

**ORDINANCE NO. 2420**

**AN ORDINANCE 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 SECTIONS 17.122.030 AND 17.122.040G TO ADD SALES AND SERVICE OF COMMERCIAL TRUCKS, HEAVY EQUIPMENT, ETC. AS PERMITTED USES AND PERMIT OPEN LOT DISPLAYS IN WESTWOOD COMMERCE PARK PDD #2.**

**WHEREAS**, the ongoing application, administration and enforcement of Title 17, Zoning of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation, and amendments 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 requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing procedural practices and input from the City Council and members of the public; and

**WHEREAS**, Krause Properties, LLC submitted an application to amend the text of Westwood Commerce Park PDD #2; and

**WHEREAS**, a Public Hearing on the proposed amendment 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 March 16, 2017; and

**WHEREAS**, the Planning Commission did recommend approval of the proposed text amendments to Sections 17.122.030, and 17.122.040G;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

**AMEND SECTION 17.122.030, PERMITTED USES, BY ADDING ITEM D AS FOLLOWS:**

- D. HEAVY EQUIPMENT SALES, SERVICE AND REPAIR: SELLING, LEASING, AND REPAIRING VEHICLES AND/OR MACHINERY THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMERCIAL TRUCKS (INCLUDING TRACTOR TRAILERS), AGRICULTURAL EQUIPMENT, CONSTRUCTION/EXCAVATION EQUIPMENT, MOBILE CRANES, BOATS/YACHTS, BUSES, OR SIMILAR HEAVY EQUIPMENT. ACCESSORY USES MAY INCLUDE, BUT ARE NOT LIMITED TO, BODY SHOP (INCLUDING PAINTING), MACHINE SHOP, OUTSIDE DISPLAY AREAS, PARTS SALES, AND OFFICE USES, BUT EXCLUDES DISMANTLING OR SALVAGE.**

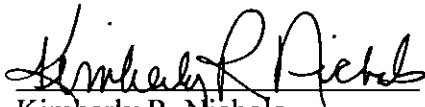
**AMEND SECTION 17.122.040, ACCESSORY USES AND STRUCTURES, BY AMENDING ITEM G AS FOLLOWS:**

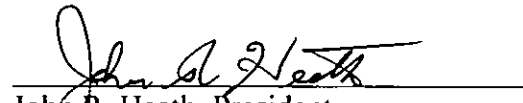
- G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use on a site. ~~excluding~~ The outside storage of materials and open lot display of any kind IS SUBJECT TO APPROVAL BY THE SALISBURY PLANNING COMMISSION AS PART OF THE APPROVED COMPREHENSIVE DEVELOPMENT PLAN.**

**AND BE IT FURTHER ORDAINED BY 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 24 day of April, 2017, 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 on the 8 day of May, 2017.

ATTEST:

  
\_\_\_\_\_  
Kimberly R. Nichols  
City Clerk

  
\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

Approved by me this 16<sup>th</sup>  
day of MAY, 2017.

  
\_\_\_\_\_  
Jacob R. Day  
Mayor, City of Salisbury



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



JACOB R. DAY  
MAYOR

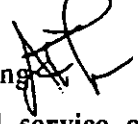
BOB CULVER  
COUNTY EXECUTIVE

JULIA GLANTZ  
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

March 17, 2017

**TO:** Julia Glantz, City Administrator

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

**SUBJECT:** **PUBLIC HEARING – Text Amendment – To add Sales and service of Commercial Trucks, Heavy Equipment, etc. and to permit open lot displays in Westwood Commerce Park PDD #2 - Planning Commission Recommendation**

## I. INTRODUCTION.

On March 16, 2017, the Salisbury Planning Commission held a public hearing on a request by Krause Properties, LLC and Westwood Development, LLC to amend the text of Westwood Commerce Park PDD #2 in order to add sales, service and repair, including a body shop, for commercial trucks as well as open lot display. (See Attachments A-C.)

## II. RECOMMENDATION.

The Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and Council for proposed amendments as follows.

**AMEND SECTION 17.122.030, PERMITTED USES, BY ADDING ITEM D AS FOLLOWS:**

**D. HEAVY EQUIPMENT SALES, SERVICE AND REPAIR: SELLING, LEASING, AND REPAIRING VEHICLES AND/OR MACHINERY THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMERCIAL TRUCKS (INCLUDING TRACTOR TRAILERS), AGRICULTURAL EQUIPMENT, CONSTRUCTION/EXCAVATION EQUIPMENT, MOBILE CRANES, BOATS/YACHTS, BUSES, OR SIMILAR HEAVY EQUIPMENT. ACCESSORY USES MAY INCLUDE, BUT ARE NOT LIMITED TO, BODY SHOP (INCLUDING PAINTING), MACHINE SHOP, OUTSIDE DISPLAY AREAS, PARTS SALES, AND OFFICE USES, BUT EXCLUDES DISMANTLING OR SALVAGE.**

**AMEND SECTION 17.122.040, ACCESSORY USES AND STRUCTURES, BY AMENDING ITEM G AS FOLLOWS:**

**G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use on a site. ~~excluding~~ The outside storage of**

materials and open lot display ~~of any kind~~ **IS SUBJECT TO APPROVAL BY THE SALISBURY PLANNING COMMISSION AS PART OF THE APPROVED COMPREHENSIVE DEVELOPMENT PLAN.**

Unless you or the Mayor has further questions, please forward this memo and its attachments to the City Council.

