

AS AMENDED ON SEPTEMBER 11, 2017
ORDINANCE NO. 2459

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE FOLLOWING SECTIONS OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE: CHAPTER 17.04, SECTIONS .100, AND .240F.2., CHAPTER 17.08.020, CHAPTER 17.12, SECTIONS .010A., .030, .040F., .050, AND .100C., CHAPTERS 17.20.060E., 17.28.060F., 17.32.060E., 17.36.060E., 17.40.060F.1., 17.44.060F.1., 17.46.050F., CHAPTER 17.52, SECTIONS .040D., .060, .100E.2.G., AND .120A.D., CHAPTERS 17.68.040E., 17.72.060E., 17.76.050F., 17.80.070A., 17.88.050E., 17.108.030A., 17.108.110A., 17.110.090D., 17.110.140, 17.116.060A., 17.118.060, 17.119.060, 17.121.060, 17.123.060, 17.128.060, 17.132.060, 17.136.060B., C., 17.144.060B., C., 17.148.060A., 17.150.060A., B., 17.166.020B.E.4., ~~17.166.080B.~~, 17.168.050H., 17.180.010B.,C.,D., 17.184.040B.2.r., 17.184.060C., 17.196.020A.,H.I.A.ii.I.3.4.b., 17.204.020A., 17.204.070A., 17.216.200A., C., 17.216.210C., 17.216.240B., C., 17.220.020C.1., 17.220.060B., C., 17.220.090A.3., 17.220.120B. AND 17.228.080A, BY DELETING THE REFERENCES TO PUBLIC WORKS AND REPLACING WITH INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCE TO BUILDING, PERMITTING AND INSPECTIONS AND REPLACING THOSE REFERENCES WITH INFRASTRUCTURE AND DEVELOPMENT, BY DELETING REFERENCES TO BUILDING, HOUSING AND ZONING AND REPLACING WITH INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCE TO PLANNING AND ZONING AND REPLACING IT WITH INFRASTRUCTURE AND DEVELOPMENT, BY DELETING THE REFERENCES TO DPW AND REPLACING WITH DID, BY DELETING REFERENCES TO DEPARTMENT OF NEIGHBORHOOD SERVICES AND CODE COMPLIANCE AND REPLACING WITH HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT, AND BY UPDATING THE REFERENCE TO ARTICLE 23A WITH THE CURRENT REFERENCE IN THE LOCAL GOVERNMENT ARTICLE.

WHEREAS, the Mayor and Council of the City of Salisbury desire to re-organize the departmental structure of the City of Salisbury; and

WHEREAS, the Department of Public Works is being divided into three separate departments, the Department of Infrastructure and Development, the Department of Water Works, and the Department of Field Operations as part of the reorganization structure for the City of Salisbury; and

WHEREAS, the Department of Building, Housing and Zoning no longer exists in the City of Salisbury; and

WHEREAS, the Department of Building, Permitting and Inspections is being eliminated as part of the re-organization structure for the City of Salisbury; and

WHEREAS, the responsibilities for the planning, permitting and licensing will be handled by the newly created Department of Infrastructure and Development; and

WHEREAS, the name of the Department of Neighborhood Services and Code Compliance was previously changed to the Housing & Community Development Department; and

WHEREAS, the name was not changed in all of the sections of the Salisbury Municipal Code;
and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to amend the City Code to accomplish the reorganization plan, which will not result in increased costs under the City's current budget and will allow the Departments to operate in a more efficient manner

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that Title 17 of the Salisbury Municipal Code be amended as follows:

Title 17 – Zoning.

Chapter 17.04 – General Provisions.

17.04.100 – Violations - Penalties.

Any person who shall construct, extend, alter, repair, change, convert or use any building or use any land or change the use of any land or building in violation of this title or who shall neglect to obtain the permit required by this title shall be guilty of a municipal infraction and shall be fined as provided in Section 1.16.100 of this code. The violator shall elect to pay the fine or stand trial. Failure to pay the fine by the time specified or to file intent to stand trial may result in adjudication of the case through the district court in accordance with the procedure set forth for municipal infractions in **[[Article 23A, Sections 3b(8) through (15)]]***Local Government Article §6-101 through §6-115*, of the Annotated Code of Maryland.

17.04.240 – Open space covenants, bylaws and condominium documents.

F. Whenever common open spaces, areas or common use facilities are required by this title or proposed by an applicant as a part of any plan or building permit approval or the establishment of condominium ownership for any existing use, the following provisions shall apply:

2. A bond as a part of the construction improvements plan required by the department of **[[public works]]***infrastructure and development*;

Chapter 17.08 – Districts – Maps - Boundaries.

17.08.020 – Incorporation of maps.

