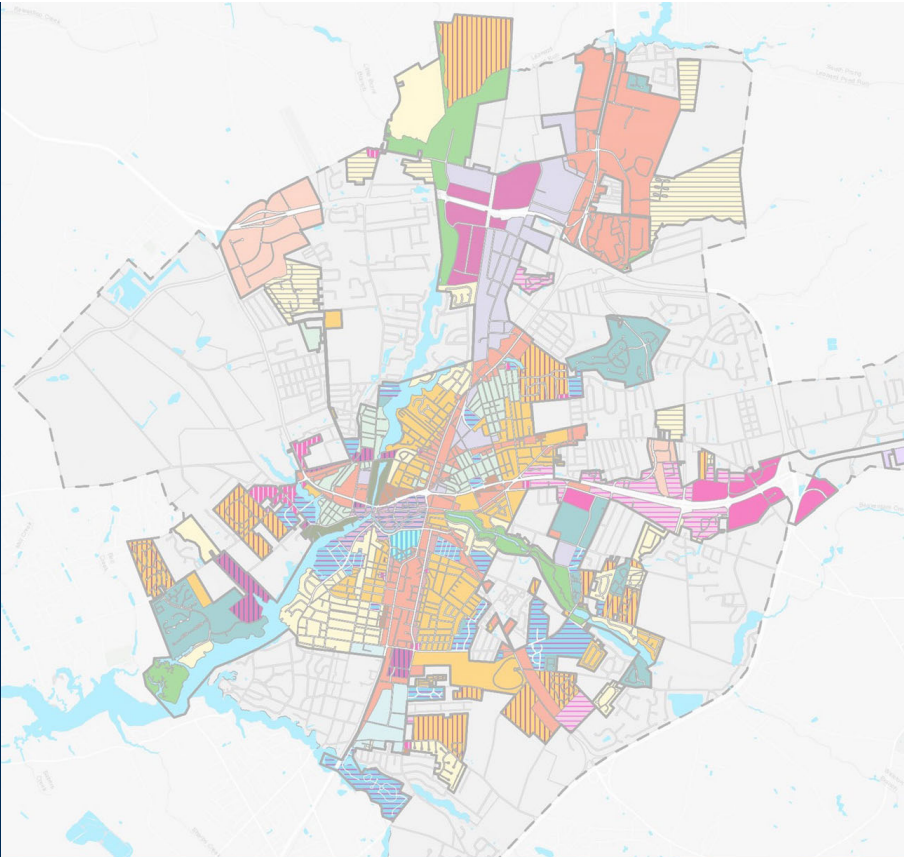
DRAFT Memo
February 28, 2020

ANALYSIS OF ZONING BEST PRACTICES
City of Salisbury, MD – Zoning Code Rewrite

# Best Practices Analysis

- Memo summarizes best practices that the City might want to consider in the process of updating the Zoning Code.

- Topics Introduced Include

  - Updating a Zoning Code

  - Form-Based Code

  - Housing

  - Transit Oriented Development

  - Critical Area Components

- Examples will be useful as Salisbury works to undergo a comprehensive replacement of the entire zoning code.

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# Incorporating New Area Master Plans

- Route 13 Corridor Master Plan
- North Prong Park Plan
- Downtown Redevelopment Plan



A vision for Downtown Revitalization | *Images: Fisher Architecture*
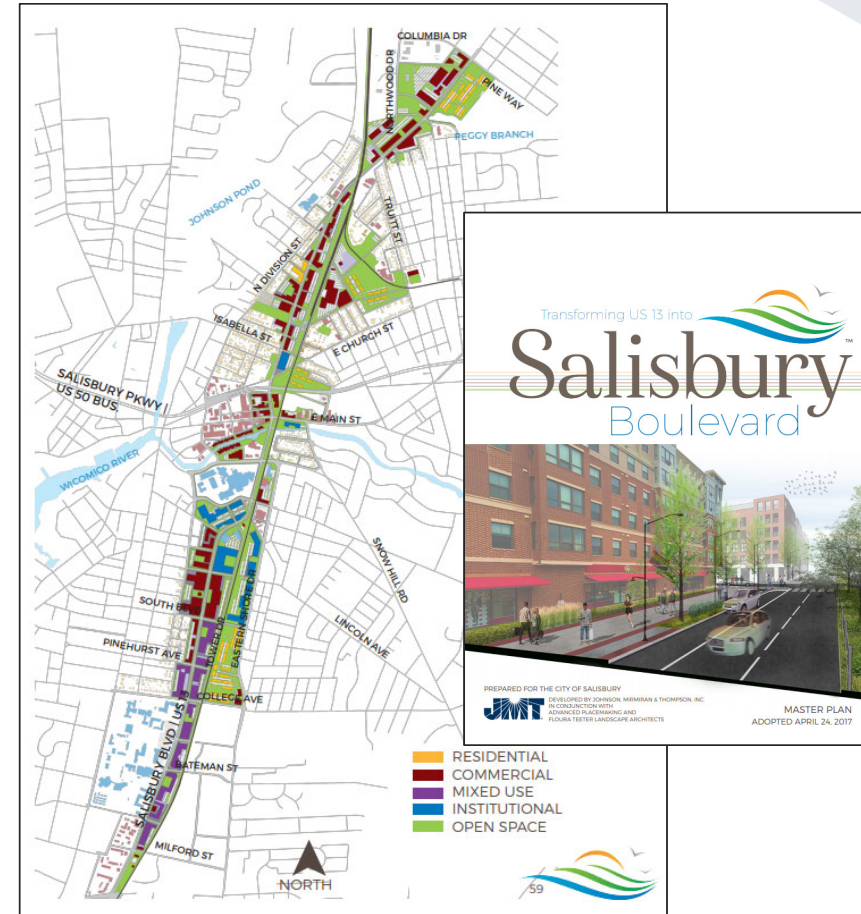
# Increase Predictability and Flexibility
## Form Based Code

- Aimed at creating and/or maintaining a specific urban form and generates a built environment that is predictable and aesthetically pleasing.

