

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE SALISBURY MUNICIPAL CODE AND SECTION 17.04.120, DEFINITIONS AND SECTION 17.46.020, MIXED USE NON-RESIDENTIAL DISTRICT TO ADD PUBLIC UTILITY OPERATION CENTER.

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, Choptank Electric Cooperative, Inc. submitted an application to amend the text of the Code relative to the addition of a definition for a Public Utility Operation Center and the addition of a Public Utility Operation Center in the Mixed Use Non-Residential District; and

WHEREAS, a Public Hearing on the proposed amendments were held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on July 20, 2017; and

WHEREAS, the Planning Commission did recommend approval of the proposed text amendments to Sections 17.04.120, and 17.46.020;

Attachment C

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:

- (1) **AMEND SECTION 17.04.120, DEFINITIONS, BY ADDING THE FOLLOWING:**

“PUBLIC UTILITY OPERATION CENTER” MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

- (1) **INCLUDING, BUT NOT LIMITED TO:**

- (A) **OPERATING UTILITY SYSTEM CONTROLS;**
- (B) **BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
- (C) **INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**
- (D) **INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
- (E) **STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
- (F) **AND MAY INCLUDE A SOLAR FARM”**

- (2) **AMEND SECTION 17.04.120, DEFINITIONS AS FOLLOWS:**

Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of **USE BY THE OWNER AND/OR** wholesale **AND/or** retail sales of said electricity.

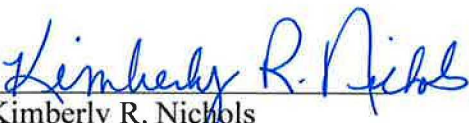
- (3) **AMEND SECTION 17.46.020, PERMITTED USES, BY ADDING ITEM D:**

D. PUBLIC UTILITY OPERATION CENTER

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 28th day of August, 2017, 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 25th day of September, 2017.

ATTEST:

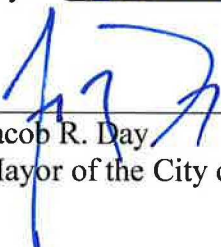


Kimberly R. Nichols
City Clerk



John R. Heath, President
Salisbury City Council

Approved by me this 28th
day of SEPTEMBER 2017.



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


BOB CULVER
COUNTY EXECUTIVE

JULIA GLANTZ
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

July 28, 2017

TO: Julia Glantz, City Administrator

FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning 

SUBJECT: **PUBLIC HEARING – Text Amendment – To add the Definition of a Public Utility Operation Center and to Add Public Utility Operation Center to the Mixed Use Non-Residential District - Planning Commission Recommendation**

I. INTRODUCTION.

On July 20, 2017, the Salisbury Planning Commission held a public hearing on a request by Choptank Electric Cooperative, Inc. to amend the text of the Salisbury Municipal Code in order to add the Definition of a Public Utility Operation Center and to Add Public Utility Operation Center to the Mixed Use Non-Residential District. (See Attachments A-C.)

II. RECOMMENDATION.

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

(1) **AMEND SECTION 17.04.120, DEFINITIONS, BY ADDING THE FOLLOWING:**

“PUBLIC UTILITY OPERATION CENTER” MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

(1) **INCLUDING, BUT NOT LIMITED TO:**

(A) **OPERATING UTILITY SYSTEM CONTROLS;**

(B) **BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**

(C) **INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**

- (D) **INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
 - (E) **STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
 - (F) **AND MAY INCLUDE A SOLAR FARM”**
- (2) **AMEND SECTION 17.04.120, DEFINITIONS AS FOLLOWS:**
- Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of **USE BY THE OWNER AND/OR** wholesale **AND/or** retail sales of said electricity.
- (3) **AMEND SECTION 17.46.020, PERMITTED USES, BY ADDING ITEM D:**
- D. PUBLIC UTILITY OPERATION CENTER**

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

III. BACKGROUND.

Choptank Electric Cooperative, Inc., is the owner of a 40.36 acre parcel on Walston Switch Road that was developed in 2015 with a regional operation center. The property was developed under a pre-annexation agreement and is now being annexed into the City of Salisbury. It adjoins the southerly side of the Moore Property Planned Development District that is within the City of Salisbury.