### **III. BACKGROUND.**

When the text for PDD #2 was reviewed and approved by the Commission and the Council in 2008, uses permitted inherently or by special exception in the Neighborhood Business, Regional Commercial and Light Business and Institutional districts were included, except for certain specific uses that were excluded. The exclusions included Neighborhood shopping centers, Apartments, Hospitals, and Retail department or General merchandise stores. In addition, open lot display of any kind was also prohibited.

The Zoning Code currently contains no definitions for automotive sales or equipment sales. Automotive sales are considered retail sales and the accompanying garages and body shops are considered accessory uses. In addition, outside displays are not permitted in Westwood Commerce Park. It was anticipated that all storage would be inside.

Unlike most text amendment requests, this proposal only affects one district, the Westwood Commerce Park PDD #2. There are several large lots remaining in Westwood that could lend themselves to such a use. The park has good access from major highways at either an exit or a signalized intersection.

Proposed restrictions were included in their request. However, the Westwood Commerce Park PDD #2 regulations require submission of a Comprehensive Development Plan for development of each lot/site in the park. The proposed conditions can be incorporated into the Conditions of Approval for site development on a case-by-case basis.

Attachments



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COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

## STAFF REPORT

### MEETING OF MARCH 16, 2017

**CASE NO.:** #SP-1703

**APPLICANT:** Krause Properties, LLC, rep. by John McClellan

**REQUEST:** **PUBLIC HEARING – Text Amendment - To amend Title 17, Zoning, Section 17.122.030, Permitted uses - to add Sales and service of Commercial Trucks, Heavy Equipment, etc. and Section 17.122.040G – to permit open lot displays in Westwood Commerce Park PDD #2.**

#### I. REQUEST:

Mr. John McClellan, on behalf of the Krause Properties, LLC and Westwood Development, LLC, has submitted a request to amend the text of Westwood Commerce Park PDD #2 in order to add sales, service and repair, including a body shop, for commercial trucks. If approved, open lot display must also be included. (See Attachments #1 and 2.)

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:

Krause Properties is the owner of a 26.35 acre parcel in the Westwood Commerce Park PDD #2. A prospective purchaser of the property desires to establish a commercial truck dealership for sales, service, and a body shop for commercial trucks.

**Attachment #A**

When the text for PDD #2 was reviewed and approved by the Commission and the Council in 2008, uses permitted inherently or by special exception in the Neighborhood Business, Regional Commercial and Light Business and Institutional districts were included, except for certain specific uses that were excluded. The exclusions included Neighborhood shopping centers, Apartments, Hospitals, and Retail department or General merchandise stores. In addition, open lot display of any kind was also prohibited.

The Zoning Code currently contains no definitions for automotive sales or equipment sales. Automotive sales are considered retail sales and the accompanying garages and body shops are considered accessory uses. In addition, outside displays are not permitted in Westwood Commerce Park. It was anticipated that all storage would be inside. (See Attachment #6.)

The applicant submitted the following language for inclusion in the PDD:

*"Heavy equipment sales, service and repair: Selling, leasing, and repairing vehicles and/or machinery that are larger than that which is typically stored upon one residential lot. Examples include, but are not limited to, commercial trucks (including tractor trailers), farm equipment, excavation equipment, mobile cranes, yachts, busses, etc. Accessory uses may include, but are not limited to, body shop (including painting), outside display areas, parts sales, and office uses."*

Staff found the following definitions for Equipment Sales and Equipment Repair Services:

*"Equipment Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments."*

*"Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm equipment repair services and machine shops, but exclude dismantling or salvage."*

When drafted in 2008, the text of Westwood Commerce Park PDD #2 excluded outdoor storage and open lot display in the Accessory uses section. At that time, uses that included a sales lot were not anticipated for this development.

Open lot display will be a necessary part of the proposed use. The applicants have proposed several restrictions in connection with the proposed heavy equipment sales. These restrictions address service and repair being conducted entirely within an enclosed building, display areas treated with an all-weather material, prohibiting

storage of junk vehicles or equipment on the site, and prompt removal of repaired vehicles from the site. The Code requires a Comprehensive Development Plan for development of each of the lots or sites in Westwood Commerce Park. The proposed restrictions can be incorporated into the Conditions of Approval for the affected site or sites.

