



**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

MONDAY, MARCH 6, 2023

Government Office Building, Council Chambers, and Zoom Video Conferencing

- 4:30 p.m. Ordinance to change the rate for billboards- Finance Director Keith Cordrey
- 4:40 p.m. Ordinance to move funds for GOB renovation and relocation- Finance Director Keith Cordrey
- 4:50 p.m. Text Amendment for Harbor Pointe Phase III- City Planner Brian Soper
- 5:00 p.m. Discussion on Council representatives for Boards & Committees- Council Members
- 5:10 p.m. Comments
- 5:15 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*

Join Zoom Meeting
<https://us02web.zoom.us/j/88186172560>

Meeting ID: 881 8617 2560

Phone: 1.301.715.8592

INTER

OFFICE

MEMO

Finance Department

To: Julia Glanz, City Administrator
From: Keith Cordrey, Director of Finance
Subject: Ordinance – Bill Board License Fee
Date: March 1, 2023

KAC

The Finance Department recommends revising the Billboard License Fee set by the FY23 Budget Ordinance to be the same as charged in FY22. We propose this revision be effective retroactive to 7/1/22.

Unless you or the Mayor has further questions, please forward this Ordinance to the Salisbury City Council.

1 **ORDINANCE NO. _____**

2
3 **AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND TO SET**
4 **BILLBOARD LICENSE FEE FOR FY 2023 AND THEREAFTER UNLESS AND**
5 **UNTIL SUBSEQUENTLY REVISED OR CHANGED.**

6
7 **RECITALS**

8
9 **WHEREAS**, the fees charges by the City are reviewed and then revised in accordance with the
10 adoption of the Fiscal Year 2023 Budget of the City of Salisbury; and

11
12 **WHEREAS**, Ordinance 2723 set fees for FY2023; and

13
14 **WHEREAS**, the City Department of Finance recommends an amendment to Ordinance 2723 by
15 revising the Billboard License Fees for FY2023 as set forth in Exhibit 1.

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17 **NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE**
18 **CITY OF SALISBURY** as follows:

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20 **Section 1.** That the fee amounts included in the attached Exhibit 1 are adopted by the City of
21 Salisbury and the amounts set forth therein shall supersede the prior corresponding fee amounts prescribed
22 in the Salisbury Municipal Code and Ordinance No. 2723 until one or more of the said fees are subsequently
23 amended. Such amendment shall be retroactive to July 1, 2022.

24
25 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
26 **SALISBURY**, as follows:

27
28 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
29 of this Ordinance shall be deemed independent of all other provisions herein.

30
31 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
32 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
33 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
34 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
35 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

36
37 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
38 if such recitals were specifically set forth at length in this Section 4.

39
40 **Section 5.** This Ordinance shall become effective upon final passage.

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42 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
43 of Salisbury held on the ____ day of _____, 2023 and thereafter, a statement of the substance of the
44 Ordinance having been published as required by law, in the meantime, was finally passed by the Council
45 of the City of Salisbury on the ____ day of _____, 2023.

46
47 **ATTEST:**

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49 _____
50 Kimberly R. Nichols, City Clerk

Muir W. Boda, President
Salisbury City Council

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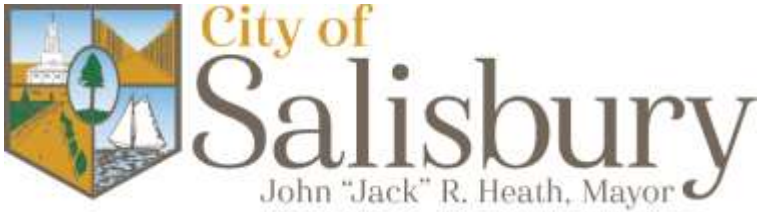
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APPROVED BY ME THIS _____ day of _____, 2023.

John R. Heath, Acting Mayor

Exhibit 1

Licenses			
Billboard License	0.55-1.65	Per Year, per square foot	Finance



To: Julia Glanz, City Administrator

From: Andy Kitzrow, Deputy City Administrator

Subject: Budget Amendment for GOB Renovations and Office Relocation

Date: 3/1/2023

Enclosed in the Budget Amendment reallocating available funds into a project account in order to complete office renovations in the Government Office Building and relocate offices from the GOB to 115. S Division Street (Salisbury HQ, previously the Salisbury Fire Headquarters).

