



MARYLAND

AS AMENDED ON SEPTEMBER 28, 2009  
ORDINANCE NO. 2089

**AN ORDINANCE OF THE MAYOR AND THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE, AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSE OF AMENDING CHAPTER 17.04.120 DEFINITIONS, TO AMEND THE DEFINITION OF A CARE HOME, AND CHAPTER 17.40.020.C, REGIONAL COMMERCIAL DISTRICT TO ADD ITEM M – CARE HOME.**

**WHEREAS**, the ongoing application, administration, and enforcement of Title 17, Zoning, of the Salisbury Municipal Code, demonstrates a need for its periodic review, evaluation, and amendment that will keep Title 17 current; and,

**WHEREAS**, the Mayor and City Council may amend Title 17, Zoning, of the Salisbury Municipal Code pursuant to the authority granted by Article 66B of the Maryland Annotated Code and in accordance with specific provisions of Chapter 17.228, Amendments and Rezoning of Title 17, Zoning; and,

**WHEREAS**, the Mayor and City Council have requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing development trends and practices and current City development policies as well as to review all individual amendment requests from private citizens;

WHEREAS, a Public Hearing on said text amendment to the Permitted Uses in the Regional Commercial District, Section 17.40.020, Title 17, Zoning, of the Salisbury Municipal Code was held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on June 18, 2009; and,

WHEREAS, the Planning Commission did recommend approval of the proposed text changes at a Public Hearing on June 18, 2009;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND,** that Title 17, Zoning, of the Salisbury Municipal Code are hereby amended by adding the wording in bold print as follows:

**AMEND SECTION 17.04.120 DEFINITIONS – CARE HOME, AS FOLLOWS:**

**"Care home" MEANS A FACILITY** ~~includes rest and nursing homes, convalescent homes and boarding homes for the aged established to render domiciliary care for ELEVEN (11) OR MORE chronic or convalescent patients, WHICH INCLUDES COMMON FEATURES AND SERVICES, INCLUDING ASSISTANCE WITH DAILY ACTIVITIES. THIS CATEGORY INCLUDES ASSISTED LIVING FACILITIES, REST HOMES, AND NURSING HOMES. THIS CATEGORY EXCLUDES GROUP DOMICILIARY CARE FACILITIES AND GROUP HOMES, AS DEFINED BY THIS CHAPTER. but excludes child care homes or facilities predominately for the care of mentally retarded, mentally disturbed, alcoholic and drug-addicted patients.~~


**AMEND SECTION 17.40.020 PERMITTED USES IN THE REGIONAL COMMERCIAL DISTRICT AS FOLLOWS:**

**M. CARE HOME.**

**AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND,** that this Ordinance shall

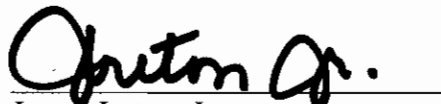
take effect from and after the date of its final passage but in no event until ten (10) days after the date of the Council's Public Hearing, and,

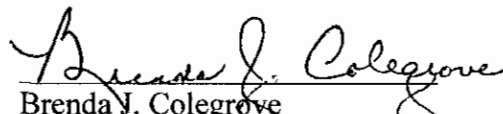
**THE ABOVE ORDINANCE** was introduced at a meeting of the Council on the 28th day of September, 2009, and having been published as required by law, in the meantime, was finally passed at its meeting on the 26<sup>th</sup> day of October, 2009.

  
Louise Smith  
President of the City Council of  
the City of Salisbury

Approved by me this 27<sup>th</sup>  
day of October, 2009.

