

ORDINANCE NO. 2737

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 17.212.030 OF THE SALISBURY CITY CODE TO ADD ANIMAL HOSPITALS TO THE CATEGORY OF USES PERMITTED IN SHOPPING CENTERS

WHEREAS, the ongoing application, administration and enforcement of Title 17 (Zoning) of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of Title 17 current, comply with present community standards and values, and promote the public safety, health and welfare of the citizens of the City of Salisbury (the “**City**”);

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

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

WHEREAS, the uses permitted in Shopping Centers currently includes a myriad of categories, including service establishments and medical offices. The inclusion of animal hospitals, as defined in Section 17.04.120, would provide an additional, but still substantially similar, use option in shopping centers;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Section 17.212.030 of the Salisbury City Code to permit animal hospitals in shopping centers;

WHEREAS, pursuant to Section 17.228.020 of the Salisbury City Code, any amendment to the Salisbury Zoning Code requires the recommendation of the Salisbury Planning and Zoning Commission (the “**Planning Commission**”) prior to the passage of an ordinance amending Chapter 17.212;

WHEREAS, a public hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of Section 17.228.020 of the Salisbury City Code on July 21, 2022;

WHEREAS, at the conclusion of its July 21, 2022 meeting, the Planning Commission recommended, by a vote of 7-0, that the amendments to Section 17.212.030 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 17.212.030 of the Salisbury City Code shall be adopted as set forth herein.

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

Section 1. Section 17.212.030 of the Salisbury City Code, entitled “Permitted Uses” shall be amended as follows:

Chapter 17.212 SHOPPING CENTERS

17.212.030 Permitted uses.

Land and buildings shall be designed, arranged and used solely for the following enumerated uses:

- A. Department stores;

- B. Retail establishments, including but not limited to the sale of appliances, wearing apparel, general merchandise and foodstuffs;
- C. Commercial service establishments, including but not limited to barbershops, beauty shops, tailor, repair of consumer products, professional services and automobile services;
- D. Recreational establishment, indoor;
- E. Theater and community meeting rooms;
- F. Offices and financial institutions;
- G. Eating and drinking establishments;
- H. Motels and hotels;
- I. Day-care services for employees and patrons of the shopping center;
- J. School of general instruction;
- K. School of special instruction;
- L. Warehouses or storage facilities;
- M. Medical office/clinic.
- N. Animal hospital, except that the following shall be prohibited: 24-hour and/or overnight care, boarding of animals, and/or outside pens or runs.**

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 12 day of September, 2022 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 26 day of September, 2022.

ATTEST:



 Kimberly R. Nichols, City Clerk



 John R. Heath, City Council President


Approved by me, this 30th day of September, 2022.



Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

To: Julia Glanz, City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development 
Date: August 8, 2022
Re: Zoning Code Text Amendment Amending Section 17.212.030

Banfield Pet Hospital applied for a text amendment to permit an Animal Hospital in Shopping Centers.

Following staff review the text amendment to section 17.212.030 was prepared by the City Attorney. The Planning Commission held a public hearing and forwarded a favorable recommendation to the City Council on July 21, 2022.

1. Ordinance for a text amendment to Zoning Code in Title 17 Zoning.
 - a. Amending Section 17.212.030 of the Salisbury City Code, entitled "Permitted uses," to add Animal Hospital as a permitted use in Shopping Centers.

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