



CITY OF SALISBURY

115 S. Division Street, Salisbury, MD, 21801

LEGISLATIVE SESSION

Government Office Building

125 N. Division Street, Room 301, Salisbury, MD, 21801

Monday, December 16, 2024

D'SHAWN M. DOUGHTY
Council President

ANGELA M. BLAKE
Council Vice President

APRIL R. JACKSON
Councilwoman

MICHELE R. GREGORY
Councilwoman

SHARON C. DASHIELL
Councilwoman

CALL TO ORDER

WELCOME/ANNOUNCEMENTS/PLEDGE

PRESENTATION AND ADOPTION OF THE LEGISLATIVE AGENDA

CONSENT AGENDA – City Clerk Julie English

- August 26, 2024 Legislative Session Minutes

AWARD OF BID – Procurement Director Jennifer Miller

- ITB 25-112 Playground Equipment and Installation \$229,931.40
- ITB 25-113 Water Main Supplies \$210,630.00

ACCEPTANCE OF 2024 AUDIT

PUBLIC HEARINGS

- **Ordinance No. 2903** – to authorize the operation of a utility substation on a property located on the southerly side of Calloway Street (Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1) in the R-5A Residential Zoning District as required by Section 17.160.040B of the Salisbury Municipal Code
- **Ordinance No. 2904** – to authorize the operation of a day-care center at 224 Phillip Morris Drive in the light business & institutional district by the Night Watch Childcare Center, LLC as required by Section 17.28.040B of the Salisbury Municipal Code

ORDINANCES – City Attorney Ashley Bosché

- **Ordinance No. 2905** – 2nd reading – amending Title 12 of the Salisbury City Code, entitled “Streets, Sidewalks, and Public Places”, by eliminating Sections 12.04.010, 12.04.020 and 12.24.020, and adding new chapter 12.25 to include all litter violations under one chapter entitled “Littering,” and further amending Title 1 of the Salisbury City Code to confirm the penalties imposed for municipal infractions and misdemeanors
- **Ordinance No. 2906** – 2nd reading – to amend Sections 15.04.010, 15.04.020, 15.04.040 of Chapter 15.04 of the Salisbury City Code (Building Code) and to add Sections 15.04.025 and 15.04.035 to Chapter 15.04 in order to update and amend the City’s standard building codes

- **Ordinance No. 2907** – 1st reading – approving a budget amendment of the FY2025 General Fund Budget to appropriate funds to the Salisbury Fire Department’s operating account
- **Ordinance No. 2908** – 1st reading – amending Section 17.150.050A.7 of the Salisbury City Code to delete the word “townhouses” from the category of uses permitted in Parcel H of Planned Residential District No. 7 (The Villages at Aydelotte Farm), and increase the density to 6.0 units per acre
- **Ordinance No. 2909** – 1st reading – amending Section 17.24.040 to increase the inherent density permitted for the development and redevelopment of property located in the Central Business Zoning District

PUBLIC COMMENTS

ADMINISTRATION COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

Join Zoom Meeting

<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2IHbnROQzZVUT09>

Meeting ID: 881 6325 3286

Passcode: 812389

Phone: 1.301.715.8592

City Council Meetings are conducted in Open Session unless otherwise indicated. All or part of the Council’s meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b) by vote of the City Council.

Posted 12/12/24



**LEGISLATIVE SESSION
MEETING MINUTES
AUGUST 26, 2024**

PUBLIC OFFICIALS PRESENT

Council President D’Shawn M. Doughty, Councilwoman April R. Jackson (Zoom), Councilwoman Michele R. Gregory (Zoom), Councilwoman Sharon C. Dashiell, Mayor Randy Taylor

PUBLIC OFFICIALS ABSENT

Councilwoman Angela M. Blake

STAFF IN ATTENDANCE

City Administrator Andy Kitzrow, Fire Chief Rob Frampton, Police Chief David Meienschein, Department of Infrastructure and Development Director Nick Voitiuc, Housing and Community Development Director Muir Boda, City Clerk Julie English, City Attorney Ashley Bosché

WELCOME/ANNOUNCEMENTS/PLEDGE TO THE FLAG

Immediately following a Special Work Session, Council convened in Legislative Session on August 26, 2024 at 6:07 p.m. in the Government Office Building Council Chambers, Room 301, located at 125 N. Division Street. President Doughty asked everyone to stand for the Pledge of Allegiance.

INVOCATION

Pastor Greg Morris from the Parkway Church of God was called forward to provide the Invocation.

CITATIONS – presented by Councilwoman Sharon Dashiell

Ms. Dashiell began by presenting a citation to Ashley Jones-Purnell for receiving Wicomico’s Rising Star Award. Next, Ms. Dashiell presented a citation to Debra Reynolds as she was named Wicomico Teacher of the Year. Congratulations was given to both recipients and pictures were taken. President Doughty noted that both recipients came from Wicomico County Public Schools.

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PRESENTATION AND ADOPTION OF THE AGENDA

President Doughty presented the meeting agenda and called for a motion and a second to approve the agenda. Ms. Jackson motioned and Ms. Dashiell seconded. The vote was 4-0 in favor.

CONSENT AGENDA – presented by City Clerk Julie English

The Consent Agenda consisted of the following item:

- **Resolution No. 3363** – approving the appointment of Susan Ferrell to the Human Rights Advisory Committee term ending August 2026

The Consent Agenda was approved (4-0) on a motion and second by Ms. Jackson and Ms. Gregory, respectively.

President Doughty thanked Susan Ferrell for serving in that capacity.

RESOLUTION – presented by City Administrator Andy Kitzrow

- **Resolution No. 3364** – accepting the gift of the Heron Mural from the Salisbury Arts Alliance for relocation and revitalization

Resolution No. 3364 was approved (4-0) on a motion and second by Ms. Jackson and Ms. Dashiell, respectively.

ORDINANCES – presented by City Attorney Ashley Bosché

- **Ordinance No. 2882** – 2nd reading - approving a budget amendment of the FY25 General Fund Budget to appropriate the funds received from the recovery and recycling of scrap metal

Ordinance No. 2882 was approved for second reading on a motion and second by Ms. Jackson and Ms. Gregory, respectively. The vote was 4-0.

- **Ordinance No. 2883** - 2nd reading – approving an amendment of the City’s General Capital Project Fund Budget to provide additional funds for the Truitt Street Community Center Expansion

Ms. Dashiell motioned and Ms. Gregory seconded, and the vote was 4-0 to approved Ordinance No. 2883 for second reading.

- **Ordinance No. 2884**- 1st reading – authorizing the Mayor to enter into a contract with

89 Maryland Humanities for the purpose of accepting grant funds in the amount of \$431.14
90 and to approve a budget amendment to the grant fund to appropriate these funds for
91 the Maryland Folk Festival Programming
92

93 Ms. Jackson motioned and Ms. Gregory seconded, and the vote was 4-0 to approved
94 Ordinance No. 2884 for first reading.
95

- 96 • **Ordinance No. 2885**- 1st reading – approving a budget amendment of the City’s FY25
97 Budget to accept and appropriate donated funds from the Community Foundation of
98 the Eastern Shore Winter Wonderland of Lights Fund to support the cost of the annual
99 holiday lighting displays at Salisbury’s City Park

100
101 Ms. Jackson motioned and Ms. Gregory seconded, and the vote was 4-0 to approved
102 Ordinance No. 2885 for first reading.
103

- 104 • **Ordinance No. 2886**- 1st reading- approving a budget amendment of the FY2025 General
105 Fund Budget to appropriate funds to the Salisbury Fire Department
106

107 Ms. Dashiell motioned and Ms. Gregory seconded, and the vote was 4-0 to approved
108 Ordinance No. 2886 for first reading.
109

- 110 • **Ordinance No. 2887**- 1st reading- to accept funds received from Perdue Agribusiness,
111 LLC for the City of Salisbury’s Supplemental Environment Project
112

113 Ms. Gregory motioned and Ms. Dashiell seconded, and the vote was 4-0 to approved
114 Ordinance No. 2887 first reading.
115

116 President Doughty then called for a motion and a second to approve Ordinance No. 2888.
117 Ms. Gregory motioned but a second was not received from Ms. Dashiell nor Ms. Jackson.
118 Ordinance No. 2888 (below) failed and was not presented.
119

- 120 • **Ordinance No. 2888**- 1st reading- to amend Chapter 12.04 of the City Code by adding
121 Subchapter 12.04.080, which shall address the removal, alteration, and maintenance of
122 displays of public art and commemorative artwork on city streets, sidewalks, and public
123 places
124

125 President Doughty opened the floor to discuss on the item. Ms. Gregory pointed out a
126 correction on line 73 that needed to be made, changing “commerce” to “culture”.
127

128 Ms. Dashiell stated she did not see a purpose for the ordinance and that she had complete faith
129 in the Public Arts Committee to do their job. Ms. Jackson agreed with Ms. Dashiell. Ms. Gregory
130 requested that the ordinance be tabled. Ms. Jackson believed the ordinance would take the
131 power from the Mayor and did not feel the Council needed to be so involved. Ms. Dashiell and
132 Ms. Jackson agreed that there was no need to table the item since further discussion would not

133 change their minds. Ms. Gregory pointed out that there was a council member absent who may
134 want to weigh in on the item, which is why she asked to table the item. Ms. Gregory made a
135 motion to move the legislation to a work session for further discussion. Having no second,
136 Ordinance 2888 died and could not be brought back before Council.

137

138 **PUBLIC COMMENTS**

139

140 The following public comments were made:

141

- 142 • Speaker #1 spoke to the need for affordable housing and supported the needs of the
143 homeless population. She called on Council and Administration to find ways to assist
144 those needing assistance with housing and homelessness.
- 145 • Speaker #2 requested a formal process be implemented for the removal of public art.
- 146 • Speaker #3 shared information about a down payment assistance program available to
147 those who qualified.
- 148 • Speaker #4 echoed the remarks of Speaker #1.
- 149 • Speaker #5 preferred the discussion of PFAS be held in open session. He stated the
150 affordable housing problem was a county problem, not just a city issue. He also
151 questioned the Horizon program.
- 152 • Speaker #7 referenced the Council’s Rules of Order, provided the definition of the word
153 “shall”, and advocated for the public’s right to provide comment.
- 154 • Speaker #8 was concerned with the lack of affordable housing in Salisbury. She spoke to
155 the effects of homelessness on children’s education.

156

157 **ADMINISTRATION COMMENTS**

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159 Mr. Kitzrow stated the City was actively searching for a Housing and Homelessness Manager if
160 anyone would like to assist with affordable housing and homelessness as a city employee. He
161 announced that the RFP for Anne Street Village opened that week. Mr. Kitzrow noted that
162 Salisbury welcomed the Housing Secretary, who gave 18 million dollars for a local affordable
163 housing project.

164

165 Mayor Taylor shared information he received through a conversation with one of the families
166 that was living at the games park. He pointed out that factors such as learning disabilities, sex
167 offender registry, etc. sometimes played a role in the homelessness community. It was a
168 complicated situation. He added that some of the kids referenced earlier were kids belonging to
169 families such as these. Mayor Taylor felt it was unfair for the public to act like the City did not
170 care of about the homeless community. He wished everyone a healthy return to school. Lastly,
171 he invited all to attend the upcoming folk festival.

172

173 **COUNCIL COMMENTS**

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175 Ms. Jackson shared her implementation of a program involving black business owners. She also
176 asked for prayers for her health and for Councilwoman Blake as she had a fire in her home.

177
178 Ms. Gregory advocated for volunteers for the folk festival, specifically the bucket brigade. She
179 shared her disappointment in the public art legislation not moving forward.

180
181 Ms. Dashiell defended the city with regard to the homelessness situation. She cautioned that
182 you could not group everyone under one label of homelessness. She agreed with one of the
183 speakers who stated it needed to be a collaborative effort between other municipalities. She
184 applauded the city’s housing committee. Ms. Dashiell felt that new development should require
185 affordable housing to some extent.

186
187 Ms. Dashiell gave kudos to the city staff who removed the concrete pieces on the corner of
188 Camden and College Avenue. She then advocated for attendance at several upcoming events.

189
190 President Doughty asked for continued thoughts and prayers for Councilwoman Blake. He
191 thanked the volunteers who assisted with the Fresh Start event. He also mentioned an
192 upcoming event and thanked the public for coming out to share their concern for the homeless
193 and affordable housing. President Doughty referenced the plans for the housing committee and
194 wanted everyone to come together to make big things happen.

195
196 **ADJOURNMENT**

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198 With no further business to discuss, the Work Session adjourned at 6:42 p.m.

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200 Due to the lack of an in-person quorum the scheduled Closed Session was cancelled.

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203 City Clerk

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207 Council President

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City of Salisbury

COUNCIL AGENDA – Department of Procurement

December 16, 2024

Award of Bid

- | | |
|---|--------------|
| 1. ITB 25-112 Playground Equipment and Installation | \$229,931.40 |
| 2. ITB 25-113 Water Main Supplies | \$210,630.00 |



City of Salisbury

MEMORANDUM

TO: Mayor and City Council

FROM: Jennifer Miller, Director of Procurement

SUBJECT: Award of Bid and/or Declaration of Surplus

DATE: December 16, 2024

The Department of Procurement seeks Award of Bid approval from the Salisbury City Council for the solicitation(s) as defined herein. The City followed required bidding practices as defined by the Salisbury Charter and the Municipal Code of Ordinances, and publicly posted the solicitations for the City's competitively bid procurements on the City of Salisbury's Procurement Portal, PlanetBids, and the State of Maryland's website, eMaryland Marketplace Advantage.

ITB 25-112 Playground Installation and Equipment

- Department: Field Operations
- Scope of Work: Provide labor, equipment, materials, and incidentals to install new playground equipment at the Doverdale Playground
- Cooperative contract & vendor information:
 - Omnia Contract 2017001135: Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing, and Related Products and Services
 - Vendor: Kompan, Inc (Austin, TX)
 - Contract Maturity Date: June 30, 2026
- Cost: \$229,931.40
- GL Account(s): TBD
- Notes:
 - \$240,000 approved in the FY25 Budget Ordinance 2870 for "FY24 CP&P Playground Equipment Replacement at Doverdale Park (DNR)"
 - Purchasing authority per City of Salisbury Charter § SC 16-3 General Policy of Competitive Bidding, Exceptions, which states that competitive bidding is not necessary or appropriate in the following circumstances:
 - A.(9) Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract.
 - The City of Charlotte, North Carolina, competitively solicited Request for Proposals (#RFP 269-2017-028) and awarded the Contract to Kompan, Inc., and designated Omnia Partners as the administrative and marketing conduit for the distribution of the Contract to Participating Public Agencies.
 - The City of Salisbury is an Omnia Partners Member, #4012999



City of Salisbury

ITB 25-113 Water Main Supplies

- Department: Water Works
- Specifications: 2100' of 24" C900 DR18 Pipe
- Contract & vendor information:
 - Prince William County Contract 5061299: Plumbing Supplies, Equipment, and Maintenance Parts
 - Vendor: Ferguson Enterprises, LLC (Chantilly, VA)
 - Contract Maturity Date: November 8, 2025
- Cost: \$210,630.00
- GL Account(s): 96122-513026-50038 Park Well Field Raw Water Main
- Notes:
 - Purchasing authority per City of Salisbury Charter § SC 16-3 General Policy of Competitive Bidding, Exceptions, which states that competitive bidding is not necessary or appropriate in the following circumstances:
 - A.(9) Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract.



MEMORANDUM

To: Jennifer Miller, Director of Procurement

From: Mike Dryden, Director of Field Operations

Subject: Recommendation of Award of bid for Kompan, Inc.

The Department of Field Operations has been approved funding to update the playground equipment at Doverdale Park. The planned upgrades include the installation of a Rambler Slide Playset, a Seesaw, Musical Chimes, and a Twister Cone.

The Field Operations Department will use an OMNIA Partners cooperative contract with Kompan, Inc. for the purchase of the playground equipment.

Pursuant to a thorough review of the contract from the City Department of Procurement and the Department of Field Operations, please allow this memorandum to serve as the formal Department recommend to award a contract to Kompan, Inc. in the amount of \$229,931.40.

Attached you will find the following items:

- Kompan, Inc. quote




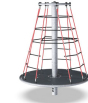


Sales Proposal

Salisbury, Maryland
Mike Dryden
125 Division Street Room 304
Salisbury, MD 21801

Quote No. SP145076-1
Customer No. C024492
Document Date 12/02/2024
Expiration Date 12/31/2024

Sales Representative Teresa Paddy
Email TerPad@Kompan.com
Phone No. 443-960-0331 / 800-426-9788

Project Name US288113 Doverdale Park and Playground

No.	Description	Qty	Unit	Unit Price	Discount %	Net Price
M18701-12P	Ocean Seesaw In-ground 60cm 	1	Pieces	8,010.00	12.00	7,048.80
PCM003121-0901	PLAY PANEL 2 - MUSIC CLASSIC, IN-GROUND 90CM 	1	Pieces	7,740.00	12.00	6,811.20
COR105031-CUSTOM	COR105031-CUSTOM VARIANT 20289201 	1	Pieces	56,720.00	15.00	48,212.00
COR203301-1101	CONE TWISTER INCLUSIVE RED - IN-GROUND 	1	Pieces	21,360.00	15.00	18,156.00
CRP200102-0901	GROVE TRAIL - RED HDG POSTS - IN-GROUND 	1	Pieces	10,100.00	15.00	8,585.00
PCE105431-0902	RAMBLER BLOSSOM - IN-GROUND 	1	Pieces	35,700.00	15.00	30,345.00

Sales Proposal

Salisbury, Maryland
 Mike Dryden
 125 Division Street Room 304
 Salisbury, MD 21801

Quote No. SP145076-1
 Customer No. C024492
 Document Date 12/02/2024
 Expiration Date 12/31/2024

Sales Representative Teresa Paddy
 Email TerPad@Kompan.com
 Phone No. 443-960-0331 / 800-426-9788

Project Name US288113 Doverdale Park and Playground

No.	Description	Qty	Unit	Unit Price	Discount %	Net Price
<u>KSW926-CUSTOM</u>	Custom - Swing Frame , 6 Seat, 8 ft H 20286981	1	Pieces	11,040.00	12.00	9,715.20
						
INSTALL SPECIAL	Project Installation (Special Offer)	1	Pieces	67,801.00	10.00	61,020.90
US-CUSTOM-SURFACING	Engineered Wood Fiber Surfacing	1	Sq. Feet	23,749.00	10.00	21,374.10
INSTALL SPECIAL	Furnish and Install 260 LF 6X6 Timber edging	1	Pieces	10,533.00	10.00	9,479.70
FREIGHT	Freight	1	Pieces	9,183.50		9,183.50

Description	Qty	Retail Price	Discount	Net Price
No. of Products	7			
Subtotal - Products		150,670.00	21,796.80	128,873.20
Subtotal - Surfacing		23,749.00	2,374.90	21,374.10
Subtotal - Installation		78,334.00	7,833.40	70,500.60
Subtotal - Freight		9,183.50		9,183.50
Total USD				229,931.40

Business Agreement OMNIA Partners Contract
Payment Terms Net 30 days

Playground and Outdoor Fitness Equipment, Site Accessories, Surfacing, and Related Products and Services

City of Charlotte, NC
 Contract Number: 2017001135

Initial Term: July 1, 2017 through June 30, 2022
 Renewal Options: Option to renew for two (2) additional two-year periods through June 30, 2026
 RENEWED THROUGH June 30, 2026

Installation Site Address

Doverdale Park and Playground
 925 Vaden Avenue
 Salisbury, MD 21804



Sales Proposal

Salisbury, Maryland
Mike Dryden
125 Division Street Room 304
Salisbury, MD 21801

Quote No. SP145076-1
Customer No. C024492
Document Date 12/02/2024
Expiration Date 12/31/2024

Sales Representative Teresa Paddy
Email TerPad@Kompan.com
Phone No. 443-960-0331 / 800-426-9788

Project Name US288113 Doverdale Park and Playground

Note that the color and texture of products and surfacing made with recycled content are subjected by the differences from the used recycled raw materials. Therefore, minor differences in the appearance and texture can occur.
Applicable sales tax will be added unless a valid tax exemption certificate is provided. This amount is only an estimate of your tax liability. Your acceptance of this proposal constitutes a valid order request and includes acceptance of terms and conditions contained within this Master Agreement, which is hereby acknowledged.
Acceptance of this proposal from KOMPAN is acknowledged by issuance of an order confirmation by an authorized KOMPAN representative. Prices in this quotation are good until expiration date, shown in the top of this document. After that date, this proposal may be withdrawn. Prevailing Wage and Payment & Performance Bonds are not included unless stated in body of Sales Proposal. If Payment & Performance Bonds are needed, add 2.2% of the entire sales proposal.

This information required for order placement:

Accepted By (Please Print): _____

Accepted By (Title): _____

Accepted By (signature): _____

Date: _____

Date Equipment needed on site: _____

Bill To: _____

Ship To: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Contact: _____

Contact: _____

Contact Email: _____

Contact Email: _____

Contact Phone (Office): _____

Contact Phone (Office): _____

Contact Phone (Cell): _____

SALES TAX EXEMPTION CERTIFICATE #: _____

(PLEASE PROVIDE A COPY OF CERTIFICATE)



City of Salisbury

To: Jennifer Miller, Director of Procurement
From: Cori Cameron, Director of Water Works
Date: December 9, 2024

RE: Recommendation of Award for ITB 25-113 Water Main Supplies

Salisbury Department of Water Works would like to partner with a government contract thru Prince William County Maryland Contract #5061299 through Ferguson Enterprises, LLC supplying Plumbing Supplies, Equipment, and Maintenance Parts, to purchase 2000 ft of 24 inch C900 DR18 PVC Water Main.

The water main purchased will be used to replace the old raw water line at the Park Water Treatment Plant. Funds are available in Account # 96122-513026-50038 for \$225,000 and Account # 96124-513026-50038 for \$8,540.



CONTRACT MODIFICATION

COUNTY CONTRACT NAME: Plumbing Supplies, Equipment, and Maintenance Parts (Primary)

COUNTY CONTRACT NO.: 5061299 MODIFICATION DATE: 08/30/2024 MODIFICATION NO.: 4

The Contract is modified as follows, in accordance with Section 1.4:

1. is renewed for a period of one (1) year beginning November 9, 2024 and ending on November 8, 2025. This is renewal 4 of 4 optional renewal periods.
2. update line 71 in Percentage Discount list to read:
"Percentage % Discount from MSRP for manufacturers' brands not listed specifically in the manufacturers Percentage Discount list."

Except as noted herein, all other provisions and pricing remain unchanged.

Prince William County

for Department: Buildings & Grounds, Facilities & Fleet Management

Chief Procurement Officer, or authorized

Lead Procurement Officer,
or authorized

Contractor

Contractor's Business Name and Address:

Ferguson Enterprises, LLC
13900 Lowe Street
Chantilly, VA 20151
Mr. Peter Hutchins
peter.hutchins@ferguson.com

Greg Leonard

Greg Leonard (Sep 3, 2024 07:41 EDT)

Contractor's Authorized Signature and Date

Greg Leonard

Contractor's Name (print)

General Manager

Contractor's Title (print)

Percentage Discount (from MSRP) - FARGUSON - Contract 5061299 (PRIMARY)

Percentage (%) Discount – the percentage discount offered from the current manufacturer's suggested retail price (MSRP)
 If a manufacturer's price is not available for an item, the percentage discount offered will be considered a discount from the published shelf or catalog pricing available to the public at the time of purchase.