Witness:

  
James Ireton, Jr.  
Mayor of Salisbury

  
Brenda J. Colegrove  
City Clerk



**CITY OF SALISBURY - WICOMICO COUNTY  
DEPARTMENT OF PLANNING, ZONING  
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860


Fax: 410-548-4955

Salisbury-Wicomico County  
Planning & Zoning Commission  
Historic District Commission

Wicomico County Board of Zoning Appeals  
City of Salisbury Board of Zoning Appeals  
Agricultural Land Preservation Advisory Board

September 16, 2009

TO: John Pick, City Administrator

FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning 

SUBJECT: **PUBLIC HEARING – Text Amendment to Section 17.40.020 – Regional Commercial District – To add a Care Home as a Permitted Use - Planning Commission Recommendations**

**I. INTRODUCTION.**

On June 18, 2009, the Salisbury Planning Commission held a public hearing on an amendment to Section 17.40.020 – Permitted Uses in the Regional Commercial District relative to the addition of a Care Home in the District. (See Attachment A.)

**II. RECOMMENDATION.**

After considering the staff report and following discussion by the Commission on the proposed amendment, the Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of the following:

**AMEND SECTION 17.40.020, REGIONAL COMMERCIAL DISTRICT – TO ADD:**

**M. CARE HOME.**

**III. BACKGROUND.**

The applicants propose conversion of a 10,000 sq. ft. building in The Fountains Business Center to an assisted living facility. The uses permitted in the district include convention centers, hotels or motels, medical centers or clinics, offices, restaurants, retail stores, theaters, schools of special instruction and day care centers or nursery schools. In addition, hospitals, regional shopping centers, sports arenas or stadiums, churches, and convenience stores/automotive centers are permitted by special exception.

Staff research found that there is no recognized definition for an assisted living facility. That term is used in a number of states but the terms Residential Care

Home and Personal Care Home are also used to describe assisted living facilities. The Salisbury Municipal Code contains the term Care Home as follows:

**"Care home"** includes rest and nursing homes, convalescent homes and boarding homes for the aged established to render domiciliary care for chronic or convalescent patients, but excludes child-care homes or facilities predominately for the care of mentally retarded, mentally disturbed, alcoholic and drug-addicted patients.

Currently, Care Homes (Assisted Living Facilities) are permitted in the following districts: Light Business and Institutional, Office Service Residential, and Office Service Highway Districts 1, 2, and 3.

Attachments

cc: Mayor Jim Ireton



**CITY OF SALISBURY - WICOMICO COUNTY  
DEPARTMENT OF PLANNING, ZONING  
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission  
Historic District Commission  
Metropolitan Planning Organization

Wicomico County Board of Appeals  
Salisbury Board of Zoning Appeals  
Agricultural Land Preservation Advisory Board

**STAFF REPORT**

**MEETING OF JUNE 18, 2009**

**CASE NO.:** #SP-0903

**APPLICANT:** John A. Davis and BarRob Realty, LLC

**REQUEST:** **PUBLIC HEARING – Text Amendment to Section 17.40.020 – To add Care Homes/Assisted Living Facilities as a permitted use in the Regional Commercial zoning district.**

**I. REQUEST:**

Mr. John A. Davis and BarRob Realty, LLC has submitted a request to amend the text of the Salisbury Municipal Code. Specifically the applicants have requested an amendment to the text of the Regional Commercial District to permit Assisted Living Facilities in the district. (See Attachment #1.)

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

**II. DISCUSSION:**

The applicants propose conversion of a 10,000 sq. ft. building in The Fountains Business Center to an assisted living facility. The Fountains is located in a Regional Commercial zoning district. The uses permitted in the district include convention centers, hotels or motels, medical centers or clinics, offices, restaurants, retail stores, theaters, schools of special instruction and day care centers or nursery schools. In addition, hospitals, regional shopping centers, sports arenas or stadiums, churches, and convenience stores/automotive centers are permitted by special exception. (See Attachment #2.)

**Attachment A**

Planned Business Centers are also permitted inherently in the Regional Commercial District subject to compliance with Section 17.172 of the Code. (See **Attachment #3.**) The Planned Business Center regulations permit all uses permitted in the underlying zoning district except residential uses. The Building, Permits and Inspections Department interpreted the Code that a Care Home or Assisted Living Facility is not a permitted use in the Regional Commercial District.