The location and boundaries of the districts established by this title are shown upon the zoning map, special district overlay maps, floodplain overlay maps and flood profiles, which are incorporated into this title. Such maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this title as if fully set forth and described herein. The official maps shall be signed by the chairman of the planning commission and the president of the city council and shall be kept in the office of **[[planning and zoning]]***infrastructure and*

development. The director of planning shall be responsible for all amendments to the official maps and verification of copies for distribution.

Chapter 17.12 – Administration and Enforcement.

Article I – Organization.

17.12.010 – Administrative agencies.

The administration of this title is vested in the following offices of the government of the city of Salisbury:

- A. **[[Department of neighborhood services and code compliance]]***Housing and Community Development Department;*
- B. Department of **[[public works]]***infrastructure and development;*
- C. The planning commission;
- D. The Salisbury city council;
- E. The board of zoning appeals.

Article II – **[[Department of Neighborhood Services and Code Compliance]]***Housing and Community Development Department*

17.12.030 – Duties.

Duties of the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* shall be as follows:

- A. To issue zoning authorizations and make and maintain records thereof;
- B. To receive applications for variances, special exceptions or any other matter to be considered by the board of zoning appeals;
- C. To initiate and request inspections of structures and use of land to determine compliance with the terms of this title or actions of the planning commission, city council or board of zoning appeals and, where there are violations, to initiate action to secure compliance therewith.

17.12.040 – Zoning authorizations.

- F. Plan Applications.
 - 1. Applications requiring review and approval by the planning commission, board of zoning appeals and downtown/riverfront development review committee shall be forwarded to the planning director for scheduling before the appropriate commission, committee or board.
 - 2. No such application shall be accepted by the director of **[[building, housing and zoning]]***infrastructure and development* or scheduled by the planning director until all plans and documentation required by and in compliance with this title have been received; except that,

- a. An application for official action by the planning commission or board of zoning appeals may be scheduled for review with only a site plan showing all required elements of the proposed development;
 - b. An application for review by the downtown/riverfront development review committee may be scheduled for review with only a site plan showing all required elements of the proposed development and exterior elevations showing the design of the proposed development;
 - c. Any commission, committee or board may render its decision if it determines that the information on the site plan or exterior elevations is sufficient; provided, that such approval is conditioned upon an applicant completing all other plans and documentation as may be required by this title.
- 3. The planning director shall advise, in writing, the director of **[[building, housing and zoning]]***infrastructure and development* of all action taken on the application.
 - 4. If the application is approved, the director of **[[building, housing and zoning]]***infrastructure and development* may issue written zoning authorization or conditional zoning authorization, subject to compliance with all other requirements of this title and all other applicable city regulations.

Article III – Department of **[[Public Works]]***Infrastructure and Development*.

17.12.050 – Jurisdiction and authority.

The department of **[[public works]]***infrastructure and development* shall have the following jurisdiction and authority wherever required by this title:

- A. To review and make recommendations on street width and layout of streets serving a development;
- B. To review and make recommendations on access from a development onto public streets and highways;
- C. To review and approve any plan relative to public utilities as requested by the planning commission, board of zoning appeals or city council.

Article VI – Board of Zoning Appeals.

17.12.100 – Jurisdiction and authority.

- C. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the director of the department of **[[building, permitting and inspections]]***infrastructure and development* or the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* under this title;

Chapter 17.20 – College and University District.

17.20.060 – Development standards.

- E. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the city department of **[[public works]]***infrastructure and development* determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.

Chapter 17.28 – Light and Business Institutional District.

17.28.060 – Development standards.

- F. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the city department of **[[public works]]***infrastructure and development* determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.

Chapter 17.32 – Neighborhood Business District.

17.32.060 – Development standards

- E. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the city department of **[[public works]]***infrastructure and development* determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.

Chapter 17.36 – General Commercial District.

17.36.060 – Development standards.

- E. Access. Direct access onto a street or major highway shall be reduced or eliminated wherever the city department of **[[public works]]***infrastructure and development* determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion. Service drives and loading and unloading areas shall be located so that in the process of loading or unloading no truck will block the passage of other vehicles on the service drive or extend into any public street or private drive used for traffic circulation.

Chapter 17.40 – Regional Commercial District.

17.40.060 – Development standards.

- F. Access.

1. Direct access onto a street or major highway shall be reduced or eliminated wherever the planning commission, upon recommendation of the city department of **[[public works]]***infrastructure and development*, determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion;

Chapter 17.44 – Select Commercial District.

17.44.060 – Minimum development standards.

- F. Access.
1. Direct access onto a street or major highway shall be reduced or eliminated wherever the planning commission, upon recommendation of the city department of **[[public works]]***infrastructure and development*, determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion;

Chapter 17.46 – Mixed Use Non-Residential District.

17.46.050 – Development standards.

- F. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the City Department of **[[Public Works]]***Infrastructure and Development* determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.