Items on sale, at the time of purchase, will be provided at the sale price or the discounted price, whichever is lower.

Line	Manufacturer	% Discount from MSRP
1	American Standard	20%
2	American Valve, Inc.	15%
3	American Water Heater Co.	5%
4	Amtrol, Inc.	15%
5	AO Smith	5%
6	Aqua Glass Corp.	N/A
7	Arcet Equipment	N/A
8	Basco	N/A
9	Bell & Gossett	5%
10	Bradford White	5%
11	Bradley Fixtures Corp.	10%
12	Brass Craft	N/A
13	Briggs Plumbing Products	5%
14	Briggs Plumbing, Inc.	5%
15	Broan-Nu Tone LLC	N/A
16	Charlotte Pipe & Foundry Co.	35%
17	Chicago Faucets Co.	15%
18	Comfort Seats	N/A
19	Crane Plumbing	0%
20	Danco Co.	30%
21	Delta Faucet Co.	25%
22	Eljer Plumbingware, Inc.	N/A
23	Elkay Manufacturing Co.	20%
24	Ellsworth Associates	N/A
25	Empire Comfort Systems	5%
26	F.E. Myers Co.	20%
27	Fernco, Inc.	20%
28	Fluidmaster, Inc.	0%
29	Gastite	5%
30	Gerber Plumbing Fixtures, Inc.	10%
31	Greenfield Mfg. Co.	0%
32	Grohe American, Inc.	0%
33	Halsey Taylor	5%
34	Honeywell	10%
35	In-Sink-Erator	10%

Line	Manufacturer	% Discount from MSRP
36	Jay R Smith	15%
37	Kohler Company	10%
38	Lasco Fittings, Inc.	15%
39	Lawler	0%
40	Leonard	0%
41	Little Giant Pump Co.	0%
42	Lochinvar	5%
43	Mansfield Plumbing Products	5%
44	Moen Inc.	15%
45	Myers Pump Co.	10%
46	Nibco, Inc.	15%
47	Nordstrom Valves, Inc.	7%
48	Oatey	10%
49	Plumberex Specialty Products	15%
50	Price Pfister, Inc.	5%
51	ProPress	10%
52	Raypac	5%
53	Rheem Mfg. Co.	N/A
54	Ridge Tool Co.	5%
55	Rigid Tool	5%
56	Simpson Duravent	N/A
57	Sloan Valve Co.	10%
58	State Industries	15%
59	T&S Brass & Bronze Works, Inc.	5%
60	Taco	10%
61	TOTO	10%
62	Trane Co.	N/A
63	United Pipe & Steel Co.	5%
64	Water Works, Inc.	N/A
65	Watts Brass & Tubular	20%
66	White-Rodgers	20%
67	Wilkins A. Zurn Co.	15%
68	Woodford Manufacturing Co.	10%
69	Zoeller Company	5%
70	Zurn Industries	20%
71	Percentage % Discount from MSRP for manufacturers' brands not listed specifically in the manufacturers Percentage Discount list	0%

Deliver To: From: Bob Johns bob.johns@ferguson.com Comments:
--

FERGUSON WATERWORKS #920

Price Quotation

Phone: 410-677-6793

Fax: 410-543-9646

Bid No: B514694
Bid Date: 12/10/24
Quoted By: RWJ

Cust Phone: 410-548-3177
Terms: NET 10TH PROX

Customer: CITY OF SALISBURY
125 N DIVISION STREET STE 104
SALISBURY, MD 21804

Ship To: CITY OF SALISBURY
125 N DIVISION STREET STE 104
SALISBURY, MD 21804

Cust PO#:

Job Name: REVISED 24

Item	Description	Quantity	Net Price	UM	Total
DR18BP24	24 C900 DR18 CL235 PVC GJ BLUE PIPE VENDOR IS NATIONAL PIPE OR DIAMOND PLASTIC FALLS UNDER LINE 71 ON CONTRACT 5061299 PRINCE WILLIAMS COUNTY PLUMBING SUPPLY,EQUIPMENT AND MAINTENANCE PARTS BID IS ONLY GOOD FOR 2 WEEKS PIPE IS IN STOCK IN WISCONSIN CURRENTLY	2100	100.300	FT	210630.00

Net Total: \$210630.00
Tax: \$0.00
Freight: \$0.00
Total: \$210630.00

Quoted prices are based upon receipt of the total quantity for immediate shipment (48 hours). SHIPMENTS BEYOND 48 HOURS SHALL BE AT THE PRICE IN EFFECT AT TIME OF SHIPMENT UNLESS NOTED OTHERWISE. QUOTES FOR PRODUCTS SHIPPED FOR RESALE ARE NOT FIRM UNLESS NOTED OTHERWISE.

CONTRACTOR CUSTOMERS: IF YOU HAVE DBE/MBE/WBE//VBE/SDVBE/SBE GOOD FAITH EFFORTS DIVERSITY GOALS/ REQUIREMENTS ON A FEDERAL, STATE, LOCAL GOVERNMENT, PRIVATE SECTOR PROJECT, PLEASE CONTACT YOUR BRANCH SALES REPRESENTATIVE IMMEDIATELY PRIOR TO RECEIVING A QUOTE/ORDER.

Seller not responsible for delays, lack of product or increase of pricing due to causes beyond our control, and/or based upon Local, State and Federal laws governing type of products that can be sold or put into commerce. This Quote is offered contingent upon the Buyer's acceptance of Seller's terms and conditions, which are incorporated by reference and found either following this document, or on the web at <https://www.ferguson.com/content/website-info/terms-of-sale>
Govt Buyers: All items are open market unless noted otherwise.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=1883&on=8486>

FERGUSON WATERWORKS #920
Price Quotation

Fax: 410-543-9646

13:50:34 DEC 10 2024
Reference No: B514694



HOW ARE WE DOING? WE WANT YOUR FEEDBACK!

Scan the QR code or use the link below to
complete a survey about your bids:

<https://survey.medallia.com/?bidsorder&fc=1883&on=8486>



City of Salisbury

To: Andy Kitzrow, City Administrator
From: Amanda Rodriguez, City Planner *AR*
Date: November 22, 2024
Re: Ordinance to Permit the Operation of a Utility Substation by Eastern Shore Natural Gas

Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc. has submitted an application for an Ordinance Permit for the operation of a Utility Substation as defined in Ch 17.220 to be located at the property on Calloway Street identified as Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1. The property is currently zoned R-5A, and is currently unimproved. A Utility Substation is an allowable use in the R-5A district with the granting of an Ordinance Permit, per Ch 17.160.040.B.

The purpose of this facility is to serve as an integral element to improving safety of the existing natural gas pipeline. This above ground facility contains a rupture mitigation valve and is monitored remotely by Eastern Shore's Gas Control Facility in Dover, DE. There is minimal traffic to and from the site, as it is unmanned and will see approximately 1 visit to the site per month for inspection and maintenance.

On November 21, 2024, the Salisbury-Wicomico Planning and Zoning Commission reviewed the request, and forwarded a favorable recommendation to City Council.

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

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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 9 day of December, 2024 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 __, 2024.

ATTEST:

Julie A. English, City Clerk

D'Shawn M. Doughty, City Council President

Approved by me, this _____ day of _____, 2024.

Randolph J. Taylor, Mayor



Infrastructure and Development Staff Report November 21, 2024

I. BACKGROUND INFORMATION:

Project Name: Chesapeake Utilities Substation
Applicant/Owner: Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc.
Nature of Request: Ordinance Permit
Location of Property: Calloway Street, Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1
Existing Zoning: R-5A Residential Zoning District

II. SUMMARY OF REQUEST:

A. Introduction:

Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc. has submitted an application for an Ordinance Permit for the operation of a Utility Substation as defined in Ch 17.220 to be located at the property listed above. The property is currently zoned R-5A, and is currently unimproved. A Utility Substation is an allowable use in the R-5A district with the granting of an Ordinance Permit, per Ch 17.160.040.B.

The purpose of this facility is to serve as an integral element to improving safety of the existing natural gas pipeline. This above ground facility contains a rupture mitigation valve and is monitored remotely by Eastern Shore's Gas Control Facility in Dover, DE.

Ch 17.12.060 states the Planning Commission has the authority to hear and review applications for Ordinance Permits and forward on a recommendation to City Council for final approval.

B. Surrounding Area Development:

The R-5A district is located in areas which are presently served or which can be served by existing municipal public utilities of water, sanitary sewer and storm drains and which contain the services and amenities necessary for concentrations of population and traffic normally associated with apartment and townhouse development.

Surrounding properties include residential apartments to the east, a forest conservation easement to the south, and the railroad to the west. Per the application, the forest conservation easement will not be disturbed by the construction of this utility substation.

III. R-5A DISTRICT DEVELOPMENT STANDARDS:

Staff notes the following with regard to Zoning Code requirements:

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md

A. Site Plan Review:

- 1. Minimum Lot Requirements:** No changes to the size or dimensions of the existing lot are proposed for this project. The lot currently meets all minimum lot size requirements as set forth in Ch.17.160.060.
- 2. Building Setbacks/Spacing/Height:** Structures as shown on the proposed plan meet the setback, spacing, and height requirements as stated in Chapter 17.160.060.
- 3. Parking/Loading:** The site includes a gravel driveway to the substation area. This area is not accessible by the public and will not require additional parking, as there is no building structure.
- 4. Access:** The site currently has sole access from Calloway Street, which is not a through street. There is little expected traffic to and from the site as the site is unmanned. Occasional inspections and repairs by Eastern Shore Natural Gas employees are expected to occur.
- 5. Sign Plan:** While additional signage is not expected, any proposed signs will be subject to Planning Commission review before approval.
- 6. Landscaping and Screening:** Additional landscaped buffer is proposed along Calloway Street and along the residential uses to the east. The facility will be enclosed in a 45' x 45' area by chain link security fencing.

IV. PLANNING COMMENTS

The applicant seeks to use this site in a manner that is consistent with the intent of providing infrastructure and utilities to residential development. The operation of a utility substation is an allowable use in the R-5A district after the granting of an Ordinance Permit. Formal plans will be submitted for review and approval to the Department of Infrastructure and Development, City of Salisbury Fire Department, and other applicable agencies prior to the issuance of any building permits.

V. RECOMMENDATION

Staff recommends a favorable recommendation be made to forward this Ordinance Permit application onto City Council.

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Date: October 2, 2024

City of Salisbury Infrastructure & Development Department
125 N. Division Street, Suite 304
Salisbury, MD 21801
Attention: Mr. Henry Eure

Subject: Calloway Street Valve Facility
submission for the Salisbury Loop
Project

Dear Mr. Eure

On behalf of our client, Eastern Shore Natural Gas (ESNG) Company, we hereby request approval to construct a utility infrastructure facility on the vacant parcel known as tax parcel 014-0012-2594, located on the south side of Calloway Street in the City of Salisbury. The facility will consist of a 45-foot by 45-foot fenced area along with a gravel driveway. The facility will consist of a chain-link security fence to protect the proposed federally required valve facility. The unmanned facility will be visited by ESNG employees for routine maintenance and inspections. Trees will be planted along the street and as a buffer against the neighboring residentially zoned property.

The aboveground facility will contain a rupture mitigation valve (RMV) and an inline inspection (ILI) receiver. The RMV is part of a system of valves on the natural gas transmission pipeline that protects against catastrophic events. These valves are part regulations established and enforced by the Pipeline and Hazardous Materials Safety Administration (PHMSA). If any of these valves sense a 10% pressure loss on the pipeline, they automatically close, isolating the section of pipeline that is suffering the pressure loss. Once isolated, the pressure decreases and the amount of potential gas loss is halted. In addition, the entire pipeline system, including all RMV's, are monitored from Eastern Shore's Gas Control Facility in Dover, DE. This facility provides 24-hour, seven (7)-day a week monitoring for all Eastern Shore facilities. The ILI receiver allows for the acceptance of an inspection tool that would be sent through the pipeline at a point further north in the pipeline network. Based on current federal regulations the ILI receiver would be used approximately every seven (7)-years. These inspections provide critical data related to the long-term maintenance and protection of welded steel, gas transmission pipelines.

The subject parcel is approximately 0.54 acres and is zoned R-5A. The parcel was subdivided as "Lot 1" in a Plan titled, "Resubdivision of Lots 38-40 & 44-48 of the William F. Calloway Estate and Minor Subdivision of the Lands of Go-Getters Foundation, Inc.," dated May 5, 2003. The parcel is adjoined by "Lot 2" of the same plan to the east – an approximately 1.27-acre parcel also Zoned R-5A and currently used as residential apartments. The subject parcel is bordered to the west by the railroad. There is an existing Forest Conservation Easement along the western and southern lot lines which will not be impacted as part of the proposed improvements.

To help visualize what the facility will look like, we have attached two photographs of another ESNG facility. While not exactly the same mechanical appurtenances, the facility shown in these photographs is of a similar size.

111 Ruthar Drive, Newark, DE 19711 (302) 326-2200 www.mragta.com

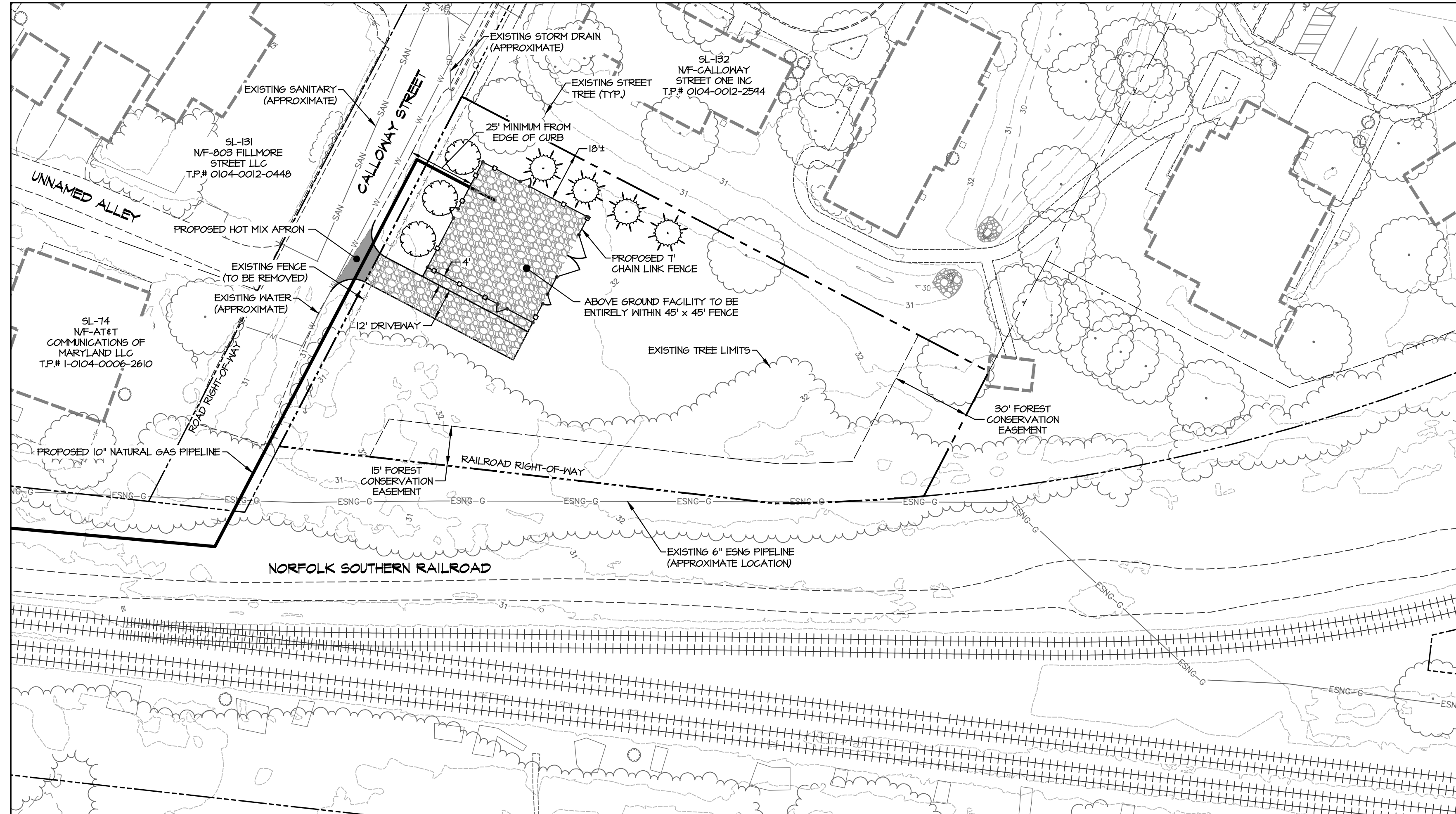
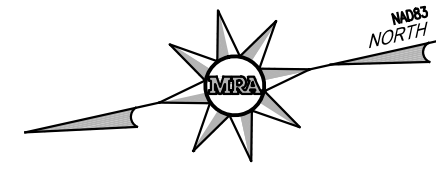
We understand that the Code requires an Ordinance Permit be issued for the construction of this utility facility within the R-5A zone, and we request approval for that permit from the City Planning Commission. Should you require additional information please contact us at (302) 326-2200. Thank you for your time and consideration for this project.

Very truly yours,
Morris & Ritchie, Associates, Inc.



Charlie Barnett
Principal

Encl. Ordinance Permit Plan
 Photographs
cc: Mark Parker, PE, ESNG
 Nick Hammond, ESNG
 File (22394)

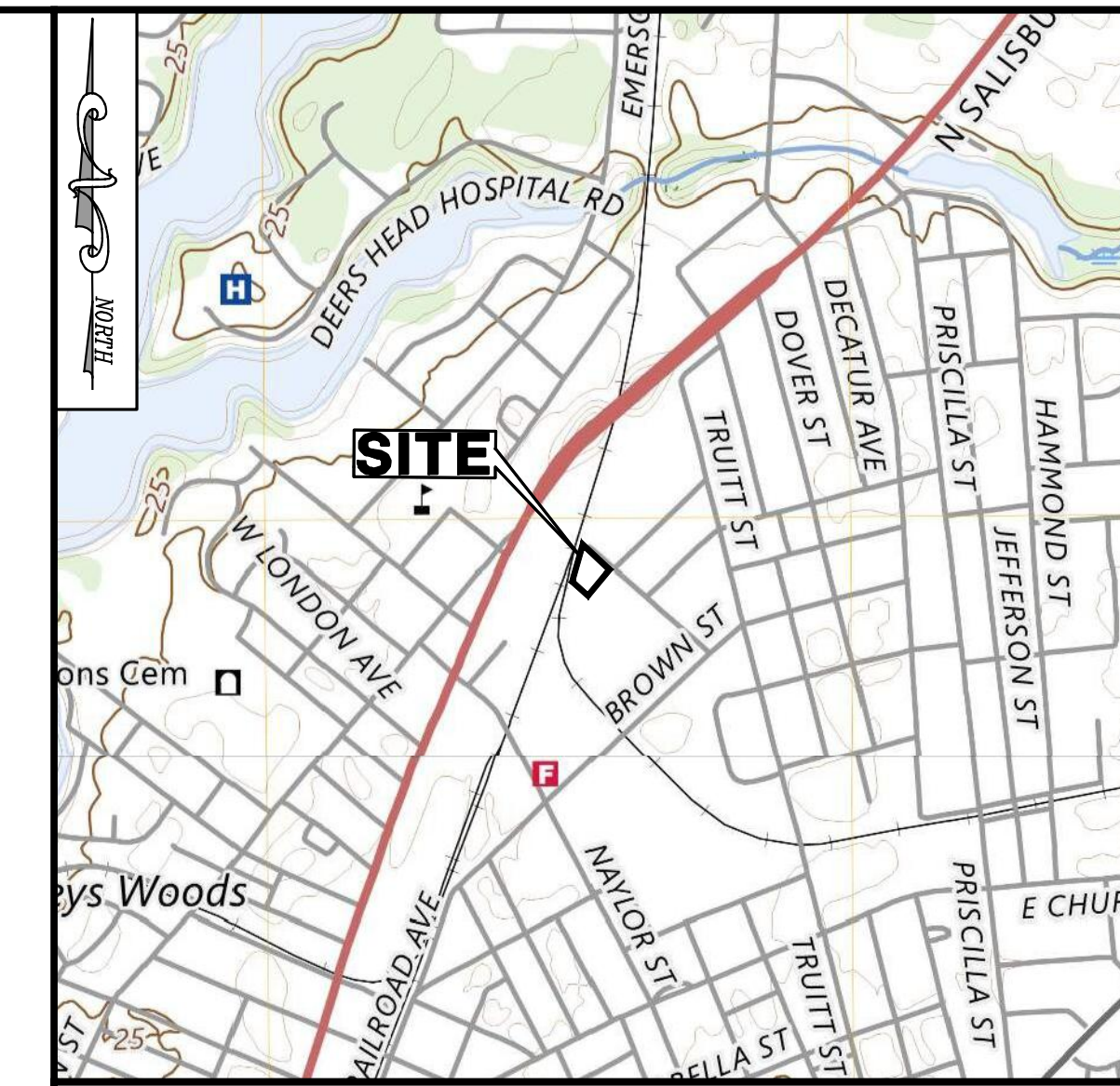
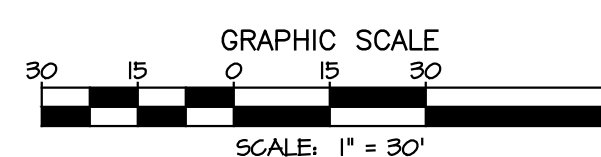


NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED NATURAL GAS FACILITY WITHIN THE SUBJECT PROPERTY CONSISTING OF ABOVE-GROUND PIPING AND RELATED FACILITIES, ALL OF WHICH WILL BE CONTAINED WITHIN A 7-FOOT HIGH CHAIN LINK FENCE.
2. THIS SITE IS NOT WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA FIRM MAP #24045C0114E, DATED 08/11/2015.
3. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. LANDSCAPING PLANTING DETAILS:
THREE (3) GRAPE MYRTLE TREES: *Lagotis indica* Muskogee, 5' - 6' HEIGHT, BALL & BURLAP ROOT
FOUR (4) HOLLY TREES: *Ilex Nellore R. Stevens*, 5' - 6' HEIGHT, BALL & BURLAP ROOT

LEGEND

EXISTING RIGHT-OF-WAY	-----
EXISTING 1' CONTOUR	-----
EXISTING 5' CONTOUR	-----
EXISTING EDGE OF CURB	-----
EXISTING EASEMENT	-----
EXISTING BUILDING	-----
PROPOSED UNDERGROUND PIPELINE	-----
PROPOSED GRAVEL	-----
PROPOSED PAVEMENT	-----
PROPOSED FENCE	-----
PROPOSED GRAPE MYRTLE (3)	-----
PROPOSED HOLLY (4)	-----



VICINITY MAP
SCALE: 1" = 1,000 FT
USGS TOPO QUAD DELMAR, MD & SALISBURY, MD, 2023.