- Uses physical form, rather than separation of uses, as the organizing principle for land development making it an effective alternative to conventional zoning regulation.

- A form-based code is a regulation, not advisory

- The new code can integrate form-based zoning for **targeted areas**

**Elements of a Form-Based Code**
- Regulating Plan
- Public Space Standards
- Building Form Standards
- Street Design Standards
- Efficient Administration Process
- Definitions
- Annotations

*Sometimes include:*
- Architectural Standards
- Landscape Standards
- Signage Standards
- Environmental Resource Standards

# Case Study Example:

**Downtown Chattanooga Form-Based Code**

- Conventional and hybrid form-based code (categorizes use, building and site design to create a wide variety of zoning districts).

- Form-based code used for small area covering the downtown core, riverfront, and select parts of the Southside and North Shore areas

- Promote development downtown by improving transportation standards, improve continuity between old and new development, strengthen and maintain character, promote preservation, and encourage public involvement in projects.

- Highly illustrative, avoids lengthy review process
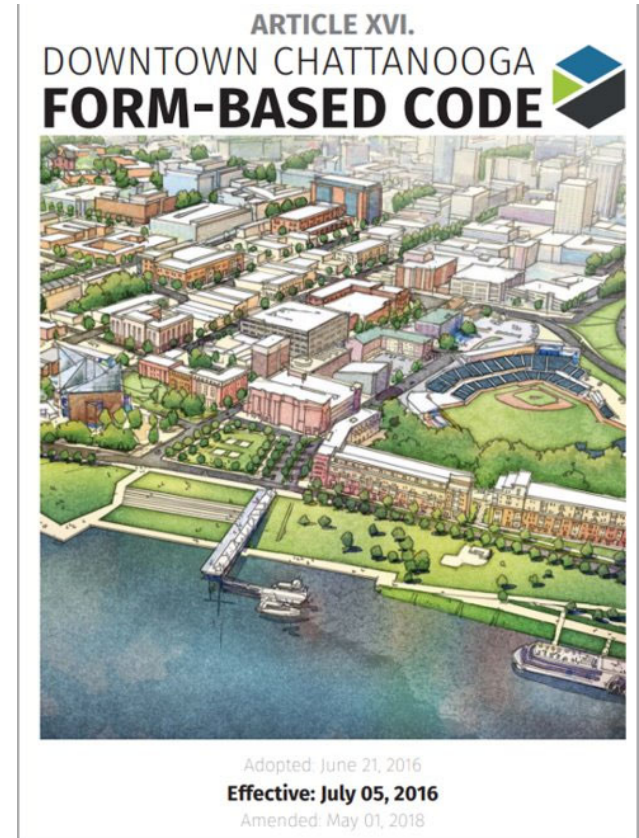


Image: *Downtown Chattanooga Form-Base Code*

# Downtown Chattanooga Form-Based Code

## Organization of Code

- *The Downtown Chattanooga Form-Based Code* establishes four different zones as follows:
  - Downtown Core (D)
  - River (R)
  - Urban (U)
  - Urban Edge (E)



Form-Based Code Context Area.
Image from: *Downtown Chattanooga Form-Based Code*
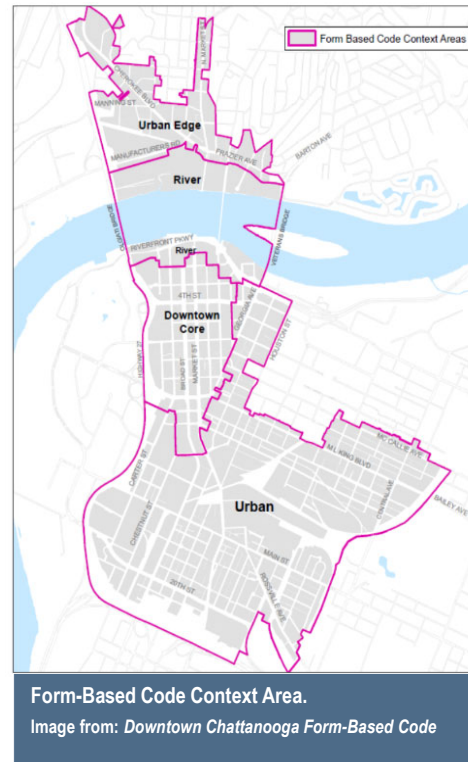