Staff research found that there is no recognized definition for an assisted living facility. That term is used in a number of states but the terms Residential Care Home and Personal Care Home are also used to describe assisted living facilities. The Salisbury Municipal Code contains the term Care Home as follows:

**"Care home"** includes rest and nursing homes, convalescent homes and boarding homes for the aged established to render domiciliary care for chronic or convalescent patients, but excludes child-care homes or facilities predominately for the care of mentally retarded, mentally disturbed, alcoholic and drug-addicted patients.

In Maryland, Care homes are regulated by the Office of Health Care Quality in the Department of Health and Mental Hygiene, which monitors the quality of care in Maryland's 8,000 health care and community residential programs. The Assisted Living Unit is the lead unit for overseeing and enhancing regulatory compliance for assisted living programs in the State by ensuring compliance to standards to assure the safety and well-being of the individuals residing in the programs. Assisted living programs are residential or facility-based programs that provide housing and supportive services, supervision, personalized assistance, and/or health-related services to meet the needs of residents who are unable to perform or need assistance in performing activities of daily living.

Currently, Care Homes (Assisted Living Facilities) are permitted in the following districts: Light Business and Institutional, Office Service Residential, and Office Service Highway Districts 1, 2, and 3.

### **III. PLANNING STAFF COMMENTS/CONCERNS.**

The areas of the City zoned Regional Commercial are very limited. In addition, the areas that are zoned Regional Commercial that are undeveloped are even more limited.

The Planned Business Center section of the Code permits all uses in the underlying zoning district except residential uses. Although care homes and assisted living facilities could be considered residential uses, such facilities also provide varying degrees of medical care.

The Planning Staff has no difficulty with the proposal to add Care Homes to the Regional Commercial zoning district.

**IV. RECOMMENDATION.**

Staff recommends that the Commission forward a Favorable recommendation to the Mayor and City Council for approval of the requested Text Amendment as follows:

**AMEND SECTION 17.40.020 – REGIONAL COMMERCIAL DISTRICT – PERMITTED USES – To add Item M – Care Home.**

COORDINATOR: Gloria Smith, Planner  
DATE: June 2, 2009



**John A. Davis, P.E.**  
Engineering Consultant  
1800 Sweetbay Drive  
Salisbury, MD 21804  
Phone: 410-742-5197 Fax: 410-742-9958

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May 6, 2009

PLANNING DEPARTMENT  
**RECEIVED**  
DATE 5/8/09 BY gp

Salisbury-Wicomico County  
Dept of Planning, Zoning and Community Development  
Government Office Building  
Salisbury, MD 21801

RE: Request for Text Amendment  
Lot #7 Fountains Business Center

On behalf of the Lot #7 owner, BarRob Realty LLC of Salisbury, MD, and proposed future user, Brothers Assisted Living LLC of Bel Air, MD, we hereby request a Text Amendment change to Section 17.40.020 of the Salisbury Code.

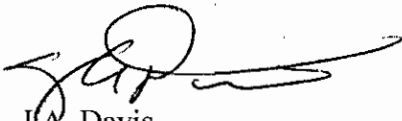
Brothers Assisted Living LLC proposes to utilize the 10,000 SF building on Lot #7 as an assisted living facility. Due to the fact that the Code does not address assisted living facilities in Regional Commercial District or other districts, we feel the Text Amendment may be the proper approach to make this possible.

Considering that the Fountains Business Center, zoned Regional Commercial, contains medical offices, motel, restaurant and food preparation, which are elements of an assisted living facility, we feel the proposed Text Amendment is consistent with currently zoned uses. The Fountains Business Center Property Owners Association concurs and have submitted the attached letter stating their approval.

Based on the need for additional assisted living facilities in the Salisbury area, we feel this request will help expedite providing for the needs of the elderly.

If you need any additional information, please contact the undersigned.