Funds were identified in existing GOB accounts, GOB projects and miscellaneous projects that no longer require these funds. The renovations and relocation will occur Spring & Summer 2023.

1 **ORDINANCE NO. _____**

2
3 **AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE**
4 **MAYOR TO TRANSFER FROM THE GENERAL FUND AND**
5 **APPROPRIATE FUNDS FOR THE GOVERNMENT OFFICE BUILDING #1**
6 **and #2 PROJECT IN THE GENERAL CAPITAL PROJECT FUND.**
7

8 **WHEREAS**, due to staffing increases the City of Salisbury desires to expand into additional office
9 space to conduct daily operations;

10
11 **WHEREAS**, the City of Salisbury has entered into a lease agreement with the property owner of
12 115 S. Division Street (previously known as the Salisbury Fire Headquarters);

13
14 **WHEREAS**, the expansion proposal will relocate the Mayor’s Office, Downtown Visitor Center,
15 and City Council Chamber to 115 S. Division Street;

16
17 **WHEREAS**, the City has determined an additional appropriation for the Government Office
18 Building #1 and #2 project is required in the amount of \$ 228,039.24;

19
20 **WHEREAS**, funding for the project shall be provided by the transfer of \$53,000 from the General
21 Fund plus reallocations from various projects; and

22
23 **WHEREAS**, the appropriations necessary to execute the appropriation of \$288,039.24, as provided
24 hereinabove, must be made upon the recommendation of the Mayor and the approval of four-fifths of the
25 Council of the City of Salisbury.

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27 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE**
28 **CITY OF SALISBURY, MARYLAND**, as follows:

29
30 **Section 1.** Mayor John R. Heath is hereby authorized to appropriate funds for the Government
31 Office Building #1 & #2 project in the amount of \$288,039.24.

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

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36 **Section 2.** The City of Salisbury’s FY23 General Fund Budget be and hereby is amended as
37 follows:
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Increase Decrease	Account Type	Project Description	Account Description	Account	Amount
Increase	Revenue	None	Current Year Surplus	01000-469810	53,000.00
Increase	Expense	None	Transfer General Capital Projects Fund	91001-599109	53,000.00

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Section 3. The City of Salisbury’s General Capital Project Fund Budget be and hereby is amended as follows:

Increase	Account	Project Description	Account Description	Account	Amount
Increase	Revenue	GOB #1 & 2	PayGO	98002-469110-43038	53,000.00
Increase	Expense	GOB #1 & 2	Construction	98002-513026-43038	53,000.00
Decrease	Revenue	City Park Phase 1	PayGO	98018-469313-48041	899.06
Decrease	Expense	City Park Phase1	Construction	98118-513026-48041	899.06
Increase	Revenue	GOB #1 & 2	PayGO	98018-469313-43038	899.06
Increase	Expense	GOB #1 & 2	Construction	98118-513026-43038	899.06
Decrease	Revenue	Service Center	PayGO	98022-469313-43007	180,000.00
Decrease	Expense	Service Center	Construction	98122-513026-43007	180,000.00
Increase	Revenue	GOB #1 & 2	PayGO	98022-469313-43038	180,000.00
Increase	Expense	GOB #1 & 2	Construction	98122-513026-43038	180,000.00
Decrease	Revenue	City Park Master Plan	PayGO	98002-469110-48019	30,457.06
Decrease	Expense	City Park Master Plan	Construction	98102-513026-48019	30,457.06
Increase	Revenue	GOB #1 & 2	PayGO	98002-469110-43038	30,457.06
Increase	Expense	GOB #1 & 2	Construction	98002-513026-43038	30,457.06
Decrease	Revenue	GOB Roof Improvements	PayGO	98017-469313-43029	12,288.96
Decrease	Expense	GOB Roof Improvements	Buildings	98017-577015-43029	12,288.96
Increase	Revenue	GOB #1 & 2	PayGO	98017-469313-43038	12,288.96
Increase	Expense	GOB #1 & 2	Construction	98017-513026-43038	12,288.96
Decrease	Revenue	Exterior Siding Repair	PayGO	98022-469313-48059	181.66
Decrease	Expense	Exterior Siding Repair	Construction	98122-513026-48059	181.66
Increase	Revenue	GOB #1 & 2	PayGO	98022-469313-43038	181.66
Increase	Expense	GOB #1 & 2	Construction	98122-513026-43038	181.66
Decrease	Revenue	Street Light Additions	PayGO	98022-469313-48068	1,212.50
Decrease	Expense	Street Light Additions	Construction	98122-513026-48068	1,212.50
Increase	Revenue	GOB #1 & 2	PayGO	98022-469313-43038	1,212.50
Increase	Expense	GOB #1 & 2	Construction	98122-513026-43038	1,212.50
Decrease	Revenue	GOB Security Enhancements	PayGO	98022-469313-43031	10,000.00
Decrease	Expense	GOB Security Enhancements	Construction	98122-513026-43031	10,000.00
Increase	Revenue	GOB #1 & 2	PayGO	98002-469313-43038	10,000.00
Increase	Expense	GOB #1 & 2	Construction	98102-513026-43038	10,000.00

