

## ORDINANCE NO. 2909

### 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 Council finds 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 the 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 November 21, 2024, in accordance with the provisions of Section 17.228.020 of the Salisbury City Code;

**WHEREAS**, at the November 21, 2024 meeting, the Planning Commission recommended, by a vote of 6 to 1, 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**, Council has 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:

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

#### **17.24.040 – Development Standards.**

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

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

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.

3. Development adjoining the Wicomico River shall provide public open space easements as required in the urban river plan or other adopted plans and shall provide open space and landscaped areas coordinated with existing open space and landscaped areas developed by the city.
- D. Parking. Parking shall be provided in accordance with chapter 17.196, except where governed by established parking tax district regulations.
- E. Building and Development Restrictions.
1. Drive-in window service uses shall provide a reservoir of five spaces on site for each drive-in window or stall.
  2. Access driveways crossing sidewalks to private parking areas shall be reduced or eliminated where it is determined that alternative or unified points of access are available resulting in less traffic congestion and pedestrian interference.
  3. Common loading and unloading areas serving more than one business shall be encouraged where possible.
  4. Entrance to loading and unloading areas shall be located at the rear of the building where possible. Where a business abuts more than one street, this entrance shall be on the street with the least amount of traffic.
  5. Outside storage of materials or parts shall be prohibited, except that outside storage of service and delivery vehicles used in operation of a business within the CBD shall be permitted.
- ~~E~~ F. Signs. Signs shall be in accordance with chapter 17.216.

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

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

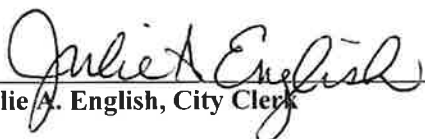
**Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication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


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

**Section 5.** 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 16 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 13 day of January, 2025

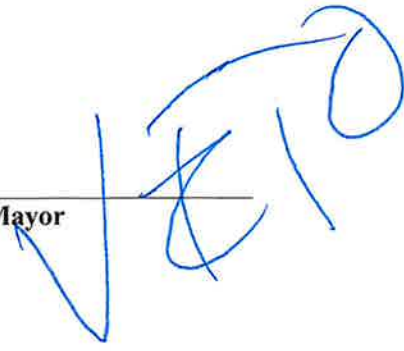
**ATTEST**

  
 Julie A. English, City Clerk

  
 D'Shawn M. Doughty, City Council President

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**Randolph J. Taylor, Mayor**

A handwritten signature in blue ink, appearing to be 'R. Taylor', written over a horizontal line. The signature is stylized and cursive.