SITE DATA

TAX MAP & PARCEL:	0104-0012-2544 BLOCK B, LOT 1
CURRENT OWNER:	60-GETTERS FOUNDATION P.O. BOX 37318 CHARLOTTE, NC 28237
FUTURE OWNER:	EASTERN SHORE NATURAL GAS 500 ENERGY LANE, SUITE 200 DOVER, DE 19901 MARK PARKER (302) 213-1210
SITE ADDRESS:	ALLOWAY STREET SALISBURY 21801
TOTAL AREA OF SITE:	0.54 ACRES
PROPOSED IMPERVIOUS AREA:	3,110 S.F. (0.07 ACRES)
PROPOSED FENCE AREA:	2,025 S.F. (0.05 ACRES)
DRAINAGE BASIN (12-DIGIT)	021303040566



**Know what's below.
Call before you dig.**

PROTECT YOURSELF. GIVE THREE WORKING DAYS NOTICE.
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

EXCAVATE WITH CAUTION!!! EXACT LOCATION OF EXISTING UNDERGROUND PIPES AND UTILITIES IS UNKNOWN.

MRA
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
111 RUTHAR DRIVE
NEWARK, DE 19711
(302) 326-2200
MRA@MRA.COM
© 2024 MORRIS & RITCHIE ASSOCIATES, INC.

EASTERN SHORE
NATURAL GAS
500 ENERGY LANE, SUITE 200 DOVER, DE 19901
TELEPHONE (302) 734-6710 - FAX (302) 734-6745

ORDINANCE PERMIT PLAN

SALISBURY LOOP
CITY OF SALISBURY
WICOMICO COUNTY, MD

ESNG PROJECT CODE:	22394	DATE:	9/19/2024
MRA PROJECT NO:	22394	SCALE:	1" = 30'
DESIGN/CHECK BY:	JTH/CWB	SHEET:	1 OF 1





City of Salisbury

November 22, 2024

Charlie Barnett
Morris & Ritchie
111 Ruthar Drive
Newark, DE 19711

**RE: PUBLIC HEARING– ORDINANCE PERMIT- UTILITY SUBSTATION – Eastern Shore Natural Gas/
Morris & Ritchie Associates, Inc.– Calloway Street – R-5A Residential Zoning District – M-0104, G-
0012, P-2594 B-B, L-1**

Dear Mr. Barnett,

The Salisbury Planning Commission, at its November 21, 2024 meeting, forwarded a **FAVORABLE** recommendation to City Council for the Ordinance to Permit a Utility Substation at Calloway Street, Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1 based on the findings in the Staff Report.

If you have any questions or concerns regarding this matter, please call our office at 410-548-3170.

Sincerely,

Amanda Rodriguez
City Planner

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410-548-3170 (fax) 410-548-3107
www.salisbury.md



City of Salisbury

To: Andy Kitzrow, City Administrator
From: Amanda Rodriguez, City Planner
Date: October 18, 2024
Re: Ordinance to Permit the Operation of a Daycare Center by The Night Watch Childcare Center LLC at 224 Phillip Morris Drive in the Light Business & Institutional District

The Department of Infrastructure and Development received an application for an Ordinance Permit for the operation of a day-care facility to be located at 224 Phillip Morris Drive in the Light Business & Institutional Zoning District. On September 19, 2024, the Salisbury-Wicomico Planning and Zoning Commission reviewed the request, and forwarded a favorable recommendation to City Council. A day-care center is an allowable use in the Light Business & Institutional District with the granting of an Ordinance Permit, per Ch 17.28.040.

During their review, the Commission noted that this request has more than adequate parking, and that limited changes to the property should have a minimal effect on the surrounding businesses. The purpose of the Light Business & Institutional District (LBI) is to recognize that lands located along major limited access highways running through Salisbury are exposed to large volumes of traffic and high degrees of visibility and to provide for their development while protecting adjoining residential areas. To provide for development of these lands and to afford some protection to adjoining residential areas, the uses permitted in this district are those which may benefit from this exposure but which primarily do not generate continuous heavy volumes of traffic, noise, dust or odor, do not primarily have late evening or weekend hours and do not have the detrimental effects that intensive commercial development may have on the property values of nearby residential neighborhoods.

Prior uses of this property include various office spaces, including educational, financial, and medical offices. Surrounding properties include a banking establishment to the east, residential uses to the north, and Emmanuel Wesleyan Church to the west. The proposed use is consistent with surrounding uses and meets the purpose and intent of the LBI district.

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

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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 9 day of December, 2024 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 __, 2024.

ATTEST:

Julie A. English, City Clerk

D'Shawn M. Doughty, City Council President

Approved by me, this _____ day of _____, 2024.

Randolph J. Taylor, Mayor



**Infrastructure and Development
Staff Report
September 19, 2024**

I. BACKGROUND INFORMATION:

Project Name: The Night Watch Childcare Center
Applicant/Owner: Dr. Amy Stewart, on behalf of The Night Watch Childcare Center, LLC
Nature of Request: Ordinance Permit
Location of Property: 224 Phillip Morris Drive
Existing Zoning: Light Business and Institutional Zoning District

II. SUMMARY OF REQUEST:

A. Introduction:

The Night Watch Childcare Center LLC has submitted an application for an Ordinance Permit for the operation of a Day-care center as defined in Ch 17.220 to be located at 224 Phillip Morris Drive. The property is currently zoned Light Business and Institutional, and is improved with a 36,807 sf building divided into multiple units. This request is for the occupancy of Unit 2. A day-care center is an allowable use in the Light Business and Institutional Zoning district with the granting of an Ordinance Permit, per Ch 17.28.040.

Ch 17.12.060 states the Planning Commission has the authority to hear and review applications for Ordinance Permits and forward on a recommendation to City Council for final approval.

B. Surrounding Area Development:

The purpose of the Light Business and Institutional (LBI) district is to recognize that lands located along major limited access highways running through Salisbury are exposed to large volumes of traffic and high degrees of visibility and to provide for their development while protecting adjoining residential areas. These lands are generally located between the major highways and parallel streets which border adjoining residential areas.

Prior uses of this property include various office spaces, including educational, financial, and medical offices. Surrounding properties include a banking establishment to the east, residential uses to the north, and Emmanuel Wesleyan Church to the west. The proposed use is consistent with surrounding uses and meets the purpose and intent of the LBI district.

III. LIGHT BUSINESS AND INSTITUTIONAL DISTRICT DEVELOPMENT STANDARDS:

Staff notes the following with regard to Zoning Code requirements:



City of Salisbury

A. Site Plan Review:

- 1. Minimum Lot Requirements:** The existing structure is expected to remain, with no changes to the size or dimensions of the existing building lot. The lot currently meets all minimum lot size requirements as set forth in Ch.17.28.060.
- 2. Building Setbacks/Spacing/Height:** Structures as shown meet the setback, spacing, and height requirements as stated in Chapter 17.28.060. The applicant is not seeking to alter the placement or footprint of this existing building.
- 3. Parking/Loading:** The plan shows a loading zone to be located at the rear of the building, and meets all requirements set forth in Ch 17.196.020. Existing parking spaces will be sufficient for this use.
- 4. Access:** The site currently has frontage along Dallas Drive. Access to Dallas Drive from Phillip Morris Drive serves all units within this building.
- 5. Sign Plan:** A formal sign plan has not been submitted at this time. Signs will be subject to review before approval.
- 6. Landscaping and Screening:** While there is existing landscaping on site, a formal landscaping plan has not been submitted at this time.

IV. PLANNING COMMENTS

The applicant seeks to use this site in a manner that is consistent with the surrounding properties in intensity. The operation of a daycare center is an allowable use in the LBI district after the granting of an Ordinance Permit. Formal plans will be submitted for review and approval to the Department of Infrastructure and Development, City of Salisbury Fire Department, and other applicable agencies prior to the issuance of any building permits.

V. RECOMMENDATION

Staff recommends a favorable recommendation be made to forward this Ordinance Permit application onto City Council.



Memorandum

To: Salisbury City Council

From: Muir Boda, Director HCDD

Subject: Litter Enforcement and Fines

Date: 11/6/2024

Council,

We have been working with the Litter Committee this year on addressing litter within the city and the county. One of the items brought up was increasing fines and working to be more in line with the county. During the course of reviewing the existing code we found some inconsistencies within the code and state law in regards to fines, language of the code, and items in different chapters. So, we worked to achieve the following goals:

- Increased the overall maximum fine allowed for municipal infractions, civil zoning violations, and misdemeanors from \$500 to \$1000.
 - Creates consistency throughout code.
 - Updated to reflect state law which caps fines at \$1,000.
- Move all littering violations into its own chapter.
- Specify the fine amount sentencing in the code of each violation.
- Expand the violation for littering in the Wicomico River and its tributaries and set the penalty at the level of a misdemeanor.

If you have any questions, feel free to reach out.

Muir Boda
Director HCDD



Housing & Community Development Department
207 W. Main St, Suite 102 Salisbury, MD 21801

45 **1.16.020 - Declaration as infraction or civil zoning violation—Violations and penalties.**

46 The council declares the violation of which ordinance or ordinances shall be infractions or civil
47 zoning violations, and for each such violation, a fine shall be set. The fine shall not exceed **one**
48 **thousand dollars (\$1,000)** ~~five hundred dollars (\$500.00)~~ for any single, initial infraction and shall
49 not exceed **one thousand dollars (\$1,000)** ~~five hundred dollars (\$500.00)~~ for any single civil
50 zoning violation. Each day the violation continues shall constitute a separate offense. The authority
51 to declare infractions and civil zoning violations, and set fines shall not be delegated by the council
52 to any other administrative or legislative body.

53
54 **1.16.021 - Misdemeanors—Violations and penalties.**

55 The council declares the violation of which ordinance or ordinances shall be misdemeanors, and
56 for each such violation, a penalty shall be set. Every act or admission designated as
57 a misdemeanor shall be punishable by a fine not exceeding **one thousand dollars (\$1,000)** ~~five~~
58 ~~hundred dollars (\$500.00)~~ or imprisonment for not more than ninety (90) days, or both. The party
59 aggrieved shall have the right of appeal as is provided under the general laws of the state. Where
60 the act or admission is of a continuing nature, conviction for one offense shall not be a bar to a
61 conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

62
63 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
64 **SALISBURY, MARYLAND,** as follows:

65 **Section 2.** Title 12 of the Salisbury City Code is hereby amended by eliminating the language that
66 is marked with a strikethrough and adding the bolded and underlined language as follows:

67 ~~Section 12.04.010 Throwing Litter into streets and sidewalks.~~

68 ~~It is unlawful for any person to cast, throw or sweep into any of the streets, public alleys or~~
69 ~~sidewalks within the corporate limits of the city any trash, refuse, leaves or sweepings.~~

70 ~~Section 12.04.020 Throwing or discharging from vehicles.~~

71 ~~Any person who shall suffer or permit any garbage and refuse materials, including liquids derived~~
72 ~~therefrom, or any other odoriferous or unsanitary material to escape, fall or to be discharged from~~
73 ~~any vehicle upon any public street or way in the city shall be deemed guilty of a misdemeanor.~~

74 ~~Section 12.24.020 Throwing litter into river prohibited.~~

75 ~~No person shall throw into, deposit in or place where the same may fall or be washed into the~~
76 ~~Wicomico River or its tributaries within the corporate limits of the city any material, refuse or other~~
77 ~~matter of any kind detrimental to navigation or health.~~

78 **Chapter 12.25 – Littering**

79 **Section 12.25.010 - Prohibition of Littering on Streets and Sidewalks**

80 **Any individual who disposes of, casts, throws or sweeps trash, refuse, leaves or debris onto**
81 **the streets, public alleys or sidewalks within the city limits shall be guilty of a municipal**
82 **infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000) per**
83 **violation. Each day the violation continues shall constitute a separate violation subject to an**
84 **additional citation and fine.**

85
86 **Section 12.25.020 – Prohibition of Littering from Vehicles**

87 **Any individual who allows or causes any garbage, refuse materials, including liquids, or other**
88 **foul or unsanitary substances to be released, spilled or discharged from a vehicle onto any**
89 **public street or right-of-way within the city shall be guilty of a municipal infraction and shall**
90 **be subject to a fine not to exceed one thousand dollars (\$1,000) per violation. Each day the**

91 violation continues shall constitute a separate violation subject to an additional citation and
92 fine.

93
94 **Section 12.25.030 - Prohibition of Littering in the Wicomico River**

95 Any individual or entity who throws, deposits or places any materials, refuse, or substances
96 into the Wicomico River or its tributaries within the city limits that may harm navigation,
97 restrict stormwater flow or negatively impact public health shall be guilty of a municipal
98 infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000) per
99 violation. Each day the violation continues shall constitute a separate violation subject to an
100 additional citation and fine.

101
102 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
103 **SALISBURY, MARYLAND,** as follows:

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

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

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

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

114 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
115 of Salisbury held on the 9 day of December, 2024 and thereafter, a statement of the substance of the
116 Ordinance having been published as required by law, in the meantime, was finally passed by the Council
117 of the City of Salisbury on the ____ day of _____, 2024

118 **ATTEST:**

119
120 _____
121 Julie A. English
122 City Clerk

120 _____
121 D'Shawn M. Doughty
122 City Council President

123
124 Approved by me, this ____ day of _____, 2024.

125
126 _____
127 Randolph J. Taylor
128 Mayor



MEMORANDUM

TO: City Council

FROM: Chad Goblinger, Building Official

SUBJECT: Ordinance to adopt 2021 State Building Codes

DATE: December 12, 2024

The State (The Department of Labor) has adopted codes the 2021 edition of IBC, IRC, IECC, IgCC & IEBC for

- (I) COMAR 09.12.50 Model Performance Code & COMAR 09.12.51 Maryland Building Performance Standards
- (II) COMAR 09.12.57 International Green Construction Code
- (III) COMAR 09.12.58 Maryland Building Rehabilitation Code Regulations

The effective date is May 29, 2023. State law requires local jurisdiction to start implementing & enforcing the new requirements as of May 29, 2024.

This ordinance will adopt these State required codes with local amendments and codify them. The Department of Infrastructure and Development will now be able to start enforcing these updated State codes with the passage of this ordinance.

Should there be no objections, please forward a copy of the Draft Ordinance onto City Council for readings and adoption per City Code.

Chad Goblinger
Building Official
Department of Infrastructure & Development

- 41 A. Chapter 1 ~~delete~~ **amend** Section 101.2.1 Appendices, and replace with the following: Paragraph
42 101.2.1 Appendix provisions on Appendix B. ~~Building~~ Board of Appeals and Appendix I. Patio
43 Covers are adopted as part of the IBC.
- 44 B. Chapter 1 delete [A] 101.4.4 Property Maintenance.
- 45 C. Chapter 1 amend [A] 102.6 Existing Structures. The legal occupancy of any structure existing
46 on the date of adoption of this code shall be permitted to continue without change, except as
47 otherwise specifically provided for in this code, the International Existing Building Code, City
48 of Salisbury Property Maintenance Code, or the NFPA Life Safety Code 101 **(2021)** ~~(2018)~~.
- 49 D. Chapter 1 delete [A] 105.2 Work exempt from permit: 2. Fences not over 7 feet (2134 mm) high
50 and replace with the following:
- 51 [A] 105.2 Work exempt from permit.
- 52 2. Fences less than fifty (50) lineal feet.
- 53 E. Chapter 1 add [A] 105.2.14 Work exempt from permit: 14. to read as follows: "Replacement
54 windows, doors, vinyl/aluminum siding and custom trim."
- 55 F. Chapter 1 amend [A] 109.4 Work commencing before issuance of a permit issuance. Any person
56 who commences any work on a building, structure, electrical, gas, mechanical or plumbing
57 system before obtaining the necessary permits may be subject to a permit fee two times the
58 amount of the original fee.
- 59 G. Chapter 1 add Section [A] 111.1.1, Change of Use Group, Owner or Tenant. No change in use,
60 group, owner or tenant of a building or structure shall be permitted, wholly or in part, until a
61 new Certificate of Occupancy has been issued by the Building Official certifying compliance
62 with applicable parts of this chapter and other applicable State or local laws, ordinances, and
63 regulations. This provision shall not apply to a change of tenant for R-2, change of owner or
64 tenant for R-3, or change of tenant for R-4 structures. For purposes of this section, "R-2", "R-3"
65 and "R-4" shall be defined in accordance with the International Building Code (2018). Further,
66 this provision shall not apply to any property used for a residential purpose, which shall be
67 defined as a property designed to be lived in or otherwise providing living accommodations.
- 68 H. Add Section [A] 104.1.1. Fire Safety Provisions. The Fire Marshal or the Fire Marshal's
69 authorized representative shall enforce all fire safety provisions of this code. Where references
70 to fire safety provisions in this code indicate the term "Building Official or Code Official," they
71 shall be construed to refer to the Fire Marshal or the Fire Marshal's authorized representative.
72 In any conflict of opinion concerning fire safety of a structure, the decision of the Fire Marshal
73 shall control. In all other matters relating to structures, the decision of the Building Code Official
74 shall control. The Fire Marshal shall be responsible for the final technical interpretation of all
75 fire safety provisions within this code.

76 **I. Chapter 1 Amend: [A] 110.5. Inspection requests. ADD: The permit holder or their**
77 **authorized agent shall be present for all required inspections.**

78 **Section 3.** Chapter 15.04, Building Code the of the Salisbury City Code is hereby amended by the
79 addition of 15.04.025 entitled "Amendments to the International Residential Code" as follows:

80 **15.04.025 Amendments to the International Residential Code**

81 **The following additions and deletions are made to the International Residential Code (2021), as**
82 **incorporated in the Maryland Building Performance Standards:**

- 83 **A. Chapter 1 amend [A] 102.7 Existing Structures. The legal occupancy of any structure**
84 **existing on the date of adoption of this code shall be permitted to continue without change,**

85 except as otherwise specifically provided for in this code, the International Existing
86 Building Code, City of Salisbury Property Maintenance Code, or the NFPA Life Safety
87 Code 101 (2021).

88 B. Chapter 1 delete 105.2 Work exempt from permit: 2. Fences not over 7 feet (2134 mm) high
89 and replace with the following:

90 105.2 Work exempt from permit.

91 2. Fences less than fifty (50) lineal feet.

92 C. Chapter 1 add to 105.2 Work exempt from permit: 11. to read as follows: "Replacement
93 windows, doors, providing the rough opening framing is not altered. Exception: All newly
94 created sleeping rooms or existing sleeping rooms where window rough opening framing
95 is altered, shall require at least one code compliant Emergency Egress Rescue Opening
96 (EERO)."

97 D Chapter 1 add 105.2 Work exempt from permit: 12. to read as follows: "vinyl/aluminum
98 siding and custom trim provided no structural elements are compromised or need to be
99 replaced."

100 E Chapter 1 amend 105.2 Work exempt from permit: 1. Other than storm shelters, one-story
101 detached accessory structures, provided that the floor area does not exceed 120 square feet.

102 F. Chapter 1 amend 105.2 Work exempt from permit: 10. Decks not exceeding 120 square
103 feet in area, that are not more than 30 inches above grade at any point, are not attached to
104 a dwelling, and do not serve the exit door required by Section R311.4.

105 G. Chapter 1 amend 108.6 Work commencing before issuance of a permit. Any person who
106 commences any work on a building, structure, electrical, gas, mechanical or plumbing
107 system before obtaining the necessary permits may be subject to a permit fee two times the
108 amount of the original fee.

109 H. Chapter 1 amend 109.3 Inspection requests. ADD: The permit holder or their authorized
110 agent shall be present for all required inspections.

111 Section 4. Section 15.04.030 of the Salisbury City Code, entitled "Amendments to the
112 International Plumbing Code" shall be amended as follows:

113 **15.04.030 Amendments to the International Plumbing Code (~~2018~~2021).**

114 The following additions and deletions are made to the International Plumbing Code (~~2018~~2021):

115 A. Chapter 1 delete [A] 106.1 Where Required in its entirety and replace with the following:
116 Any Master Plumber who desires to construct, enlarge, alter, repair, move, demolish or to
117 erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the
118 installation of which is regulated by this code, or to cause any such work to be performed,
119 shall first make application to the Department of Infrastructure & Development. No work
120 regulated by this chapter shall be commenced without a permit issued by the Department
121 of Infrastructure & Development approved by the Plumbing Inspector or Building Official.
122 Licenses and Permits or, in the case of septic installers, shall be issued by the Wicomico
123 County Health Department. Only a Master Plumber shall be eligible to apply for permits
124 authorized by this chapter.

125 B. Chapter 1 Amend [A] 112.2. Required inspections and testing. ADD: The permit holder or
126 their authorized agent shall be present for all required inspections.

127 C. Chapter 10 delete Chapter 10 Traps, Interceptors and Separators in its entirety and replace with
128 the following:

129 The 2019 Washington Suburban Sanitary Commission Fats, Oils and Grease
130 Requirements.

131 **Section 5.** Chapter 15.04, Building Code the of the Salisbury City Code is hereby amended by the
132 addition of 15.04.035 entitled “Amendments to the International Fuel Gas Code” as follows:

133 **15.04.035 Amendments to the International Fuel Gas Code 2021.**

134 **The following additions and deletions are made to the International Fuel Gas Code 2021:**

135 **A. Chapter 1 delete [A] 106.1 Where Required in its entirety and replace with the following:**
136 **Any Master Plumber or Master Natural Gas Fitter who desires to erect, install, enlarge,**
137 **alter, repair, remove, convert or replace an installation regulated by this code, or to cause**
138 **such work to be performed, shall first make application to the Department of Infrastructure**
139 **& Development. No work regulated by this chapter shall be commenced without a permit**
140 **issued by the Department of Infrastructure & Development approved by the Plumbing**
141 **Inspector or Building Official. Only a Master Plumber, Master Natural Gas Fitter, or on**
142 **site utility contractor shall be eligible to apply for permits authorized by this chapter.**

143 **B. Chapter 1 amend [A] 112.2. Required inspections and testing. ADD: The permit holder or**
144 **their authorized agent shall be present for all required inspections.**

145 **Section 6.** Section 15.04.040 of the Salisbury City Code, entitled “Reference Standards” shall be
146 amended as follows:

147 **15.24.040 – Referenced standards.**

- 148 A. Where the following codes are referenced within this Code, they shall be considered part
149 of the requirements of this Code to the prescribed extent of each such reference:
- 150 1. International Building Code (~~2018~~**2021**) (IBC);
 - 151 2. International Residential Code (~~2018~~**2021**) (IRC);
 - 152 3. International Energy Conservation Code (~~2018~~**2021**) (IECC);
 - 153 4. International Mechanical Code (~~2018~~**2021**) (IMC);
 - 154 5. International Plumbing Code (~~2018~~**2021**) (IPC);
 - 155 6. International Fuel Gas Code (~~2018~~**2021**) (IFGC);
 - 156 7. International Existing Building Code (~~2018~~**2021**) (IEBC);
 - 157 8. Maryland Accessibility Code;
 - 158 9. National Electrical Code (~~2014~~**2017**); and
 - 159 10. International Green Construction Code (~~2018~~**2021**) (IGCC).

