



CITY OF SALISBURY CITY COUNCIL AGENDA

JANUARY 9, 2023

6:00 p.m.

Government Office Building, Room 301, Salisbury, Maryland and Zoom Video Conferencing

Times shown for agenda items are estimates only.

- 6:00 p.m. CALL TO ORDER
- 6:01 p.m. WELCOME/ANNOUNCEMENTS/PLEDGE
- 6:02 p.m. CITY INVOCATION- Bishop J. Anthony Dickerson, Greater Mt. Olive Full Gospel Baptist Church
- 6:04 p.m. ADOPTION OF LEGISLATIVE AGENDA
- 6:05 p.m. CONSENT AGENDA- City Clerk Kimberly Nichols
- November 21, 2022 Work Session Minutes
 - November 28, 2022 Council Meeting Minutes
 - December 5, 2022 Work Session Minutes
 - December 12, 2022 Council Meeting Minutes
 - December 19, 2022 Work Session Minutes
 - December 19, 2022 Special Meeting Minutes
 - **Resolution No. 3203**- to approve the appointment of Christina Williams to the Sustainability Advisory Committee (Green Team) for term ending January 2026
- 6:09 p.m. AWARD OF BIDS- Procurement Director Jennifer Miller
- Award of Bids**
- ITB 23-116 Sanitation Truck
- Declaration of Surplus**
- SPD: Uniform items
 - SPD: Misc. vehicles and skid steer loader
 - SPD: K-9
- 6:15 p.m. RESOLUTIONS- City Administrator Julia Glanz
- **Resolution No. 3204**- to authorize the Mayor to execute, on behalf of the City of Salisbury, a lease agreement between the First Baptist Church of Salisbury, Maryland and the City of Salisbury
 - **Resolution No. 3159**- approving the annexation to the City of Salisbury of a certain area of land situate contiguous to and binding upon the Easterly Corporate Limit of the City of Salisbury, to be known as the Sharen Drive Annexation
 - **Resolution No. 3160**- approving the annexation plan for the Sharen Drive Annexation

6:25 p.m. ORDINANCES- City Attorney Ashley Bosche

- **Ordinance No. 2764-** 2nd reading- approving an amendment to the FY 2023 General Fund Budget and the Grant Fund Budget further appropriating funds for the operation of the 2023 Maryland Folk Festival
- **Ordinance No. 2765-** 2nd reading- to amend Chapter 1 – The International Building Code, Section 15.04.020 of the City of Salisbury Municipal Code, granting the authority to require a new certificate of occupancy and inspection for any change of use, group, owner or tenant, and to clarify fire safety provisions regarding the Fire Marshal’s enforcement powers
- **Ordinance No. 2766-** 2nd reading- approving a budget amendment of the Water Sewer Capital Project Fund Budget to remove an appropriation for the Park Well Field Project
- **Ordinance No. 2767-** 2nd reading- approving a budget amendment of the General Capital Project Fund Budget to replace funding from bond proceeds for the Police Communication Project with PAYGO from the GOV Roof Project
- **Ordinance No. 2768-** 2nd reading- approving a budget amendment of the FY2023 General Fund Budget to appropriate additional funds required for Field Operations
- **Ordinance No. 2758-** 1st reading- pursuant to Chapters 17.108, 17.228 and 17.119.070 of Title 17, Zoning, of the Salisbury Municipal Code, and Title 4, Zoning of the Land Use Article of the Annotated Code of Maryland, for the purpose of amending Section 17.119.020 of the Salisbury City Code by adding to the area of Planned Development District No. 1-Roberton Farm (PDD No..1) two lots totaling 3.55 acres which together are on the North side of and binding on Sharen Drive, the South side of and binding on Old Ocean City Road-MD Route 346, the East side of and binding on the current corporate line of the City of Salisbury also being the current westerly line of PDD No. 1 and West of but not binding upon Phillip Morris Drive and more particularly described in Exhibit A
- **Ordinance No. 2769-** 1st reading- to amend Salisbury City Code to combine the Housing Board of Adjustment and Appeals, the Building Board of Adjustment and Appeals, and the Board of Zoning Appeals into a new board known as “Board of Appeals”
- **Ordinance No. 2770-** 1st reading- to reallocate the FY13 Bond proceeds so that they qualify to be used for the Raw Water Line at Naylor Mill project
- **Ordinance No. 2771-** 1st reading- to reallocate the FY16 Bond proceeds so that they qualify to be used for the Raw Water Line at Naylor Mill project
- **Ordinance No. 2772-** 1st reading- to reallocate the FY17 Bond proceeds so that they qualify to be used for the Raw Water line at Naylor Mill project

6:55 p.m. PUBLIC COMMENTS

7:00 p.m. ADMINISTRATION and COUNCIL COMMENTS

7:05 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk’s Office, Room 305 – City/County Government Office Building, 410-548-3140 or on the City’s website www.salisbury.md. 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.