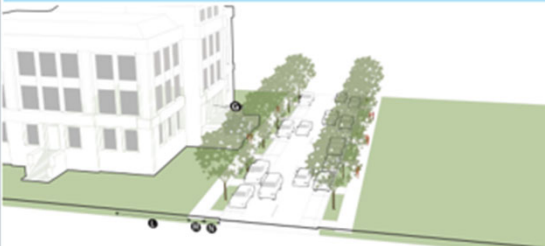Downtown Core Context

River Context

Urban Context

Urban Edge Context

Four Context Zones

# Use Tables & Organization in Form-Based Code



**Use**



**Site Design**



**Building Design**

Images: *Downtown Chattanooga Form-Base Code*

# Consolidation of Zones
## Prince George's County, Maryland



**Historic Project Timeline** | Image: *Prince George's County – Zoning Ordinance and Subdivision Regulations Rewrite*
**Rewrite Portal:** https://pgccouncil.us/589/Zoning-Ordinance-Rewrite-Portal
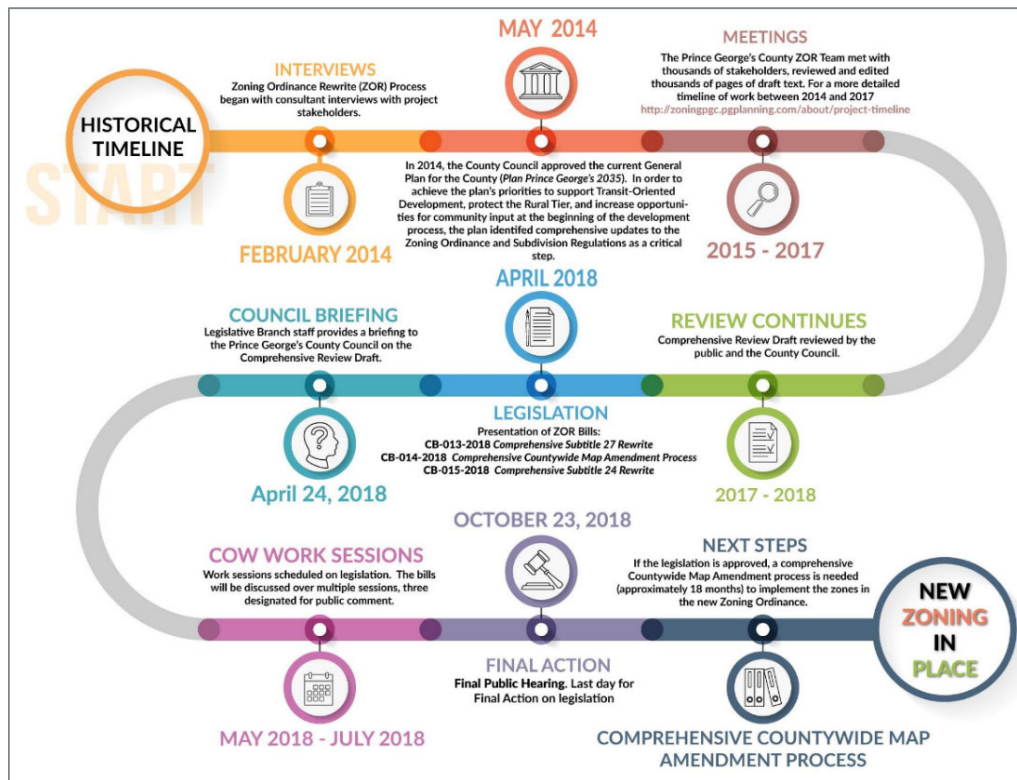
- PG County recently finalized a comprehensive overhaul of their entire zoning code.

- New text is written in plain language, formatted and designed for the internet, and includes graphics and renderings to convey information instead of just text.

- The rewrite:

  - Consolidated 73 different zones to 43 with distinct purposes

  - Consolidated uses from ~1,200 to ~250

  - Provides modern development standards for open space, lighting, green infrastructure, form and design

# Prince George's County, Maryland

## Zone Consolidation

- To help residents and stakeholders understand the new zones, the County Published the *New Zones Guide*.

- The guide shows how the Countywide Sectional Map Amendment (CMA) will determine the appropriate new zone for all properties in the County.

- This tool was created to help ensure that everyone is using the same rules and all conversions are transparent, fair, and equitable.
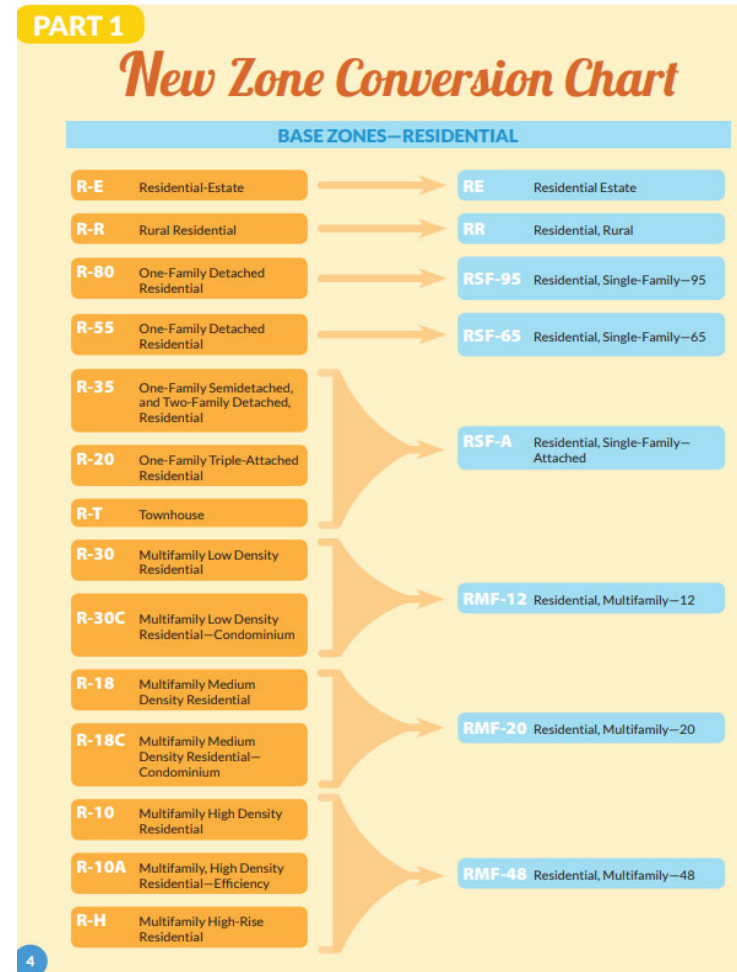


New Zones Conversion Chart (Residential Zones Excerpt)
**Source:** *New Zones Guide*
**Guide can be found here:** http://zoningpgc.pgplanning.com/wp-content/uploads/2019/08/Zoning-Rewrite-Decision-Matrix-Brochure-August-2019-v2.pdf

# Prince George's County, Maryland

## Mixed-Use Zone Decision Matrix

- This matrix provides a flowchart to explain new zones located within the Mixed-Use Zones.

