

ORDINANCE NO. 2758

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO CHAPTERS 17.108, 17.228 AND 17.119.070 OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE, AND TITLE 4, ZONING OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSE OF AMENDING SECTION 17.119.020 OF THE SALISBURY CITY CODE BY ADDING TO THE AREA OF PLANNED DEVELOPMENT DISTRICT NO. 1 – ROBERTSON FARM (PDD NO. 1) TWO LOTS TOTALING 3.55 ACRES WHICH TOGETHER ARE ON THE NORTH SIDE OF AND BINDING ON SHAREN DRIVE, THE SOUTH SIDE OF AND BINDING ON OLD OCEAN CITY ROAD – MD ROUTE 346, THE EAST SIDE OF AND BINDING ON THE CURRENT CORPORATE LINE OF THE CITY OF SALISBURY ALSO BEING THE CURRENT WESTERLY LINE OF PDD NO. 1 AND WEST OF BUT NOT BINDING UPON PHILLIP MORRIS DRIVE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO

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**”); and

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; and

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; and

WHEREAS, Petitioner, 2538 Old Ocean City Road, LLC, filed a Petition for Annexation dated May 20, 2021, requesting annexation of property described in Exhibit A, attached hereto, and desiring that the annexed property be zoned Planned Development District No. 1 – Robertson Farm (PDD No.1); and

WHEREAS, the Petition was referred by the City planning staff to the Planning Commission and, after due notice, on June 17, 2021, at its regular meeting, the Planning Commission recommended that the property be zoned PDD No. 1, upon annexation. The fulfilment of that recommendation requires a text amendment to the Salisbury City Code to add the legal description of the newly annexed property to the current legal description of PDD No. 1; and

WHEREAS, a Public Hearing on the aforesaid proposed text amendment and Preliminary Development Plan for the requested addition to PDD No. 1 was held by the Planning Commission in accordance with the provisions of Chapters 17.108 and 17.228 of Title 17 of the Salisbury Municipal Code on September 15, 2022. On that day, the Planning Commission provided a favorable recommendation for the Preliminary Development Plan, as well as the aforesaid proposed text amendment; and

WHEREAS, the City Council agrees with the Planning Commission’s recommendation, and finds that the proposed use of the property is appropriate for inclusion in PDD No. 1; and

WHEREAS, immediately prior to the approval of this Ordinance, the City Council approved Resolution No. 3159, to annex into the City of Salisbury the property known as the “Sharen Drive Annexation,” described in Exhibit A, and to designate the zoning of the said property as PDD No. 1;

WHEREAS, the Mayor and Council have determined that the amendments to Section 17.119.020 of the Salisbury City Code 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 17.119.020 of the Salisbury City Code, entitled “Area of reclassification” as follows:

The area to be rezoned as planned development district No. 1—Robertson Farm, consists of **the following:**

Item One: 45.4 acres of land binding upon the northerly side of a U.S. Route 50 service road, both sides of the Northeast Collector Road, the southerly side of MD Route 346 (Old Ocean City Road) and the westerly side of lands now or formerly owned by Sylvia Brittingham Robertson, James Scott Robertson, et al., United Dominion Realty Trust, Inc., and Phillip Morris Drive Condominiums, being the same as shown on the preliminary subdivision plat prepared by ESP Design Services, Inc., and dated February 19, 2003. The site is further identified as part of Parcel No. 2577 on State City Tax Map No. 121.

Item Two: 3.182 acres, more or less, beginning for the same at a point at a corner of the existing Corporate Limits Line of the City of Salisbury, MD, being on the northerly right of way line of Old Ocean City Road (MD Rte. 346). X 1,213,818.08 Y 200,006.79 (1) Thence with the said Corporate Limits line South nine degrees thirty-four minutes fifty-seven seconds East (S 09° 34’ 57” E) nine hundred seventy-six decimal three, three (976.33) feet to a point near the northerly line of Sharen Drive. X 1,213,980.61 Y 199,044.08 (2) Thence continuing with the said existing Corporate Limits Line North eighty-nine degrees thirty-eight minutes fifteen seconds East (N 89° 38’ 15” E) one hundred thirty-four decimal zero, zero (134.00) feet to a point on the easterly line of Lot 2 of the “James W. & Hazel E. Brittingham Subdivision”. X 1,214,114.61 Y 199,044.93 (3) Thence with the easterly line of the said Lot 2 and Lot 1, in part, North five degrees twenty-eight minutes fourteen seconds West (N 05° 28’ 14” W) six hundred ninety-four decimal zero, one (694.01) feet to a breakpoint on the easterly line of the said Lot 1. X 1,214,048.44 Y 199,735.78 (4) Thence continuing with the easterly line of the said Lot 1 and crossing the aforesaid Old Ocean City Road North four degrees forty-one minutes forty-six seconds East (N 04° 41’ 46” E) two hundred forty-five decimal three, nine (245.39) feet to a point on the northerly right of way line of the said Old Ocean City Road. X 1,214,068.53 Y 199,980.35 (5) Thence by and with the northerly line of the said Old Ocean City Road and aforesaid existing Corporate Limits Line North eighty-three degrees fifty-eight minutes twenty-two seconds West (N 83° 58’ 22” W) two hundred fifty-one decimal eight, four (251.84) feet to the point of beginning.

Section 2. The official zoning map on file in the office of Planning and Zoning shall be amended to include Item Two above in the area known as planned development district No. 1—Robertson Farm.

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 upon the effective date of annexation Resolution No. 3159.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 9th day of January, 2023 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 13th day of February, 2023.

ATTEST:

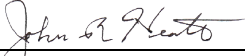


Kimberly R. Nichols
CITY CLERK



Muir W. Boda
PRESIDENT, City Council

APPROVED BY ME THIS 17th day of February, 2023



John R. Heath, Acting Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

TO: City Council
FROM: Kim Nichols, City Clerk
SUBJECT: Ordinance No. 2758
DATE: January 4, 2023

Ordinance No. 2758 is associated with and included in the actual packet for the Sharen Drive – Ocean Isle Annexation. It must remain in the packet as part of the annexation, but has been separated out on the following three pages for approval in the agenda packet since it is an ordinance.

Ordinance No. 2758 will amend Section 17.119.020 of the City of Salisbury Zoning Code by adding the area of Planned Development District No. 1- Robertson Farm (PDD No. 1).

Thank you.