However, for Light Industrial uses, while manufacture or assembly generally occurs within a building, often requires materials that may need to be stored outside. The applicants have indicated that they have received inquiries about properties with uses that would require outdoor storage. Consideration for effective screening of such materials will be required at the time of Comprehensive Development Plan approval. The Special Development Standards section of the Code (Section 17.220) requires a 10 ft. landscaping/screening area around storage yards and a 6-8 ft. solid fence or fencing with slats.

### III. PLANNING COMMENTS/CONCERNS.

Unlike most text amendment requests, this proposal only affects one district, the Westwood Commerce Park PDD #2. There are several large lots remaining in Westwood that could lend themselves to such a use. The park has good access from major highways at either an exit or a signalized intersection.

As previously noted, the applicant included several proposed restrictions in their request. The Westwood Commerce Park PDD #2 regulations require submission of a Comprehensive Development Plan for development of each lot/site in the park. The proposed conditions can be incorporated into the Conditions of Approval for site development as needed.

Modification of Item G in the Accessory uses has been modified to accommodate outdoor storage and open lot display on a case-by-case basis.

### IV. RECOMMENDATION.

Staff recommends that the Commission forward a **FAVORABLE** recommendation to the Mayor and Council for the proposed amendment that would permit Heavy Equipment sales, service and repair in the Westwood Commerce Park PDD #2, as follows:

**AMEND SECTION 17.122.030, PERMITTED USES, BY ADDING ITEM D AS FOLLOWS:**

- D. HEAVY EQUIPMENT SALES, SERVICE AND REPAIR: SELLING, LEASING, AND REPAIRING VEHICLES AND/OR MACHINERY THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMERCIAL TRUCKS (INCLUDING TRACTOR TRAILERS), AGRICULTURAL EQUIPMENT, CONSTRUCTION/EXCAVATION EQUIPMENT, MOBILE CRANES, BOATS/YACHTS, BUSES, OR**



**SIMILAR HEAVY EQUIPMENT. ACCESSORY USES MAY INCLUDE, BUT ARE NOT LIMITED TO, BODY SHOP (INCLUDING PAINTING), MACHINE SHOP, OUTSIDE DISPLAY AREAS, PARTS SALES, AND OFFICE USES, BUT EXCLUDES DISMANTLING OR SALVAGE.**

**AMEND SECTION 17.122.040, ACCESSORY USES AND STRUCTURES, BY AMENDING ITEM G AS FOLLOWS:**

- G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use on a site. ~~excluding~~ The outside storage of materials and open lot display ~~of any kind~~ IS SUBJECT TO APPROVAL BY THE SALISBURY PLANNING COMMISSION AS PART OF THE APPROVED COMPREHENSIVE DEVELOPMENT PLAN.**

COORDINATOR: Gloria Smith, Planner  
DATE: March 1, 2017



February 22, 2017

Gloria Smith  
City of Salisbury / Wicomico County  
Dept. of Planning, Zoning, and Community Development  
PO Box 870  
125 North Division St.  
Salisbury, MD 21803

PLANNING DEPARTMENT  
RECEIVED  
DATE 2/23/17 BY gwl

RE: Zoning Text Amendment

Dear Gloria,

I am writing as representative of Kraus Properties, LLC owner of the 26.35 acre parcel (Map 29 Parcel 375) located in Westwood Commerce Park.

This letter will serve as a request to amend the text for the zoning code governing Westwood Commerce Park. We are in negotiation with a regional company that operates a dealership for the sales, service, and body shop of heavy trucks.

The following language has been requested:

HEAVY EQUIPMENT SALES, SERVICE AND REPAIR

Selling, leasing, and repairing vehicles and/or machinery that are larger than that which is typically stored upon one residential lot. Examples include but are not limited to commercial trucks (including tractor trailers), farm equipment, excavation equipment, mobile cranes, yachts, busses, etc. Accessory uses may include but are not limited to body shop (including painting), outside display areas, parts sales, and office uses.

With possible restrictions such as:

- A. All service and/or repair activities shall be conducted within a wholly-enclosed building.
- B. All exterior storage/display areas shall be covered in an all-weather, dust-free surface.
- C. The storage of junked vehicles, boats, machinery, trucks, trailers, mobile homes and heavy equipment vehicles on the property is prohibited.
- D. All vehicles shall be repaired and removed promptly from the premises.

If you need to alter the requested language to more closely follow existing codes, we are certainly open to your suggestions.

Gloria Smith  
February 22, 2017  
Page 2

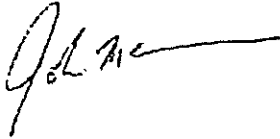
As you know, I also represent Westwood Development LLC – the owners of the balance of the Westwood lands. I have spoken with them and they fully support the text amendment as they feel it improves the marketability of the park. A letter of support from them is forthcoming.