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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.

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THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the _____ day of _____, 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 _____ day of _____, 2023.

ATTEST:

Kimberly R. Nichols, City Clerk

Muir W. Boda, City Council President

Approved by me, this _____ day of _____, 2023.

John R. Heath, Acting Mayor



City of
Salisbury
John "Jack" R. Heath, Mayor

To: Andy Kitzrow, Acting City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development RD
Date: 2/28/2023
Re: Zoning Code Text Amendment to Chapter 17.136

MCAP Salisbury LLC the owner of Harbor Pointe Phase III has submitted a request to amend Sections 17.136.010.B entitled "Purpose", 17.136.030 entitled "Permitted uses", and 17.136.050 entitled "Development standards", of the Salisbury City Code.

The text amendments to Chapter 17.136 – Planned Residential District No. 3B-Harbor Pointe Phases III and IV, Sections 17.136.010.B, 17.136.030, and 17.136.050 were reviewed by the City Attorney and received a favorable recommendation from the Planning Commission following a public hearing on February 16, 2023.

The amendments enable a mix of cottages, elderly and handicapped apartments, and a care home. This is an appropriate development pattern to meet the current housing shortage and needs of residents.

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

ATTACHMENTS (2):

1. **ORDINANCE**
2. **PLANNING COMMISSION STAFF REPORT**



**Infrastructure and Development
Planning and Zoning
Commission
Staff Report**

Meeting of February 16, 2023

Public Hearing - Text Amendment - To amend Title 17,
Zoning, Chapter 17.136 entitled "Planned Residential District No. 3B – Harbor Pointe Phases III
and IV"

I. CODE REQUIREMENTS:

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission shall hold a Public Hearing on proposed text amendments to the Code. The Commission shall forward a recommendation within six (6) months to the City Council. In accordance with the Salisbury Zoning Code the City Council shall also hold a public hearing before granting final approval to code text amendments.

Public notice was provided in accordance with the requirements of 17.04.150.
(Attachment 1)

II. REQUEST:

MCAP Salisbury LLC the owner of Harbor Pointe Phase III has submitted a request to amend Sections 17.136.010.B entitled "Purpose", 17.136.030 entitled "Permitted uses", and 17.136.050 entitled "Development standards", of the Salisbury City Code.

A draft of Chapter 17.136 is shown in Attachment 2 with the proposed amendments bolded and underlined. Language to be deleted is shown with a strikethrough.

III. PLANNING AND ZONING:

The amendments will provide consistency and clarity with the existing and proposed development of Harbor Pointe Phase III. The mix of cottages, elderly and handicapped apartments, and a care home is an appropriate development pattern to meet the current housing shortage and needs of residents.



City of
Salisbury
John "Jack" R. Heath, Mayor

The draft amendment has been reviewed by the City Solicitor for legal sufficiency.

IV. STAFF RECOMMENDATION:

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendments as shown in Attachment 2 and on the findings in the staff report.