The Zoning Code currently contains a definition for a public utility but does not include the components necessary for the electric cooperative. This proposal is designed to insure that upon annexation, the electric cooperative does not become a nonconforming use.

Attachments



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

JULIA GLANZ
CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

July 24, 2017

**SALISBURY-WICOMICO
FILE COPY
PLANNING**

Mr. Michael Hickson
Banks, Nason & Hickson
P.O. Box 44
Salisbury, MD 21803

#SP-1705 – PUBLIC HEARING – TEXT AMENDMENT – To add a Definition of Public Utility Operation Center and to add Public Utility Operation Center to the Mixed Use Non-Residential District.

Dear Mr. Hickson:

The Salisbury Planning Commission at its July 20, 2017, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendments regarding a Public Utility Operation Center, as follows:

(1) AMEND SECTION 17.04.120, DEFINITIONS, BY ADDING THE FOLLOWING:

"PUBLIC UTILITY OPERATION CENTER" MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

(1) INCLUDING, BUT NOT LIMITED TO:

- (A) OPERATING UTILITY SYSTEM CONTROLS;**
- (B) BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
- (C) INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**
- (D) INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
- (E) STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
- (F) AND MAY INCLUDE A SOLAR FARM"**

(2) AMEND SECTION 17.04.120, DEFINITIONS AS FOLLOWS:

Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of **USE BY THE OWNER AND/OR** wholesale **AND/or** retail sales of said electricity.

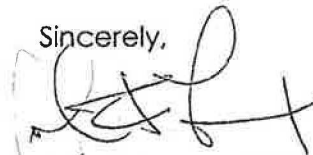
(3) AMEND SECTION 17.46.020, PERMITTED USES, BY ADDING ITEM D:

D. PUBLIC UTILITY OPERATION CENTER

These recommendations will be forwarded to the City Administrator for scheduling at a City Council Work Session or on the City Council Legislative Agenda. You will be notified of the meeting date or dates. Additional advertising fees will be required for the Council Public Hearing.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith or myself at 410-548-4860.

Sincerely,



John F. Lenox, AICP
Director

Salisbury/Wicomico Planning & Zoning

cc: Amanda Pollack, Infrastructure and Development
Assessments



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT
P.O. BOX 870

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MAYOR

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COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF JULY 20, 2017

CASE NO.: #SP-1705

APPLICANT: Choptank Electric Cooperative, Inc., rep. by Michael Hickson, Attorney

REQUEST: **PUBLIC HEARING – Text Amendment - To amend Title 17, Zoning, Section 17.04.120, Definitions – To Add a Public Utility Operation Center, and Section 17.46.020 – to add Public Utility Operation Centers to the Mixed Use Non-Residential District.**

I. REQUEST:

Mr. Michael Hickson, Attorney, on behalf of the Choptank Electric Cooperative, Inc., has submitted a request to amend the text of the Definitions Section of the Code by adding a Public Utility Operation Center and to add a Public Utility Operation Center to the Mixed Use Non-Residential District. (See Attachment #1.)

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 (by Ordinance).

II. DISCUSSION:

Choptank Electric Cooperative, Inc., is the owner of a 40.36 acre parcel on Walston Switch Road. The property was developed in 2015 with a regional operation center for the electric cooperative, consolidating centers that were previously located in Berlin, Pocomoke and elsewhere in Salisbury.

The property was developed under a pre-annexation agreement and is now being annexed into the City of Salisbury. It adjoins the southerly side of the Moore Property Planned Development District that is within the City of Salisbury.