160 **Section 7.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
161 of this Ordinance shall be deemed independent of all other provisions herein.

162 **Section 8.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
163 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
164 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
165 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
166 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

167 **Section 9.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
168 if such recitals were specifically set forth at length in this Section 9.

169 **Section 10.** This Ordinance become effective as of January 1, 2025

170 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
171 of Salisbury held on the 9 day of December, 2024 and thereafter, a statement of the substance of the
172 Ordinance having been published as required by law, in the meantime, was finally passed by the Council
173 of the City of Salisbury on the __ day of __, 2024.

174 ATTEST:

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178 _____
Julie A. English, City Clerk

D'Shawn M. Doughty, City Council President

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181 Approved by me, this _____ day of _____, 2024.

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Randolph J. Taylor, Mayor



City of Salisbury

Outboard Boat Motor

Memo

To: Andy Kitzrow, City Administrator
From: Chris O'Barsky, Deputy Fire Chief
Date: 11/19/2024
Subject: Budget Amendment

The Salisbury Fire Department recently designated a surplus of a 2006 Mercury Outboard Boat Motor 90HP. This motor sold at auction for \$1,156.25. Please see attached ordinance requesting these funds to be placed in the fire department's Operating Account. If you have any questions or concerns, please feel free to reach out to me.

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ATTEST:

Julie A. English, City Clerk

D'Shawn M. Doughty, City Council President

Approved by me, this _____ day of _____, 2025.

Randolph J. Taylor, Mayor



City of Salisbury

To: Andy Kitzrow, City Administrator
From: Amanda Rodriguez, City Planner *AR*
Date: November 22, 2024
Re: Text Amendment- City of Salisbury Zoning Code, Chapter 17.150- Planned Residential District No. 7, The Villages at Aydelotte

Parker and Associates, on behalf of the owner, has submitted a request to amend Chapter 17.150- Planned Residential District No. 7, The Villages at Aydelotte to change the allowable residential uses, and to allow for increased density in the final phase of the PRD.

The first proposed amendment is to Ch 17.150.050.A.7- Parcel H. The allowable residential use for Parcel H as it reads today is for townhouses.

The construction of The Villas, comprised of “townhouse style triplexes”, which are technically apartments by definition, was approved by the Planning Commission for Parcel H in 2023 without a Text Amendment. The remainder of Parcel H is the last phase of the PRD to be developed and is proposed to be an additional 63 townhouse style apartments known as The Hamlets. The applicant proposes to delete the word “Townhouses” from Parcel H, and have the code read “Residential”. This deletion would both allow for the construction of the Hamlets, as well as bring the Villas into compliance.

The second proposal is to amend 17.150.050.A.7.b to increase the density for Parcel H from 5.5 units per acre to 6.0 units per acre. Per the developer’s site plan for the Hamlets, the combined density of the 299 approved townhouse style apartments from the Villas and the 63 proposed units for the Hamlets would be 362 total units. Parcel H is 60.89 acres total, meaning the proposed density would be equal to 5.95 units per acre for this final phase of the PRD.

The proposed text amendments were reviewed by the City Attorney and received a favorable recommendation from the Planning Commission following a public hearing on November 21, 2024.

Should there be no further questions, please forward a copy of this memo and the attached materials to City Council for their review.

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3 **ORDINANCE NO. 2908**

4 **AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION**
5 **17.150.050A.7. OF THE SALISBURY CITY CODE TO DELETE THE WORD**
6 **“TOWNHOUSES” FROM THE CATEGORY OF USES PERMITTED IN PARCEL H OF**
7 **PLANNED RESIDENTIAL DISTRICT NO. 7 (THE VILLAGES AT AYDELOTTE FARM),**
8 **AND INCREASE DENSITY TO 6.0 UNITS PER ACRE**

9 **WHEREAS**, the ongoing application, administration and enforcement of Title 17 (Zoning) of the City of
10 Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and
11 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**”);

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

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

19 **WHEREAS**, the uses permitted in Parcel H of Planned Residential District No. 7 – The Villages at Aydelotte
20 Farm are limited to only townhouses, with a maximum density of 5.5 units per acre. The inclusion of all residential
21 dwellings, as defined in Section 17.04.120, would provide additional, but still substantially similar, use options in in
22 the zoning district, with a minor increase of the overall density of the parcel;

23 **WHEREAS**, the Mayor and Council find that the health, safety and general welfare of the citizens of the
24 City will be furthered by amending Section 17.150.050A.7. of the Salisbury City Code to permit all residential units
25 in the parcel;

26 **WHEREAS**, pursuant to Section 17.228.020 of the Salisbury City Code, any amendment to the Salisbury
27 Zoning Code requires the recommendation of the Salisbury Planning and Zoning Commission (the “**Planning**
28 **Commission**”) prior to the passage of an ordinance amending Chapter 17.150;

29 **WHEREAS**, a public hearing on the proposed amendment was held by the Planning Commission in
30 accordance with the provisions of Section 17.228.020 of the Salisbury City Code on November 21, 2024;

31 **WHEREAS**, at the conclusion of its November 21, 2024 meeting, the Planning Commission recommended,
32 by a vote of 7-0, that the amendments to Section 17.150.050A.7. of the Salisbury City Code set forth herein be
33 approved by the Mayor and Council; and

34 **WHEREAS**, the Mayor and Council have determined that the amendments to Section 17.150.050A.7. of the
35 Salisbury City Code shall be adopted as set forth herein.

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

39 **Section 1.** Section 17.150.050 of the Salisbury City Code, entitled “Development standards” shall be
40 amended as follows:

41 **17.150.050 Development standards.**

42 A. Individual Parcel Standards.

- 43 1. Parcel A—Residential Alternative Uses.
- 44 a. Minimum land area: eight acres.
- 45 b. Setbacks shall be not less than:
- 46 i. Street: twenty-five (25) feet;
- 47 ii. PRD perimeter: thirty (30) feet;
- 48 iii. 100-year flood plain: ten feet;
- 49 iv. Adjoining NE metro core collector road: fifty (50) feet.
- 50 c. Height: thirty-five (35) feet maximum.
- 51 d. Parking: in accordance with the requirements of chapter 17.220.
- 52 e. Residential standards alternative: the same as Parcel B.
- 53 2. Parcel B—Residential.
- 54 a. Minimum land area: six acres.
- 55 b. Density: not to exceed seven units/acre.
- 56 c. Height: thirty-five (35) feet maximum.
- 57 d. Setbacks shall be not less than:
- 58 i. Street: thirty (30) feet;
- 59 ii. Side: ten feet;
- 60 iii. Rear: twenty-five (25) feet;
- 61 iv. PRD perimeter: thirty (30) feet;
- 62 v. 100-year flood plain: ten feet;
- 63 vi. Adjoining NE metro core collector road: fifty (50) feet.
- 64 e. Parking: 1.8 spaces per unit minimum.
- 65 3. Parcel C—Residential—Single-family Detached.
- 66 a. Minimum land area: eighteen (18) acres.
- 67 b. Density: not to exceed three units/acre.
- 68 c. Height: thirty-five (35) feet maximum.
- 69 d. Setbacks shall be not less than:
- 70 i. Street: thirty (30) feet;
- 71 ii. Side: ten feet;
- 72 iii. Rear: twenty-five (25) feet;
- 73 iv. 100-year floodplain: ten feet.
- 74 e. Lot area: ten thousand (10,000) square feet minimum.
- 75 f. Lot width: Interior lots: seventy (70) feet minimum;
- 76 Corner lots: eighty-five (85) feet minimum.
- 77 g. Parking: two spaces per unit minimum.
- 78 4. Parcels D and E—Neighborhood Business.
- 79 a. Minimum land area: one acre.
- 80 b. Density: not to exceed:
- 81 i. Neighborhood business: thirty thousand (30,000) square feet gross floor area.
- 82 c. Height: forty (40) feet maximum.
- 83 d. Distance between buildings: thirty (30) feet minimum.
- 84 e. Setbacks shall be not less than:
- 85 i. Street: twenty-five (25) feet;
- 86 ii. Side: twenty-five (25) feet.
- 87 f. Parking: 17.150.050

- 88 i. Neighborhood business: a minimum of one space per three hundred (300) square feet of floor area
89 used for such uses.
- 90 5. Parcel F—Residential (Condominium).
- 91 a. Minimum land area: seven acres.
92 b. Density: not to exceed ten units/acre.
93 c. Height: fifty-five (55) feet maximum.
94 d. Distance between buildings: thirty (30) feet minimum.
95 e. Setbacks shall be not less than:
96 i. Street: thirty (30) feet;
97 ii. Side: ten feet;
98 iii. Rear: twenty-five (25) feet;
99 iv. Adjoining NE metro core collector road: fifty (50) feet.
100 f. Parking: 1.8 spaces per unit minimum.
- 101 6. Parcel G—Residential (Condominium).
- 102 a. Minimum land area: seven acres.
103 b. Density: not to exceed ten units/acre.
104 c. Height: fifty-five (55) feet maximum.
105 d. Distance between buildings: thirty (30) feet minimum.
106 e. Setbacks shall be not less than:
107 i. Street: twenty-five (25) feet;
108 ii. Side: ten feet;
109 iii. 100-year floodplain: ten feet;
110 iv. Adjoining NE metro core collector road: fifty (50) feet.
111 f. Parking: 1.8 spaces per unit minimum.
- 112 7. Parcel H—Residential (~~Townhouses~~).
- 113 a. Minimum land area: thirty (30) acres.
114 b. Density: not to exceed ~~5.5~~ **6.0** units/acre.
115 c. Height: thirty-five (35) feet maximum.
116 d. Setbacks shall be not less than:
117 i. Street: thirty (30) feet;
118 ii. Side: ten feet;
119 iii. Rear: twenty-five (25) feet;
120 iv. 100-year floodplain: ten feet.
121 e. Parking: 1.8 spaces per unit minimum.
- 122 8. Parcel I—Residential (Townhouses).
- 123 a. Minimum land area: thirty (30) acres.
124 b. Density: not to exceed 5.5 units/acre.
125 c. Height: thirty-five (35) feet maximum.
126 d. Setbacks shall be not less than:
127 i. Street: thirty (30) feet;
128 ii. Side: ten feet;
129 iii. Rear: twenty-five (25) feet.
130 e. Parking: 1.8 spaces per unit minimum.
- 131 9. Parcel J—Residential—Single-family Detached.
- 132 a. Minimum land area: eight acres.
133 b. Density: not to exceed three units/acre.

- 134 c. Height: thirty-five (35) feet maximum.
135 d. Setbacks shall be not less than:
136 i. Street: thirty (30) feet;
137 ii. Side: ten feet;
138 iii. Rear: twenty-five (25) feet;
139 iv. 100-year floodplain: ten feet.
140 e. Lot area: ten thousand (10,000) square feet minimum.
141 f. Lot width: Interior lots: seventy (70) feet minimum;
142 Corner lots: eighty-five (85) feet minimum.
143 g. Parking: two spaces per unit minimum.
144 10. Parcel L—Residential.
145 a. Minimum land area: seven acres.
146 b. Density: not to exceed nine units/acre.
147 c. Height: thirty-five (35) feet maximum.
148 d. Distance between buildings: thirty (30) feet minimum.
149 e. Setbacks shall be not less than:
150 i. Front: twenty-five (25) feet;
151 ii. Side: ten feet;
152 iii. Rear: twenty-five (25) feet.
153 f. Parking: 1.8 spaces per unit minimum.
154 B. Building Entrance Location. All entrances to apartment buildings shall be no greater than eighty (80) feet from
155 a parking lot. Fire hydrants shall be installed as required by city policy.
156 C. Landscaping. A detailed landscaping plan shall be submitted with each phase of the development. Landscaping
157 shall generally be in accordance with the revised preliminary development plan—as approved by the planning
158 commission dated May 10, 2005.
159 D. Open Space. Open space shall be provided as shown on the revised preliminary development plan dated May
160 10, 2005. Details of open space, use, access, and development areas shall be shown on final development plans
161 for each phase of development.
162 E. Architectural Elevations. Architectural elevations for each building shall be submitted with final development
163 plans for each phase of development.
164 F. Subdivision Plat, Community Association, and Condominium Documents. A final subdivision plat shall be
165 submitted with final development plans for each parcel. The overall villages at Aydelotte Farm Community
166 Association documents regarding maintenance of open space identified, revised preliminary development plan
167 dated May 10, 2005 shall be approved by the planning commission and recorded with the final subdivision plat
168 for the first parcel of development. Individual condominium and homeowner's association documents shall be
169 approved by the planning commission and recorded for each parcel of development.
170 G. Signs. Signs shall be in accordance with Sections 17.216.060, 17.216.070 and 17.216.140 of this title.
171 H. Accessory Buildings and Structures.
172 1. No part of any accessory building or structure shall be located closer than five feet to a rear, side, or
173 floodplain line. On a corner lot, no accessory building shall be located closer than twenty-five (25) feet to
174 the curblineline of an abutting street.
175 2. No accessory building shall occupy more than fifty (50) percent of a required rear or side yard on a single-
176 family residential lot.

- 177 3. A swimming pool may be located in the side or rear yard no closer than twenty-five (25) feet to a street
178 right-of-way. The combined total lot coverage of a swimming pool and all accessory buildings and
179 structures shall not exceed seventy-five (75) percent of the required rear yard or side yard area.

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

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

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

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

191 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
192

193 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury
194 held on the 16 day of December, 2024 and thereafter, a statement of the substance of the Ordinance having been
195 published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the
196 ____ day of _____, 2025.

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198 **ATTEST:**

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200 _____
201 **Julie A. English, City Clerk**

200 _____
201 **D'Shawn M. Doughty, City Council President**

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204 Approved by me, this ____ day of _____, 2025.
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207 _____
208 **Randolph J. Taylor, Mayor**
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528 RIVERSIDE DRIVE
SALISBURY, MD 21801
PHONE: 410-749-1023
FAX: 410-749-1012
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING • CIVIL ENGINEERING • LAND PLANNING • FORESTRY SERVICES

July 9, 2024

City of Salisbury
Department of Infrastructure and Development
125 N. Division St
Salisbury, Maryland 21801

ATTN: Henry Eure
Deputy Director
RE: The Villas and Hamlets at Aydelotte
Text Amendment Request

Dear Henry:

In accordance with the City of Salisbury's Zoning Code, Chapter 17.228.020, I would like to respectfully request a text amendment to the City's zoning code. More specifically, I would like to request an amendment to Chapter 17.150.050.A.7. This chapter of zoning code provides the development standards for "Planned Residential District No.7- The Villages at Aydelotte Farm". Please refer to the attachment to this letter for the changes herein requested. Specifically, we are respectfully requesting two changes to this zoning section, both pertaining to the development requirements for Parcel H.

First, by amending Section 7 of the code, we seek to expand the permitted types of dwelling units permitted within the parcel, as opposed to allowing just townhouses. Currently, the only residential style that is permitted by the zoning code for this parcel is just townhouses. Thing is, the Villas of Aydelotte has already been approved within this parcel and the infrastructure for this project has already been constructed. Although the unit style proposed by the Villas is townhouse style triplexes, they are technically apartments, by definition. So, in this regard, this change is somewhat of a housekeeping measure. Furthermore, the Hamlets project that is currently proposed also is comprised of "Townhouse style apartments". By amending this section as requested, it will also allow the approval of this new and final section of the project.

Secondly, we are also proposing the Hamlets, which is a newly proposed extension of the development project into the only remaining area within this parcel's boundaries that is suitable for development. This final phase of the Villages at Aydelotte Farm will close out the development of the project. It provides an additional 63 "townhouse style apartment" units to the project. Looking at the currently adopted density for Parcel H, which is 5.5 units per acre, it is just slightly less than that which is needed to facilitate this final phase of the project. Therefore, we are also respectfully requesting the minor amendment to the density as well. We are proposing to change section 7b to permit a density of 6.0 units /acre

This requested density has been computed as follows:

299 units approved/partially constructed at the Villas

+63 units at the Hamlets

362 total units proposed.

Parcel H area = 60.89 acres

Proposed density of Parcel H = 5 .95 units/acre – 6.0 units per acre requested

As mentioned, this text amendment is part housekeeping and part facilitative insomuch that it will clean up the approvals for the Villas as well as allow the developer to complete the development of Parcel H the Aydelotte Farm. On the main portion of the project, there will be no more future development as the hamlets will close out the development of Parcel H within the project, should this text amendment be approved.

I sincerely appreciate your time and your guidance in this matter. If I can be of any further service to you whatsoever, please just let me know how. Otherwise, I will anxiously await your direction.

Have a nice day.

Sincerely,



Brock E Parker, PE, RLS
Parker & Associates Inc.
528 Riverside Drive
Salisbury, MD 21801
Office: 410-749-1023
Fax: 410-749-1012

Chapter 17.150 - PLANNED RESIDENTIAL DISTRICT NO. 7—THE VILLAGES AT AYDELOTTE FARM

AS PROPOSED FOR TEXT AMENDMENT (2 TOTAL AMENDMENTS)

17.150.010 - Purpose.

- A. The purpose of planned residential district No. 7 is to provide for the development of the villages at Aydelotte Farm with a planned community consisting of a variety of housing types and minor neighborhood service uses located in harmony with the natural features of the site. The development is designed to preserve natural wooded slope areas along two on-site streams, to preserve non-tidal wetlands areas, and to provide planned open space and recreation.
- B. The development further provides right-of-way for and is further designed to accommodate a major collector road that is included in the northeast metro core development management plan and identified as the northeast collector.
- C. The following regulations have been designed to carry out these purposes and are further implemented on the amended development standards plan May 10, 2005 as approved by the mayor and city council.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.020 - Area of reclassification.

The area to be rezoned as planned residential district No. 7—the villages at Aydelotte Farm, consists of one hundred seventy-five (175) acres of land, more or less, located at the northerly terminus of existing Aydelotte Road and also on the north side of Middle Neck Drive Extended, Peggy Branch, west side of Parkhurst Manor and Kathleen's Delight subdivisions, south side of Nottingham Woods subdivision, and Gordy Road Extended and east side of Middle Neck Branch; the same being shown on the revised preliminary subdivision plat prepared by Parker and associates dated May 10, 2005.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.030 - Permitted uses.

Permitted uses shall be as follows:

- A. Apartment and condominium buildings, townhouses, cluster developments, in accordance with chapter 17.176 of this title;
- B. Dwellings, one and two-family; patio dwellings;
- C. Neighborhood business uses, as set forth in chapter 17.32 of this title;
- D.

Park and playground, public and private;

- E. Other uses as permitted in an R-10 residential district as listed in chapter 17.156 of this title.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.040 - Accessory uses and structures.

- A. Residential accessory uses, as set forth in Chapters 17.156 and 17.160 of this title;
- B. Uses and structures clearly incidental or customary to, associated with any permitted use.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.050 - Development standards.

A. Individual Parcel Standards.

1. Parcel A—Residential Alternative Uses.

- a. Minimum land area: eight acres.
- b. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet;
 - ii. PRD perimeter: thirty (30) feet;
 - iii. 100-year flood plain: ten feet;
 - iv. Adjoining NE metro core collector road: fifty (50) feet.
- c. Height: thirty-five (35) feet maximum.
- d. Parking: in accordance with the requirements of chapter 17.220.
- e. Residential standards alternative: the same as Parcel B.

2. Parcel B—Residential.

- a. Minimum land area: six acres.
- b. Density: not to exceed seven units/acre.
- c. Height: thirty-five (35) feet maximum.
- d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. PRD perimeter: thirty (30) feet;
 - v. 100-year flood plain: ten feet;

- vi. Adjoining NE metro core collector road: fifty (50) feet.
 - e. Parking: 1.8 spaces per unit minimum.
- 3. Parcel C—Residential—Single-family Detached.
 - a. Minimum land area: eighteen (18) acres.
 - b. Density: not to exceed three units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. 100-year floodplain: ten feet.
 - e. Lot area: ten thousand (10,000) square feet minimum.
 - f. Lot width: Interior lots: seventy (70) feet minimum;
Corner lots: eighty-five (85) feet minimum.
 - g. Parking: two spaces per unit minimum.
- 4. Parcels D and E—Neighborhood Business.
 - a. Minimum land area: one acre.
 - b. Density: not to exceed:
 - i. Neighborhood business: thirty thousand (30,000) square feet gross floor area.
 - c. Height: forty (40) feet maximum.
 - d. Distance between buildings: thirty (30) feet minimum.
 - e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet;
 - ii. Side: twenty-five (25) feet.
 - f. Parking: 17.150.050
 - i. Neighborhood business: a minimum of one space per three hundred (300) square feet of floor area used for such uses.
- 5. Parcel F—Residential (Condominium).
 - a. Minimum land area: seven acres.
 - b. Density: not to exceed ten units/acre.
 - c. Height: fifty-five (55) feet maximum.
 - d.

Distance between buildings: thirty (30) feet minimum.

- e. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. Adjoining NE metro core collector road: fifty (50) feet.
 - f. Parking: 1.8 spaces per unit minimum.
6. Parcel G—Residential (Condominium).
- a. Minimum land area: seven acres.
 - b. Density: not to exceed ten units/acre.
 - c. Height: fifty-five (55) feet maximum.
 - d. Distance between buildings: thirty (30) feet minimum.
 - e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet;
 - ii. Side: ten feet;
 - iii. 100-year floodplain: ten feet;
 - iv. Adjoining NE metro core collector road: fifty (50) feet.
 - f. Parking: 1.8 spaces per unit minimum.
7. Parcel H—Residential (~~Townhouses~~);
- a. Minimum land area: thirty (30) acres.
 - b. Density: not to exceed ~~5.5~~ units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. 100-year floodplain: ten feet.
 - e. Parking: 1.8 spaces per unit minimum.
8. Parcel I—Residential (Townhouses).
- a. Minimum land area: thirty (30) acres.
 - b. Density: not to exceed 5.5 units/acre.
 - c. Height: thirty-five (35) feet maximum.

1. Delete "(Townhouses)"

2. Delete "5.5" and replace with "6.0"

- d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet.
 - e. Parking: 1.8 spaces per unit minimum.
9. Parcel J—Residential—Single-family Detached.
- a. Minimum land area: eight acres.
 - b. Density: not to exceed three units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. 100-year floodplain: ten feet.
 - e. Lot area: ten thousand (10,000) square feet minimum.
 - f. Lot width: Interior lots: seventy (70) feet minimum;
Corner lots: eighty-five (85) feet minimum.
 - g. Parking: two spaces per unit minimum.
10. Parcel L—Residential.
- a. Minimum land area: seven acres.
 - b. Density: not to exceed nine units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Distance between buildings: thirty (30) feet minimum.
 - e. Setbacks shall be not less than:
 - i. Front: twenty-five (25) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet.
 - f. Parking: 1.8 spaces per unit minimum.
- B. Building Entrance Location. All entrances to apartment buildings shall be no greater than eighty (80) feet from a parking lot. Fire hydrants shall be installed as required by city policy.
- C. Landscaping. A detailed landscaping plan shall be submitted with each phase of the development. Landscaping shall generally be in accordance with the revised preliminary

development plan—as approved by the planning commission dated May 10, 2005.