**SALISBURY PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING
TEXT AMENDMENT**

In accordance with the provisions of Section 17.228, Amendments and Rezoning, of the Salisbury Municipal Code, the City of Salisbury proposes amendments to the text of Title 17, Zoning, Chapter 17.136., entitled “Planned Residential District No. 3B – Harbor Pointe, Phases III and IV” to include new uses and revised development standards for Phase III.

A PUBLIC HEARING WILL BE HELD ON

Thursday, February 16, 2023, at 1:30 P.M. in the Council Chambers, Room 301, of the Government Office Building, 125 North Division Street, Salisbury, Maryland to hear opponents and proponents, if there be any.

Subsequent to the consideration of this proposal by the Salisbury Planning and Zoning Commission, a recommendation will be made to the Salisbury City Council for its consideration at a Public Hearing.

The Commission reserves the right to close a part of this meeting in accordance with the Annotated Code of Maryland, General Provisions, section 3-305(b).

(FOR FURTHER INFORMATION CALL 410-548-3170)

Charles “Chip” Dashiell, Chairman

Publication Dates: February 2, 2023
 February 9, 2023

Chapter 17.136 PLANNED RESIDENTIAL DISTRICT NO. 3B—HARBOR POINTE, PHASES III AND IV

17.136.010 Purpose.

- A. The purpose of planned residential district No. 3B* is to provide for the development of certain lands between Pemberton Drive and the Harbor Pointe, Phase II, planned residential district No. 3A, with a multifamily development and a neighborhood business area in a planned and attractive natural environment with connection and continuation of the large area of open space in Phases I and II of Harbor Pointe planned residential district No. 3 and planned residential district No. 3A.
- B. Phase III provides for development of those lands between the community recreation area and cluster lots in Phase II and the neighborhood business area in Phase IV ~~with a multifamily development in a mixture of one-, two- and three-story units, to be sold as condominiums~~ **with a care home, apartment building for elderly and handicapped, and single-family, two-family, three-family, or four-family buildings.**
- C. Phase IV provides for development of those lands along Pemberton Drive on the west side of Harbor Pointe Drive and north side of Phase III with a low-scale small neighborhood business area designed to primarily serve the residents of Harbor Pointe Drive.

(Prior code § 150-165.54)

* Editor's Note: The planned residential district No. 3B—Harbor Pointe, Phases III and IV, Map is included at the end of this chapter.

17.136.020 Area of reclassification.

The area to be rezoned as planned residential district No. 3B—Harbor Pointe. Phases III and IV, consists of twelve and forty-nine-hundredths (12.49) acres of land being part of land known as the "Bell Farm," situated in the city of Salisbury, Wicomico County, Maryland, on the northerly side of and binding upon the Harbor Pointe Phase II, planned residential district No. 3A and southerly side of Pemberton Drive; adjoining Harbor Pointe Drive and the community recreation area in Phase II, on the east and the lands of Wicomico County Historical Park on the west; the same being as shown on the preliminary subdivision plat of the Phases III and IV area prepared by Davis, Bowen & Friedel, Inc., dated May 1988, with the land surveyor of record, Philip Parker & Associates, noted thereon. The site is shown on Assessment Map No. 37 as Part of Parcels 304 and 296.

(Prior code § 150-165.55)

17.136.030 Permitted uses.

- A. Permitted uses shall be as follows for Phase III:
 - 1. ~~Multifamily dwelling units as shown on the approved and recorded final development plan.~~ **Single-family, two-family, three-family, or four-family buildings;**
 - 2. **Care home; and**
 - 3. **Apartment building for elderly and handicapped.**
- B. Permitted uses shall be as follows for Phase IV:
 - 1. Uses listed in the neighborhood business district, section 17.32.020.

-
2. Day care center or nursery school in accordance with chapter 17.220.