The Zoning Code currently contains a definition for a public utility but does not include the components necessary for the electric cooperative. The applicants have proposed the following definition, closely mirroring the County definition currently applicable to the property:

“PUBLIC UTILITY OPERATION CENTER” MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

- (1) INCLUDING, BUT NOT LIMITED TO:**
 - (A) OPERATING UTILITY SYSTEM CONTROLS;**
 - (B) BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
 - (C) INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**
 - (D) INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
 - (E) STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
 - (F) AND MAY INCLUDE A SOLAR FARM”**

In January 2017, the Council adopted Ordinance #2410 regarding Solar Farms, proposed by Faith Baptist Church, that included the following definition:

“Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of wholesale or retail sales of said electricity.” (See Attachment #2.)

The applicants propose the following amendments to the definition:

“Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of USE BY THE OWNER AND/OR wholesale AND/or retail sales of said electricity.”

Finally, the applicants propose the addition of Item D. Public utility operation center, to Section 17.46.020 (Permitted uses) in the Mixed Use Non-Residential District. This

proposal is designed to insure that upon annexation, the electric cooperative does not become a nonconforming use. (See Attachment #3.)

III. PLANNING COMMENTS/CONCERNS.

Unlike most text amendment requests, this proposal only affects one district, the Mixed Use Non-Residential District, and mostly likely, one property owner, Choptank Electric.

IV. RECOMMENDATION.

Staff recommends that the Commission forward a **FAVORABLE** recommendation to the Mayor and Council for the proposed amendments, as follows:

(1) AMEND SECTION 17.04.120, DEFINITIONS, BY ADDING THE FOLLOWING:

“PUBLIC UTILITY OPERATION CENTER” MEANS FACILITIES, STRUCTURES AND ANY OR ALL USES DIRECTLY RELATING TO THE OPERATION AND MAINTENANCE OF A PUBLIC UTILITY:

(1) INCLUDING, BUT NOT LIMITED TO:

- (A) OPERATING UTILITY SYSTEM CONTROLS;**
- (B) BUSINESS OFFICES AND ASSOCIATED ACCESSORY USES;**
- (C) INDOOR AND OUTDOOR REPAIR, MAINTENANCE AND/OR STORAGE OF MOTOR VEHICLES AND UTILITY CONSTRUCTION AND MAINTENANCE EQUIPMENT; AND ASSOCIATED STORAGE OF FUELS, LUBRICANTS, COOLANTS AND FLUIDS AND SUBSTANCES, NOT FOR SALE TO THE PUBLIC;**
- (D) INDOOR AND OUTDOOR ASSEMBLY, REPAIR, MAINTENANCE, TESTING AND STORAGE OF UTILITY SYSTEM COMPONENTS, EQUIPMENT, TOOLS AND SUPPLIES; AND,**
- (E) STAGING AREA FOR CONTRACTORS CONSTRUCTING, REPAIRING, AND/OR MAINTAINING THE UTILITY SYSTEM.**
- (F) AND MAY INCLUDE A SOLAR FARM”**

(2) AMEND SECTION 17.04.120, DEFINITIONS AS FOLLOWS:

Solar farm - a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of USE BY THE OWNER AND/OR wholesale AND/or retail sales of said electricity.

**(3) AMEND SECTION 17.46.020, PERMITTED USES, BY ADDING ITEM
D:**

D. PUBLIC UTILITY OPERATION CENTER

COORDINATOR: Gloria Smith, Planner
DATE: July 14, 2017

PETITION FOR AMENDMENTS TO THE SALISBURY CITY CODE

Choptank Electric Cooperative, Inc. (the “Cooperative”), an electric utility serving residents of all nine counties of the Eastern Shore of Maryland, in anticipation of its petition for simultaneous annexation to the City Of Salisbury (“City”) and zoning by the City of its 40.36± acres of land and the facilities located thereon known as 6520 Walston Switch Road, located in Wicomico County, Maryland, hereby requests the following amendments to the Salisbury Code:

1. Amend Salisbury Code Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.120 (Definitions), by inserting the definition of “public utility operation center” in alphabetical order after the definition of "public" or "private utility buildings and uses" and before the definition of “recreational establishment, indoor,” which definition of “public utility operation center” shall be as follows:

“Public utility operation center” means facilities, structures and any or all uses directly relating to the operation and maintenance of a public utility:

- (1) Including, but not limited to:
 - (a) Operating utility system controls;
 - (b) Business offices and associated accessory uses;
 - (c) Indoor and outdoor repair, maintenance and/or storage of motor vehicles and utility construction and maintenance equipment; and associated storage of fuels, lubricants, coolants and fluids and substances, not for sale to the public;
 - (d) Indoor and outdoor assembly, repair, maintenance, testing and storage of utility system components, equipment, tools and supplies;
 - (e) Staging area for contractors constructing, repairing, and/or maintaining the utility system; and
 - (f) May include a solar farm.”

2. Amend Salisbury Code Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.120 (Definitions), by amending the definition of “solar farm,” which definition as amended shall be as follows:

“Solar farm” means a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of use by the owner and/or wholesale and/or retail sales of said electricity.

3. Amend Salisbury Code Title 17 (Zoning), Chapter 17.46 (Mixed Use Non-Residential District), Section 17.46.020 (Permitted uses), by adding the following Subsection D as a permitted use in the Mixed Use Non-Residential District.

“D. Public utility operation center.”

ORDINANCE NO. 2410

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 SECTIONS 17.156.030, 17.160.030, AND 17.04.120 TO ADD SOLAR FARMS AND A DEFINITION OF SOLAR FARMS IN THE R-5, R-8, R-10, R-5A, R-8A, AND R-10A RESIDENTIAL DISTRICTS.

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, Pastor Robert C. Reinert, Jr. of Faith Baptist Church submitted an application to amend the text of the Residential Districts; 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 October 20, 2016; and

WHEREAS, the Planning Commission did recommend approval of the proposed text amendments to Sections 17.156.030, 17.160.030, and 17.04.120;

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 17.156.030, USES PERMITTED BY SPECIAL EXCEPTION, BY ADDING THE FOLLOWING ITEM:

F. SOLAR FARM.

AMEND SECTION 17.160.030, USES PERMITTED BY SPECIAL EXCEPTION, BY ADDING THE FOLLOWING ITEM:

F. SOLAR FARM.

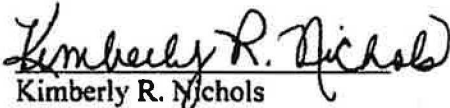
AMEND SECTION 17.04.120 BY ADDING THE FOLLOWING ITEM:

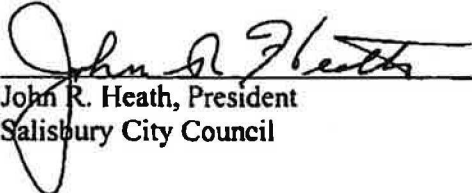
SOLAR FARM - A UTILITY-SCALE ENERGY GENERATION FACILITY, PRINCIPALLY USED TO CONVERT SOLAR ENERGY TO ELECTRICITY FOR THE PRIMARY PURPOSE OF WHOLESALE OR RETAIL SALES OF SAID ELECTRICITY.

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 12th day of December, 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 9th day of January, 2017.

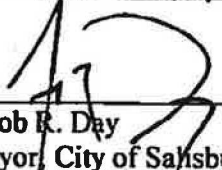
ATTEST:


Kimberly R. Nichols
City Clerk


John R. Heath, President
Salisbury City Council

Approved by me this 14th

day of JANUARY, 2017.