Chapter 17.52 – Historic Districts – General Provisions.

17.52.040 – Application for permission to construct, alter, reconstruct, move or demolish.

- D. The **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* may not grant a permit for a change to a site or structure located in a district until the historic district commission has acted on the application as provided under Section 17.52.120 of this chapter.

17.52.060 – Enforcement.

A historic district commission may request that the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* institute any of the remedies and penalties provided by law for any violation of an ordinance or resolution adopted under this chapter.

17.52.100 – Powers and duties.

- E. Special Consideration.
 - 2. Unless a commission is satisfied that proposed construction, alteration, reconstruction, moving or demolition will not materially impair the historic, archeological, or architectural significance of a site or structure, the commission shall reject the application and shall file with the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* a copy of the rejection of such application.
- G. In any case of any structure deemed to be valuable for the period of architecture it represents and important to the neighborhood or area within which it exists, a commission may file with the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* of the city of Salisbury its approval of such application to demolish or alter such structure if any of the circumstances under which approval might have been given under the preceding sections are in existence and shall file approval if:
 - 1. Such structure is a deterrent to a major improvement program which will be of substantial benefit to the city;
 - 2. Retention of such structure would cause undue financial hardship to the owner; or
 - 3. Retention of such structure would not be in the best interest of the majority of the community.

17.52.120 – Approval or rejection of application; reapplication.

- A. The commission shall file with the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department* its certificate of approval or rejection of all applications submitted to it for review. The commission shall set forth, in writing, its reason for approval, modification or rejection of an application.
- D. In the case of rejection, such certificate shall be binding on the director of the **[[department of neighborhood services and code compliance]]***Housing and Community Development Department*, and no permit shall be issued.

Chapter 17.68 – Hospital District.

17.68.040 – Development standards.

- E. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the city department of **[[public works]]***infrastructure and development* determines that alternate or unified points of access are available to a site, resulting in better traffic flow and less traffic congestion.

Chapter 17.72 – Industrial District.

17.72.060 – Development standards.

- E. Access. Direct access onto a public street may be reduced or eliminated wherever the city department of **[[public works]]** *infrastructure and development* determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion. Service drives and loading and unloading areas shall be located so that in the process of loading or unloading no truck will block the passage of other vehicles on the service drive or extend into any public street or private drive used for traffic circulation.

Chapter 17.76 – Light Industrial District.

17.76.050 – Development standards.

- F. Access. Direct access onto a public street may be reduced or eliminated wherever the city department of **[[public works]]** *infrastructure and development* determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion. Service drives and loading and unloading areas shall be located so that in the process of loading or unloading no truck will block the passage of other vehicles on the service drive or extend into any public street or private drive used for traffic circulation.

Chapter 17.80 – Industrial Park District.

17.80.070 – Individual site plan review.

- A. The site plan, including landscaping and lighting, for each individual industry or related use proposed for locating within the park must be reviewed by the planning director, director of **[[public works and director of building, permitting and inspections]]** *infrastructure and development*; and
1. If such plan is not in compliance with an overall plan approved by the planning commission, it must be referred to the planning commission for review and approval;
 2. If the proposed site plan conforms in all respects to the requirements of this chapter and a plan previously approved by the planning commission, a building permit shall be issued.

Chapter 17.88 – Office and Service Highway District No. 1.

17.88.050 – Development standards.

- E. Access. Direct access onto a street or highway shall be reduced or eliminated wherever the city department of **[[public works]]** *infrastructure and development* determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.

Chapter 17.108 – Planned Districts – General Provisions.

17.108.030 – Preapplication conference.

- A. Before submitting an application, the applicant may meet with the directors of **[[public works, department of building, permits and inspections]]***infrastructure and development*, and planning for a preapplication conference to provide the developer with information concerning the requirements of this chapter, city policies and other related ordinances and to review the general concept of the proposed development, before submission to the planning commission.

17.108.110 – Control of development during construction, after final plan approval or after completion.

The final development plan shall continue to control the planned district during construction and after it is completed. The following shall apply:

- A. The director of **[[building, permits and inspections]]***infrastructure and development*, in issuing a building permit for any use or structures in the planned district, shall note the issuance of each permit by each planned district as established;

Chapter 17.110 – Planned Development Districts – General Provisions.

17.110.090 – Open space.

- D. Common and developed open space proposed shall be reviewed by the department of **[[public works]]***infrastructure and development*, with a recommendation forwarded to the planning commission as to its appropriateness and adequacy in meeting the needs of the proposed residents.

17.110.140 – Public street standards.

Standards of design, including right-of-way width and construction of public roadways within planned development districts, may be modified as deemed appropriate by the city council after recommendation from the department of **[[public works]]***infrastructure and development*.

Chapter 17.116 – Planned Residential District No. 1 – Spring Chase.

