

ORDINANCE NO. 2734

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTIONS 17.36.020 AND 17.224.040 OF THE SALISBURY CITY CODE TO PERMIT TOWNHOUSE DEVELOPMENTS IN GENERAL COMMERCIAL DISTRICTS

WHEREAS, the ongoing application, administration and enforcement of Title 17 (Zoning) of the City Code of the City of Salisbury (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of Title 17 current, comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

WHEREAS, the Mayor and Council of the City of Salisbury (the “**Mayor and Council**”) are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Mayor and Council deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the City;

WHEREAS, the Mayor and Council may amend Title 17 (Zoning) of the Salisbury City Code pursuant to the authority granted by MD Code, Land Use, § 4-102, subject to the provisions set forth in § 17.228.020 of the Salisbury City Code;

WHEREAS, the General Commercial district currently permits apartments to provide housing options close to employment, retail, and service centers. The inclusion of townhouse developments would provide an additional housing option near these centers. Townhouse developments with higher density would serve as a transitional land use adjacent to residential districts;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending sections 17.36.020 and 17.224.040 of the Salisbury City Code to permit townhouse developments in General Commercial districts;

WHEREAS, pursuant to § 17.228.020 of the Salisbury City Code, any amendment to the Salisbury Zoning Code requires the recommendation of the Salisbury Planning and Zoning Commission (the “**Planning Commission**”) prior to the passage of an ordinance amending Chapter 17.04;

WHEREAS, a public hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of § 17.228.020 of the Salisbury City Code on May 19, 2022;

WHEREAS, at the conclusion of its May 19, 2022 meeting, the Planning Commission recommended, by a vote of 6-0, that the amendments to Section 17.36.020 and 17.224.040 of the Salisbury City Code set forth herein be approved by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that the amendments to Section 17.36.020 and 17.224.040 of the Salisbury City Code set forth shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Title 17 of the Salisbury City Code is hereby amended by adding the bolded and underlined language as follows:

Section 1. By amending Section 17.36.020 of the Salisbury City Code, entitled “Method of Regulation” as follows:

17.36.020 Permitted uses.

A. Permitted uses shall be as follows:

1. Apartment units, in accordance with chapter 17.168;
2. Bank;
3. Bakery;
4. Boardinghouse/rooming house;

5. Business center in accordance with the requirements of chapter 17.172, provided that each individual lot shall have a minimum of six thousand (6,000) square feet of land area;
6. Carpenter, sheet metal, sign, blacksmith and welding shop, provided that all activities are confined within a building;
7. Church and other place of worship;
8. Club, lodge and fraternal organization;
9. Cultivation of land;
10. Cultural uses, such as museum, library or art gallery;
11. Dry-cleaning plant;
12. Eating and drinking establishments, including tavern, dance hall, nightclub and restaurants, all types;
13. Firehouse;
14. Equipment sales, rental, service, repair or maintenance facility for industrial, automotive, marine, office, construction, household, business or farm equipment;
15. Greenhouse, florist and nursery;
16. Hotel, motel or motor hotel;
17. Laboratory and establishment for production, sale, fitting or repair of eyeglasses, hearing aids and prosthetic appliances;
18. Light industrial uses, as listed in the light industrial district, completely confined within a building with no outside storage of raw materials or finished products;
19. Lumber and building supplies;
20. Marina;
21. Medical-care facility;
22. Medical and dental office and clinic;
23. Police station or substation;
24. Parking garage, public or private;
25. Mixed use building as defined in section 17.04.120 in this chapter in accordance with a comprehensive site plan, as approved by the planning commission, with a mandatory five-foot-wide landscaping area abutting all property lines and parking lots. Signage shall be the same as required for a shopping center;
26. Neighborhood shopping center not exceeding thirty thousand (30,000) gross square feet of building area in accordance with the requirements of chapter 17.212;
27. Office or office building for more than one office;
28. Radio or television broadcasting station or studio;
29. Retail sales;
30. School of special instruction;
31. Service, rental or repair establishment, such as laundry or laundromat, automobile rental, gasoline and service station, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, hairdresser shop, pet-grooming shop, excluding outdoor runs, upholstery shop, funeral home, tailor and other uses of similar nature;

- 32. Taxi and limousine service;
- 33. Theater, excluding drive-in theater;
- 34. Wholesale business, warehouse, moving, storage and distribution establishment, including wholesale sales;
- 35. Group domiciliary care facility;
- 36. Townhouse development, in accordance with chapter 17.224.**

Section 2. By adding Section 17.224.040 of the Salisbury City Code, entitled “Requirements in General Commercial Districts” as follows:

17.224.040 Requirements in General Commercial District.

Townhouse developments in the General Commercial District shall comply with all the requirements of this chapter and the following;

A. Contiguity.

- 1. **The parcel on which townhouses are to be built shall have a continuous boundary line in common, of at least 200’, with a parcel(s) in the R-8A or R-10A zoning districts;**
- 2. **A road dividing zoning districts cannot be used to establish contiguity.**

B. Density.

- 1. **Townhouse developments shall be at the density requirements for R-5A of this chapter.**

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

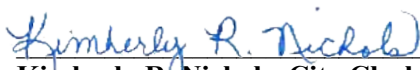
Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

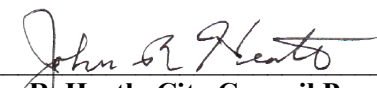
Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 22 day of August, 2022 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 of the City of Salisbury on the 26 day of September, 2022.

ATTEST:



 Kimberly R. Nichols, City Clerk



 John R. Heath, City Council President


Approved by me, this 30 day of September, 2022.



 Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development 
Date: August 2, 2022
Re: Zoning Code Text Amendment Amending Section 17.36.020 and Adding Section 17.224.040

The text amendment to section 17.36.020 and chapter 17.224 was prepared by the City Attorney and following a public hearing Planning Commission received favorable recommendation on May 19, 2022.

1. Ordinance for a text amendment to Zoning Code in Title 17 Zoning.
 - a. Amending Section 17.36.020 of the Salisbury City Code, entitled “Permitted uses,” to add Townhouse development as a permitted use.
 - b. Amending Chapter 17.224 of the Salisbury City Code, entitled “Townhouse Development,” to include section 17.224.040 entitled “Requirements in General Commercial District.
 - c. This text amendment will allow for additional housing development options in the General Commercial zoning district adjacent to Residential districts providing a transitional pattern of development.

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

Department of Infrastructure & Development
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