

ORDINANCE No. 2611

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE SALISBURY MUNICIPAL CODE TITLE 13, PUBLIC SERVICES, CHAPTER 13.04 TO PROVIDE FOR A WAIVER OF COMPREHENSIVE CONNECTION CHARGES.

WHEREAS, Chapter 13.02.070 states that the Council may allow discounts for the comprehensive connection charges established in this chapter if it is consistent with the City's goals; and

WHEREAS, the City seeks to encourage development and redevelopment in Downtown Salisbury, specifically the Central Business District and Riverfront Redevelopment Area; and

WHEREAS, the City seeks to partner with developers to improve public amenities such as the Riverwalk, Urban Greenway, Bicycle Network and other public spaces; and

WHEREAS, the EDU Incentive Area established via Ordinance No. 2258 is nearing completion; and

WHEREAS, the Director of the Infrastructure and Development Department has discussed the impending completion of the EDU Incentive Area with the City Council at work sessions on June 1, 2020, June 15, 2020 and July 6, 2020.

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that Chapter 13.04 of the City of Salisbury Municipal Code be amended as follows:

13.04.120 – Comprehensive Connection Charge Waiver.

- A. *A developer may submit written documentation to the Director of Infrastructure and Development to establish eligibility for a project to receive a Comprehensive Connection Charge Waiver if the project meets all of the following criteria:*
- 1. The project location is within either the Central Business Zoning District or the Riverfront Redevelopment Zoning District.*
 - 2. The project constitutes new development or revitalization of an existing building.*
 - 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, stormwater management code and all requirements of the Salisbury Historic District Commission, if applicable, as confirmed by the Director of Infrastructure and Development.*
 - 5. The project is identified in the Envision Salisbury Master Plan adopted via Resolution No. 2600 dated March 17, 2016, as amended, or the project meets the objectives identified in the Plan.*
 - 6. The project provides a public benefit by constructing bicycle infrastructure, sections of the Urban Greenway, Riverwalk and/or Rail Trail, public street-scaping elements, or public amenities; or the project exceeds stormwater minimum requirements; or the project utilizes sustainable or green building practices.*

- B. *If eligible, the developer shall comply with the following requirements and submit the required documentation to the Director of Infrastructure and Development.*
1. *Written requests for Comprehensive Connection Charge Waivers will be submitted to the Director of Infrastructure and Development for review and to make an eligibility determination. The written request shall identify the specific eligibility criteria for the project. After review and upon a favorable recommendation, the Department of Infrastructure and Development 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 Comprehensive Connection Charge Waiver is valid for two years, with the option to extend the waiver for two one-year terms if approved in writing by the Director of Infrastructure and Development prior to expiration of the term. The Director of Infrastructure and Development may refuse to grant a requested extension if the Director of Infrastructure and Development finds that the property owner is not making good faith efforts to complete the project.*
 3. *The two-year waiver begins to run from the time of the signing of the resolution awarding the waiver.*
 4. *The waiver is assigned to a project and to the property on which the project is located, and cannot be transferred by the recipient.*


Explanation:

* ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.
Deleted material from the existing Code is indicated by bold double bracketed [[]] language.

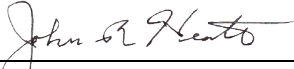
AND BE IT FURTHER ORDAINED AND ENACTED BY THE CITY OF SALISBURY, MARYLAND, that this ordinance shall take effect immediately upon adoption.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 10th day of August 2020, 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 24th day of August, 2020.

ATTEST:

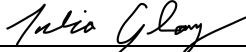


Kimberly R. Nichols
CITY CLERK



John R. Heath
PRESIDENT, City Council

APPROVED BY ME THIS 3 day of September, 2020



Julia Glanz, City Administrator,
for and with the authorization of Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Amanda Pollack, P.E., Director of Infrastructure and Development
Date: July 13, 2020
Re: Comprehensive Connection Charges Waiver for development in Downtown area

AP

Per discussions at the June 2020 work sessions, the code provides for an EDU Incentive Area to reduce the capacity fees for eligible development and redevelopment in the Downtown Development District, the Central Business District, the Riverfront Redevelopment Area and the Enterprise Zone. The program had a bank of 300 EDUs and there are only 28.46 EDUs remaining through this program. For reference, the criteria for this program is attached as Exhibit A.

Council requested consideration for a new program to promote the goals of growth in the Downtown area. Attached is an Ordinance to provide a new section of code with an incentive program to waive the Comprehensive Connection Charges in the Central Business District and Riverfront Redevelopment Area. The proposed code includes the following criteria:

1. The project location is within either the Central Business Zoning District or the Riverfront Redevelopment Zoning District.
2. The project constitutes new development or revitalization of an existing building.
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, stormwater management code and all requirements of the Salisbury Historic District Commission.
5. The project is identified in the Envision Salisbury Master Plan adopted via resolution no. 2600 dated March 17, 2016 or the project meets the objectives identified in the Plan.
6. The project provides a public benefit by constructing bicycle infrastructure, sections of the Urban Greenway, Riverwalk and/or Rail Trail, public street-scaping elements, or public amenities; or the project exceeds stormwater requirements; or the project utilizes sustainable or green building practices.

Waiver requests will be reviewed by the Department of Infrastructure and Development before sending to the Mayor and Administration for review. Waiver request will be presented to Council for approval. The proposed fee waivers would be valid for two years. There is an option to extend the waiver for two one-year terms.

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



Exhibit A: Existing Code

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 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 Infrastructure and Development to establish eligibility for a project within the EDU incentive area if the project meets all of the following criteria:

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.
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 Infrastructure and Development.
5. The project complies, or will comply, with all requirements of the Salisbury Historic District Commission, if applicable, as confirmed by the Director of the Housing and Community Development Department.
6. The project is consistent with the adopted comprehensive plan of the city, as confirmed by the City Planner.
7. The project is consistent with the city 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 twenty-five (25) percent of the impervious surface area in the downtown area without reducing existing building footprints.