17.116.060 – Street standards.

- A. Streets shall be designed and constructed in accordance with city standards and specific street profiles developed by the department of **[[public works]]***infrastructure and*

development specifically for Spring Chase. These standards shall be provided at the time the final subdivision plat is submitted to the planning commission for review and approval.

Chapter 17.118 – Planned Residential District No. 10 – Ellington.

17.118.060 – Street standards.

Accessways and street entrances shall be provided as shown on the preliminary development site plan dated 11/29/00 subject to any subsequent modification thereto required by the city council or Salisbury department of **[[public works]]***infrastructure and development* and shown on the final development plan.

Chapter 17.119 – Planned Development District No. 1 – Robertson Farm.

17.119.060 – Street standards.

Accessways and street entrances shall be provided as shown on the preliminary development site plan dated February 19, 2003, subject to any subsequent modification thereto required by the city council or Salisbury department of **[[public works]]***infrastructure and development* and shown on the final development plan.

Chapter 17.121 – Planned Residential District No. 11 – Village at Salisbury Lake.

17.121.060 – Street, alley and utility standards.

- A. Streets and temporary access shall be provided as shown on the preliminary development plan, dated November 30, 2006 subject to any subsequent modification thereto required by the city council or Salisbury department of **[[public works]]***infrastructure and development*.
- B. All streets shall be developed in accordance with the standards contained in Salisbury Code Chapter 16.40, except as noted below:
 - 1. All alleys shall be private and constructed to standards of the Salisbury department of **[[public works]]***infrastructure and development*;
 - 2. All alleys shall have a minimum width of twenty (20) feet of clear pavement, measured from edge to edge;
 - 3. There shall be a minimum sixty (60) foot separation distance between dwellings across alleys;
 - 4. Decks, privacy fences and other structures shall extend no more than ten feet from the outside of the dwelling;
 - 5. Curb radii at street and/or alley intersections shall be a minimum of twenty (20) feet;

6. On-street parking shall not be permitted within thirty (30) feet of the centerline of an alley where alleys and/or streets intersect;
7. The geometry of alley-alley "T" intersections and alley-street "T" intersections shall be minimum of thirty (30) feet wide by minimum sixty (60) feet long for the top portion of the "T";
8. The turning radii of twenty (20) feet and twenty-four (24) feet wide roads shall be approved by Salisbury department of **[[public works]]***infrastructure and development*;
9. Streets with no on-street parking shall be a minimum of twenty (20) feet wide;
10. Short dead end street/alleys are acceptable, subject to Salisbury **[[public works]]***infrastructure and development* approval, if a common trash pick-up site is provided for the units on the dead end;
11. Grass plots between sidewalks and curbs shall be a minimum width of five and one-half feet if trees are to be planted in the plot;
12. Traffic calming devices are to be included at a minimum of every five hundred (500) feet on public streets;
13. Public utilities will be allowed in the grassed "mews" areas, provided that no trees are planted above or within ten feet of utilities.

General street standards for the village at Salisbury Lake Planned Residential District #11 are set forth in the preliminary development plan dated November 30, 2006, however, the standards set forth in this chapter shall control. The above criteria (subsections (B)(1) through (13)) were developed for this project by the city of Salisbury department of **[[public works (DPW)]]***infrastructure and development (DID)* and may be modified at **[[DPW's]]***DID's* discretion as the final design is developed.

Chapter 17.123 – Planned Development District No. 3 – Moore Property.

17.123.060 – Street standards.

Accessways and street entrances shall be provided as shown on the Preliminary Development Site Plan dated June 2012, subject to any subsequent modification thereto required by the City Council or Salisbury Department of **[[Public Works]]***Infrastructure and Development* and shown on the Final Development Plan.

Chapter 17.128 – Planned Residential District No. 3 – Harbor Pointe, Phase I.

17.128.060 – Street standards.

Streets and accessways shall be designed and constructed in accordance with city standards and specific street profiles approved by the department of **[[public works]]***infrastructure and development* specifically for Harbor Pointe, Phase I. All private streets shall be for public access but private maintenance. These standards shall be provided at the time the final subdivision plat is submitted to the planning commission for review and approval.

Chapter 17.132 – Planned Residential District No. 3A – Harbor Pointe, Phase II.

17.132.060 – Street standards.

Streets and accessways shall be designed and constructed in accordance with city standards and specific street profiles approved by the department of **[[public works]]***infrastructure and development* specifically for Harbor Pointe, Phase II. These standards shall be provided at the time the final subdivision plat is submitted to the planning commission for review and approval.

Chapter 17.136 – Planned Residential District No. 3B – Harbor Pointe, Phases III and IV.

17.136.060 – Street standards.