I believe this proposed use (and similar uses under this requested text) would be an ideal use for lots in Westwood. It would be very similar to what we see in other markets with planned business parks along major highways.

A check for the application fee of \$200 has been mailed to your office

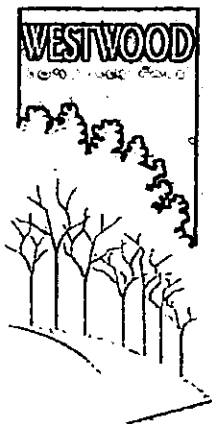
Please contact me with any questions

Sincerely,



John McClellan, CCIM  
Senior Advisor  
[john.mcclellan@svn.com](mailto:john.mcclellan@svn.com)

cc: Kraus Properties, LLC  
Westwood Development LLC



WESTWOOD DEVELOPMENT, LLC • 27135 LILLIAN ST • HEBRON, MD 21830

February 22, 2017

Gloria Smith  
City of Salisbury / Wicomico County  
Dept. of Planning, Zoning, and Community Development  
P.O. Box 870  
125 North Division St.  
Salisbury, MD 21803

PLANNING DEPARTMENT

RECEIVED

DATE 2/23/17 BY gp

RE: Zoning Text Amendment

Dear Ms Smith,

I represent the owners of Westwood Development LLC who are developing the Westwood Commerce Park in Salisbury.

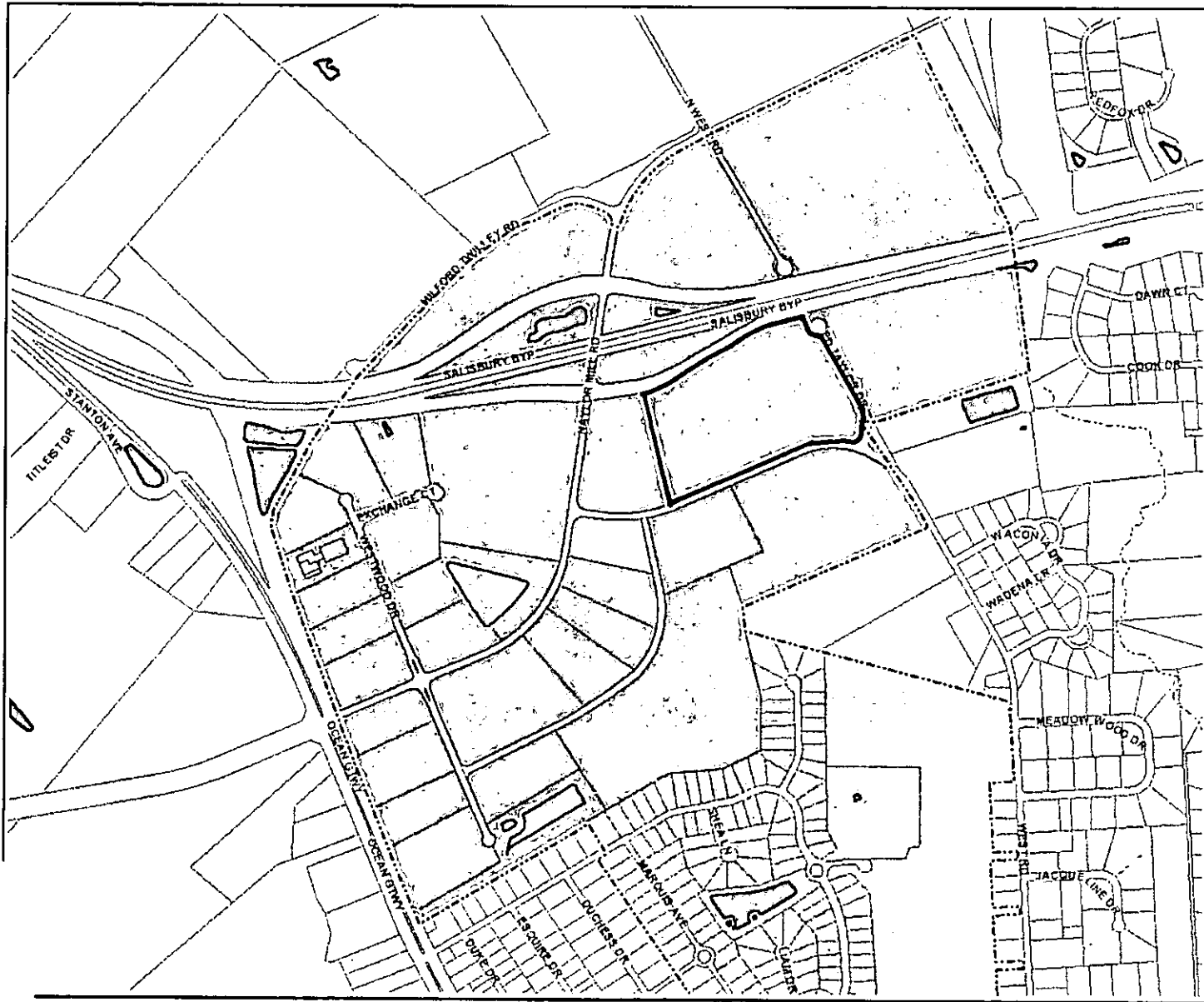
We are in full support of the zoning text amendment that has been requested by John McClellan for the Kraus Properties, LLC located in the Westwood Commerce Park.