Sincerely,



J.A. Davis  
Project Manager

cc: BarRob Realty LLC  
Brothers Assisted Living LLC

**Attachment #1**

Chapter 17.40

REGIONAL COMMERCIAL DISTRICT

Sections:

- 17.40.010 Purpose.
- 17.40.020 Permitted uses.
- 17.40.030 Uses permitted by special exception.
- 17.40.040 Uses permitted by ordinance permit.
- 17.40.050 Accessory uses.
- 17.40.060 Development standards.

17.40.010 Purpose.

- A. The purpose of the Regional Commercial district is to provide for the location of selected region-serving activities in areas which are exposed to and served by major highways carrying large volumes of regional traffic. Uses permitted are those that require large sites with locations that have an emphasis on visibility and access provided by regional highways.
- B. Clustering of limited commercial uses is encouraged through the provision of regional shopping centers. To assure that the impact of shopping center and other large-scale commercial development is not detrimental to existing commercial areas, a comprehensive development plan with special emphasis on a community impact statement is required.
- C. The following uses, standards and area regulations have been developed to preserve the open, uncluttered appearance of the major highways and interchanges around which these districts are located; to protect adjoining residential areas; and to evaluate the overall impact of proposed commercial development on existing commercial areas in the City. (Prior Code Section 150-71.)

17.40.020 Permitted uses.

Permitted uses shall be as follows:

- A. Cultivation of land;
- B. Convention center;
- C. Hotel or motor hotel;
- D. Medical center or clinic, five thousand (5,000) sq. ft. or less;
- E. Offices, including but not limited to business, governmental, professional and financial offices;
- F. Planned business center, including restaurants, free-standing and fast-food, and banks, including drive-through, in accordance with Chapter 17.172;
- G. Restaurant, freestanding, not located in a shopping center, including fast-food, carry-out, drive-in and cafeteria;

- H. Restaurant located in or as a part of a shopping center, including fast-food, carry-out, drive-in and cafeteria;
- I. Retail department or general merchandise store with a minimum floor area of thirty thousand (30,000) square feet not located in a shopping center;
- J. Theater, excluding drive-in;
- K. School of special instruction, conducted entirely within a structure, in accordance with Chapter 17.220;
- L. Day-care center or nursery school in accordance with Chapter 17.220. (Ord. 1605 (part), 1995; Prior Code Section 150-72).

**17.40.030 Uses permitted by special exception.**

Uses permitted by special exception shall be as follows:

- A. Hospital, provided that a certificate of need has first been issued by the appropriate state agency;
- B. Regional shopping center in accordance with Chapter 17.212;
- C. Medical center or clinic of over five thousand (5,000) square feet;
- D. Sports arena or stadium;
- E. Church or other place of worship on a minimum lot size of two acres, in accordance with Chapter 17.220, excluding bus storage and maintenance, a cemetery, school of general instruction and gymnasium as accessory uses;
- F. Convenience store/automotive center, as a part of a Planned Business Center. (Ord. 1605 (part), 1995; Prior Code Section 150-73).
- G. Uses permitted by Section 17.36.020 of the General Commercial District on Parcels four (4) acres or less in size existing at the time of enactment of this amendment. **(Added 3/13/2000 by Ordinance #1752.)**

**17.40.040 Uses permitted by ordinance permit.**

Uses permitted by ordinance permit shall be as follows:

- A. Utility substation in accordance with Chapter 17.220. (Prior Code Section 150-74)

**17.40.050 Accessory uses.**

Accessory uses shall be as follows

- A. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- B. Day-care services for uses permitted inherently or by special exception. (Prior Code Section 150-75)

**17.40.060 Development standards.**

Development standards for the Regional Commercial district shall be as follows:

- A. **Prior Approval Requirements.**
  - 1. Prior to the development of any lot or parcel of land within this district, a Comprehensive Development Plan, as defined in Section 17.04.120 shall be submitted to the Planning Commission for its review and approval in accordance with Chapter 17.180;
  - 2. As a part of its review and approval, the Planning Commission may require that a Community Impact Statement for freestanding merchandising stores, convention centers, planned business centers and hotels be prepared by the applicant to demonstrate that premature development does not occur which will oversaturate the community with retail space; motel rooms or convention facilities.
- B. **Minimum Lot Requirements.** All lots hereafter established shall meet the following minimum requirements:
  - 1. Lot area: forty thousand (40,000) square feet;
  - 2. Interior lot width: two hundred (200) feet;
  - 3. Corner lot width: two hundred (200) feet.
- C. **Minimum setback requirements shall be as follows:**
  - 1. Front: one hundred (100) feet from the property line;
  - 2. Rear: thirty (30) feet from the property line, except forty (40) feet where adjoining a residential district;
  - 3. Side, interior (two): twenty-five (25) feet from the property line, except forty (40) feet where adjoining a residential district;
- D. **The height limitation shall be fifty (50) feet.**
- E. **Parking.** Parking, loading and unloading areas shall be provided in accordance with Chapter 17.196.
- F. **Access.** Direct access onto a major highway shall be reduced or eliminated wherever the city department of public works determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion.
  - 1. Direct access onto a street or major highway shall be reduced or eliminated wherever the Planning Commission, upon recommendation of the City Department of Public Works, determines that alternate or unified points of access

are available to a site resulting in better traffic flow and less traffic congestion;

2. Service drives and loading and unloading areas shall be located so that in the process of loading or unloading no truck will block the passage of other vehicles on the service drive or extend into any public street or private drive used for traffic circulation.

G. Lighting.

1. Lighting shall be designed so as not to throw glare onto surrounding properties.
2. Flashing lights are prohibited.

H. Signs. Signs are permitted in accordance with the provisions of Chapter 17.216.

I. Landscaping and Screening. In addition to the requirements of Chapter 17.220, the following shall be required :

1. All areas not devoted to building or required parking areas shall be landscaped as defined in Section 17.04.120;
2. All landscaped or required parking areas shall be maintained in accordance with Section 17.220.080. (Prior Code Section 150-76)

**Chapter 17.172**

**PLANNED BUSINESS CENTERS**

Sections:

- 17.172.010 Purpose.**
- 17.172.020 Development standards.**

**17.172.010 Purpose.**

The purpose of this Chapter is to provide an alternative development technique for the location and arrangement of buildings for business and select commercial uses; to encourage the clustering of such uses in accordance with a predetermined development plan and subdivision plat; to permit smaller lots in order to make more efficient use of land; and to reduce the cost of streets and public utilities, resulting in a more efficient and harmonious development. (Prior Code Section 150-238)

**17.172.020 Development standards.**

- A. A planned business center shall be developed in accordance with a comprehensive development plan, as defined in Section 17.04.120, which shall be submitted and reviewed in accordance with Chapter 17.180. In addition to the requirements of a comprehensive development plan, a subdivision plat shall be required including covenants and restrictions relating to shared facilities and the maintenance and responsibility for the same, which shall be approved by the Planning Commission and recorded in the Land Records of Wicomico County.
- B. Permitted uses shall be all uses permitted in the zoning district in which a planned business center is permitted excluding residential uses.
- C. The planned business center shall be designed so that buildings, parking areas and landscaping are attractively arranged and so that facades, signs and other appurtenances are designed to ensure a harmonious appearance. Landscaping of parking lots and perimeter screening and landscaping areas shall be in accordance with Chapter 17.220.
- D. A planned business center shall contain a minimum of two acres.
  - 1. Each lot in a center in a general commercial district shall contain a minimum land area of six thousand (6,000) square feet, each lot in a select commercial district shall contain a minimum land area of ten thousand (10,000) square feet. Each lot in a light business and institutional district shall contain a minimum land area of fifteen thousand (15,000) square feet. Each lot in a Light Industrial District shall contain a minimum land area of ten thousand (10,000) square feet. Each lot in a regional commercial district shall contain a minimum land area of twenty-five thousand (25,000) square feet. [Amended 4/8/02 by Ord. No. 1842]