- B. Entrances from Harbor Pointe Drive and Pemberton Drive shall be provided and constructed in accordance with the requirements of the city department of **[[public works]]***infrastructure and development*.
- C. A turning lane from Pemberton Drive to Phase IV shall be provided and constructed on the public right-of-way dedicated for the future widening of Pemberton Drive as required by the city director of **[[public works]]***infrastructure and development*.

Chapter 17.144 – Planned Residential District No. 5 – Joseph House Village.

17.144.060 – Street standards.

- B. Entrances from Lake Street shall be provided and constructed in accordance with the requirements of the city department of **[[public works]]***infrastructure and development*.
- C. A strip of land along Lake Street as required by the city department of **[[public works]]***infrastructure and development* shall be dedicated to the city of Salisbury for street right-of-way.

Chapter 17.148 – Planned Residential District No. 6 – Mallard Landing.

17.148.060 – Street standards.

- A. Accessways and street entrances shall be provided as shown on the final development site plan dated May 19, 1997, subject to any subsequent modification thereto required by the city council or department of **[[public works]]***infrastructure and development* and shown on the final development plan as approved by the planning commission.

Chapter 17.150 – Planned Residential District No. 7 – The Villages at Aydelotte Farm.

17.150.060 – Street standards.

- A. Streets and temporary access shall be provided as shown on the preliminary subdivision plat dated May 10, 2005 subject to any subsequent modification thereto required by the city council or city department of **[[public works]]***infrastructure and development*.
- B. All streets shall be developed in accordance with standards and profiles required or approved by the city department of **[[public works]]***infrastructure and development*.

Chapter 17.166 – Adult Entertainment Uses and Standards.

17.166.020 – Permit required.

- B. Permit applications shall be provided by the director of the department of **[[building, permits and inspections]]***infrastructure and development*. The permit application shall include the street address of the proposed adult entertainment business, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the director.
 - 1. If the owner is a corporation, the permit application shall provide the names and residence addresses of all officers of the corporation, and names and residence addresses of all shareholders or members with an interest of ten percent or greater;
 - 2. If the owner is a partnership, the permit application shall provide the names and residence addresses of all partners with an interest of ten percent or greater;
 - 3. If the owner is any other form of unincorporated association, the permit application shall provide the names and residence addresses of all principals with an interest of ten percent or greater;
 - 4. If the owner is an individual person, the permit application shall provide the name and address of that individual person;
 - 5. If none of the persons listed in subsections (B)(1) through (B)(4) hereinabove has an address in this state, the permit application also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owner(s) and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and as herein authorized and in connection herewith.
- E. Processing a Permit Application for an Adult Entertainment Business.
 - 4. A temporary adult entertainment permit issued pursuant to this section expires when a final judicial determination is made relating to the application. If the applicant prevails, and the city does not seek additional review, then a permanent adult entertainment permit shall be issued within five working days after the applicant notifies the director of the department of **[[building, permits and inspections]]***infrastructure and development* of the reviewing body's decision; if

the applicant does not prevail, the temporary adult entertainment permit becomes null and void, and the applicant shall bring the premises into compliance with this code within ten working days after the final judicial decision is rendered.

17.166.080 – Violations – Penalties.

- B. Any adult entertainment business at, in, or on which any violation of this chapter or Chapter 5.08 of this code have occurred on five different days within any twelve (12) month period shall be deemed to be a public nuisance and the adult entertainment permit of such adult entertainment business may be revoked by the department of **[[building, permits and inspections]]***infrastructure and development*.

Chapter 17.168 – Apartment Standards.

17.168.050 – Design standards and restrictions.

- H. Refuse Disposal. Refuse disposal areas shall be provided for in accordance with the requirements of the director of **[[public works]]***infrastructure and development*, shall be shown on the final plan and screened in accordance with Chapter 17.220.

Chapter 17.180 – Comprehensive Development Plan.

17.180.010 – Purpose - Application.

Where the provisions of this title require submission and approval of a comprehensive development plan as defined in Section 17.04.120, the following regulations shall apply. The comprehensive development plan is required of certain developments identified in this chapter for approval by the planning commission in order to ensure that the proposed development is planned in proper relationship to the configuration of the site in such a manner as to comply with all requirements of this chapter; the proposed development is planned and located on the site in a manner which will minimize any adverse impact on adjoining areas and future development; and the proposed development is properly coordinated with existing city plans and policies. Required plans shall be submitted to the planning director for distribution to all those agencies or department heads involved in or affected by the proposed development, such as the department of **[[building, permits and inspections]]***infrastructure and development*, fire chief/fire marshal, **[[department of public works,]]** board of education and the department of recreation and parks.