(Ord. 1779, 2001; Prior code § 150-165.56)

17.136.040 Accessory uses and structures.

A. Accessory uses and structures shall be as follows for Phase III:

1. Maintenance building;
2. Gazebo;
3. Uses clearly incidental to, customary to and associated with the permitted use.

B. Accessory uses and structures shall be as follows for Phase IV:

1. Kiosk;
2. Uses clearly incidental to, customary to and associated with the permitted use.

(Prior code § 150-165.57)

17.136.050 Development standards.

Development standards for the planned residential district No. 3B shall be as follows:

A. Minimum Lot or Building Area Requirements.

1. Phase III: ten and twenty-four hundredths (10.24) acres as shown on the approved and recorded final development plan;
2. Phase IV: two and two hundred forty-seven thousandths (2.247) acres as shown on the approved and recorded final development plan.

B. Minimum Perimeter Setback Requirements.

1. Minimum perimeter setback requirements for all structures shall be as follows:

a. Phase III.

- i. Perimeter: forty (40) feet from west property line;
- ii. Harbor Pointe Drive: fifty (50) feet from property line;
- iii. Phase III recreation area: ten (10) feet from property line;
- vi. Phase II cluster lots: thirty (30) feet from property line;
- vii. Phase IV: thirty (30) feet from property line.

b. Phase IV.

- i. Perimeter: one hundred (100) feet from west property line;
- ii. Pemberton Drive: fifty (50) feet from property line;
- iii. Harbor Pointe Drive: fifty (50) feet from property line;
- iv. Phase III: ten feet from property line.

2. Phase III lot setbacks shall be as shown on the recorded subdivision plat approved by the Planning Commission. Modifications to these setbacks shall require Planning Commission approval prior to recordation of a resubdivision plat.

-
- ~~23.~~ All other setbacks shall be as shown on the final development plan.
- C. Density requirements shall be as follows:
1. Phase III: ~~nine and thirty-eight hundredths (9.38) units per acre;~~
 - a. One Hundred (100) unit care home;**
 - b. One Hundred (100) unit apartment building for elderly and handicapped; and**
 - c. Twenty-four (24) units: one-family, two-family, three-family, or four-family cottages.**
 2. Phase IV: ten thousand (10,000) square feet of building area for a neighborhood shopping center.
- D. Height requirements shall be as follows:
1. Phase III: ~~forty (40)~~ **forty-eight (48)** feet;
 2. Phase IV: thirty (30) feet.
- E. Parking requirements shall be as follows:
1. **Phase III:**
 - a. One-family, two-family, three-family, or four-family cottages: a minimum of one (1) space per unit (permitted to be either on or off street);**
 - b. Lot 25 (Care Home): a minimum of one (1) space per five (5) beds, plus one (1) space per employee on the largest working shift;**
 - c. Lot 26 (Apartments for the elderly and handicapped): a minimum of one (1) spaces for every two (2) units, plus one (1) space per employee on the largest working shift;**
 2. Phase IV: one space per two hundred (200) square feet of floor area.
- F. Landscaping. Landscaping shall be in accordance with the final landscaping plan as approved by the planning commission.
- G. Sign requirements shall be as follows:
1. Phase III: Signs shall be in accordance with section 17.216.070;
 2. Phase IV: Signs, both ground and wall signage, shall be in accordance with a sign plan approved by the Salisbury planning commission.

(Ord. 1989, 2006; prior code § 150-165.58)

17.136.060 Street standards.

- A. Accessways and street entrances shall be provided as shown on the final development plan as recorded.
- B. Entrances from Harbor Pointe Drive and Pemberton Drive shall be provided and constructed in accordance with the requirements of the city department of 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 infrastructure and development.

(Prior code § 150-165.59)

(Ord. No. 2459, 10-9-2017)

17.136.070 Amendments.

Amendments to planned residential development district No. 3B shall be in accordance with the procedures established in Chapters 17.12, 17.204 and 17.228.

(Prior code § 150-165.60)

17.136.080 Final development plan.

A final development plan shall be prepared, submitted to and approved by the planning commission in accordance with chapter 17.204, section 17.204.070.

(Prior code § 150-165.61)

17.136.090 Control of development during construction and after completion.

Once the preliminary development plan and all related development controls are adopted by the city council, development of the area shall be controlled by the final development plan as approved by the planning commission and recorded in the land records of Wicomico County and any amendments thereto. Where specific regulations are not addressed in this district, all other regulations of Title 17 of the city Code shall govern.