Thank you for your consideration.

Sincerely,

Jay Pearce  
Operations Manager  
410-430-1455

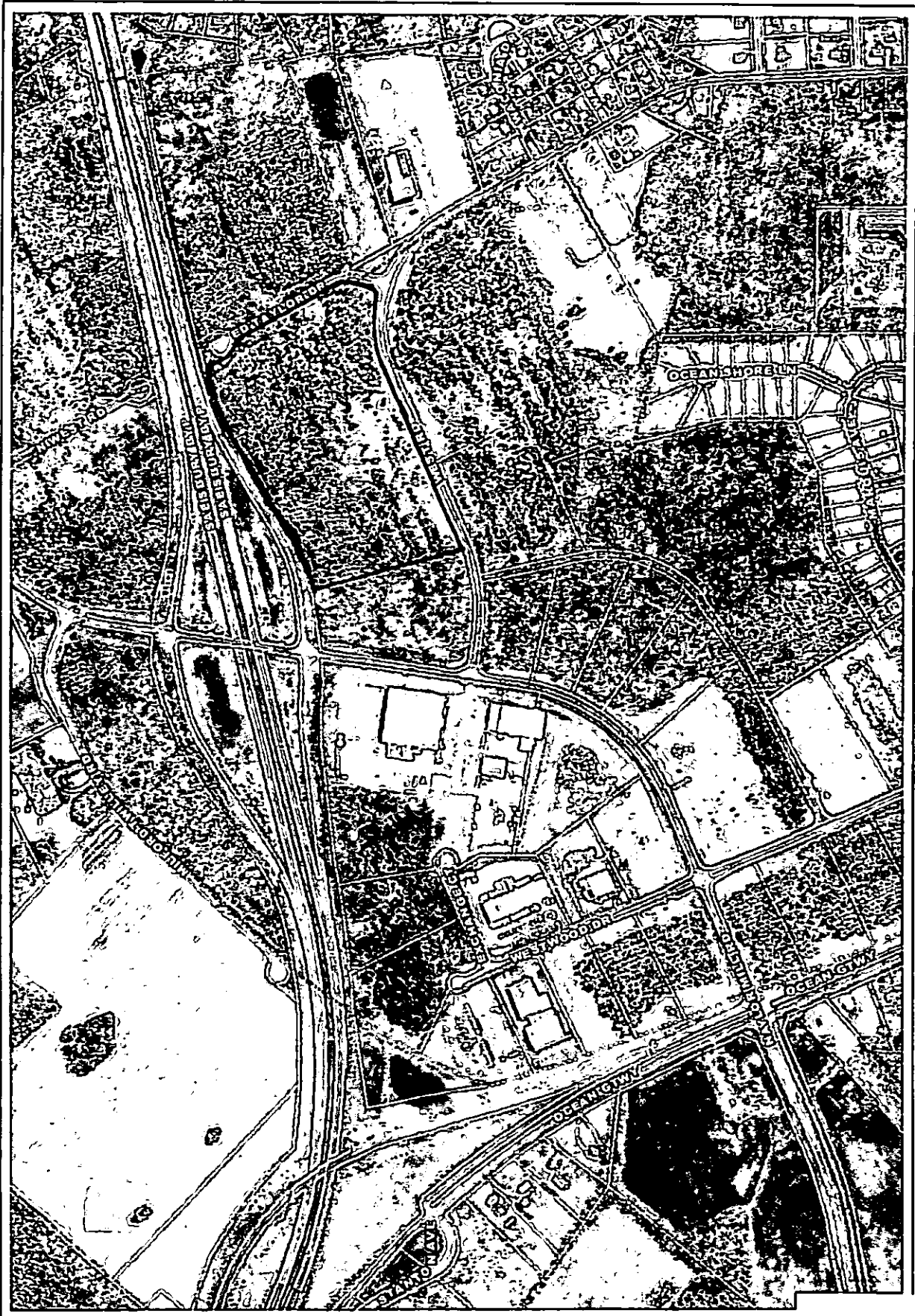
# CITY OF SALISBURY



## Salisbury Zoning

- Parcels
- Wetland Protection Area
- Streams
- Water Bodies
- Street Numbers
- Salisbury BZA Cases
- Municipal Areas**
- CAD**
  - Dairmar
  - Frisland
  - Hebron
  - Alardela
  - Pittsville
  - Salisbury
  - Sharpshen
  - Williams
- Roads**
- Parcels
- Critical Area
- Historic Districts**
- District Name**
  - Camden Historic District
  - Downtown Historic District
  - Newtown Historic District
- Salisbury Zoning**
- College & University**
- Conservation
- CBD
- LBI
- General Commercial
- Reg Comm
- MUMR
- Select Commercial
- Hospital
- Ind
- Ind Park
- L Ind
- Neighborhood Business
- OSH
- OSR
- PDD
- PRD
- R-5
- R-5 A
- R-8
- R-8 A
- R-10
- R-10 A
- Riverfront Redevelopment
- Street Centerlines**