- B. Comprehensive Development Plan. A comprehensive development plan shall be submitted and shall include the following elements. If a preliminary comprehensive development plan has been submitted and reviewed by the planning commission, all recommendations and suggested changes shall be incorporated in the final development plans submitted.
1. Five copies of a comprehensive site plan showing the proposed development in its entirety, drawn to scale by an architect, surveyor, engineer or other person

qualified to prepare a site plan acceptable to the city of Salisbury, shall be submitted to the planning director for distribution to all those agencies or department heads involved in or affected by the proposed development, such as the department of **[[building, housing and zoning]]***infrastructure and development*, fire chief/fire marshal, **[[department of public works,]]** planning department, board of education and the department of recreation and parks.

2. The comprehensive site plan shall show the proposed location and dimensions of all roads, vehicular and pedestrian accessways, buildings, the building footprints, parking areas, including the type and size of all spaces, open spaces, recreation facilities, natural features, drainageways, fire-fighting facilities, existing zoning, abutting property owners, stormwater management areas, setbacks from all property lines and on-site loading and unloading spaces. In addition, the proposed location of any on-site refuse disposal or recycling areas and facilities or both, as may be required by the city, shall be shown. The location shall be as determined by the director of **[[public works]]***infrastructure and development*. All such areas or facilities shall be shown together with measures necessary to provide screening in accordance with the requirements of Chapter 17.220.
3. Each site plan shall include a tabular summary of the following information relevant to the proposed use:
 - a. The total area of the site;
 - b. The land area devoted to buildings;
 - c. The land area devoted to parking, including the amount, location and type of on-site parking spaces;
 - d. The land area devoted to open space;
 - e. The number of units, by bedroom type;
 - f. The gross floor area and gross leasable floor area of all buildings or structures.

C. Landscaping or Screening Plan.

2. Three copies of a landscaping or screening plan prepared by a registered landscape architect, architect, engineer, landscape designer, or nurseryman shall be submitted to the planning director for distribution to the director of **[[building, housing and zoning and to the director of the department of public works]]***infrastructure and development*. In addition to being prepared in accordance with the provisions of Chapter 17.220, the plan or plans shall include the following:
 - a. The approximate location of neighboring homes or other buildings in the vicinity of the proposed development site;
 - b. An outline of existing wooded areas and other natural features and the features to be retained;
 - c. The approximate location of branches or natural, intermittent drainage channels;
 - d. The approximate location of any outstanding individual trees or special features on the development site;
 - e. The location, name, size and height or diameter of shrubbery and trees to be planted within landscaped or screened areas;

- f. The height, length, type and location of fencing to be used for screening purposes.
- D. Three copies of a lighting plan, drawn to scale, shall be submitted to the planning director for distribution to the department of **[[public works and the department of building, housing and zoning]]***infrastructure and development*, which plan shall show the location, type, style and height of all exterior lighting fixtures.

Chapter 17.184 – Environmental Noise Standards.

17.184.040 – Prohibitions of noise and vibration - Exemptions.

- B. Exemptions.
 - 2. The provisions of this chapter do not apply to the following:
 - r. Mechanical and construction noise except as permitted by the department of **[[Building, Permitting and Inspections]]***Infrastructure and Development*;

17.184.060 – Measurement of noise levels.

- C. Measurement equipment operators shall be members of the Salisbury City Police Department and/or Salisbury City **[[Neighborhood Services and Code Compliance]]***Housing and Community Development Department* who have been properly trained in the operation of sound level meters.

Chapter 17.192 – Mobile Residence Parks.

17.192.020 – Development standards.

- E. Street Requirements. All proposed streets shall be reviewed and approved by the Salisbury department of **[[public works]]***infrastructure and development* to ensure safe and adequate traffic movement for residents of the park. Street rights-of-way may vary in width from forty (40) to sixty (60) feet, depending upon the design of the streets to serve as connecting streets or major collectors and whether parking is to be provided on street. Streets shall be designed to provide a continuous forward motion and unobstructed passage of mobile residences towed by a moving vehicle to and from placement on a mobile residence lot. Streets shall be adequately drained, and curb and gutter shall be provided along both sides.

Chapter 17.196 – Off-Street Parking and Loading Standards.

17.196.020 – General standards.

No land shall be used or occupied, no structure shall be designed, erected or expanded, used or occupied, and no establishment shall be operated, unless sufficient off-street parking and loading spaces are provided in accordance with this chapter. However, the provisions of this chapter shall not apply to established parking districts or uses for which a valid permit has been issued.

A. Uses Not Listed. For any use, the wording of which is not specifically listed, the housing official shall determine if any other use is similar in nature, and the parking provisions for such a use shall prevail. Where the director of the department of **[[building, permitting and inspections]]***infrastructure and development* cannot make a determination of similar use, the planning commission, in accordance with the provisions of Chapter 17.04, Article II, shall review the proposal and make a written determination of similar use upon which the parking provisions for such use shall prevail.