- The flowchart uses a series of simple questions to guide property owners to identifying their property's appropriate zone.
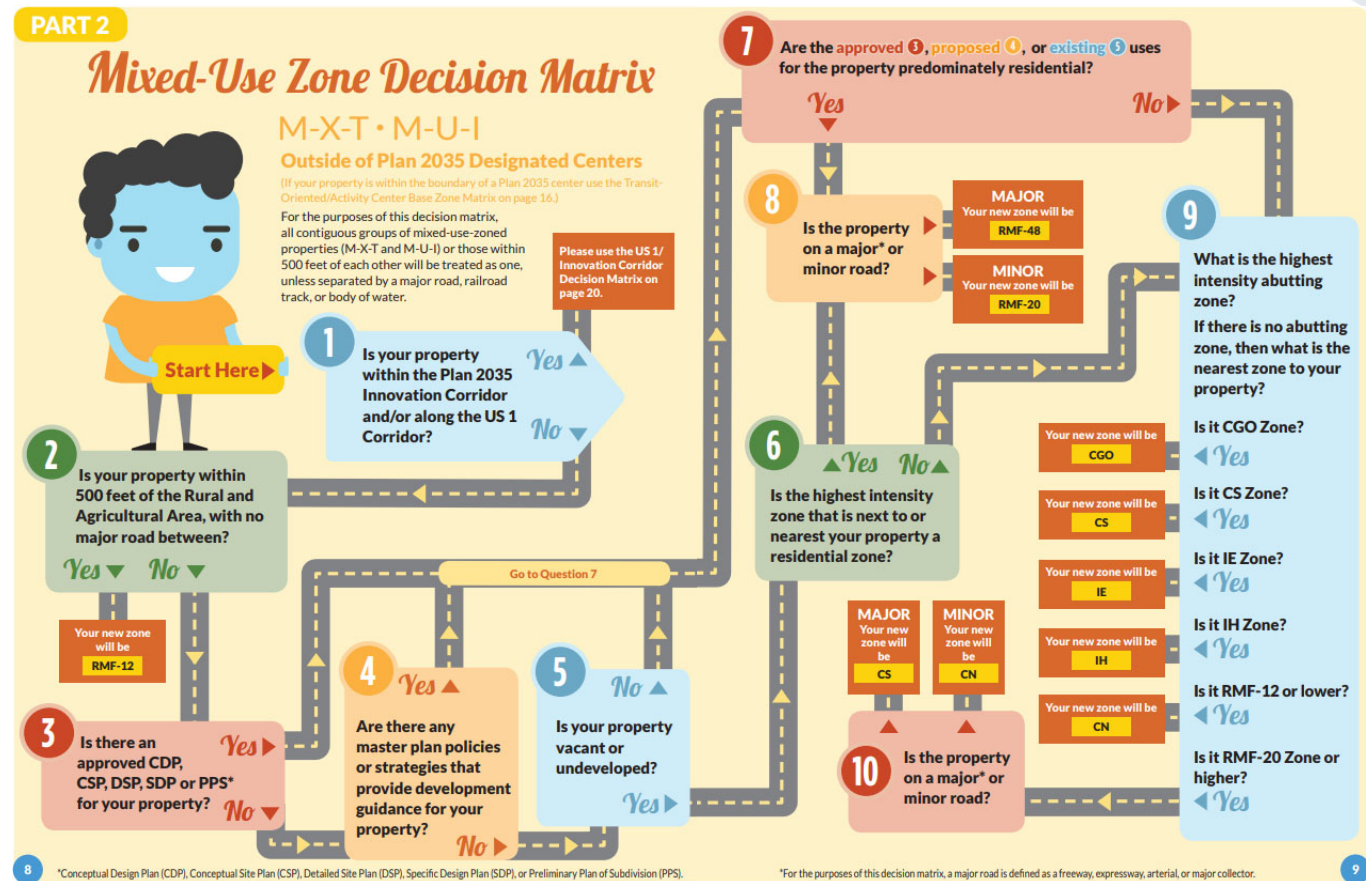


**Mixed-Use Zone Decision Matrix** Image: *Prince George's County – New Zones Guide*
**Guide can be found here:** : http://zoningpgc.pgplanning.com/wp-content/uploads/2019/08/Zoning-Rewrite-Decision-Matrix-Brochure-August-2019-v2.pdf

# Prince George's County, Maryland

### *The Visual Guide to Zoning Categories*

- This guide was developed to provide a comprehensive overview of the new zoning categories and explain the different purposes of each zone. It also provides high level information on minimum lot size and maximum dwelling units per net acre.



## NAC
### Neighborhood Activity Center

Provides for lower-density, small-scale, mixed-use centers intended to serve surrounding neighborhoods. Vertical mixed-use development, with ground-floor retail, service, or office uses and residential above, is encouraged.

| Minimum net lot area | |
| --- | --- |
| • In general | 5,000 sq. ft. |
| • Townhouse | 1,200 sq. ft. |

| Dwelling units per net acre (all dwellings) | |
| --- | --- |
| • Minimum | 10 |
| • Maximum | 30 |

| Floor area ratio (nonresidential development) | |
| --- | --- |
| • Minimum | 0.25 |
| • Maximum | 2 |

| Principal structure height (maximum) | 50 ft. |
| --- | --- |

## TAC
### Town Activity Center

Provides for moderate-density and intensity, more automobile-accessible, mixed-use centers serving larger neighborhoods and communities. Vertical mixed-use development, with ground-floor retail, service, or office uses and residential above, is strongly encouraged in the core area of the zone and encouraged in the edge area.

| Minimum net lot area | Core | Edge |
| --- | --- | --- |
| • In general; square feet | 1,500 | 3,000 |
| • Townhouse | 1,200 | 1,200 |
| • Other dwellings; square feet | 1,500 | 5,000 |

| Dwelling units per net acre (all dwellings) | | |
| --- | --- | --- |
| • Minimum | 15 | 5 |
| • Maximum | 80 | 60 |

| Floor area ratio (nonresidential development) | | |
| --- | --- | --- |
| • Minimum | 0.5 | 0.25 |
| • Maximum | 2.5 | 1.5 |

| Principal structure height (maximum) | 80 ft. | 70 ft. |
| --- | --- | --- |

## LTO
### Local Transit-Oriented

Provides for moderate-intensity, vibrant, transit-rich mixed-use centers incorporating walkable urbanism and robust connectivity for pedestrians, bicyclists, transit-riders, and drivers. Often well-connected to regional transit. Vertical mixed-use development, with ground-floor retail, service, or office uses and residential above, is strongly encouraged.