279 ft



Attachment #4

**Sections 17.122.030 and 17.122.040 with proposed Amendments:**

**Section 17.122.030. Permitted uses.**

Permitted uses shall be as follows:

- A. Uses permitted inherently or by special exception in Chapter 17.32, Neighborhood Business District, except that Neighborhood Shopping Centers and Apartments shall be excluded.
- B. Uses permitted inherently or by special exception in Chapter 17.40, Regional Commercial District, except that Retail department or general merchandise stores and Hospitals shall be excluded.
- C. Uses permitted inherently or by special exception in Chapter 17.76, Light Industrial District.
- D. **HEAVY EQUIPMENT SALES, SERVICE AND REPAIR: SELLING, LEASING, AND REPAIRING VEHICLES AND/OR MACHINERY THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMERCIAL TRUCKS (INCLUDING TRACTOR TRAILERS), AGRICULTURAL EQUIPMENT, CONSTRUCTION/EXCAVATION EQUIPMENT, MOBILE CRANES, BOATS/YACHTS, BUSES, OR SIMILAR HEAVY EQUIPMENT. ACCESSORY USES MAY INCLUDE, BUT ARE NOT LIMITED TO, BODY SHOP (INCLUDING PAINTING), MACHINE SHOP, OUTSIDE DISPLAY AREAS, PARTS SALES, AND OFFICE USES, BUT EXCLUDES DISMANTLING OR SALVAGE.**

**Section 17.122.040. Accessory uses and structures.**

Accessory uses and structures shall be as follows:

- A. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;
- B. Day care services for employees or patrons of a permitted use.
- C. Uses and structures clearly incidental to, customary to and associated with the permitted use.
- D. Gasoline pumps as an accessory use to a convenience store in accordance with Section 17.04.220
- E. Off-street parking lot or structure.
- F. Off-street loading and unloading facilities.
- G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use on a site. ~~excluding~~ **SHALL BE AS APPROVED BY THE SALISBURY PLANNING COMMISSION AS PART OF THE APPROVED COMPREHENSIVE DEVELOPMENT PLAN.**

**CHAPTER 17.122**

**Planned Development District No. 2  
Westwood Commerce Park  
Added 9/8/2008 by Ordinance #2064**

**Section:**

<b>17.122.010.</b>	<b>Purpose.</b>
<b>17.122.020.</b>	<b>Area of Reclassification.</b>
<b>17.122.030.</b>	<b>Permitted uses.</b>
<b>17.122.040.</b>	<b>Accessory uses and structures.</b>
<b>17.122.050.</b>	<b>Development standards.</b>
<b>17.122.060.</b>	<b>Street standards.</b>
<b>17.122.070.</b>	<b>Amendments.</b>
<b>17.122.080.</b>	<b>Final Development Plan.</b>
<b>17.122.090.</b>	<b>Control of Development During Construction and After Completion.</b>

**Section 17.122.010. Purpose.**

The purpose of Planned Development District No. 2 is to provide for the development of certain lands binding on the southerly side of lands now or formerly owned by Naylor Mill Associates, Storer Cable Communications of Delmarva, Soaring Vistas Properties, Inc., and William L. Jr. and Barbara Twilley, the westerly side of lands now or formerly owned by the Korean Presbyterian Church of Salisbury, Mabel M. Waters, Faye Y. Waters, Habitat on MD's Lower Shore, Inc., and Bertina E. Jones; the northerly side of lands now or formerly owned by the Church of God K/A The Family Worship Center, Green Acres Memorial Park, Inc., Ronald R. Phippen, Theodore and Joanne Jones, Chester, Eugene and Charles Parker, Gerald B. and Eunice Long, Spencer J. and Genevieve Brown, Percival and Vera M. Smith, Cedar Hill Homes, LLC, Emmett S. and Lizzie M. Smith, and Daniel J. and Loretta Savoy, and the easterly side of U.S. Route 50, with light industrial, regional commercial and neighborhood business type uses in a business park type setting.

The following regulations have been designed to carry out these purposes and are further implemented in the approved Preliminary Development Site Plan and approved Development Standards Plan dated September 27, 2007.