H. Required Off-Street Parking Spaces.

1. All uses and structures shall provide off-street parking spaces in an amount equal to or greater than the number required in Section 17.196.030, parking space requirements. The total number of parking spaces necessary for two or more uses on the same lot shall be the sum of that required for each use.

a. Dimensions.

ii. The director of department of **[[building, permitting and inspections]]***infrastructure and development*, at the request of an applicant, may approve alternative parking space dimensions of not less than nine feet wide and eighteen (18) feet in length, provided that:

(A) A comprehensive site plan is submitted to the planning director showing alternative parking space dimensions;

(B) No compact vehicle spaces shall be approved to meet the minimum parking requirements of this chapter, but said spaces may be used to provide parking above the required minimum.

(C) These provisions shall not apply to parallel parking.

I. Parking Lots. For the purpose of this title, "parking lots" are defined as facilities providing off-street parking space for five or more vehicles. All parking lots shall meet the design and maintenance standards specified below. All applications for a building or occupancy permit to use land, in whole or in part, as a parking lot as herein defined shall be accompanied by a landscaping plan as stipulated in Chapter 17.220.

3. Ingress and Egress. Entrance and exit driveways and aisles linking parking lots to public streets shall comply with the requirements for motor vehicle access stipulated by the city department of **[[public works]]***infrastructure and development*. Parking spaces, other than residential, shall be designed to prevent motor vehicles from backing onto a public street in order to leave the lot.

4. Location and yard requirements.

b. All yards surrounding the parking lot, exclusive of driveways providing ingress and egress to the lot, shall be bordered by a curb six inches high along the sides of the yard area abutting the parking lot, including spaces

and aisles. Concrete curb or bumpers shall be required in areas where, in the opinion of the director of department of **[[building, permitting and inspections and the director of public works]]***infrastructure and development*, a curb constructed of asphalt or similar material would be vulnerable to vehicular damage. If bumpers are provided at the end of each parking space, a curb is not required. Setback areas shall be planted with grass or similar vegetative material and may include shrubs, fences or walls, provided that they are not placed closer than three feet from any parking space.

Chapter 17.204 – Planned Developments.

17.204.020 – Preapplication conference.

- A. The director of **[[public works, department of building, permitting and inspections]]***infrastructure and development* shall be required to meet with the applicant. The director of the department of **[[building, permitting and inspections]]***infrastructure and development* shall be responsible for notifying **[[the directors and]]** the applicant of the time and place the conference is to be held.

17.204.070 – Final development plan.

- A. Within six months following approval of the preliminary development plan, the applicant shall file with the director of the department of **[[building, permitting and inspections]]***infrastructure and development* a final development plan containing, in final form, the information required in the preliminary development plan. The director of the department of **[[building, permitting and inspections]]***infrastructure and development* shall forward the plans to the planning office for review by the planning commission. In its discretion and for good cause, the planning commission may extend for six months the period for filing of the final development plan.

Chapter 17.216 – Sign Standards.

17.216.200 – General provisions.

- A. 1. No sign, unless excepted by these regulations, shall be erected, constructed, posted, painted, altered, maintained or relocated until a permit has been issued by the director of the department of **[[building, housing and zoning]]***infrastructure and development*. Before any permit is issued, an application provided by the director shall be filed with three sets of drawings and/or specifications as may be necessary to fully advise and acquaint the director with the location, construction, materials, manner of illumination and/or securing or fastening and the number of signs applied for. All signs shall be erected on or before the expiration of six months from the date of issuance of the permit; otherwise a new permit shall be

required. Fees for sign permits shall be in accordance with the fee schedule adopted by ordinance, a copy of which is maintained in the office of the department of **[[building, housing and zoning]]***infrastructure and development*. Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises.

2. Where the director of the department of **[[building, housing and zoning]]***infrastructure and development* determines that an application for a sign is either prohibited under Section 17.216.030 or is not permitted to be erected in its applicable district, the director shall deny the permit.

C. The following temporary signs or displays may be permitted upon written approval of the director of the department of **[[building, permitting and inspections]]***infrastructure and development*:

1. Signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting, sponsored by a governmental or charitable organization;
2. Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes;
3. Special sales promotion displays, in districts where sales are permitted, including displays incidental to the opening of a new business.

17.216.210 – Nonconforming signs.

- C. A nonconforming sign, except outdoor advertising structures, which is fifty (50) percent or more damaged or destroyed or becomes substandard under any applicable city code to the extent that the sign becomes a hazard or danger shall terminate and shall be removed within thirty (30) days from the date of notification for removal from the director of the department of **[[building, permitting and inspections]]***infrastructure and development*.

17.216.240 – Outdoor advertising structure license.