Jacob R. Day
Mayor, City of Salisbury

Chapter 17.46

Mixed Use Non-Residential District

17.46.010 Purpose.

The purpose of the mixed-use non-residential district is to provide areas for well-designed, functional, and attractive development with indoor retail, office, services, and institutional uses. Land uses are envisioned that promote the best possible building designs, development of public streets and utilities, and conservation of environmentally sensitive areas. The district should be located in areas that continue orderly development and concentration of moderate commercial uses on or within close proximity to major thoroughfares.

The uses permitted in this district are those that may benefit from the high degree of visibility but do not generate large volumes of traffic. Major retail users are discouraged and residential uses are prohibited in the district.

The following uses, standards, and area regulations have been developed based upon this purpose, which is in accord with the findings and recommendations of the Salisbury Comprehensive Plan.

17.46.020 Permitted uses.

Permitted uses shall be as follows:

- A. Same as the Light Business and Institutional district (section 17.28.020), except residential uses.
- B. Same as the Neighborhood Business District (section 17.32.020).
- C. Same as the Select Commercial District (section 17.44.020), except residential uses or retail uses over 30,000 gross square feet of floor area.

17.46.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Same as the Light Business and Institutional district (section 17.28.030), except residential uses.
- B. Same as the Select Commercial district (section 17.44.030), except shopping centers over 30,000 gross square feet of floor area.

17.46.040 Accessory uses and structures.

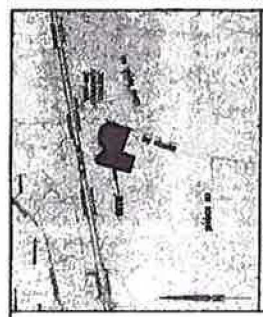
Accessory uses and structures shall be as follows:

- A. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;

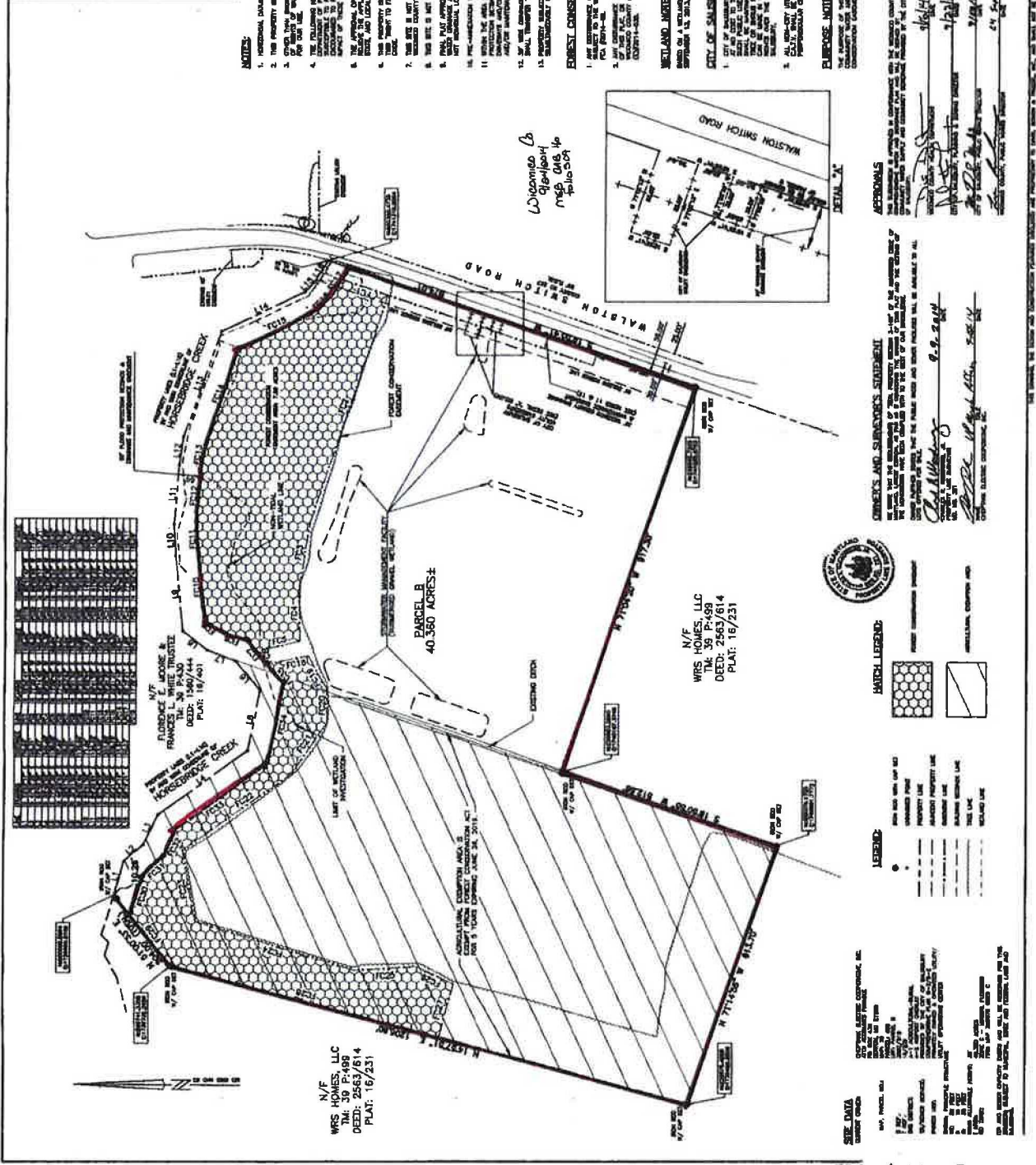
17.46.050 Development standards.