| Minimum net lot area | Core | Edge |
| --- | --- | --- |
| • In general; square feet | 1,500 | 3,000 |
| • Townhouse | 1,000 | 1,000 |
| • Other dwellings; square feet | 1,500 | 5,000 |

| Dwelling units per net acre (all dwellings) | | |
| --- | --- | --- |
| • Minimum | 20 | 10 |
| • Maximum | 80 | 40 |

| Floor area ratio (nonresidential development) | | |
| --- | --- | --- |
| • Minimum | 0.5 | 0.25 |
| • Maximum | 3 | 2 |

| Principal structure height (maximum) | 80 ft. | 70 ft. |
| --- | --- | --- |

**Transit Oriented/Activity Center Base Zones Excerpt** | Source: *Prince George's County – Visual Guide to Zoning Categories*
**Guide can be found here**: http://zoningpgc.pgplanning.com/wp-content/uploads/2015/04/Guide-to-Zoning-Categories-1.7.2019_small.pdf

# Consolidation of Zones

**Visualization Techniques**
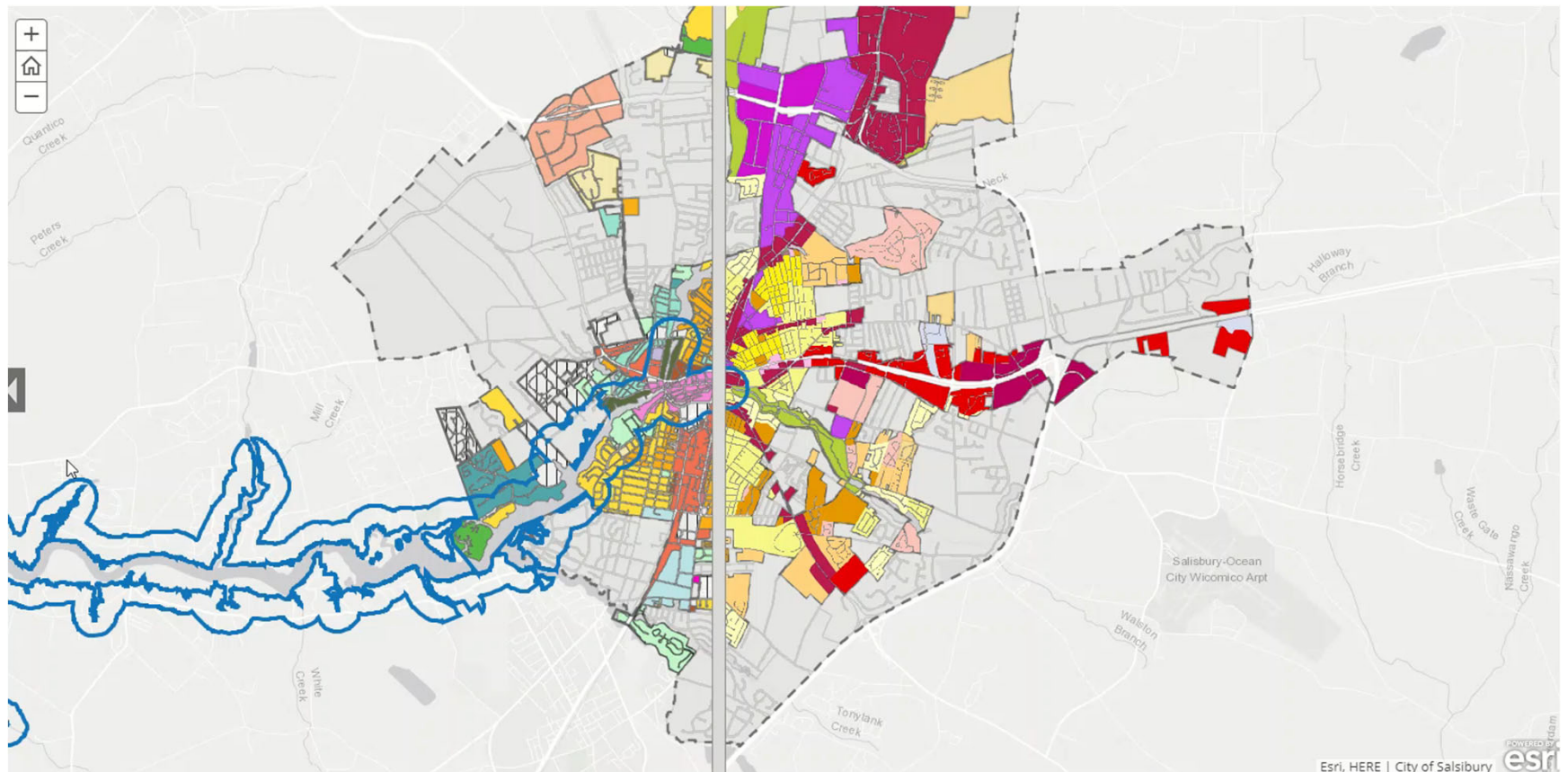
# Strengthen Environmental Sustainability
## Critical Area Components

The Chesapeake Bay Critical Area Protection Act was enacted in 1984 to help reverse the deterioration of the Chesapeake Bay and the surrounding environment.

- Goals:
  - Minimize adverse impacts on water quality from pollutants that are discharged from point sources or runoff from surrounding lands.
  - Conserve fish, wildlife and plant habitat in the Critical Area.
  - Establish land-use policies for development that accommodate growth, yet address the environmental impacts associated with the number and activities of people in the Critical Area.

- Divides land into three land use classifications:
  - Resource Conservation Areas (RCA)
  - Limited Developed Areas (LDA)
  - Intensely Developed Areas (IDA)



A CITIZEN'S GUIDE TO THE
**Critical Area Program in Maryland**

Image: *Chesapeake Bay Foundation*

# Case Study Example:

**Critical Area Management Program (CAMP) – Baltimore City, Maryland**

- Establishes guidelines for development of properties within the first 1,000 feet of land measured from the mean high tide line along the shoreline or bulkhead.