- B. All applications for an outdoor advertising structure license shall be filed with the director of the department of **[[building, permitting and inspections]]***infrastructure and development* and shall state, under oath, the following:
1. The name and address of the owner of the outdoor advertising structure and the name and address of the owner of the property on which the outdoor advertising structure is located;
 2. Whether the outdoor advertising structure was constructed in accordance with state and city regulations in effect at the time of construction;
 3. The approximate location of the outdoor advertising structure and the approximate location of buildings on the property where the outdoor advertising structure is located;
 4. The size, height, setback, type and number of faces on each outdoor advertising structure;
 5. The date of the construction of the outdoor advertising structure and the company number, state permit number and city building permit number, if any.

- C. Any outdoor advertising structure which has not been licensed by the city of Salisbury or for which the license fee has not been paid by January 1st of each year, commencing January 1st, 1991, shall be removed within sixty (60) days of written notification of such failure sent by the director of the department of **[[building, housing and zoning]]***infrastructure and development* to the owner of the outdoor advertising structure or to the owner of the land upon which the outdoor advertising structure is located.

Chapter 17.220 – Special Development Standards.

17.220.020 – Landscaping or screening requirements.

Wherever either landscaping or screening is required by this title, all such areas shall be provided in accordance with the requirements listed below and the requirements set forth in the special development standard chart in Section 17.220.040.

- C. Landscaping Plan or Screening Plan Requirements.
 - 1. Building Permit Requirements. Wherever landscaping or screening is required by this title without the necessity of plan approval by the commission and in order to assure compliance with either the landscaping or screening requirements of this chapter, either landscaping or screening plans shall be submitted to the director of the department of **[[building, housing and zoning]]***infrastructure and development* for review and approval as a part of the application for a building permit or prior to the issuance of any building permit. Said plan or plans may be submitted as separate documents or as a part of the required site plan and, if required by the director, shall be in sufficient detail to show:
 - a. The approximate location of neighboring homes or other buildings adjoining the proposed development site;
 - b. The approximate location of all wooded areas of branches or natural, intermittent drainage channels;
 - c. The approximate location of any outstanding individual trees or special features on the development site;
 - d. The location, name, height and diameter of trees and the size of shrubbery to be planted within landscaped or screened area;
 - e. The height, length, type and location of fencing to be used for screening purposes.

17.220.060 – Planting guide.

- B. A sample list of plant materials suitable in this area for screening and landscaping is available for reference from the planning office or the department of **[[building, permitting and inspections]]***infrastructure and development*.
- C. Planting guides, zone hardiness map and examples of landscaping and screening areas are available in an illustrated booklet form from either the planning office or the department of **[[building, housing and zoning]]***infrastructure and development*.

17.220.090 – Restrictions in either screening of landscaped areas.

- A. Access. Entrances and exits are prohibited through required screening and landscaping areas on a street across from a residential district, except in the following instances:
3. When it is determined by the department of **[[public works]]***infrastructure and development* that an entrance or exit is necessary to improve traffic circulation on adjacent streets.

17.220.120 – Planning commission authority.

- B. An interpretation by the commission may be at the request of an applicant, the director of the department of **[[building, permitting and inspections]]***infrastructure and development*, or the planning director.

Chapter 17.228 – Amendments and Rezoning.

17.228.080 – Enforcement of conditions.

- A. The director of the department of **[[building, permitting and inspections]]***infrastructure and development* shall be the officer authorized by the city council to enforce the conditions imposed by the city council in the approving ordinance.

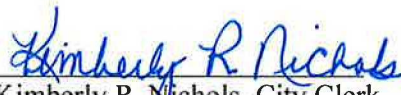
EXPLANATION:

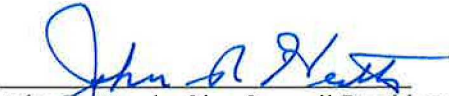
- * *ITALICIZED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.*
Deleted material from the existing Code is indicated by bold double bracketed **[[]]** language.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.


THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11th day of September, 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 9th day of October, 2017.

ATTEST:


Kimberly R. Nichols, City Clerk


John R. Heath, City Council President

Approved by me, this 10th day of OCTOBER, 2017.



Jacob R. Day, Mayor



To: City Council
From: Julia Glanz, City Administrator
Subject: Reorganization- Charter and Code Changes
Date: August 2, 2017

During the FY18 Budget Process, the Mayor and I proposed a plan to reorganize the departments within our City government in order to more appropriately align them with the City's goals and objectives.

Substantial changes that constitute this reorganization include: a one-stop-shop for all development projects, the consolidation of our code enforcement officers by relocating them all to one department, a reworking and division of the legacy structure of our Public Works department, a new focus on GIS in all City departments, an independent Procurement department, and the revocation of a previous arrangement that placed Parking under Procurement's purview. This reorganization will be evident in the functionality of our City government and will have a minimal impact on the FY18 Budget.

To further explain this reorganization, all proposed City Code and Charter changes are attached for your review, as well as the ordinance necessary to accept those changes.