2. No part of a principal building shall be farther than one hundred (100) feet from an access roadway or drive providing vehicular access from a public street or farther than five hundred (500) feet measured along the route of vehicular access, from a public street.
- E. A planned business center shall have not less than sixty (60) feet frontage abutting a public street.
- F. Perimeter setbacks for the entire business center shall be the same as or no less than the setbacks required for individual uses within the district in which a business center is located. Setbacks within the center shall be:
1. Front – 25 feet.
  2. Side – 10 feet.
  3. Rear – 20 feet.
  4. Whenever any property line in a planned business center abuts a residential district, a setback of 25 feet shall be required abutting the property line.
  5. Space between buildings:
    - a. 1 story – 20 feet
    - b. 2 story – 25 feet
    - c. 3 story – 30 feet
    - d. More than 3 stories – 30 feet plus 5 feet per story
- G. Minimum lot width, frontage abutting a public street and yard requirements otherwise applying to individual buildings in the district in which a planned business center is permitted do not apply within the center and shall be established by the Planning Commission on the required plan and subdivision plat, with consideration given to the provision of light, open space, ventilation, fire protection and other characteristics of the site.
- H. Parking shall be provided in accordance with Chapter 17.196.
1. Where there are two abutting uses or where more than one use is located on a lot and each use has different hours of business operation, parking may be shared at the discretion of the Planning Commission.
  2. Where shared parking is approved, additional land area to accommodate required parking shall be held in reserve, and the required parking area shall be installed when the business is changed and shared parking is terminated.
  3. All such shared parking shall be duly noted on both the plan and the subdivision plat or by a legal agreement between the owners of said shared facilities, approved by the City Solicitor and recorded in the Land Records of Wicomico County.

- I. Signs. A plan shall be required showing the overall design, colors and location of signs throughout the center, which shall be submitted to and approved by the Planning Commission as part of the comprehensive development plan. Signs may be permitted as follows:
  1. Ground Signs.
    - a. One ground sign for use by the entire center, no higher than twenty-five (25) feet limited to two faces with a total surface area not exceeding a total of one hundred (100) square feet per face on a site of five (5) acres or less, or not exceeding two hundred (200) square feet per face on a site of more than five (5) acres, and located no closer than twenty (20) feet to any property line;
    - b. One (1) ground sign on each individual lot within the center, no higher than six feet with a total surface area of thirty-two (32) square feet and located no closer than ten (10) feet from any property line;
    - c. Location of ground signs shall be approved by the Planning Commission and designated on the final site plan.
  2. Wall Signs.
    - a. One exterior wall sign shall be permitted for each business establishment on an individual lot.
    - b. The number of exterior wall signs for a use shall be approved by the Planning Commission.
    - c. All wall signs shall be mounted flush with the building, except that raised letters may extend no more than eighteen (18) inches from the building wall.
    - d. Size, location and color of wall signs shall be approved by the Planning Commission as part of the overall sign plan.
    - e. The total amount of wall signage including marquee signs shall not exceed 200 square feet.
  3. Marquee Signs. Marquee signs shall be considered a wall sign and shall be limited to not more than thirty-two (32) square feet in surface area and located no closer than ten feet above walkways.
  4. Instructional signs not exceeding three feet in height and six square feet in surface area. (Ord. 1599 Section 3, 1995; Prior Code Section 150-239)
- J. Residential Uses. A planned business center may include residential units limited to not more than 14 units per acre. All such uses shall be located within or above the first floor of a building including a business use. Whenever an applicant proposes to construct all buildings in a single phase, residential uses



may be placed in an architecturally compatible free-standing residential building. In no case shall a free-standing residential building be constructed before at least one-half of the total gross square feet of all proposed buildings is constructed.