**Section 17.122.020. Area of Reclassification.**

The area to be rezoned as Planned Development District No. 2 – Westwood Commerce Park, consists of 264 acres of land binding upon the northerly side of U.S. Route 50, both sides of the West Naylor Mill Road, both sides of West Road, both sides of Ed Taylor Drive and the southerly side of Milford Twilley Drive, being the same as shown on the Preliminary Subdivision Plat prepared by ESP Design Services, Inc., and dated February 19, 2003. The site is further identified as Parcel #141 on State Tax Map #28 and Parcels No. 91, 141, 375, and 376 on State Tax Map #29.



**Section 17.122.030. Permitted uses.**

Permitted uses shall be as follows:

- A. Uses permitted inherently or by special exception in Chapter 17.32, Neighborhood Business District, except that Neighborhood Shopping Centers and Apartments shall be excluded.
- B. Uses permitted inherently or by special exception in Chapter 17.40, Regional Commercial District, except that Retail department or general merchandise stores and Hospitals shall be excluded.
- C. Uses permitted inherently or by special exception in Chapter 17.76, Light Industrial District.

**Section 17.122.040. Accessory uses and structures.**

Accessory uses and structures shall be as follows:

- A. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;
- B. Day care services for employees or patrons of a permitted use.
- C. Uses and structures clearly incidental to, customary to and associated with the permitted use.
- D. Gasoline pumps as an accessory use to a convenience store in accordance with Section 17.04.220
- E. Off-street parking lot or structure.
- F. Off-street loading and unloading facilities.
- G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use on a site, excluding the outside storage of materials and open lot display of any kind.

**Section 17.122.050. Development standards.**

Development standards for Planned Development District No. 2 shall be as follows:

- A. Approval requirements. Prior to the development of any lot in the Planned Development District, a Comprehensive Development Plan, including a Sign Plan, as defined in Section 17.04.120 and Section 17.180, shall be submitted to the Planning Commission for its review and approval.
- B. Minimum lot requirements:
  - 1. Lot area: one and one-half (1.5) acres.
  - 2. Lot width: eighty (80) feet.
  - 3. Individual lot or building areas shall be as shown on the Final Subdivision Plat.

- C. Minimum yard and perimeter requirements:
  - 1. Front yard: 20 feet.
  - 2. Side yard: 10 feet (two required).
  - 3. Rear yard: 15 feet.
- D. Height: 50 feet.
- E. Parking shall be provided in accordance with Chapter 17.196. No open lot storage of unlicensed or inoperable vehicles shall be permitted.
- F. Landscaping and Open Space. Landscaping and open space, including perimeter plantings, shall be provided in accordance with the Preliminary Development Plan dated September 27, 2007, subject to any subsequent modifications thereto required by the Salisbury Planning Commission or City Council. Individual site landscaping shall be provided on a Landscaping Plan submitted in accordance with Chapter 17.180 as a part of the Comprehensive Development Plan.
- G. Signs. A Sign Plan, accompanied by written approval of the developer, shall be approved by the Salisbury Planning and Zoning Commission for each lot in Westwood Commerce Park PDD #2 as a part of the Comprehensive Development Plan.

**Section 17.122.060. Street standards.**

Accessways and street entrances shall be provided as shown on the Preliminary Development Site Plan dated September 27, 2007, subject to any subsequent modification thereto required by the City Council or Salisbury Department of Public Works and shown on the Final Development Plan.

**Section 17.122.070. Amendments.**

Amendments to Planned Development District No. 2 shall be in accordance with the procedures established in Chapters 17.108, 17.110, and 17.228.

**Section 17.122.080. Final Development Plan.**

Development of the site shall be in general conformance with the approved Preliminary Comprehensive Site Plan and Landscaping Plan dated September 27, 2007, approved by the City Council. The Preliminary Development Site Plan shall be recorded in the Land Records of Wicomico County.

**Section 17.122.090. Control of Development During Construction and After Completion.**

Development of Planned Development District No. 2 shall be controlled by the Final Development Plan as approved by the Planning Commission and any amendments thereto and Comprehensive Development Plans approved for individual site development. Where specific regulations are not addressed in this District, all other regulations of Title 17, Zoning, of the Salisbury Municipal Code shall govern.