- D. Open Space. Open space shall be provided as shown on the revised preliminary development plan dated May 10, 2005. Details of open space, use, access, and development areas shall be shown on final development plans for each phase of development.
- E. Architectural Elevations. Architectural elevations for each building shall be submitted with final development plans for each phase of development.
- F. Subdivision Plat, Community Association, and Condominium Documents. A final subdivision plat shall be submitted with final development plans for each parcel. The overall villages at Aydelotte Farm Community Association documents regarding maintenance of open space identified, revised preliminary development plan dated May 10, 2005 shall be approved by the planning commission and recorded with the final subdivision plat for the first parcel of development. Individual condominium and homeowner's association documents shall be approved by the planning commission and recorded for each parcel of development.
- G. Signs. Signs shall be in accordance with Sections 17.216.060, 17.216.070 and 17.216.140 of this title.
- H. Accessory Buildings and Structures.
 - 1. No part of any accessory building or structure shall be located closer than five feet to a rear, side, or floodplain line. On a corner lot, no accessory building shall be located closer than twenty-five (25) feet to the curblin of an abutting street.
 - 2. No accessory building shall occupy more than fifty (50) percent of a required rear or side yard on a single-family residential lot.
 - 3. A swimming pool may be located in the side or rear yard no closer than twenty-five (25) feet to a street right-of-way. The combined total lot coverage of a swimming pool and all accessory buildings and structures shall not exceed seventy-five (75) percent of the required rear yard or side yard area.

(Ord. 1998, 2006; Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

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 infrastructure and development.
- B. All streets shall be developed in accordance with standards and profiles required or approved by the city department of infrastructure and development.
- C. Aydelotte Road north of Middle Neck Drive shall be used as an access during Phase I. Additionally, at the commencement of Phase I, the developer will provide an easement, to the

city's benefit, for the extension of Middle Neck Drive. Upon completion of Phase I, the developer will come back to the city council for a decision whether to close Aydelotte Road and/or extend Middle Neck Drive. Any such decisions shall be at an advertised public meeting of the city council.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

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

17.150.070 - Special conditions.

- A. Parkhurst Drive on the east side of the site shall be terminated at the property line of Aydelotte Farm and blocked with a berm or permanent landscaping before construction of Phase I, except that such berm or landscaping shall be in a manner so as to permit access for agricultural-use vehicles until the cessation of agricultural operations or the commencement of construction of Parcel C.
- B. The forty (40) foot private right-of-way (handle) on the east side of the site to Parker Road shall be conveyed to any adjoining property owners willing to accept the additional land by no later than the end of development of Parcel C.
- C. The owners of the site shall provide in fee simple a right-of-way of eighty (80) feet for the public construction of the new major northeast collector road through the site and a sixty (60) foot right-of-way for the extension of Middle Neck Drive to the new collector road.
- D. In the event that Parcel A is not utilized as a public recreation area, the parcel may be developed as residential in accordance with the same standards as Parcel B as defined in Section 17.150.050 of this chapter.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.080 - Amendments.

Amendments to planned development district No. 7 shall be in accordance with the provisions of Section 17.108.090 of the city Code.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.090 - Final development plan.

- A. The revised preliminary comprehensive development plan dated May 10, 2005 as approved by the planning commission, shall be recorded in the land records of Wicomico County. Development of the site shall be in general conformance with these plans.

- B. A final development plan for each parcel of development or any proposed phase of development shall be submitted to and approved by the planning commission in accordance with Section 17.108.100 of this title.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.100 - Control of development after completion.

- A. Specific development of planned residential district No. 7 shall be controlled by the final development plan as approved by the planning commission and any amendment thereto.
- B. Where specific regulations are not addressed in this chapter, all other regulations of Title 17 shall govern. In the event of any conflict between the provisions of this chapter and other provisions of Title 17, the requirements of this chapter shall apply.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)



Infrastructure and Development Staff Report

November 21, 2024

I. BACKGROUND INFORMATION:

Applicant/Owner: Parker and Associates on behalf of The Village at Aydelotte Farm, LLC

Nature of Request: PUBLIC HEARING-Text Amendment to City of Salisbury Zoning Code, Chapter 17.150- Planned Residential District No. 7, The Villages at Aydelotte

II. SUMMARY OF REQUEST:

Parker and Associates, on behalf of the owner, has submitted a request to amend Chapter 17.150-Planned Residential District No. 7, The Villages at Aydelotte to change the allowable residential uses, and to allow for increased density in the final phase of the PRD.

After a work session at the August 22, 2024 Planning Commission meeting, this request is finalized and before you to make a recommendation to forward onto Salisbury City Council.

III. PROCEDURE:

The City of Salisbury Code Chapter 17.228.020A provides the procedure for amendments to the Zoning Code, as follows:

A. *Planning Commission Review.*

1. *All applications for a zoning code text amendment or a district boundary change shall be made to the planning director, and any such amendment, supplement, modification, change or repeal shall be referred to the Salisbury planning commission for review and recommendation to the city council.*

a. The planning commission shall cause such investigation and study to be made as it deems necessary to prepare a report containing the commission's recommendation to the city council.

b. The commission shall hold a public hearing and shall submit its report and recommendation to the city council within six months of receipt of such application.

c. If the planning commission fails to submit its report and recommendation within six months, any such proposed amendment, supplement, modification or change may be acted upon by the city council without benefit of such report or recommendation.

2. *If there is any change in the request, such as enlargement of land area or change of zoning reclassification requested, after review and recommendation by the planning commission, the*



request shall be resubmitted to the planning commission for further review and recommendation prior to the city council's formal action on the request.

- 3. The planning commission shall make a recommendation. In the event that no recommendation is made, the commission's indecision or failure to forward a recommendation within six months shall be considered on balance as favorable to the proposed amendment, and a favorable recommendation shall be forwarded to city council.*

IV. PLANNING & ZONING ANALYSIS

The applicant proposes to make two (2) specific changes to this section of the Code. With the creation of PRD No. 7, Aydelotte Farm was divided into 11 parcels, each with their own set of development standards and allowable residential uses. The first proposed amendment is to Ch 17.150.050.A.7- Parcel H. The allowable residential use for Parcel H as it reads today is for townhouses.

The construction of The Villas, comprised of “townhouse style triplexes”, which are technically apartments by definition, was approved by the Planning Commission for Parcel H in 2023 without a Text Amendment. The remainder of Parcel H is the last phase of the PRD to be developed and is proposed to be an additional 63 townhouse style apartments known as The Hamlets. The applicant proposes to delete the word “Townhouses” from Parcel H, and have the code read “Residential” (Attachment 3). This deletion would both allow for the construction of the Hamlets, as well as bring the Villas into compliance.

The second proposal is to amend 17.150.050.A.7.b to increase the density for Parcel H from 5.5 units per acre to 6.0 units per acre. Per the developer’s site plan for the Hamlets, the combined density of the 299 approved townhouse style apartments from the Villas and the 63 proposed units for the Hamlets would be 362 total units. Parcel H is 60.89 acres total, meaning the proposed density would be equal to 5.95 units per acre for this final phase of the PRD. The developer has included all proposed infrastructure on the site plan for the Hamlets, including parking, lighting, and open space.

V. 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, based on the findings in the staff report.



528 RIVERSIDE DRIVE
SALISBURY, MD 21801
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WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING • CIVIL ENGINEERING • LAND PLANNING • FORESTRY SERVICES

July 9, 2024

City of Salisbury
Department of Infrastructure and Development
125 N. Division St
Salisbury, Maryland 21801

ATTN: Henry Eure
Deputy Director
RE: The Villas and Hamlets at Aydelotte
Text Amendment Request

Dear Henry:

In accordance with the City of Salisbury's Zoning Code, Chapter 17.228.020, I would like to respectfully request a text amendment to the City's zoning code. More specifically, I would like to request an amendment to Chapter 17.150.050.A.7. This chapter of zoning code provides the development standards for "Planned Residential District No.7- The Villages at Aydelotte Farm". Please refer to the attachment to this letter for the changes herein requested. Specifically, we are respectfully requesting two changes to this zoning section, both pertaining to the development requirements for Parcel H.

First, by amending Section 7 of the code, we seek to expand the permitted types of dwelling units permitted within the parcel, as opposed to allowing just townhouses. Currently, the only residential style that is permitted by the zoning code for this parcel is just townhouses. Thing is, the Villas of Aydelotte has already been approved within this parcel and the infrastructure for this project has already been constructed. Although the unit style proposed by the Villas is townhouse style triplexes, they are technically apartments, by definition. So, in this regard, this change is somewhat of a housekeeping measure. Furthermore, the Hamlets project that is currently proposed also is comprised of "Townhouse style apartments". By amending this section as requested, it will also allow the approval of this new and final section of the project.

Secondly, we are also proposing the Hamlets, which is a newly proposed extension of the development project into the only remaining area within this parcel's boundaries that is suitable for development. This final phase of the Villages at Aydelotte Farm will close out the development of the project. It provides an additional 63 "townhouse style apartment" units to the project. Looking at the currently adopted density for Parcel H, which is 5.5 units per acre, it is just slightly less than that which is needed to facilitate this final phase of the project. Therefore, we are also respectfully requesting the minor amendment to the density as well. We are proposing to change section 7b to permit a density of 6.0 units /acre

This requested density has been computed as follows:

299 units approved/partially constructed at the Villas

+63 units at the Hamlets

362 total units proposed.

Parcel H area = 60.89 acres

Proposed density of Parcel H = 5 .95 units/acre – 6.0 units per acre requested

As mentioned, this text amendment is part housekeeping and part facilitative insomuch that it will clean up the approvals for the Villas as well as allow the developer to complete the development of Parcel H the Aydelotte Farm. On the main portion of the project, there will be no more future development as the hamlets will close out the development of Parcel H within the project, should this text amendment be approved.

I sincerely appreciate your time and your guidance in this matter. If I can be of any further service to you whatsoever, please just let me know how. Otherwise, I will anxiously await your direction.

Have a nice day.

Sincerely,

A handwritten signature in black ink, appearing to read 'BEP', with a long horizontal line extending to the right.

Brock E Parker, PE, RLS
Parker & Associates Inc.
528 Riverside Drive
Salisbury, MD 21801
Office: 410-749-1023
Fax: 410-749-1012

Chapter 17.150 - PLANNED RESIDENTIAL DISTRICT NO. 7—THE VILLAGES AT AYDELOTTE FARM

AS PROPOSED FOR TEXT AMENDMENT (2 TOTAL AMENDMENTS)

17.150.010 - Purpose.

- A. The purpose of planned residential district No. 7 is to provide for the development of the villages at Aydelotte Farm with a planned community consisting of a variety of housing types and minor neighborhood service uses located in harmony with the natural features of the site. The development is designed to preserve natural wooded slope areas along two on-site streams, to preserve non-tidal wetlands areas, and to provide planned open space and recreation.
- B. The development further provides right-of-way for and is further designed to accommodate a major collector road that is included in the northeast metro core development management plan and identified as the northeast collector.
- C. The following regulations have been designed to carry out these purposes and are further implemented on the amended development standards plan May 10, 2005 as approved by the mayor and city council.

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 - iv. Adjoining NE metro core collector road: fifty (50) feet.
- c. Height: thirty-five (35) feet maximum.
- d. Parking: in accordance with the requirements of chapter 17.220.
- e. Residential standards alternative: the same as Parcel B.

2. Parcel B—Residential.

- a. Minimum land area: six acres.
- b. Density: not to exceed seven units/acre.
- c. Height: thirty-five (35) feet maximum.
- d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. PRD perimeter: thirty (30) feet;
 - v. 100-year flood plain: ten feet;

- vi. Adjoining NE metro core collector road: fifty (50) feet.
 - e. Parking: 1.8 spaces per unit minimum.
 3. Parcel C—Residential—Single-family Detached.
 - a. Minimum land area: eighteen (18) acres.
 - b. Density: not to exceed three units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. 100-year floodplain: ten feet.
 - e. Lot area: ten thousand (10,000) square feet minimum.
 - f. Lot width: Interior lots: seventy (70) feet minimum;
Corner lots: eighty-five (85) feet minimum.
 - g. Parking: two spaces per unit minimum.
 4. Parcels D and E—Neighborhood Business.
 - a. Minimum land area: one acre.
 - b. Density: not to exceed:
 - i. Neighborhood business: thirty thousand (30,000) square feet gross floor area.
 - c. Height: forty (40) feet maximum.
 - d. Distance between buildings: thirty (30) feet minimum.
 - e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet;
 - ii. Side: twenty-five (25) feet.
 - f. Parking: 17.150.050
 - i. Neighborhood business: a minimum of one space per three hundred (300) square feet of floor area used for such uses.
 5. Parcel F—Residential (Condominium).
 - a. Minimum land area: seven acres.
 - b. Density: not to exceed ten units/acre.
 - c. Height: fifty-five (55) feet maximum.
 - d.

Distance between buildings: thirty (30) feet minimum.

- e. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. Adjoining NE metro core collector road: fifty (50) feet.
 - f. Parking: 1.8 spaces per unit minimum.
6. Parcel G—Residential (Condominium).
- a. Minimum land area: seven acres.
 - b. Density: not to exceed ten units/acre.
 - c. Height: fifty-five (55) feet maximum.
 - d. Distance between buildings: thirty (30) feet minimum.
 - e. Setbacks shall be not less than:
 - i. Street: twenty-five (25) feet;
 - ii. Side: ten feet;
 - iii. 100-year floodplain: ten feet;
 - iv. Adjoining NE metro core collector road: fifty (50) feet.
 - f. Parking: 1.8 spaces per unit minimum.
7. Parcel H—Residential (~~Townhouses~~);
- a. Minimum land area: thirty (30) acres.
 - b. Density: not to exceed ~~5.5~~ units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. 100-year floodplain: ten feet.
 - e. Parking: 1.8 spaces per unit minimum.
8. Parcel I—Residential (Townhouses).
- a. Minimum land area: thirty (30) acres.
 - b. Density: not to exceed 5.5 units/acre.
 - c. Height: thirty-five (35) feet maximum.

1. Delete "(Townhouses)"

2. Delete "5.5" and replace with "6.0"

- d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet.
 - e. Parking: 1.8 spaces per unit minimum.
9. Parcel J—Residential—Single-family Detached.
- a. Minimum land area: eight acres.
 - b. Density: not to exceed three units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Setbacks shall be not less than:
 - i. Street: thirty (30) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet;
 - iv. 100-year floodplain: ten feet.
 - e. Lot area: ten thousand (10,000) square feet minimum.
 - f. Lot width: Interior lots: seventy (70) feet minimum;
Corner lots: eighty-five (85) feet minimum.
 - g. Parking: two spaces per unit minimum.
10. Parcel L—Residential.
- a. Minimum land area: seven acres.
 - b. Density: not to exceed nine units/acre.
 - c. Height: thirty-five (35) feet maximum.
 - d. Distance between buildings: thirty (30) feet minimum.
 - e. Setbacks shall be not less than:
 - i. Front: twenty-five (25) feet;
 - ii. Side: ten feet;
 - iii. Rear: twenty-five (25) feet.
 - f. Parking: 1.8 spaces per unit minimum.
- B. Building Entrance Location. All entrances to apartment buildings shall be no greater than eighty (80) feet from a parking lot. Fire hydrants shall be installed as required by city policy.
- C. Landscaping. A detailed landscaping plan shall be submitted with each phase of the development. Landscaping shall generally be in accordance with the revised preliminary

development plan—as approved by the planning commission dated May 10, 2005.

- D. Open Space. Open space shall be provided as shown on the revised preliminary development plan dated May 10, 2005. Details of open space, use, access, and development areas shall be shown on final development plans for each phase of development.
- E. Architectural Elevations. Architectural elevations for each building shall be submitted with final development plans for each phase of development.
- F. Subdivision Plat, Community Association, and Condominium Documents. A final subdivision plat shall be submitted with final development plans for each parcel. The overall villages at Aydelotte Farm Community Association documents regarding maintenance of open space identified, revised preliminary development plan dated May 10, 2005 shall be approved by the planning commission and recorded with the final subdivision plat for the first parcel of development. Individual condominium and homeowner's association documents shall be approved by the planning commission and recorded for each parcel of development.
- G. Signs. Signs shall be in accordance with Sections 17.216.060, 17.216.070 and 17.216.140 of this title.
- H. Accessory Buildings and Structures.
 - 1. No part of any accessory building or structure shall be located closer than five feet to a rear, side, or floodplain line. On a corner lot, no accessory building shall be located closer than twenty-five (25) feet to the curbline of an abutting street.
 - 2. No accessory building shall occupy more than fifty (50) percent of a required rear or side yard on a single-family residential lot.
 - 3. A swimming pool may be located in the side or rear yard no closer than twenty-five (25) feet to a street right-of-way. The combined total lot coverage of a swimming pool and all accessory buildings and structures shall not exceed seventy-five (75) percent of the required rear yard or side yard area.

(Ord. 1998, 2006; Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

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 infrastructure and development.
- B. All streets shall be developed in accordance with standards and profiles required or approved by the city department of infrastructure and development.
- C. Aydelotte Road north of Middle Neck Drive shall be used as an access during Phase I. Additionally, at the commencement of Phase I, the developer will provide an easement, to the

city's benefit, for the extension of Middle Neck Drive. Upon completion of Phase I, the developer will come back to the city council for a decision whether to close Aydelotte Road and/or extend Middle Neck Drive. Any such decisions shall be at an advertised public meeting of the city council.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

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

17.150.070 - Special conditions.

- A. Parkhurst Drive on the east side of the site shall be terminated at the property line of Aydelotte Farm and blocked with a berm or permanent landscaping before construction of Phase I, except that such berm or landscaping shall be in a manner so as to permit access for agricultural-use vehicles until the cessation of agricultural operations or the commencement of construction of Parcel C.
- B. The forty (40) foot private right-of-way (handle) on the east side of the site to Parker Road shall be conveyed to any adjoining property owners willing to accept the additional land by no later than the end of development of Parcel C.
- C. The owners of the site shall provide in fee simple a right-of-way of eighty (80) feet for the public construction of the new major northeast collector road through the site and a sixty (60) foot right-of-way for the extension of Middle Neck Drive to the new collector road.
- D. In the event that Parcel A is not utilized as a public recreation area, the parcel may be developed as residential in accordance with the same standards as Parcel B as defined in Section 17.150.050 of this chapter.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.080 - Amendments.

Amendments to planned development district No. 7 shall be in accordance with the provisions of Section 17.108.090 of the city Code.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.090 - Final development plan.

- A. The revised preliminary comprehensive development plan dated May 10, 2005 as approved by the planning commission, shall be recorded in the land records of Wicomico County. Development of the site shall be in general conformance with these plans.

- B. A final development plan for each parcel of development or any proposed phase of development shall be submitted to and approved by the planning commission in accordance with Section 17.108.100 of this title.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)

17.150.100 - Control of development after completion.

- A. Specific development of planned residential district No. 7 shall be controlled by the final development plan as approved by the planning commission and any amendment thereto.
- B. Where specific regulations are not addressed in this chapter, all other regulations of Title 17 shall govern. In the event of any conflict between the provisions of this chapter and other provisions of Title 17, the requirements of this chapter shall apply.

(Ord. 1978 (part), 2006: Ord. 1569 (part), 1993)



City of Salisbury

November 22, 2024

Brock E. Parker, RLS, PE
Parker & Associates Inc.
528 Riverside Drive
Salisbury Maryland 21801

RE: PUBLIC HEARING– TEXT AMENDMENT TO AMEND CHAPTER 17.150- PLANNED RESIDENTIAL DISTRICT NO. 7- THE VILLAGES AT AYDELOTTE FARM – Parker & Associates on behalf of Villages at Salisbury Lake LLC.– Still Meadow Boulevard & Beaglin Park Drive – Planned Residential District No. 7- Villages at Aydelotte Farm– M-0038, G-0006, P-162AA

Dear Mr. Parker,

The Salisbury Planning Commission, at its November 21, 2024 meeting, forwarded a **FAVORABLE** recommendation to City Council for the proposed text amendments to Chapter 17.150, as follows:

- **17.150.050.A.7-Parcel H-** Striking the word “townhouses” and replacing with “residential”
- **17.150.050.A.7.b-Parcel H-** Changing the allowable density from 5.5 units/ acre to 6.0 units/ acre

If you have any questions or concerns regarding this matter, please call our office at 410-548-3170.

Sincerely,

Amanda Rodriguez
City Planner



To: Andy Kitzrow, City Administrator
From: Amanda Rodriguez & Nick Voitiuc, Infrastructure and Development
Date: 12/16/24
Subject: Central Business District Density Text Amendment

Mr. Kitzrow,

In July of 2024, the Department of Infrastructure and Development (DID) received a request for text amendment to the City's zoning code to allow for an increase in the inherent residential density in the Central Business District (CBD) from 40 units per acre to 80 units per acre.

Over the subsequent months DID staff received many comments from the public both for and against the proposed text amendment and weighed them carefully. Staff assessed the alignment of the proposed change with previously approved City Plans. Staff repeatedly hosted the applicant at the DID office to discuss potential development scenarios that could follow in wake of the text amendment's potential approval. And staff efforted to consider the gamut of impacts, both positive and negative, that could ensue were the amendment to pass.

Staff ultimately concluded that while the proposed change would further development in the City's downtown in a way that could have a positive impact on the City, the proposal did not fully consider potential deleterious impacts stemming from the change. As such, Staff recommended that the Planning and Zoning Commission give the proposal an unfavorable recommendation.

The Planning and Zoning Commission heard from staff, from the applicant, and from members of the public in a public hearing in November. The Commission ended the November meeting with a favorable recommendation of the request by a 6-1 vote.

City staff forwards legislation incorporating the text change for the Council's consideration.