- Per the CAMP, development in the Critical Area is subject to Critical Area review and requirements when and each time that the activity requires one or more of the following actions:
  - Subdivision
  - Rezoning
  - Zoning Variance
  - Conditional Use or Special Exception
  - Building/Grading Permit

- The land within Baltimore City's Critical Area falls into just two of the three Land Use Classification categories: Baltimore has no Limited Development Areas.
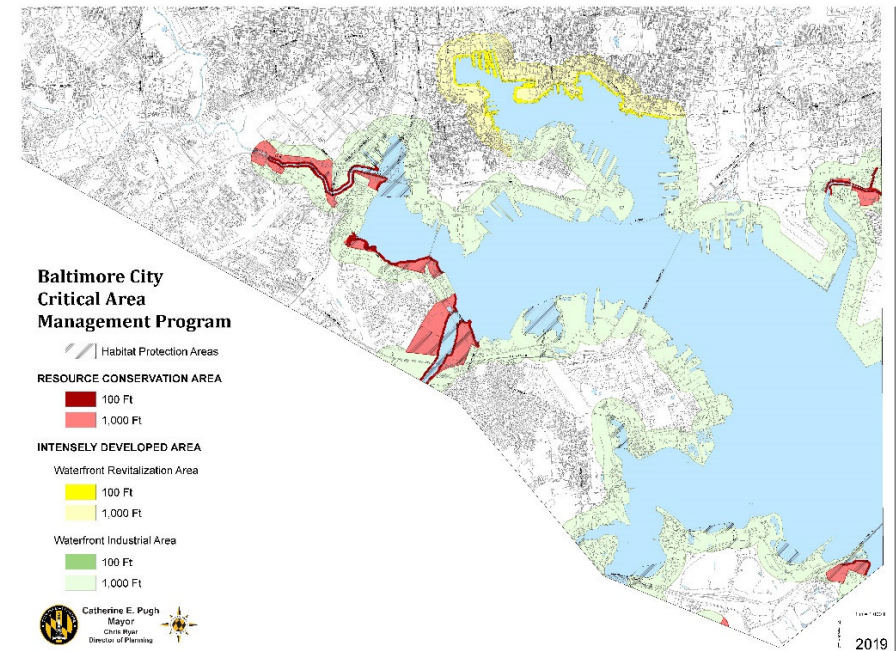


Image: *Baltimore City Department of Planning*

# Critical Area Management Program (CAMP) – Baltimore City, Maryland
## Development in the Critical Area: IDA

| Guideline | Waterfront Revitalization Area | Waterfront Industrial Area |
|---|---|---|
| **Runoff Pollution Reduction** | Developer is required to meet 10% of runoff pollution reduction (must be done onsite unless infeasible due to site conditions) | |
| **Buffer Establishment*** <br><br> *Buffer must be established 100-feet landward from mean high water line, from landward edge of tidal wetlands, and edge of tributary streams.* | If encroached upon, developer must plant vegetation on as much of the buffer as possible. Properly vegetated areas within the Buffer portion of the site may be counted against the developer's Buffer establishment requirement. In addition, properly vegetated areas outside the Buffer may be credited toward the Buffer requirement provided they are contiguous to vegetated areas within the Buffer and are not less than 25 feet in width and depth. | *Water Dependent Use:* developer offset only for the land area within the Buffer, which has been disturbed for new construction, or paving associated with the water dependent use. The developer is required to compensate (either on-site or through the offset program) for any existing vegetation disturbed by the development and to correct any shore erosion problems. <br> *Non-Water Dependent Use*: Development limited to 50% of the total Buffer area. |
| **Buffer Offset Fund** | For any portion of the Buffer, which is not vegetated in an approved manner, the developer is required to contribute to the Buffer Offset Fund or otherwise offset for any development in the Buffer | N/A |
| **Additional Provisions** | Total liabilities for Buffer offsets shall not exceed 2% of the cost of the proposed development. | |
| **Tree Replacement** | Replacement of all such trees or woody plants shall be on a 1:1 basis. Any tree cut, removed or destroyed without prior approval must be replaced and maintained on a 2:1 basis. Any tree or woody plant cut in the Buffer, regardless, must be replaced on a 3:1 basis. | |

# Strengthen Design Standards

- Cities and states often include in their zoning codes a general set of development requirements that establish minimum design and improvement standards needed for plan approval

- Integrated into zoning code or a stand-alone document

- Standards help ensure cohesive character

- Promote health, safety, and welfare of residents

- Examples include landscape, lighting, and signing requirements
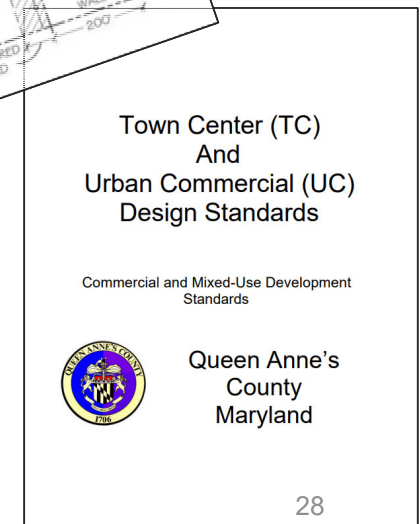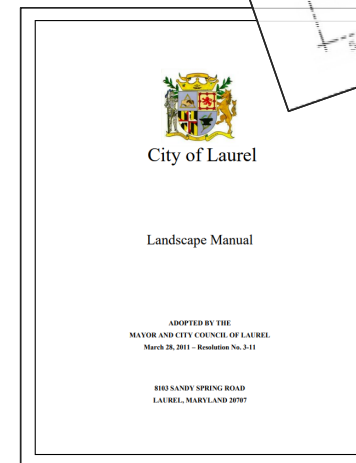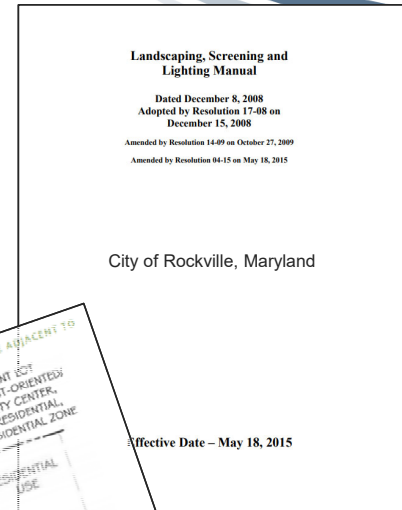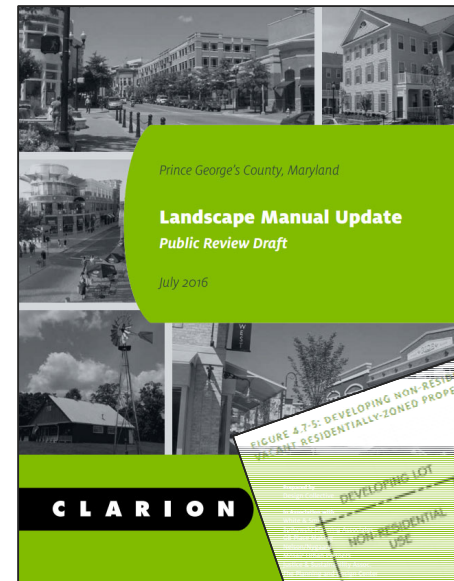
# Strengthen Design Standards