# City of Salisbury – Wicomico County

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DIRECTOR OF ADMINISTRATION

March 17, 2017

Mr. John McClellan  
206 E. Main Street  
Salisbury, MD 21801

**#SP-1703 - PUBLIC HEARING - TEXT AMENDMENT - To add Sales and Service of Commercial trucks, Farm equipment, Excavation equipment, etc. in Westwood Commerce Park PDD #2.**

Dear Mr. McClellan:

The Salisbury Planning Commission at its March 16, 2017, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendment that would permit Heavy Equipment sales, service and repair in the Westwood Commerce Park PDD #2, as follows:

**AMEND SECTION 17.122.030, PERMITTED USES, BY ADDING ITEM D AS FOLLOWS:**

- D. HEAVY EQUIPMENT SALES, SERVICE AND REPAIR: SELLING, LEASING, AND REPAIRING VEHICLES AND/OR MACHINERY THAT MAY INCLUDE, BUT ARE NOT LIMITED TO, COMMERCIAL TRUCKS (INCLUDING TRACTOR TRAILERS), AGRICULTURAL EQUIPMENT, CONSTRUCTION/EXCAVATION EQUIPMENT, MOBILE CRANES, BOATS/YACHTS, BUSES, OR SIMILAR HEAVY EQUIPMENT. ACCESSORY USES MAY INCLUDE, BUT ARE NOT LIMITED TO, BODY SHOP (INCLUDING PAINTING), MACHINE SHOP, OUTSIDE DISPLAY AREAS, PARTS SALES, AND OFFICE USES, BUT EXCLUDES DISMANTLING OR SALVAGE.**

**AMEND SECTION 17.122.040, ACCESSORY USES AND STRUCTURES, BY AMENDING ITEM G AS FOLLOWS:**

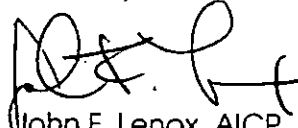
- G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use on a site. ~~excluding~~ The outside storage of materials and open lot display ~~of any kind~~ **IS SUBJECT TO APPROVAL BY THE SALISBURY PLANNING COMMISSION AS PART OF THE APPROVED COMPREHENSIVE DEVELOPMENT PLAN.****

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

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Lenox". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

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

cc: Mike Moulds, Director of City Public Works Department  
Bill Holland, Director of Building, Permits, and Inspections Department  
Assessments



**City of Salisbury – Wicomico County**  
 DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
 P.O. BOX 870  
 125 NORTH DIVISION STREET, ROOMS 203 & 201  
 SALISBURY, MARYLAND 21803-4860  
 410-548-4860  
 FAX: 410-548-4955



JACOB R. DAY  
 MAYOR

JULIA GLANTZ  
 CITY ADMINISTRATOR

BOB CULVER  
 COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
 DIRECTOR OF ADMINISTRATION

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE 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 SECTIONS 17.122.030 AND 17.122.040G TO ADD SALES AND SERVICE OF COMMERCIAL TRUCKS, HEAVY EQUIPMENT, ETC. AS PERMITTED USES AND PERMIT OPEN LOT DISPLAYS IN WESTWOOD COMMERCE PARK PDD #2.**

**WHEREAS**, the ongoing application, administration and enforcement of Title 17, Zoning of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation, and amendments 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 requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing procedural practices and input from the City Council and members of the public; and

**WHEREAS**, Krause Properties, LLC submitted an application to amend the text of Westwood Commerce Park PDD #2; and

**WHEREAS**, a Public Hearing on the proposed amendment 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 March 16, 2017; and

**WHEREAS**, the Planning Commission did recommend approval of the proposed text amendments to Sections 17.122.030, and 17.122.040G;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND**, that Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

**AMEND SECTION 17.122.030, PERMITTED USES, BY ADDING ITEM D AS FOLLOWS:**

- D. HEAVY EQUIPMENT SALES, SERVICE AND REPAIR: SELLING, LEASING, AND REPAIRING VEHICLES AND/OR MACHINERY THAT MAY INCLUDE, BUT ARE NOT LIMITED TO; COMMERCIAL TRUCKS (INCLUDING TRACTOR TRAILERS), AGRICULTURAL EQUIPMENT, CONSTRUCTION/EXCAVATION EQUIPMENT, MOBILE CRANES, BOATS/YACHTS, BUSES, OR SIMILAR HEAVY EQUIPMENT. ACCESSORY USES MAY INCLUDE, BUT ARE NOT LIMITED TO, BODY SHOP (INCLUDING PAINTING), MACHINE SHOP, OUTSIDE DISPLAY AREAS, PARTS SALES, AND OFFICE USES, BUT EXCLUDES DISMANTLING OR SALVAGE.**

**AMEND SECTION 17.122.040, ACCESSORY USES AND STRUCTURES, BY AMENDING ITEM G AS FOLLOWS:**

- G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use on a site. ~~excluding~~ The outside storage of materials and open lot display of ~~any kind~~ **IS SUBJECT TO APPROVAL BY THE SALISBURY PLANNING COMMISSION AS PART OF THE APPROVED COMPREHENSIVE DEVELOPMENT PLAN.****

**AND BE IT FURTHER ORDAINED BY 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 \_\_\_\_ day of \_\_\_\_\_, 2017, 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 on the \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
Kim Nichols  
City Clerk

\_\_\_\_\_  
John "Jack" Heath, President  
Salisbury City Council

Approved by me this  
day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jacob R. Day  
Mayor of the City of Salisbury