- K. Landscaping shall be provided in accordance with the requirements of Chapter 17.220 of Title 17.
- L. Other Provisions. Except where specifically listed in this Title, all other requirements of this Title shall apply.

# FOUNTAINS BUSINESS CENTER

Owners Association  
1800 Sweetbay Drive  
Salisbury, MD 21804

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May 6, 2009

PLANNING DEPARTMENT  
**RECEIVED**  
DATE 5/8/09 BY gs

Salisbury-Wicomico County  
Dept of Planning, Zoning and Community Development  
Government Office Building  
Salisbury, MD 21801

RE: Assisted Living

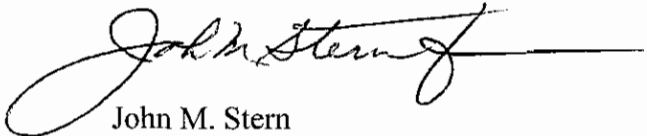
Dear Planning and Zoning Commission:

On May 6, 2009 the Executive Committee of the Fountains Owners Association, Inc. reviewed the request by BarRob Realty LLC to utilize the Lot #7 building for an assisted living facility.

Considering there is no apparent conflict with current uses which include motel, medical offices, restaurant, and food preparation, we conclude that the assisted living should be allowed and approved for the Fountains Business Center.

The Executive Committee approves such use and recommends a Code Text Amendment to allow their use.

Sincerely,



John M. Stern  
Executive Committee

cc: BarRob Realty LLC  
Brothers Assisted Living LLC



**CITY OF SALISBURY - WICOMICO COUNTY  
DEPARTMENT OF PLANNING, ZONING  
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission  
Historic District Commission  
Metropolitan Planning Organization

Wicomico County Board of Appeals  
Salisbury Board of Zoning Appeals  
Agricultural Land Preservation Advisory Board

June 23, 2009

**SALISBURY-WICOMICO  
FILE COPY  
PLANNING**

Mr. John Davis  
1800 Sweetbay Drive  
Salisbury, MD 21804

**RE: #SP-0903 – TEXT AMENDMENT – To add Assisted Living Facilities to the Regional Commercial District.**

Dear Mr. Davis:

The Salisbury Planning Commission at its June 18, 2009 meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for the following:

**AMEND SECTION 17.40.020 - REGIONAL COMMERCIAL DISTRICT - TO ADD:**

**M. – CARE HOME.**

This information will be forwarded to the City Administrator. You will be notified of the scheduling of the matter for a public hearing before the Mayor and City Council.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith or myself at 410-548-4860.

Sincerely,

John F. Lenox, AICP  
Director

Salisbury/Wicomico Planning & Zoning

JFL:brt

cc: William Holland, Director, Department of Building, Permits and Inspections  
Chip Messick, Acting Director, Salisbury Public Works Department

**Attachment B**

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**MAYOR AND CITY COUNCIL  
NOTICE OF PUBLIC HEARING  
TEXT AMENDMENT**

In accordance with the provisions of Section 17.228, Amendments and Rezonings, of the Salisbury Municipal Code, an application has been filed by John A Davis and BarRob Realty, LLC, to amend the text of Title .17, Zoning, Section 17.40.020 to add "Care Home" as a permitted use in the Regional Commercial District and further the Council will consider associated definition changes to Section 17.04.120.

**A PUBLIC HEARING WILL BE HELD ON**  
**Monday, October 12, 2009, at 6:00 P.M.** in the Council Chambers, Room 301, of the Government Office Building, 125 North Division Street, Salisbury, Maryland to hear opponents and proponents, if there be any.

**The Council reserves the right to close a part of this meeting as authorized by State Government section 10-508(a) of the Maryland Annotated Code. (FOR FURTHER INFORMATION CALL 410-548-4860.)**

John Pick, City Administrator

mb, 9/28, 10/5, '09.