- 47 A. Minimum Lot Requirements. All lots hereafter established shall meet the following
48 requirements:
- 49 1. Lot area: five thousand (5,000) square feet;
- 50 2. Lot width: fifty (50) feet.
- 51 B. Setback, Height and Density. The following minimum standards are established as guides
52 for design of development. These standards may be increased or decreased by the planning
53 commission upon review of individual site design in relation to the surrounding properties
54 and development of the CBD as a whole.
- 55 1. Setbacks.
- 56 a. Setbacks shall be as follows:
- 57 i. Setbacks shall be the same as the established setbacks for existing
58 buildings within the same block.
- 59 ii. Where there are minor irregularities in existing setbacks for the
60 same block, any one of the existing setbacks which the planning
61 commission considers most applicable may be used.
- 62 iii. Where there are major irregularities in existing setbacks for the
63 same block, the setback shall be no less than the average of setbacks
64 for existing buildings on either side of the proposed development.
- 65 iv. Where no established building setbacks exist, the setback shall be a
66 minimum of five feet from the back of the sidewalk.
- 67 v. Setbacks from the Wicomico River shall be a minimum of ten feet
68 from the back of the existing or proposed bulkheading line.
- 69 vi. Setbacks from interior lot lines shall be a minimum of ten feet.
- 70 b. Modifications to Setbacks.
- 71 i. During its review of any development requiring a modification to
72 setbacks, the planning commission shall consider the location of
73 buildings on the site relative to safe vehicular movement on existing
74 or proposed streets, light, air and ability of fire or emergency
75 equipment and vehicles to adequately serve the development.
- 76 ii. Special consideration shall be given to the location of landscaped
77 areas and areas of pedestrian movement to assure coordination of
78 landscaping and freedom and safety of pedestrian movement.
- 79 iii. The planning commission may increase or decrease setbacks
80 wherever a rearrangement of buildings on the site will aid in
81 achieving a continuous link of development with freedom and
82 encouragement of pedestrian movement from one development to
83 another.
- 84 2. Density.
- 85 a. Floor area for commercial or other uses shall not be used when computing
86 density for dwelling units.
- 87 b. Inherent density shall not exceed ~~forty (40)~~ **eighty (80)** units per acre.
- 88 c. Increased density shall require a special exception from the Board of
89 Appeals. In addition to consideration of the criteria required by Section
90 17.232.020, the board shall consider the criteria set forth in subsection
91 (B)(4) of this section.

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- 3. Height.
 - a. The height of all buildings or structures shall not exceed seventy-five (75) feet.
 - b. Increased height shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.
- 4. Criteria for Increased Height and/or Density.
 - a. When acting upon a request for either increased height or density, the Board of Appeals shall consider any or all of the following criteria as may apply to the type of development proposed:
 - i. Recommendation from the planning commission;
 - ii. The type of residential development proposed relative to the ability of the site to accommodate the density proposed;
 - iii. The availability of city services to the site, such as water, sewer, streets and parking lots or structures; and whether the site can accommodate a higher density and/or height without an undue burden of expense to the city;
 - iv. The functional, visual and spatial relationship of the proposed height relative to surrounding development and the CBD as a whole;
 - v. Whether the proposed height will create an intrusion or conflict with the spatial arrangement of existing or proposed buildings;
 - vi. Shadows which may interfere with solar panels or other solar equipment already in existence or under contract to be installed on existing buildings or buildings approved for construction in the immediate vicinity;
 - vii. Water pressure and capability of community firefighting equipment, in addition to any required construction of fire safety devices, to assure safety of occupants;
 - viii. The merits of the design and whether the treatment of setbacks, landscaping or other amenities, in addition to architectural treatment of the building, provide an excellence of design which contributes to the furtherance of the purpose of the CBD.
 - b. The board may solicit any expert review and advice to assist it in making a decision on the request for increased height and/or density.

- C. Open Space and Landscaping.
 - 1. Landscaped open space shall be provided wherever possible to attract development and provide a pleasing environment to conduct business, trade, civic and cultural affairs and improve the appearance of downtown.
 - 2. Wherever possible, landscaped open space areas shall be provided adjoining the landscaped open space area on an adjoining parcel. Landscaping for both areas shall be coordinated so as to give the appearance of one continuous landscaped area.

- 136 3. Development adjoining the Wicomico River shall provide public open space
- 137 easements as required in the urban river plan or other adopted plans and shall provide
- 138 open space and landscaped areas coordinated with existing open space and
- 139 landscaped areas developed by the city.

- 140 D. Parking. Parking shall be provided in accordance with chapter 17.196, except where
- 141 governed by established parking tax district regulations.

- 142 E. Building and Development Restrictions.
- 143 1. Drive-in window service uses shall provide a reservoir of five spaces on site for each
- 144 drive-in window or stall.
- 145 2. Access driveways crossing sidewalks to private parking areas shall be reduced or
- 146 eliminated where it is determined that alternative or unified points of access are
- 147 available resulting in less traffic congestion and pedestrian interference.
- 148 3. Common loading and unloading areas serving more than one business shall be
- 149 encouraged where possible.
- 150 4. Entrance to loading and unloading areas shall be located at the rear of the building
- 151 where possible. Where a business abuts more than one street, this entrance shall be
- 152 on the street with the least amount of traffic.
- 153 5. Outside storage of materials or parts shall be prohibited, except that outside storage
- 154 of service and delivery vehicles used in operation of a business within the CBD shall
- 155 be permitted.

- 156 ~~E~~ F. Signs. Signs shall be in accordance with chapter 17.216.

156 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**

157 **SALISBURY, MARYLAND, as follows:**

160 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this

161 Ordinance shall be deemed independent of all other provisions herein.

162 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,

163 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise

164 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph,

165 subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be

166 deemed valid and enforceable.

167 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such

168 recitals were specifically set forth at length in this Section 4.

169 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.

170 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury

171 held on the 16 day of December, 2024 and thereafter, a statement of the substance of the Ordinance having been

172 published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the

173 ____ day of _____, 2025

174 **ATTEST:**

175 _____

176 **Julie A. English, City Clerk**

177 _____

178 **D'Shawn M. Doughty, City Council President**

180 Approved by me, this ____ day of _____, 2025.

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186

Randolph J. Taylor, Mayor



Infrastructure and Development Staff Report

November 21, 2024

Public Hearing – Text Amendment – To amend Title 17, Zoning, Section 17.24.040B.2.b. entitled “Density”

I. BACKGROUND INFORMATION:

Applicant/Owner: Michael P. Sullivan on behalf of Salisbury Town Center Apartments, LLC
Nature of Request: Text Amendment to City of Salisbury Zoning Code, Chapter 17.24- Central Business District

II. CODE REQUIREMENTS:

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission shall forward a recommendation within six (6) months of receipt of the application 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.

III. SUMMARY OF REQUEST:

Mr. Sullivan, on behalf of the owner, has submitted a request to amend Chapter 17.24.040B.2.b Central Business District to increase the inherent density in the Central Business District (CBD) from forty (40) units per acre to eighty (80) units per acre as follows with amendment in bold:

2. Density
 - a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
 - b. Inherent density shall not exceed ~~forty (40)~~ **eighty (80)** units per acre.
 - c. Increased density shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.

A copy of the request and a draft of the proposed ordinance is included. **(Attachments 1 & 2)**

IV. DISCUSSION:

The City of Salisbury Code Chapter 17.228.020A provides the procedure for amendments to the Zoning Code, as follows:



City of Salisbury

A. *Planning Commission Review.*

1. *All applications for a zoning code text amendment or a district boundary change shall be made to the planning director, and any such amendment, supplement, modification, change or repeal shall be referred to the Salisbury planning commission for review and recommendation to the city council.*

a. The planning commission shall cause such investigation and study to be made as it deems necessary to prepare a report containing the commission's recommendation to the city council.

b. The commission shall hold a public hearing and shall submit its report and recommendation to the city council within six months of receipt of such application.

c. If the planning commission fails to submit its report and recommendation within six months, any such proposed amendment, supplement, modification or change may be acted upon by the city council without benefit of such report or recommendation.

2. *If there is any change in the request, such as enlargement of land area or change of zoning reclassification requested, after review and recommendation by the planning commission, the request shall be resubmitted to the planning commission for further review and recommendation prior to the city council's formal action on the request.*

3. *The planning commission shall make a recommendation. In the event that no recommendation is made, the commission's indecision or failure to forward a recommendation within six months shall be considered on balance as favorable to the proposed amendment, and a favorable recommendation shall be forwarded to city council.*

The applicant proposes to make only one amendment to Ch 17.24.040.B.2.b., deleting the word "forty" (40), and replacing it with "eighty" (80). **(Attachment 1)**

V. **PLANNING AND ZONING EVALUATION:**

The existing Comprehensive Plan promotes future land use within the Central Business District as mixed-use development and redevelopment activities that bolster downtown's role as the home of government, retail business, entertainment, residential, medical center and waterfront recreation.

According to City maps, the Central Business District comprises approximately 200 mapped lots across 77.5 acres of land. The uses in the District are a mixture of business, mercantile, health care, entertainment, residential, and publicly owned lands. City records indicate that there are 291 residential units in the CBD. Therefore, the residential housing stock in the CBD currently exists at a density of 3.75 units per acre for the entire district. This calculation includes all public lands, including roads and public right-of-way's so the overall density of developed parcels is actually higher.

Department of Infrastructure & Development

125 N. Division St., #202 Salisbury, MD 21801

410-548-3170 (fax) 410-548-3107

www.salisbury.md

Densities for individual parcels range from 0.84 units per acre located at 224 West Main Street to 144.36 units per acre for the property at 130 – 144 East Main Street. While conversations about “downtown” often center on the Main Street/Division Street “core” neighborhood, the CBD is actually an extremely expansive area. Below is a map indicating the entire encompassed area of the CBD (in red):



The CBD has historically hosted mixed with primarily commercial and professional services but also residential uses. The application provides a helpful chart showing all of the existing buildings within the CBD that have residential density greater than 40 units per acre. The chart indicates that there are currently nine such buildings. Seven of them have between two and eight units, the Powell Building has 20 units, and The Ross has 101 units. The eight units besides the Ross are less than 80 units per acre as the application notes. This small roster of above-40-unit density buildings indicates that is not a recent history of high capacity residential buildings in the CBD as the Ross was only constructed in the past few years. The influx of new, large, high density buildings that this proposal can be expected to facilitate will be a departure from how residential uses have existed in the CBD in recent history.

Increasing the allowable inherent density to 80 units per acre would, in a maximum build out scenario (if every mapped parcel had residential units built on them, to the highest allowable density) allow for up to **6,200** residential units to be built in the CBD. While such a maximum build out is neither



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likely nor practical, *this change in code would allow for an increase in residential units in the CBD greater than the populations of either Fruitland or Delmar.*

As the proposed allowable **6,200** residential units is not reasonable to project as a likely outcome for a number of reasons (for instance: the presence of government buildings which are not likely to be sold and developed – though the County Health Department building is currently in the midst of this exact scenario), City staff worked with the applicant to workshop reasonably projectable development scenarios that could ensue as a result of this proposed change from 40 unit density to 80 unit density. An email discussion summarizing the projected project unit counts is included as an attachment.

A short-term scenario of imminently developable projects (surplused City lots, projects that have submitted development plans) identified 603 units (rounded to **600** units for simplicity's sake in this report) likely to be developed within the coming 5-10 years. A medium-term scenario of lots that are not currently "in the pipeline" for development but could very reasonably enter it (noted by the applicant during discussions as developable within 30-50 years, but more likely [in staff's opinion] in 10-20 years) identified 2,110 reasonably developable units (rounded to **2000** units for simplicity's sake in this report).

These scenarios, while inherently more speculative than focusing on the fact that the change will allow for over 6,000 units to be developed within the CBD as of right, provide digestible lookaheads for development and its significant, broad-ranging impacts in and beyond the CBD were the proposed change to the code be allowed.

While encouraging residential use in the CBD is reflected in the City's adopted 2010 Comprehensive Plan, the Plan also states that the CBD ought to have a wide variety of other uses. Effecting a change in code to dramatically increase the percentage of the built "volume" of the CBD would arguably crowd out and minimize the other uses downtown, as the code change intends to double the allowable residential units in the CBD without making any provisions for increasing the various uses planned for the CBD. By encouraging a relatively lower diversity of uses in the CBD through this crowding effect that results from increasing only one use (and drastically), the proposed code change does not further to the goal of a wide variety of uses in the Comprehensive Plan.

The 2016 Downtown Master Plan (EnvisionSBY) similarly states as an objective that the City should encourage "vibrant mixed-use" downtown. Another goal is to "increase the amount of commercial by 100,000 square feet", which providing for a law change to increase *only residential* uses does not accomplish. A proposed code change aligned with the Plan would include language requiring the variety of uses that the Plan spells out in its goals. Another goal in the plan is to "Remove 25 percent of the impervious area" downtown. Proposing a code change that only encourages building more, without adding or enhancing requirements as to how much green space must be included in developments to replace impervious area, does not align with the Downtown Master Plan. There should be a requirement of at a minimum 25% of impervious area to green space conversion during any new projects utilizing any proposed increase in density (or, arguably, any new development projects at all.)



The biggest concern with the application is that it does not provide an assessment of potential impacts of a doubling of inherent residential density within the entirety of the Central Business District. The most significant impact assessment supplied is a parking study performed last year; however, that study only discussed impacts of a single project being built rather than wide-ranging, large scale development of residential projects within the CBD. A full study of all possible impacts should be provided by any applicant prior to any major proposed change to the zoning code such as this. In the absence of an applicant-supplied impact study, City has attempted to do this work with available information and resources. The City's findings are as follows:

- a. Parking: Parking demand is a function of density. At present, Chapter 17.24 does not include a parking standard for the Central Business District. That said --Chapter 17.196. Parking Standards --does provide for parking guidance for the CBD as well as the Riverfront Redevelopment Districts. Per the text, a formal parking recommendation is required to be made on a case-by-case basis by the Planning Commission. That recommendation requires analysis based on the proposed density, the elimination of existing parking, if any, within the CBD. In recent years, the city has sold most of its surface parking subject to in-fill development. As such, the parking model has become both deeply restrictive and defined. At present, only one site exists for a parking garage to replace the previous surface parking and provide additional spaces to accommodate the new proposed density. Based on simple calculations, the proposed garage is grossly insufficient to support even the existing allowable density without any regard to any increase in density.

As mentioned earlier in the report, the parking study referenced in the application does not account for the parking demand of the up to 2000 units anticipated to come of this proposed density increase. The study only accounts for the new building project referenced at length in the application, STCA, which only adds approximately 220 new units. Further, the study does not account for all of the surface parking lots, which are currently still in use despite being slated for development, leaving the parking supply in the near future. The new proposed City-owned garage, expected to provide approximately 450 new spaces, will not possibly come close to meeting the demand of all the new developments that will come with approval of the proposed amendment. A detailed parking study for the entirety of the CBD would help provide clarity on the matter and is absolutely necessary before approving a change like that proposed. A rough look at the demand created by 600-2000 new units would lead to the need of a *second* if not a *third additional* garage at similar size. Such projects falling on the City dime would cost at least \$10 million-\$50 million dollars. Supposing the City could obtain funding for these structures, the question becomes is there even available City-owned land in the CBD for the City to build such structures upon, which *there is not*.

- b. Emergency Services: Additional calls for Police, Fire, and EMS would be expected to increase. Given the capacity of the existing Fire and Police Departments, an increased call volume could place additional stressors on the City's existing staff and resources. For example, an increase of 600 units within the CBD could equate to an average of 1200 new



City of Salisbury

- c. residents, roughly assuming 2 residents per unit. The average SFD call frequency is roughly .12 calls per 100 people/month, which would mean an estimated increase of 144 monthly calls for service. At 2000 additional units (4000 additional residents) there could be an increase of 480 calls per month to the CBD. This volume of calls would likely lead to hundreds of thousands of dollars a year of new expenses for the City in additional personnel and equipment, a fact which the application has not studied at even a cursory level. Similar demand increases for SPD services in the CBD could produce a similar cost increase to the City's taxpayers.
- d. Traffic and Road Infrastructure: Additional housing density would invariably lead to increased traffic in the Central Business District. Using the same example of 600 additional units being built housing 1200 additional residents, there would be a like number of new vehicles being parked in the CBD daily. The new residents would naturally be making trips in and out of the CBD every day for work, school, shopping and/or recreation, likely resulting in longer traffic queues at all of the main intersections around the perimeter of the CBD. Spillover effects of increased traffic could include longer commute times, increased street level pollution negatively impacting pedestrians, and a more challenging environment for emergency services vehicles. More detailed data is not available at this time as a traffic impact study analyzing a large scale build out of the CBD at 80 units per acre was not part of the application.
- e. Water and Sewer Infrastructure: Increasing the number of residential units would lead to an increased burden on the City's water and sewer systems including pipes in the streets of the CBD and also lift stations around the CBD. Currently, two pump stations (Mill Street and Southside) and one lift station (Fitzwater) serve the CBD. Impacts to the Mill Street station, which currently takes in roughly 80% of the CBD's sewer flow need to be considered. The station is currently operating at roughly 2/3 capacity and an increase of 600 units would bring the station and its force main to capacity. An increase to 2000 units would absolutely require costly upgrades to the force main and the pump station which would incur an additional cost of millions of dollars in infrastructure improvements. Following the current alignment's non-perpendicular crossing of Route 50 would create even greater constructability challenges than a typical crossing would. Extensive study into this issue would be needed to fully hash out possible repercussions and costs.

Although the Wastewater Treatment Plant recently underwent a multi-million-dollar expansion and upgrade, the additional water and sewer capacity requirement for a dense buildout of the CBD could impose a significant burden on the plant's capacity. Further, the recent adoption of a County Sewer Plan to address widespread failing septic systems will already be adding continuously increasing stressors to the WWTP, though the magnitude cannot yet be defined. It is however bound to be significant as the County Sewer System expands. The Water Resources element within the 2010 Comprehensive Plan states that the upgrades to the plant are sufficient to serve the total projected demand through 2030, even factoring in aggressive population growth in the City of up to 40,000 people. Pipes and structures within the streets of the CBD, both for water and sewer, are often approaching 100 years old or older and may be considered undersized



City of Salisbury

for the capacity needed if development increases dramatically. Extensive study is appropriate before any significant change to density is made.

- f. **Stormwater Management:** Stormwater and flooding issues are already significant problems in parts of the CBD, most obviously in the Lake Street/Fitzwater area in the western part of the CBD. Changing code related to the CBD would ideally also include provisions that lead to more comprehensive stormwater management for the district. Comprehensive upgrade requirements could lead to lesser impacts on the CBD, however no such code change has been proposed as part of this application. It is worth noting however that generally, denser construction can be a useful component for mitigating storm impacts as larger buildings tend to be more resilient due to their size and heft.
- g. **Schools, Parks, and Public Structures:** There would be an expected increase in demand on the public school system with an increase in residential density. According to the Wicomico County Board of Education, most schools in the area are approaching or are over maximum capacity. According to the National Association of Home Builders, the average school seat demand per 100 housing units is 41 students; for new multifamily developments (the most likely type of CBD housing development with a significant increase in density) the demand figure is lower at 22 students per 100 units. Using the more conservative figure, the projected development figures of 600 units and 2000 units could reasonably lead to a new demand from the CBD of at least 132 school seats and as many as 440 school seats. With the school system being at or over capacity currently, the increase would likely lead to the need for multimillion-dollar capital projects to significantly expand existing schools or construct new schools.

Park space in the CBD is currently limited to just a few facilities including Unity Square, the River Walk, and the Bark Park. While the facilities do not appear to be overtaxed currently, a substantial increase in housing units in the CBD may lead to crowding and difficulty for residents to access. Changing code to encourage increased housing density without changing code to provide adequate public facilities for the increased population may reduce the opportunities for new and existing residents and visitors to the CBD to utilize the CBD's public facilities as a result of crowding.

The most significantly impacted public structure will be the City's parking garage, which will see increased (surplus) demand due to expansive new development at 80 units per acre. This impact is discussed more in the parking section.

- h. **Environmentally Sensitive Areas (Chesapeake Bay Critical Area, Floodplain, etc.):** The entire CBD is situated in the Chesapeake Bay Critical Area Intensely Developed Area (CBCA IDA) overlay district. The CBCA IDA is a State of Maryland developed mapping resource which identifies sensitive tidal water areas where development may have an outsized environmental impact. In addition, much of the CBD falls within FEMA's identified floodplain. New development within these sensitive areas is generally discouraged and requires additional site mitigation, reviews, and approvals by State and Federal agencies.



City of Salisbury

- i. Specifically, the 2010 Comprehensive Plan states that “Development in sensitive areas, such as forests, wetlands, and floodplains should be minimized in an effort to reduce the growth-related impacts to the environment.” In this regard, the application does not align with this important Comprehensive Plan goal of reducing environmental impact.
- j. Historic Structures: The CBD largely overlays with the Downtown Historic District. Projects involving changes to existing structures as well as new construction require review and approval by the City’s Historic Commission. The Commission makes great efforts to both maintain the neighborhood’s historic character but also to allow for projects to move forward. With a significant number of large-scale projects, replicating or referencing the historical nature of the CBD may be a challenge and there is a likelihood of distinct changes to the appearance and character of the CBD ensuing as a result of this change. As an example, the Ross building, while incorporating some historic elements and having garnered Commission approval, exhibits a scale and massing that stands out significantly from the majority of other buildings in the CBD. Multiple new large-scale projects that ensue could similarly and more substantially alter the character of the CBD and consideration should be given to code changes that strengthen aesthetic controls over developments while also encouraging the developments to continue.
- k. Other Impacts: Large scale vertical developments within the low-rise CBD will be more likely with an increase in inherent density. A variety of impacts not previously discussed will result from such a development pattern. For instance, increased shadows from tall structures will impact existing buildings and pedestrians by reducing hours per day of sun light availability. Shadow studies are typically performed in conjunction with changes of this sort but none has been performed here. A frequent result of shadow studies is new, tiered setback requirements as structures rise to allow for mitigation of shadow impacts. Similar to shadows, air flow into a neighborhood is impacted as large buildings are constructed in place of existing open spaces. While the development of projects is beneficial it is important to carefully study all the impacts that likely projects may cause and incorporate protections and mitigation methods into code, which has not been done here. Other likely impacts from increased building size and density are light pollution and noise pollution; these impacts have not been studied.
- l. Spillover Impacts: Besides impacts to the CBD itself, the proposal has the potential to deleteriously impact neighborhoods adjoining the CBD. Many of the impacts that can be expected in the CBD are also likely in these neighborhoods. For instance, a shortage of parking supply in the CBD will invariably lead to visitors to the CBD parking in adjoining residential neighborhoods such as the Newtown neighborhood across Route 50. This may negatively impact the ability to residents and their visitors to park near their homes; however, without a parking study that addresses those spillover impacts it is impossible to say how much excess street parking capacity there may be in that and other adjoining neighborhoods. Further, without survey data of visitors to the CBD it is difficult to guess whether challenges parking within the CBD would lead to spillover into other neighborhoods or to visitors simply not coming to the CBD in the first place. The



City of Salisbury

- m. historically disadvantaged neighborhood of California, included partially on the western side of the CBD and partially in the Riverfront Redevelopment District could become even more underserved over time as amenities and services are stretched to capacity by increased density in the CBD. ~~There is also the potential loss of community, as new residential projects come online with a target market and force out the families and cultural groups that exist currently within the CBD and RRMUD.~~ Other CBD-abutting neighborhoods that could experience spillover impacts are Newtown and Camden, two largely singlefamily residential neighborhoods. Besides parking impacts the neighborhoods could also experience traffic impacts and quality of life impacts such as noise, light pollution, and shadows.

While an increase in residential occupancy and density can align with goals of the 2010 Comprehensive Plan, the Downtown Master Plan, and the Metro Core Plan, it has been mentioned earlier that the proposed amendment presents a number of conflicts with these Plans. Dramatically increasing residential use alone can have a “crowding out” effect on other uses on a per capita basis. The proposal also conflicts with goals of not developing in environmentally sensitive areas.