## Landscape Requirements - *Montgomery County, MD*

- Requirements set minimum standards for quantities, sizes, location, and installation of landscaping on properties.

- May not use any plant species included on the Maryland Invasive Species Council list of invasive aquatic or terrestrial plants

- Code breaks down definition of different types of trees and shrubs and the size they must be at installation.

- Screening requirements: broken down by building type and the abutting zone to determine screen type.
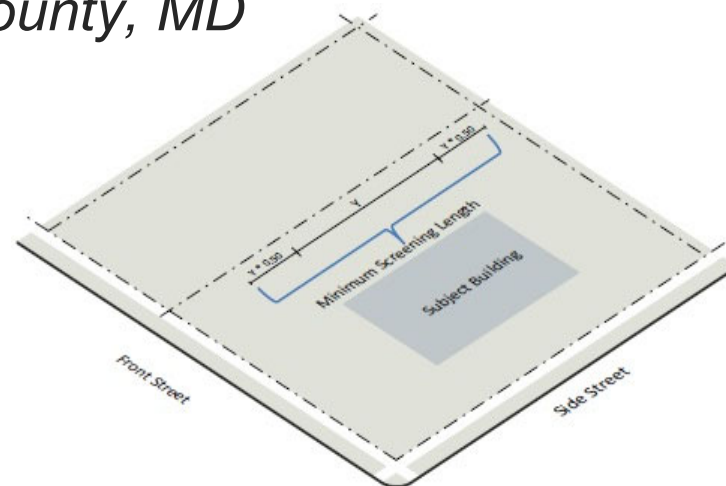


Configuration of landscape screening in relation to the subject lot. Image: *Article 59-6. Section 6.5.3 Screening Requirements*

| | Is Screening Required? | | |
|---|---|---|---|
| | **Abutting Zone** | | |
| **Building Type** | **Agricultural, Rural Residential, Residential Detached** | **Residential Townhouse** | **Residential Multi-Unit** |
| Townhouse | Yes | No | No |
| Apartment or Multi-Use Building | Yes | Yes | No |
| General Building, with a non-industrial use | Yes | Yes | No |
| General Building, with an industrial use | Yes | Yes | No |

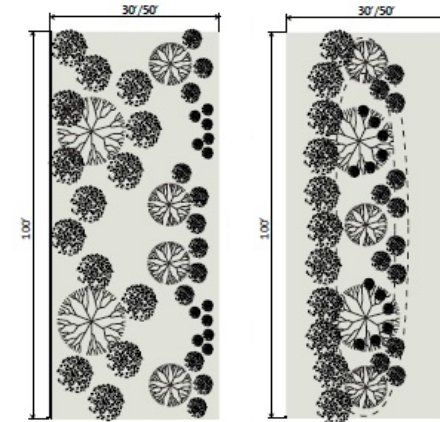# Landscaping & Screening for a Townhome vs. a General Building with an Industrial Use



**Quantity Requirements** →
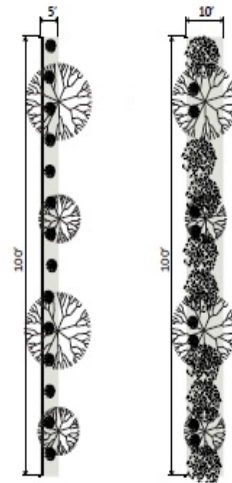
**Townhouse**

| | Option A | Option B |
|---|---|---|
| **Dimensions (min)** | | |
| Width | 5' | 10' |
| **Planting & Screening Requirements** | | |
| *Trees (minimum per 100')* | | |
| Canopy | 2 | 2 |
| Understory or Evergreen | 2 | 2 |
| *Shrubs (minimum per 100')* | | |
| Large | -- | 8 |
| Medium | -- | -- |
| Small | 16 | 8 |
| Wall, Fence, or Berm (min.) | 4' fence or wall | -- |

**General Building**

| | Option A | Option B |
|---|---|---|
| **Dimensions (min)** | | |
| Depth for all zones except IH Zone | 30' | 30' |
| Depth for IH Zone | 50' | 50' |
| **Planting & Screening Requirements** | | |
| *Trees (minimum per 100')* | | |
| Canopy | 2 | 2 |
| Understory or Evergreen | 4 | 3 |
| *Shrubs (minimum per 100')* | | |
| Large | 14 | 11 |
| Medium | 12 | 12 |
| Small | 12 | 12 |
| Wall, Fence, or Berm (min.) | 6' fence or wall | 6' berm |

# Strengthen Design Standards

## Lighting Requirements – *Calvert County, MD*

- Integrated into the zoning code outdoor lighting regulations that serve residential developments, single family attached dwellings, commercial, industrial, public-recreational, and institutional uses

- Ordinance mandates lighting fixture design and illumination level

- Example: for lighting horizontal tasks (sidewalks, roadways, entrances, etc.), fixtures must be aimed straight down and have flat lenses or meet the design standards of the Town Center Zoning Ordinance.