Development standards for the (mixed use non residential) district shall be as follows:

- A. Prior approval requirements. Prior to the development of a tract, lot, parcel or any part of the district, a Comprehensive Development Plan, as defined in section 17.04.120, shall be submitted to the Planning Commission for review and approval in accordance with chapter 17.180.
- B. Minimum lot requirements. All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: twenty-five thousand (25,000) square feet;
 - 2. Interior lot width: one hundred (100) feet;
 - 3. Corner lot width: one hundred twenty (120) feet.
- C. Minimum yard requirements shall be as follows:
 - 1. Front: forty-five (45) feet from property line;
 - 2. Side, interior: two required, ten feet each, except thirty (30) feet where adjacent to a residential district;
 - 3. Side, corner: forty-five (45) feet from property line;
 - 4. Rear: thirty (30) feet from property line.
- D. The height limitation shall be forty (40) feet.
- E. Parking, loading and unloading shall be in accordance with chapter 17.196.
- F. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the City Department of Public Works determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.
- G. Signs. Signage shall be in accordance with the provisions of section 17.216.120, Light Business and Institutional District.
- H. Lighting. Lighting shall be designed so as not to throw glare onto surrounding properties. Flashing lights are prohibited.
- I. Landscaping and screening. In addition to the requirements of Chapter 17.220, the following shall be required:
 - 1. All areas not devoted to building or required parking areas shall be landscaped as defined in Section 17.04.120 and maintained in accordance with Section 17.220.080.



- NOTES:**
1. ALL INFORMATION IS BASED ON THE RECORDS OF THE COUNTY ENGINEER.
 2. THE PROPERTY IS LOCATED WITHIN B.L.A. WINDFORD COUNTY.
 3. THE PROPERTY IS LOCATED WITHIN THE WINDFORD COUNTY.
 4. THE FOLLOWING IS A SUMMARY OF THE RECORDS OF THE COUNTY ENGINEER:
 5. THE PROPERTY IS LOCATED WITHIN THE WINDFORD COUNTY.
 6. THE PROPERTY IS LOCATED WITHIN THE WINDFORD COUNTY.
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WRS HOMES, LLC
 TRM: 30 P-199
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