~~Further conflicts can be identified when reviewing these Plans. The Metro Core Plan mentions “providing additional open space” in its “CBD Objectives” section. The amendment would codify the ability for developers to utilize open space to build up residential structures and make this much more likely to occur but it does not add any requirements or set asides for preserving open space in the CBD and so it is effectively in conflict with this aspect of the Metro Core Plan in regards to this open space oriented objective.~~

The Metro Core Plan states that “rigid standards such as residential density...be replaced by general development standards that permit flexibility.” The approval of a text amendment to reinforce a density standard, and in fact to make much of the growth of the CBD a product of this new proposed density standard, does not align with this portion of the Metro Core Plan. The opposite it true – it underscores a commitment from the City to set its land use parameters on in way that is in conflict with the Plan.

Within the Central Business District, the City has several goals. First, support growth which complements the size, proportion and general architecture of the existing CBD. In that process, however, we seek to preserve accessibility and convenience. Both residential and commercial occupancies offer a sense of community and vibrancy to the CBD, but residential density increases need to be supported and guided by a host of amenities that make it both convenient and livable. If those elements are not managed well, that occupancy will find alternatives and the desired development in the CBD will be stymied. In short, if done poorly -residents move, and businesses fail. A path that is hard to cure once executed. Parking is an especially meaningful component of that equation on both fronts.



D. RECOMMENDATION:

Without reviewing a comprehensive analysis of possible impacts both to the CBD and to abutting neighborhoods we cannot accurately predict the impacts this increase would have on the future of the CBD and other neighborhoods. Existing businesses and residences would be impacted at an unknown scale for the reasons discussed in this report. A density increase *as proposed* does not fully align with the goals of either the Downtown Master Plan or the Comprehensive Plan.

As such, staff cannot support the current text amendment but looks forward to a revised amendment request that incorporates thorough studies of and sensible solutions to parking and other impacts that can be expected to arise as such a change is made. The desire is for a change to code that fully aligns with adopted Plans and that both promotes downtown development but also considers and codifies methods to mitigate the fully assessed consequences of such an action.

SALISBURY TOWN CENTER APARTMENTS, LLC

c/o Michael P. Sullivan
150 W. Market Street, Suite 101
Salisbury, Maryland 21801
mike@ggibuilds.com

July 12, 2024

VIA HAND-DELIVERY

Amanda Rodriguez, City Planner
City of Salisbury
Department of Infrastructure & Development
125 N. Division Street, Suite 301
Salisbury, Maryland 21801

Re: Request for Text Amendment – Chapter 17.24 of the City of Salisbury Municipal Code

Dear Ms. Rodriguez:

On behalf of Salisbury Town Center Apartments, LLC (“STCA”), please accept this letter as a Request Text Amendment to Chapter 17.24 of the City of Salisbury Municipal Code (the “City Code”), which governs the use and standards for development of property located in the City of Salisbury (the “City”) zoning district designated the “Central Business District” (“CBD”).

STCA is the owner of four parcels (4) parcels of land located on Circle Avenue and W. Market Street, respectively, identified as follows:

1. Map 0107, Grid 0014, Parcel 1071, Lot 3; being more particularly described as “L-3; 42,024 SQFT 131 CIRCLE AVENUE RESUB SALISBURY TOWN CENTER” and having a premises address of 131 Circle Avenue, Salisbury, Maryland 21801 (Maryland State Tax No.: 13-057745) (“Lot 3”);
2. Map 0107, Grid 0020, Parcel 1074, Lot 4; being more particularly described as “L-4; 18,433 SQFT 121 CIRCLE AVENUE RESUB SALISBURY TOWN CENTER” and having a premises address of 121 Circle Avenue, Salisbury, Maryland 21801 (Maryland State Tax No.: 09-060987) (“Lot 4”);
3. Map 0107, Grid 0020, Parcel 1077, Lot 5; being more particularly described as “L-5; 1.08 AC 118 CIRCLE AVENUE RESUB SALISBURY TOWN CENTER” and having a premises address of 118 Circle Avenue, Salisbury, Maryland 21801 (Maryland State Tax No.: 09-055207) (“Lot 5”); and,
4. Map 0107, Grid 0020, Parcel 1066, Lot 6; being more particularly described as “L-6; 19,900 SQFT 149 W MARKET STREET RESUB SALISBURY TOWN CENTER” and having a premises address of 149 W. Market Street, Salisbury, Maryland 21801 (Maryland State Tax No.: 09-052534) (“Lot 6”) (Lot 3, Lot 4, Lot 5 and Lot 6 are hereinafter referred to collectively as the “STCA Lots”).

In the aggregate, the STCA Lots consist of 2.93+/- acres of land more or less. The STCA lots are located in Downtown City of Salisbury and zoned CBD.

Pursuant to Section 17.24.010(C) of the City Code, the purpose of the CBD is:

... [T]o maintain and strengthen the role of the downtown area as the community and regional center for a broad range of governmental, cultural, institutional, professional, business, service and retail activities; to enhance the vitality of the downtown by encouraging residential uses; to continue to carry out and implement the recommendations contained in adopted plans and studies for development of the CBD; and to assure that improvements made using public funds are utilized to the greatest extent possible for the benefit of the public in further development of the downtown area.

Section 17.24.030(B) of the City Code identifies the uses of property inherently permitted in the follows:

- (1) Apartments above the first floor, apartment buildings, motels, hotels and single-family attached dwellings;
- (2) Business uses and offices, including insurance, real estate and financial offices;
- (3) Broadcasting, television and communication facilities, including accessory antennas and towers;
- (4) Cultural uses, such as museums, libraries, meeting rooms, theaters and convention facilities;
- (5) Governmental uses, such as federal, state, county, city administrative offices, court and detention facilities, the post office, fire station and police station;
- (6) Institutional uses, such as hospitals, care homes, churches and nursing homes;
- (7) Light manufacturing and assembly conducted entirely within a building;
- (8) Parking lot or structure;
- (9) Printing and publishing establishment;
- (10) Professional uses, including medical, legal, engineering, surveying and architectural offices and facilities;
- (11) Promotional activities, including displays, rallies, circuses, carnivals, shows, fundraising activities by church groups or service organizations and similar activities;
- (12) Retail activities, such as, but not limited to, department stores, variety stores, specialty shops, boutiques, restaurants (all types), nightclubs, bars and dance halls, saunas, health clubs, marinas, boat ramps, indoor recreational establishments and swimming pools as an accessory use;
- (13) Facilities for public and private utilities, including but not limited to, telephone, electric and municipal utility stations;
- (14) Warehousing as an accessory to and on the same premises with the principal business for the sale of merchandise within the CBD;
- (15) Day-care center as a permitted use or day-care services for employees or patrons of a permitted use as an accessory use; and,
- (16) Group domiciliary care facility.

Section 17.24.040 of the City sets forth the minimum development standards for the development of property located in the CBD, including standards governing: minimum lot size (*see* Section 17.24.040(A)); setback, height and density (*see* Section 17.24.040(B)); open space and landscaping (*see* Section 17.24.040(C)); parking (*see* Section 17.24.040(D)); building and development restrictions (*see* Section 17.24.040(E)); and, signage (*see* Section 17.24.040(F)).

Section 17.04.120 of the City Code defines "density" as "the maximum number of dwelling units which are permitted in a given area". A "dwelling unit" is defined as "a single unit providing complete independent facilities for occupancy by one family and containing permanent provisions for living, sleeping, eating, cooking and sanitation (bathroom)."¹ With respect to the density of development permitted in CBD, Section 17.24.040(B)(2) provides:

2. Density.
 - a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
 - b. Inherent density shall not exceed forty (40) Units per acre.

¹ Under Section 17.04.120 of the City Code, an "apartment" is defined as: "a dwelling unit, as defined herein."

- c. Increased density shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.²

Accordingly, given the definition of “density” under Section 17.04.120, the density standards set forth in Section 17.24.040(B)(2) apply to the development of property in the CBD for residential uses only – namely, “apartments above the first floor, apartment buildings ... and single-family attached dwellings.” (See Section 17.24.030).

The City’s Strategic Objectives for Redevelopment Plans & the Density of Existing Residential Properties in the CBD:

For nearly sixty years, the City has pursued plans and policies that would support, and ultimately result in, the redevelopment of surface parking lots formerly owned by the City, located in Downtown Salisbury and zoned CBD. In 1965, the City adopted “The 1965 Plan for Growth in Salisbury and Wicomico County” which called for the urban redevelopment of the surface parking lots formerly known as “Lot 1” and “Lot 11” and now identified as “Lot 3”, “Lot 4” and “Lot 5” (as defined hereinabove). In 2001, the City commissioned a study by Hyett Palma, Inc. of the National League of Cities (the “Hyett Palma Study”) to provide the City with policy recommendations and strategic planning objectives for the redevelopment of Downtown Salisbury. The Hyett Palma Study specifically recommended: (i) the redevelopment of the Downtown Salisbury surface parking lots for residential and mixed-use purposes; and, (ii) the development of a parking garage on a portion of surface parking lot formerly known as “Lot 1” and now identified as Map 0107, Grid 0020, Parcel 1075, Lot 2 (124 Camden Street, Salisbury, Maryland 21801; Maryland State Tax No.: 09-061029) (“Lot 2”). (See Hyett Palma Study, pgs. 21, 26 and 31).

Following the Hyett Palma Study, the City of Salisbury approved and adopted the stated objectives of the twenty year (2015-2035) Envision Salisbury Master Plan (the “Downtown Master Plan”). (See Resolution No. 2600). In approving the and adopting the Downtown Master Plan, Resolution No. 2600 provided in pertinent part: “the overall vision for the City of Salisbury is to promote the Downtown of the City as the epicenter for the continued growth of Salisbury, as well as growing the attractiveness of the infrastructure created with community resources, while maintaining the inherent beauty of the area’s environment.” The Downtown Master Plan is “the culmination of nearly two years of work and partnership between City officials, local residents, architecture and urban planning undergraduate and graduate students, faculty, businesses, non-profits and many, many more. More than 2,500 individuals participated in tours, workshops 3rd Friday critiques, visits to College Park and other opportunities to be heard in this democratic process – a process unlike most other government-led planning processes.” (See Resolution No. 2600).

As recommended by the Hyett Palma Study and, later on, described in great detail throughout the Downtown Master Plan, the City – over the course of several different administrations – surplused and sold the Downtown surface parking lots to private parties for the development of residential and mixed-use projects located thereon, subject to the terms and conditions (and development requirements directed by the City) set forth in land disposition agreements by and between the City and the respective private developers, including: the STCA lots; the surface parking lot known as “Lot 30”; the surface parking lot known as “Lot 10”; and the surface parking lots known as “Lot 3” and “Lot 16”. Every project proposed for development on the surface parking lots the City declared surplus (as no longer needed for a public use) and, accordingly, sold by the City call for development in excess of forty (40) units per acre on the respective CBD-zoned properties, as such development on the disposed surface parking lots is expressly (i) recommended in the Hyett Palma Study and (ii) identified as strategic objectives of the City in the Downtown Master Plan.

² Currently, the City is involved in a matter of litigation, before the Circuit Court for Wicomico County and captioned *In the Matter of Salisbury Town Center Apartments, LLC* (Case No. C-22-CV-23-000357), in which a group of third-parties have challenged the legality of Section 17.24.040(B)(2)(c) and the authority of the City of Salisbury’s Board Appeals to grant an owner of property zoned CBD a special exception to increase the density for development of property above forty (40) units per acre. In the event the third-parties prevail in their challenge to Section 17.24.040(B)(2)(c), the density for development of property zoned CBD can never exceed forty (40) units per acre as their would be no viable method available to any owner of property zoned CBD to increase density above forty (40) units per acre for the development of their property.

As shown in the chart provided below, throughout the CBD, there are properties used for residential purposes having a density in excess of the forty (40) units per acre standard set forth in Section 17.24.040(B) of the City Code:

Property Address	# of Units at Property	Land Size of Property	Density (# of Units per Acre)
218 W. Main Street	20	13,186 square feet	64 Units per Acre (24 Units above CBD Density Standard)
146 W. Market Street	2	1,444 square feet	60 Units per Acre (20 Units above CBD Density Standard)
100 W. Main Street	6	3,322 square feet	78 Units per Acre (38 Units above CBD Density Standard)
117 W. Main Street	8	5,501 square feet	63 Units per Acre (23 Units above CBD Density Standard)
113 W. Main Street	4	2,912 square feet	59 Units per Acre (19 Units above CBD Density Standard)
235 W. Main Street	4	2,951 square feet	59 Units per Acre (19 Units above CBD Density Standard)
239a W. Main Street	2	1,590 square feet	54 Units per Acre (14 Units above CBD Density Standard)
243 W. Main Street	2	1,755 square feet	49 Units per Acre (9 Units above CBD Density Standard)
The Ross	101	25,649 square feet	340 Units per Acre (300 Units above CBD Density Standard) ³
Salisbury Town Center	220 (as proposed)	2.92 acres	77 Units per Acre (as proposed 37 Units above CBD Density Standard)

Development of the Salisbury Town Center Project & Proposed Text Amendment to Section 17.24.040(B)(2)(A):

In accordance with the terms and conditions set forth in Amended and Restated Land Disposition Agreement, dated June 20, 2023 (the “Town Center LDA”), by and between the City and STCA, as expressly approved by the City under Resolution No. 3263, STCA’s development plan for the STCA Lots calls for the redevelopment of the STCA Lots into a vibrant mixed-use project that, when finished, will consist of:

- One (1) four-story apartment building, complete with thirty-four (34) luxury-style apartments and consisting of a mix of one-bedroom, two-bedroom and three-bedroom units, to be constructed on “Lot 6”;
- One (1) four-story apartment building, complete with one hundred three (103) luxury-style apartments and consisting of a mix of one-bedroom, two-bedroom and three-bedroom units, to be constructed on “Lot 3” (72 apartment units) and a portion of “Lot 4” (31 apartment units);

³ Pursuant to Section 17.24.040(B)(2)(c), the City’s Board of Appeals, at its April 10, 2019 Meeting, granted First Move Properties, LLC (the developer of The Ross) a special exception for increased density above the forty (40) units per acre standard set forth in Section 17.24.040(B)(2)(b).

- One (1) four-story apartment building, complete with eighty-five (85) luxury-style apartments, consisting of a mix of one-bedroom, two-bedroom and three-bedroom units, to be constructed on “Lot 5”; and,
- A one-story building, planned for commercial-retail use, to be constructed on “Lot 4” (collectively the “Town Center Project”).

As planned, the Town Center Project calls for a development density of seventy-seven (77) units per acre. By its adoption of Resolution No. 3263 and approval and execution of the Town Center LDA, the City determined the Town Center Project:

- Represents the best and most economically viable use of the subject property;
- Reflects the strategic objectives for development in the City’s Downtown comprehensively detailed in the Downtown Master Plan approved by the City on March 17, 2016 (*see* Resolution No. 2600) and the intentions for development in Downtown Salisbury established by the City as far back as 1965, with the City’s adoption of the “1965 Plan for Growth in Salisbury and Wicomico County”;
- “[W]ill bring the City’s longstanding goal of repurposing the surplus surface parking lots known as Lots 1, 11 and Lot 15 into reality and will dramatically enhance the cityscape and skyline of Downtown Salisbury for generations to come” (*See* Department of Community Housing and Development (DHCD), State Revitalization Programs Application FY2024, CL-2024-Salisbury-00622, pg. 2, July 28, 2023, approved by DHCD and awarded to the City (the “DHCD Revitalization Grant”); and,
- Adheres to, and is in compliance with, the development conditions imposed by the City and set forth in the A&R LDA, as well as and the Preliminary Site Plan for the Town Center Project prepared by STCA, in compliance with the development conditions contained in the A&R LDA, and approved by the Planning Commission at its July 20, 2023 meeting.

Development of the Town Center Project (along with the other projects planned for the Downtown surface parking lots that have been surplus and sold by the City), in accordance with the terms and conditions of the Town Center LDA, will have a density beyond the forty (40) units per acre inherently permitted in the CBD. Accordingly, to resolve that inconsistency (as well as the inconsistencies existing with respect to the over-density of existing properties in the CBD (*see* chart provided hereinabove)), STCA requests the following text amendment to Section 17.24.040(B)(2)(a):

Section 17.24.040 (Development Standards) be amended by deleting the crossed-out language and adding the bolded and underlined language as follows:

2. Density
 - a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
 - b. Inherent density shall not exceed ~~forty (40)~~ **eighty (80)** units per acre.
 - c. Increased density shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.

The text amendment to Section 17.24.040 proposed hereinabove (as more particularly set forth in the draft Ordinance attached hereto and incorporated herein as **Exhibit A**):

- Is limited to property zoned CBD;
- Provides for the very-type of redevelopment in Downtown Salisbury the City has (A) determined and approved as the strategic development objectives for Downtown Salisbury, and (B) directed under the lot disposition agreements for the sale and development of the surface parking lots the City declared surplus and, thereafter, sold to STCA and other private parties (*see* the Hyett Palma Study; *see also* Resolution No. 2600; *see also* the Downtown Master Plan; *see also* Resolution No. 3263; *see also* the Town Center LDA; *see also* the “DHCD Revitalization Grant”; *see also* City of Salisbury Department of Infrastructure and Development (“City DID”), Staff Report, dated July 20, 2023, Project No. 22-033

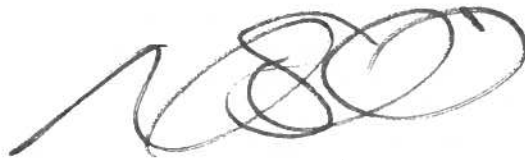
(attached hereto and incorporated herein as *Exhibit B*); and, *see also* City DID, Staff Report, dated November 2, 2023, Case No. 22-033 (attached hereto and incorporated herein as *Exhibit C*); and,

- Resolves all the existing inconsistencies and non-conformities of properties that have been developed and redeveloped for residential uses with a density above forty (40) units per acre (*see* chart provided hereinabove), with The Ross as the only density-exception in the CBD.

To assist your review of this Request for Text Amendment: enclosed please find a draft Ordinance (*see Exhibit A*) setting forth the amendment to Section 17.24.040(B)(2)(a) of the City Code referenced hereinabove. Also, enclosed please find a check in the amount of \$500.00, made payable to the City of Salisbury, for payment of Request for Text Amendment application fee. If you have any questions regarding this Request for Text Amendment submitted on behalf of STCA, or any of the information provided hereinabove, please contact me at your convenience.

On behalf of STCA and myself, thank you for your and the City DID team's review and processing of this Request for Text Amendment.

Sincerely,



Michael P. Sullivan

Cc (w/ enclosures):

Salisbury Town Center Apartments, LLC
Randolph J. Taylor, Mayor, City of Salisbury
Andrew Kitzrow, City Administrator, City of Salisbury
City of Salisbury City Councilmembers
Charles "Chip" Dashiell, Esq., Chairman, City of Salisbury Planning & Zoning Commission
Laura Ryan, Esq., City of Salisbury, Department of Law

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, AMENDING SECTION 17.24.040 TO INCREASE THE INHERENT DENSITY PERMITTED FOR THE DEVELOPMENT AND REDEVELOPMENT OF PROPERTY LOCATED IN THE CENTRAL BUSINESS ZONING DISTRICT.

WHEREAS, the ongoing application, administration and enforcement of Chapter 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 Chapter 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 Chapter 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 Section 17.228.020 of the Salisbury City Code;

WHEREAS, Section 17.24.040 of the Salisbury City Code sets forth the development standards of property located in the Central Business District, including the inherent density for property developed for residential purpose(s);

WHEREAS, the Mayor and Council find that amending Section 17.24.040 of the Salisbury City Code to change the inherent density permitted for development in the Central Business District will bring non-conforming properties located in the Central Business District in compliance with the development standards set forth in Section 17.24.040, increase impact economic activities and promote private investment within Downtown Salisbury area, and further the City's longstanding objectives, identified in the Envision Salisbury Master Plan adopted via Resolution No. 2600, for the redevelopment of Downtown Salisbury as the epicenter for the continued growth of Salisbury;

WHEREAS, pursuant to Section 17.228.020 of the Salisbury City Code, any amendment to the Salisbury Zoning Code shall be referred to the Salisbury Planning and Zoning Commission (the "**Planning Commission**"), for review and recommendation, prior to the passage of an ordinance amending Chapter 17 (Zoning) of the Salisbury City Code;

WHEREAS, a public hearing on the proposed amendments to Section 17.24.040 of the Salisbury City Code set forth herein was held by the Planning Commission, on August __, 2024, in accordance with the provisions of Section 17.228.020 of the Salisbury City Code;

WHEREAS, at the conclusion of its August __, 2024 meeting, the Planning Commission recommended, by a vote of __ - __, that the amendments to Section 17.24.040 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 17.24.040 of the Salisbury City Code shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Chapter 17 of the Salisbury City Code be and is hereby amended as follows:

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47 **Section 1.** Section 17.24.040 of the Salisbury City Code, entitled "Development Standards", shall be
48 amended by deleting the crossed-out and adding the bolded and underlined as follows:

49 **17.24.040 – Development Standards.**

50 Minimum development standards for the central business district shall be as follows:

- 51 A. Minimum Lot Requirements. All lots hereafter established shall meet the following
52 requirements:
- 53 1. Lot area: five thousand (5,000) square feet;
 - 54 2. Lot width: fifty (50) feet.
- 55 B. Setback, Height and Density. The following minimum standards are established as guides
56 for design of development. These standards may be increased or decreased by the planning
57 commission upon review of individual site design in relation to the surrounding properties
58 and development of the CBD as a whole.
- 59 1. Setbacks.
 - 60 a. Setbacks shall be as follows:
 - 61 i. Setbacks shall be the same as the established setbacks for existing
62 buildings within the same block.
 - 63 ii. Where there are minor irregularities in existing setbacks for the
64 same block, any one of the existing setbacks which the planning
65 commission considers most applicable may be used.
 - 66 iii. Where there are major irregularities in existing setbacks for the
67 same block, the setback shall be no less than the average of setbacks
68 for existing buildings on either side of the proposed development.
 - 69 iv. Where no established building setbacks exist, the setback shall be a
70 minimum of five feet from the back of the sidewalk.
 - 71 v. Setbacks from the Wicomico River shall be a minimum of ten feet
72 from the back of the existing or proposed bulkheading line.
 - 73 vi. Setbacks from interior lot lines shall be a minimum of ten feet.
 - 74 b. Modifications to Setbacks.
 - 75 i. During its review of any development requiring a modification to
76 setbacks, the planning commission shall consider the location of
77 buildings on the site relative to safe vehicular movement on existing
78 or proposed streets, light, air and ability of fire or emergency
79 equipment and vehicles to adequately serve the development.
 - 80 ii. Special consideration shall be given to the location of landscaped
81 areas and areas of pedestrian movement to assure coordination of
82 landscaping and freedom and safety of pedestrian movement.
 - 83 iii. The planning commission may increase or decrease setbacks
84 wherever a rearrangement of buildings on the site will aid in
85 achieving a continuous link of development with freedom and
86 encouragement of pedestrian movement from one development to
87 another.