(Prior code § 150-165.62)



Planned Residential District No. 3B—Harbor Pointe, Phases III and IV
City of Salisbury, Maryland

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTIONS 17.136.010, 17.136.030 AND 17.136.050 OF THE SALISBURY CITY CODE TO PERMIT ADDITIONAL RESIDENTIAL USES AND REVISE DEVELOPMENT STANDARDS FOR HARBOR POINTE PHASE III

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 Planned Residential District No. 3B – Harbor Pointe, Phases III and IV zoning district permitted multifamily dwelling units. The inclusion of a care home and apartment building for the elderly and handicapped will provide needed housing options;

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 17.136.010, 17.136.030 and 17.136.050 of the Salisbury City Code to permit care homes and apartment buildings for the elderly and handicapped in Planned Residential District No. 3B – Harbor Pointe, Phases III and IV;

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. 136;

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 February 16, 2023;

WHEREAS, at the conclusion of its February 16, 2023 meeting, the Planning Commission recommended, by a vote of 4-0, that the amendments to Sections 17.136.010, 17.136.030 and 17.136.050 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 Sections 17.136.010, 17.136.030 and 17.136.050 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 and removing the strikethrough language as follows:

Section 1. By amending Section 17.136.010 of the Salisbury City Code, entitled “Purpose” as follows:

17.136.010 Purpose.

- A. The purpose of planned residential district No. 3B* is to provide for the development of certain lands between Pemberton Drive and the Harbor Pointe, Phase II, planned residential district No. 3A, with a multifamily development and a neighborhood business area in a planned and attractive natural environment with connection and continuation of the large area of open space in Phases I and II of Harbor Pointe planned residential district No. 3 and planned residential district No. 3A.
- B. Phase III provides for development of those lands between the community recreation area and cluster lots in Phase II and the neighborhood business area in Phase IV ~~with a multifamily development in a~~

48 ~~mixture of one, two and three story units, to be sold as condominiums~~ **with a care home, apartment**
49 **building for elderly and handicapped, and single-family, two-family, three-family, or four-family**
50 **buildings.**

- 51 C. Phase IV provides for development of those lands along Pemberton Drive on the west side of Harbor
52 Pointe Drive and north side of Phase III with a low-scale small neighborhood business area designed to
53 primarily serve the residents of Harbor Pointe Drive.

54 **Section 2.** By amending Section 17.136.030 of the Salisbury City Code, entitled “Permitted uses.” as
55 follows:

56 17.136.030 Permitted uses.

- 57 A. Permitted uses shall be as follows for Phase III:

58 1. ~~Multifamily dwelling units as shown on the approved and recorded final development plan.~~ **Single-**
59 **family, two-family, three-family, or four-family buildings;**

60 **2. Care home; and**

61 **3. Apartment building for elderly and handicapped.**

- 62 B. Permitted uses shall be as follows for Phase IV:

- 63 1. Uses listed in the neighborhood business district, section 17.32.020.
64 2. Day care center or nursery school in accordance with chapter 17.220.

65 **Section 3.** By amending Section 17.136.050 of the Salisbury City Code, entitled “Development
66 standards.” as follows:

67 17.136.050 Development standards.

68 Development standards for the planned residential district No. 3B shall be as follows:

- 69 A. Minimum Lot or Building Area Requirements.

- 70 1. Phase III: ten and twenty-four hundredths (10.24) acres as shown on the approved and recorded
71 final development plan;
72 2. Phase IV: two and two hundred forty-seven thousandths (2.247) acres as shown on the approved
73 and recorded final development plan.

- 74 B. Minimum Perimeter Setback Requirements.

- 75 1. Minimum perimeter setback requirements for all structures shall be as follows:

- 76 a. Phase III.

- 77 i. Perimeter: forty (40) feet from west property line;
78 ii. Harbor Pointe Drive: fifty (50) feet from property line;
79 iii. Phase III recreation area: ten (10) feet from property line;
80 vi. Phase II cluster lots: thirty (30) feet from property line;
81 vii. Phase IV: thirty (30) feet from property line.