- Planning Commission must approve use of floodlighting/spotlighting



Lighting intensity must follow the current recommended practices of the Illuminating Engineering Society of North America (IESNA)

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# Simplified and More User-Friendly

## City of Cambridge, Maryland

- Cambridge adopted their Unified Development Code on January 1, 2015.

- It is a comprehensive and unified set of regulations that govern the subdivision, development, and use of land.

- Form Based Code regulating plan for specific areas, paired with Conventional Zoning

- There are 10 Zoning Districts, each with a unique purpose and land use

- The Form Based Code components are primarily found in Articles 5-7.

- Code organization:

- Article 1: General Provisions
- Article 2: Administration & Enforcement
- Article 3: Development Plan Approvals
- Article 4: Zoning Districts & Allowable Uses
- Article 5: Dimensional Requirements & Standards for Lots

- Article 6: Site & Building Design Standards
- Article 7: Community Design Standards
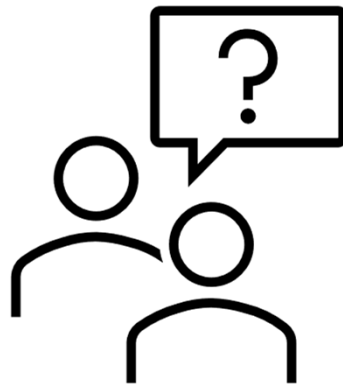- Article 8: Critical Area Regulations
- Article 9: Terms & Definitions

**THE CITY OF CAMBRIDGE**
**MARYLAND • 1684**

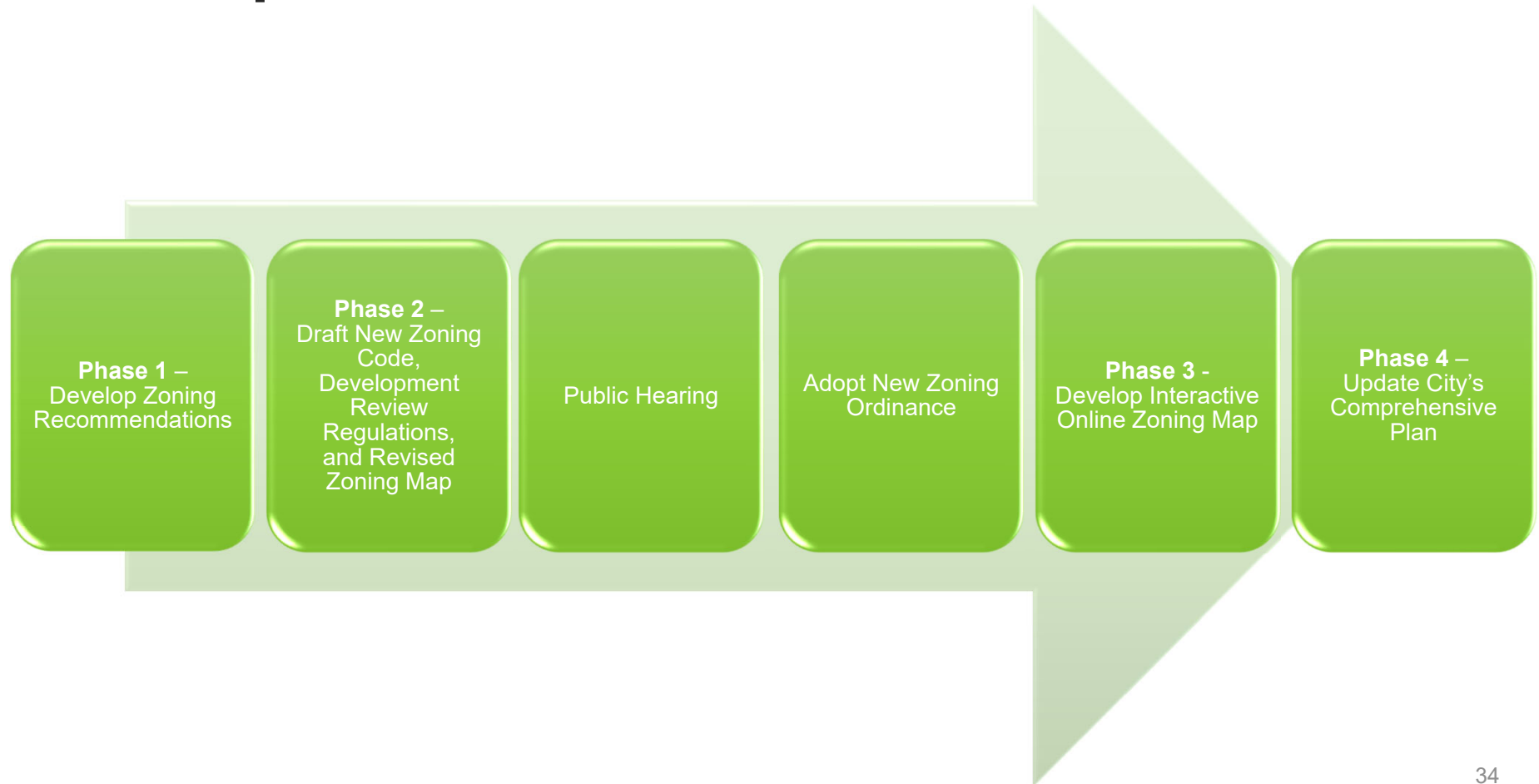**Unified Development Code**
City of Cambridge, Maryland

Mayor and City Council
Adopted December 8, 2014
Effective January 1, 2015
Updated June 20, 2017
Updated October 30, 2017
Updated June 18, 2018
Updated August 23, 2018
Updated October 19, 2018
Updated March 22, 2019
Updated November 7, 2019

## Open Discussion

# What do you think of these, and what are some other best practices you can think of?

# Next Steps

**Phase 1** – Develop Zoning Recommendations

**Phase 2** – Draft New Zoning Code, Development Review Regulations, and Revised Zoning Map

Public Hearing

Adopt New Zoning Ordinance

**Phase 3** - Develop Interactive Online Zoning Map

**Phase 4** – Update City's Comprehensive Plan

# QUESTIONS & DISCUSSION