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- 2. Density.
 - a. Floor area for commercial or other uses shall not be used when computing density for dwelling units.
 - b. Inherent density shall not exceed ~~forty (40)~~ **eighty (80)** units per acre.
 - c. Increased density shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.
- 3. Height.
 - a. The height of all buildings or structures shall not exceed seventy-five (75) feet.
 - b. Increased height shall require a special exception from the Board of Appeals. In addition to consideration of the criteria required by Section 17.232.020, the board shall consider the criteria set forth in subsection (B)(4) of this section.
- 4. Criteria for Increased Height and/or Density.
 - a. When acting upon a request for either increased height or density, the Board of Appeals shall consider any or all of the following criteria as may apply to the type of development proposed:
 - i. Recommendation from the planning commission;
 - ii. The type of residential development proposed relative to the ability of the site to accommodate the density proposed;
 - iii. The availability of city services to the site, such as water, sewer, streets and parking lots or structures; and whether the site can accommodate a higher density and/or height without an undue burden of expense to the city;
 - iv. The functional, visual and spatial relationship of the proposed height relative to surrounding development and the CBD as a whole;
 - v. Whether the proposed height will create an intrusion or conflict with the spatial arrangement of existing or proposed buildings;
 - vi. Shadows which may interfere with solar panels or other solar equipment already in existence or under contract to be installed on existing buildings or buildings approved for construction in the immediate vicinity;
 - vii. Water pressure and capability of community firefighting equipment, in addition to any required construction of fire safety devices, to assure safety of occupants;
 - viii. The merits of the design and whether the treatment of setbacks, landscaping or other amenities, in addition to architectural treatment of the building, provide an excellence of design which contributes to the furtherance of the purpose of the CBD.
 - b. The board may solicit any expert review and advice to assist it in making a decision on the request for increased height and/or density.

136 C. Open Space and Landscaping.

- 137 1. Landscaped open space shall be provided wherever possible to attract development
138 and provide a pleasing environment to conduct business, trade, civic and cultural
139 affairs and improve the appearance of downtown.
- 140 2. Wherever possible, landscaped open space areas shall be provided adjoining the
141 landscaped open space area on an adjoining parcel. Landscaping for both areas shall
142 be coordinated so as to give the appearance of one continuous landscaped area.
- 143 3. Development adjoining the Wicomico River shall provide public open space
144 easements as required in the urban river plan or other adopted plans and shall provide
145 open space and landscaped areas coordinated with existing open space and
146 landscaped areas developed by the city.

147 D. Parking. Parking shall be provided in accordance with chapter 17.196, except where
148 governed by established parking tax district regulations.

149 E. Building and Development Restrictions.

- 150 1. Drive-in window service uses shall provide a reservoir of five spaces on site for each
151 drive-in window or stall.
- 152 2. Access driveways crossing sidewalks to private parking areas shall be reduced or
153 eliminated where it is determined that alternative or unified points of access are
154 available resulting in less traffic congestion and pedestrian interference.
- 155 3. Common loading and unloading areas serving more than one business shall be
156 encouraged where possible.
- 157 4. Entrance to loading and unloading areas shall be located at the rear of the building
158 where possible. Where a business abuts more than one street, this entrance shall be
159 on the street with the least amount of traffic.
- 160 5. Outside storage of materials or parts shall be prohibited, except that outside storage
161 of service and delivery vehicles used in operation of a business within the CBD shall
162 be permitted.

163 E F. Signs. Signs shall be in accordance with chapter 17.216.

164 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
165 **SALISBURY, MARYLAND,** as follows:
166

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

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

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

176 **Section 5.** 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 _____, 2024 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 _____, 2024.

ATTEST:

Kimberly R. Nichols, City Clerk

D'Shawn M. Doughty, City Council President

Approved by me, this _____ day of _____, 2024.

Randolph J. Taylor, Mayor



City of Salisbury

John "Jack" R. Heath, Mayor

Infrastructure and Development Staff Report

July 20, 2023

I. BACKGROUND INFORMATION:

Project Name: Salisbury Town Center
Applicant: Parker & Associates, Inc. on behalf of Salisbury Town Center Apartments, LLC
Project No.: 22-033
Nature of Request: Preliminary Certificate of Design and Site Plan Approval
Location of Property: Tax Map: 0107, Grids: 0014 and 0020, Parcels: 1066, 1071 and 1074, 1075, 1076, 1077, 1078, 1079
Existing Zoning: Central Business District

II. SUMMARY OF REQUEST:

The applicant is requesting a Preliminary Certificate of Design and Site Plan approval for the Salisbury Town Center mixed use project (**Attachment 1**). The project consists of 222-unit apartments, a parking garage, and commercial space. The site plan and building elevations are shown in **Attachment 2**.

III. HISTORY:

No known approval history by the Planning Commission for the parcels.

IV. DESCRIPTION OF PROPERTY:

The properties are 3.70 acres in size and are currently parking lots; 1, 11, and 15. The property is in the Downtown Historic District and the project is subject to Historic District Commission guidelines and approval. In addition, the property is also in the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area.

V. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

The surrounding area consists of Central Business District, Riverfront Redevelopment, General Commercial, and Hospital zoning districts. The property is bordered by Camden

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21601
410-546-3170 (Ext) 410-546-3107
www.salisbury.md





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St, W Market St, and N Circle St. The Downtown area consists of residential, commercial retail and services, and institutional uses.

VI. PLANNING COMMENTS:

The permitted density is 40 units/acre and the proposed density for the project is 60 units/acre. A special exception from the Board of Appeals will be required to achieve the desired density.

The project includes a 450-space public parking garage that will have access to Camden St and Circle Ave.

Landscape and streetscape plans have been provided on Sheets 4-7 of **Attachment 2** and is subject to further review by the Department of Infrastructure and Development and the Critical Area Commission. Staff has requested comments from the Critical Area Commission. The project reduces the existing impervious area from 3.94 acres to 3.59 acres while adding more public green space and upgrading streetscapes to City standard.

A traffic impact study was not provided at this time. Staff is requesting a study be submitted and reviewed prior to final approval by the Planning Commission.

At the May 28, 2023 meeting, the Historic District Commission approved the materials, massing, and layout. The Certificate of Approval is provided in **Attachment 3**. The development is subject to further Historic District Commission review and approval.

The applicant has not requested approval of any signage at this time.

Comments from the Department and all other applicable agencies shall be addressed prior to final approval by the Planning Commission

VII. RECOMMENDATION:

The Planning Staff recommends approval of Preliminary Certificate of Design and Site Plan approval, subject to the following conditions:

1. Obtain a Special Exception for a density increase from the Board of Zoning Appeals prior;
2. Obtain all necessary approvals from the Historic District Commission;



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3. Provide a Traffic Impact Study;
4. Exterior signage shall be subject to Planning Commission review and approval and;
5. The project is subject to further review and approval by the City Department of Infrastructure and Development, City Fire Marshal, and other applicable agencies.



STAFF REPORT

MEETING OF NOVEMBER 2, 2023

Case No. 22-033

Applicant: Salisbury Town Center, LLC

Contract Purchaser: Salisbury Town Center, LLC

Location: Lot 3, District 09, Account # 061002
 Lot 4, District 09, Account # 060987
 Lot 5, District 09, Account # 055207
 Lot 6, District 09, Account # 052534
 Which are commonly known as part of municipal parking lot 1, and all of parking lots 11 and 15.

Zoning: Central Business District

Request: Special Exception – Density Increase to 77 units per acre

I. SUMMARY OF REQUEST:

The applicant proposes to construct a 222-unit apartment building on Lots 3, 4, 5, and 6 as shown on **Attachment 5** and is requesting approval of a Special Exception under 17.24.040B.2.c to increase density to 77 units per acre for the project area. (**Attachment 1**) The inherent density per 17.24.040B.2.b is 40 units per acre.

II. ACCESS TO THE SITE AREA:

Lots 3, 5, and 6 have frontage along W Market Street with Lot 6 having building access and Lot 5 having service vehicle access. Lots 3, 4, and 5 have frontage along Circle Avenue with Lots 3 and 5 having building access and Lot 4 having an access easement to commercial retail spaces. Lots 3, 4, and 6 have frontage along Camden Street.

III. DESCRIPTION OF PROPERTY:

The project area is made up of Lots 3, 4, 5, and 6 totaling 2.92 acres in area. The area is currently improved with three public parking lots commonly known as Lots 1, 11, and 15. The property is located within the City's Central Business Zoning District



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("CBD"), as well as the Downtown Historic District. The site is also in the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area Program. **(Attachment 2)**

IV. DESCRIPTION OF SURROUNDING AREA/NEIGHBORHOOD:

Surrounding properties are in the CBD. Nearby buildings include the Wicomico County Library, Cannon Building, Market Street Inn Restaurant, Market Street Books Building, Powell Building, Salisbury Parking Garage, Plaza Gateway Building, and other buildings fronting on Camden Street.

The CBD contains institutional, governmental, commercial, and residential uses that are representative of an urban center.

V. HISTORY:

The City entered into an Amended and Restated Land Disposition Agreement with the applicant on June 20, 2023 for the purpose of developing the project area. **(Attachment 10)**

The Historic District Commission approved the massing, layout, and materials at their meeting on May 25, 2023. **(Attachment 3)**

The Planning Commission approved the Preliminary Certificate of Design and Site Plan at their meeting on July 20, 2023. **(Attachment 4)**

A resubdivision plat was recorded on September 28, 2023. **(Attachment 5)**

V. EVALUATION:

(a) **Discussion:** The applicant proposes to redevelop the existing municipal parking lots 1, 11, and 15 into a four (4) building apartment development with 222 residential units with commercial space facing Unity Square and S Division Street. The proposed density is 77 units per acre, the inherent density for the CBD is 40 units per acre. Under 17.24.040B.2.c of the code an increase for density may be sought by Special Exception from the Board of Appeals. The zoning code defines density as; *"the maximum number of dwelling units which are permitted in a given area."*

(b) **Impact:** The influx of additional residents to the CBD with this project will have a positive impact on the downtown area. The close proximity of residents will encourage walking to institutional and commercial services located in downtown, in addition to the increased demand for commercial services. These



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uses also provide opportunities for residents to live closer to their place of employment. Employers within a quarter of a mile of the project include Tidal Health, Salisbury University at the Gallery Building, professional service firms and local, state, and federal government offices.

- (c) **Relationship to Criteria:** Section 17.24.040B.4. of the Salisbury Municipal Code states; *"When acting upon a request for either increased height or density, the board of appeals shall consider any or all of the following criteria as may apply to the type of development proposed."* Staff finds that this request complies with the Special Exception criteria or is not applicable as follows:

(i) Recommendation from the planning commission.

The Planning Commission to did not provide a recommendation for or against the special exception request.

(ii) The type of residential development proposed relative to the ability of the site to accommodate the density proposed.

The proposal complies with the height and setback requirements of the CBD and reducing the impervious surface by 0.47 acres while still accommodating the proposed density. The proposal has spread the units over the four (4) buildings and lots fairly equally relative to their acreage with no one lot having a significantly higher density than the others.

(iii) The availability of city services to the site, such as water, sewer, streets and parking lots or structures; and whether the site can accommodate a higher density and/or height without an undue burden of expense to the city.

All necessary water, sewer, and street infrastructure is currently in place and would sufficiently serve the proposed development. This is also stated in Section V.c.6 of this Staff Report.

The applicant has provided a parking study (**Attachment 7**) that demonstrates there will be sufficient public parking for the surrounding area. The study indicates a surplus of 250 spaces during Weekday 11 AM and a surplus of 478 spaces during Saturday 8 PM. The City, during the LDA (**Attachment 10**) negotiations, was aware of the need for a parking garage and agreed to contribute a sum not to exceed \$10,000,000.00 for



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the construction of the public parking garage shown on Lot 2. The proposal is located in a parking district regulated by the Parking Authority under Chapter 10.20 of Salisbury City Municipal Code and revenue collected is disbursed per 10.20.030 below:

Disbursements shall be made from said account for the following purposes only:

- A. Payment of expense of operation and maintenance of the city parking facilities located in the Parking Authority, including parking meters;*
- B. Payment of maturing principal and interest of any bonds issued by the city to finance the acquisition and development of off-street parking facilities located in Parking Authority;*
- C. For the acquisition and development of off-street parking facilities in Parking Authority.*

- [iv] The functional, visual and spatial relationship of the proposed height relative to surrounding development and the CBD as a whole.**

The proposed height is complaint with the requirements of 17.24.040B.3.a. Staff finds that this does not need be considered as part of the Special Exception request.

- [v] Whether the proposed height will create an intrusion or conflict with the spatial arrangement of existing or proposed buildings.**

The proposed height is complaint with the requirements of 17.24.040.B.3.a. Staff finds that this does not need be considered as part of the Special Exception request.

- [vi] Shadows which may interfere with solar panels or other solar equipment already in existence or under contract to be installed on existing buildings or buildings approved for construction in the immediate vicinity.**

The proposed height is complaint with the requirements of 17.24.040.B.3.a. Staff finds that this does not need be considered as part of the Special Exception request.



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- [vii] **Water pressure and capability of community firefighting equipment, in addition to any required construction of fire safety devices, to assure safety of occupants.**

The city's ladder truck can extend to 107 feet which is above the proposed height. The buildings will have to comply with all applicable building and fire codes. Additionally, apartments are required to be protected with an automatic sprinkler system. The City Fire Marshal has reviewed the site plan and did not have any comments. **(Attachment 9)**

- [viii] **The merits of the design and whether the treatment of setbacks, landscaping or other amenities, in addition to architectural treatment of the building, provide an excellence of design which contributes to the furtherance of the purpose of the CBD.**

The proposed design has received approval from the Salisbury Historic District Commission for massing, layout, and materials. **(Attachment 3)**. The setbacks comply with the requirements of the CBD and provide a similar setting to other buildings located in the area. The proposal brings the adjacent streets up to the streetscape standards of Main St expanding this setting within the CBD. The impervious surface of the site is reduced by 0.47 acres while also providing a visually appealing streetscape.

In addition to the criteria discussed above pertaining to increased density requests in 17.24.040B.2.c, the Board shall consider the criteria in Section 17.232.020B. of the Salisbury Municipal Code. Staff finds that this request complies with the Special Exception criteria as follows:

- [1] **The proposal will be consistent with the Metro Core Plan, the objectives of the Zoning Ordinance and any other applicable policy or plan adopted by the Planning Commission or City Council for development of the area affected.**

The site is located in the Central Business zoning district, which inherently allows apartment buildings per 17.24.030.A. 17.24.030.A of the Zoning Ordinance states; *"Uses permitted are those that fulfill the purpose and intent of the district, encourage residential use, provide business, professional or financial services, bring people together for cultural and recreational events, support the nearby regional medical center and offer, at retail, a variety of consumer goods and services and*



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promotional activities." Increases in density of residential uses is permitted by Special Exception per 17.24.040.B.2.c.

The Metro Core Plan states, *"It is recommended that the highest intensity of residential development be limited to the Central Business District. There are many reasons to permit residential development in the CBD; including*

- 1. Close proximity to employment;*
- 2. Public utilities and facilities have capacity to accommodate intensive development;*
- 3. They provide variety in living environment and housing types; and,*
- 4. They help support and maintain the CBD as an importance activity center.*

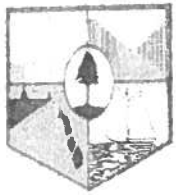
There is great variation in the family characteristics of occupants of apartments. It is anticipated that few apartments in the CBD will be occupied by families with children.

The 2010 Comprehensive Plan Land Use Element describes the purpose of the CBD; *"The purpose of the Central Business District is to maintain and strengthen the role of the Downtown area as the community and regional center containing a broad range of uses and activities to enhance the vitality of this unique area. To function as a successful urban destination, this area should offer numerous opportunities by encouraging a mix of uses. A mix of compatible uses such as residential, institutional, government offices, restaurants, theaters, parks, libraries, hospitals, plazas, and a pleasant and safe pedestrian environment will consistently attract people to the Downtown area."*

The proposed development is consistent with adopted plans and the zoning ordinance that calls for the highest density developments to be located in the CBD.

- [2] The location, size, design and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.**

The proposal location in the heart of the CBD has the potential to improve livability as residents may reside closer to their place of employment while encouraging the growth of commercial activities



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needed to support said residents. This increase in commercial demand should increase the value of existing properties surrounding the area.

- [3] **The design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.**

The design of the site includes open spaces which do not currently exist while bringing the streetscapes up to the same design standards as Main Street. The proposal received approval for the massing, layout, and materials from the Salisbury Historic District Commission. **(Attachment 3)** The project is also subject to Final approval of a Certificate of Design and Site Plan from the Planning Commission. **(Attachment 4)**

- [4] **The proposal will not be detrimental to or endanger the public health, security, general welfare or morals.**

Staff does not find that the proposed use will have a negative effect on any of these items.

- [5] **The proposal will not impair an adequate supply of light or air to adjacent property or overcrowd the land or create any undue concentration of population or substantially increase the congestion of the streets or create hazardous traffic conditions or increase the danger of fire or otherwise endanger the public safety.**

The proposal complies with the height and setback requirements for the CBD and will not impair the adequate supply of light or air to adjacent properties or overcrowd the land. The proposal does not create any undue concentration of population as the Metro Core Plan and Comprehensive Plan indicate that the highest residential concentrations should be in the CBD. The applicant has provided a traffic analysis **(Attachment 6)** that indicates impacts will be minimal and will not increase congestion of the streets or create hazardous traffic conditions. The building will comply with all applicable fire code requirements. Staff finds that the proposal will not endanger public safety as there are other residential uses in the area.

- [6] **The proposal will not adversely affect transportation or unduly burden water, sewer, school, park, stormwater management or other public facilities.**

The proposal has been reviewed for the items listed above:



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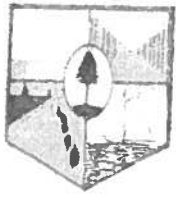
- a. The proposal was reviewed for transportation and the applicant provided a traffic analysis, **(Attachment 6)**. The study results indicate traffic impacts to minimal to the surrounding roadway network.
- b. The proposal has access to a 12" water main located in W Market Street. There is sufficient water supply for the project.
- c. The existing sewer infrastructure is sufficient to the serve the proposal.
- d. The Board of Education has been notified of the proposal for their planning purposes.
- e. The proposal will not unduly burden parks, stormwater management, or other public facilities. The proposal will improve stormwater management as currently there is not any on site. The applicant has provided a parking study **(Attachment 7)** that shows there will be sufficient public parking in the area surrounding the proposal upon completion of the parking garage and on street spaces.

[7] The proposal will preserve or protect environmental or historical assets of particular interest to the community.

The Salisbury Historic District Commission approved the massing, layout, and materials for the project at their May 25, 2023 meeting. **(Attachment 3)** The Critical Area Commission has reviewed the project for compliance and provided comments. **(Attachment 8)** The proposal reduces impervious surface on the site by 0.47 acres and treats previously untreated stormwater runoff. A portion of the proposal is in the floodplain and the development shall comply with all applicable floodplain regulations.

[8] The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property value for speculative purposes.

The applicant entered into an Amended and Restated Land Disposition Agreement ("LDA") with the City on June 20, 2023 for the development of this proposal. Staff finds there to be a bona fide intent and capability to develop this land for the project as intended in the LDA. Staff has no reason to believe that the nature of the request is for an inappropriate purpose regarding the development of the land.



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VI. STAFF COMMENTS:

The use of the property for residential and commercial meets the goal of the City's Central Business District to strengthen the role of the downtown as an active and vibrant urban area. Infusing downtown with new residential units will help bring additional commercial activity to the surrounding area, especially retail and food service locations. Historically, demand to live downtown has led to a low rate of unoccupied units creating a dearth of available units. The downtown area with boundaries of Mill Street, RT 50, RT 13, and the East Prong of the Wicomico River, has under 300 residential units across the approximate 50 acres, this density is well below the inherent density of 40 units per acre.

As part of the continued planning goals and efforts to increase residential units the Board previously approved an increased density of 144.36 units per acre for The Ross project. The Ross units are included in the available units mentioned above.

VII. RECOMMENDATION:

Based on the criteria for approval as discussed above in this staff report, Section V (c), the Planning Staff recommends **Approval** of the Special Exception request to increase the inherent density of 40 units per acre by 37 units to 77 units per acre, not to exceed 222 units over the project area, subject to the recommended conditions as follows:

CONDITIONS OF APPROVAL:

1. Obtain Final Certificate of Design and Site Plan approval from the Salisbury Planning Commission;
2. Obtain all necessary approvals from the Salisbury Historic District Commission prior to construction or installation of items requiring approval;
3. Obtain at least one building permit to commence construction within one year of the date of this Special Exception being granted;
4. The parking study shall be reviewed and, if needed, revised if the applicant requests an extension of the Special Exception under 17.12.120 of the Salisbury Municipal Code; and
5. Provide a development schedule to the Planning Commission as part of the Final Certificate of Design and Site Plan.

 Outlook

RE: CBD Workshop

From Bradley Gillis <Brad@GGIBuilds.com>

Date Fri 11/1/2024 9:14 AM

To Amanda Rodriguez <arodriquez@salisbury.md>; Nicholas Voitiuc <nvoitiuc@salisbury.md>; Henry Eure <heure@salisbury.md>

 1 attachment (212 KB)

CBD density calculation 11.1.24.xls;

WARNING: This message was sent from an external source. Please verify the source before clicking any links or opening any attachments. NEVER provide account credentials or sensitive data unless the source has been 100% verified as legitimate.

Team

Attached is the raw data; it's a work in progress, open to discussion....

1. Green - Existing Units 268
2. Green - Will not be developed 3416 units (green dots)
3. Yellow - Potential Longterm Development 948 Units (80 units an acre)
4. Red - Pipeline Development 1170 Units
 - a. Within the Red we attempted to detail each property for a more detailed discussion, it's a work in progress
 - b. Of the 1170 there are 603 known
 - i. Of the 603 we can talk about the reality of each
 1. Ex: 500 Riverside, having owned that parcel, its economically impossible to build 244 units on that parcel

From this exercise we would consider using the following models for discussion:

30 – 50 Year - Max Build Out Model – 2,110 Units (yellow + red)

5 – 10 Year - Pipeline Model – 603 Units

Let make a goal of agreeing on demand, so that all next week we can focus on the addressing the commissions questions.

Assuming the staff report is due by 11.15, we have 9 business days to complete.

Below are a few times that work for me to meet; look forward to the reply

Monday 4th 3pm

Tuesday 1230 – 230pm

Thank you, have a great weekend.

B

-----Original Appointment-----

From: Amanda Rodriguez <arodriquez@salisbury.md>

Sent: Friday, October 25, 2024 1:53 PM

To: Amanda Rodriguez; Nicholas Voitiuc; Henry Eure; Bradley Gillis

Subject: CBD Workshop

When: Tuesday, October 29, 2024 12:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Room 306

To discuss build-out scenarios & impacts on the CBD