- 82 b. Phase IV.

- 83 i. Perimeter: one hundred (100) feet from west property line;
84 ii. Pemberton Drive: fifty (50) feet from property line;
85 iii. Harbor Pointe Drive: fifty (50) feet from property line;
86 iv. Phase III: ten feet from property line.

87 **2. Phase III lot setbacks shall be as shown on the recorded subdivision plat approved by the**
88 **Planning Commission. Modifications to these setbacks shall require Planning Commission**
89 **approval prior to recordation of a resubdivision plat.**

90 **23.** All other setbacks shall be as shown on the final development plan.

91 C. Density requirements shall be as follows:

92 1. Phase III: ~~nine and thirty-eight hundredths (9.38) units per acre;~~

93 **a. One Hundred (100) unit care home;**

94 **b. One Hundred (100) unit apartment building for elderly and handicapped; and**

95 **c. Twenty-four (24) units: one-family, two-family, three-family, or four-family cottages.**

96 2. Phase IV: ten thousand (10,000) square feet of building area for a neighborhood shopping center.

97 D. Height requirements shall be as follows:

98 1. Phase III: ~~forty (40)~~ **forty-eight (48)** feet;

99 2. Phase IV: thirty (30) feet.

100 E. Parking requirements shall be as follows:

101 1. **Phase III:**

102 **a. One-family, two-family, three-family, or four-family cottages: a minimum of one (1) space**
103 **per unit (permitted to be either on or off street);**

104 **b. Lot 25 (Care Home): a minimum of one (1) space per five (5) beds, plus one (1) space per**
105 **employee on the largest working shift;**

106 **c. Lot 26 (Apartments for the elderly and handicapped): a minimum of one (1) spaces for**
107 **every two (2) units, plus one (1) space per employee on the largest working shift;**

108 2. Phase IV: one space per two hundred (200) square feet of floor area.

109 F. Landscaping. Landscaping shall be in accordance with the final landscaping plan as approved by the
110 planning commission.

111 G. Sign requirements shall be as follows:

112 1. Phase III: Signs shall be in accordance with section 17.216.070;

113 2. Phase IV: Signs, both ground and wall signage, shall be in accordance with a sign plan approved by
114 the Salisbury planning commission.

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

117 **Section 4.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this
118 Ordinance shall be deemed independent of all other provisions herein.

119 **Section 5.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
120 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise
121 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph,
122 subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be
123 deemed valid and enforceable.

124 **Section 6.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
125 recitals were specifically set forth at length in this Section 6.

126 **Section 7.** This Ordinance shall take effect from and after the date of its final passage.
127

128 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury
129 held on the _____ day of _____, 2023 and thereafter, a statement of the substance of the Ordinance having
130 been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the
131 _____ day of _____, 2023

132 **ATTEST:**

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141

Kimberly R. Nichols, City Clerk

Muir W. Boda, City Council President

Approved by me, this _____ day of _____, 2023.

John R. Heath, Acting Mayor



City of
Salisbury
John "Jack" R. Heath, Mayor

TO: City Council
FROM: Kim Nichols, City Clerk *Kimberly R. Nichols*
SUBJECT: Council Boards and Commissions Assignments
DATE: March 1, 2023

The Council assignments for serving on the various City boards and commissions are attached for your review and discussion.

COUNCIL BOARDS AND COMMISSIONS REPS LIST

<u>NAME OF BOARD OR COMMISSION</u>	<u>COUNCIL MEMBER ASSIGNED</u>
Planning & Zoning Commission	Muir Boda
Town Gown	Muir Boda
SWMPO	Muir Boda
PAC 14	Megan Outten
Truth & Reconciliation	April Jackson
Zoo Commission	Muir Boda
Youth Development Advisory Committee	Angela Blake
Wicomico Library Committee	Angela Blake
Sustainability Advisory Committee- Green Team	Megan Outten
Disability Advisory Committee	Michele Gregory
Bicycle and Pedestrian Advisory Committee	Michele Gregory
Airport Committee	Megan Outten
Parks & Recreation	April Jackson
Human Rights Advisory Committee	Angela Blake
Tri-County Council	Michele Gregory