NEXT COUNCIL MEETING – JANUARY 23, 2023

- **Ordinance No. 2770**- 2nd reading- to reallocate the FY13 Bond proceeds so that they qualify to be used for the Raw Water Line at Naylor Mill project
- **Ordinance No. 2771**- 2nd reading- to reallocate the FY16 Bond proceeds so that they qualify to be used for the Raw Water Line at Naylor Mill project
- **Ordinance No. 2772**- 2nd reading- to reallocate the FY17 Bond proceeds so that they qualify to be used for the Raw Water line at Naylor Mill project

Join Zoom Meeting
<https://us02web.zoom.us/j/88186172560>
Meeting ID: 881 8617 2560
Phone: 1.301.715.8592

Posted 1/5/23

1 CITY OF SALISBURY
2 WORK SESSION
3 NOVEMBER 21, 2022

4
5 Public Officials Present
6

Council President John “Jack” R. Heath
Councilwoman Angela M. Blake

Council Vice-President Muir Boda
Councilwoman Michele Gregory (via Zoom)

7
8 Public Officials Absent
9

10 Mayor Jacob R. Day
11 Councilwoman April Jackson
12

13 In Attendance
14

15 City Administrator Julia Glanz, Housing & Community Development (HCDD) Director Ron
16 Strickler (via Zoom), Arts, Business & Culture Department (ABCD) Director Allen Swiger,
17 Deputy Chief Chris O’Barsky, City Clerk Kimberly Nichols, Attorney Ashley Bosche (via
18 Zoom), and interested members of the public.
19 -----

20 On November 21, 2022 the Salisbury City Council convened at 4:30 p.m. in a hybrid
21 Work Session in Council Chambers and on Zoom Conferencing Video.
22

23 **Ordinance- False Alarm code adjustment**
24

25 HCDD Director Ron Strickler requested removing HCDD from the municipal infraction
26 portion of false alarms in the City Code since the department did not respond to false
27 alarms and therefore could not give testimony in court and every case would be lost. The
28 adjustment would remove the authority from HCDD to handle false alarm infractions.
29

30 Council reached unanimous consensus to advance the legislation to legislative agenda.
31

32 **Ordinance- budget amendment accepting funds for the Zoo’s Andean Bear Exhibit**
33

34 ABCD Director Allen Swiger discussed the need to invest in the Andean Bear Exhibit.
35 In order to advance to the next phase of the campaign an architectural design must be obtained.
36 A \$250,000 grant was awarded to the City from the Maryland Department of General Services
37 pending final approval by the State Board of Public Works. Although unsure of when the
38 approval would be received, Ms. Glanz assured Council that it would likely be awarded. Since
39 the City was at a standstill, Mr. Swiger requested a budget amendment in advance so that the
40 design work could begin. Once received, the grant funds would be returned to General Fund.
41

42 Council reached unanimous consensus to advance the legislation to legislative agenda.
43

44 **Ordinance to accept sub-granted funds from TidalHealth in the amount of \$62,500**
45 **for SWIFT**

46
47 Deputy Fire Chief Chris O’Barsky requested the approval of grant funds in the amount
48 of \$62,500.00 received as a sub-grantee from a TidalHealth grant to continue support of
49 the SWIFT program.

50
51 Council reached unanimous consensus to advance the legislation to legislative agenda.

52
53 **Ordinance to appropriate funds received from the Wicomico County Health**
54 **Department in the amount of \$10,000 for the Safe Station**

55
56 Deputy Chief O’Barsky reported the City had been part of the program for about five
57 years, along with the Health Department, which allowed persons battling addiction to get
58 help. To date, they had seen about 220 individual incidences at the location. The Fire
59 Department was reimbursed on a quarterly basis for a total of \$10,000 per year.

60
61 Council reached unanimous consensus to advance the legislation to legislative agenda.

62
63 **Ordinance to amend Chapter 2.12 of the Salisbury City Code to remove the**
64 **authority to enforce the City Fire Prevention Code from the Director of the**
65 **Department of Infrastructure and Development**

66
67 Deputy Chief O’Barsky said the ordinance would remove the authority from the DID
68 Director since the City had its own Fire Marshal’s Office to enforce the fire codes.

69
70 Council reached unanimous consensus to advance the legislation to legislative session.

71
72 **Presentation- RFP 22-106 Solar Photovoltaic Generation System**

73
74 Richard Anderson, Chief Operating Officer of CQI Associates, LLC provided the
75 presentation. A soil disposal area at the Wastewater Treatment Plant (WWTP) was
76 identified as an excellent location to develop the solar project. The solar production
77 could reduce the purchase of electricity from Delmarva Power by 30% for the WWTP.
78 Electricity costs were estimated to increase by over 55% based on current market
79 projections starting June 2025. The presentation has been attached as part of the minutes.

80
81 Ms. Blake asked if the City reviewed other proposals, and Mr. Anderson yes, that it was
82 a competitive Request for Proposals with multiple vendors. Ms. Glanz said it was a
83 heavy lift from Procurement but would save the City money in the long run.

84
85 Ms. Gregory appreciated that it would save the City quite a lot of money.

86
87 President Heath did not believe the City would get another opportunity to take such a
88 chunk out of greenhouse gases and looked forward to seeing the completed project.

89

90 Ms. Miller said that many of the other projects were very small in the number of metric
91 tons they could produce.

92
93 Mr. Boda and Mr. Heath both shared again that an 800-amp breaker was still needed for
94 Anne Street Village.

95
96 **Public Comments**

97
98 One speaker provided the public comments and thanked Council for their leadership
99 associated with the Anne Street Village. The Emergency Rental Assistance (ERA)
100 Program that Habitat for Humanity was part of for two years was ending. Habitat had
101 already closed out all of the open cases, Salisbury Neighborhood Housing was working
102 on theirs, and Shore Up had the largest back-log. Any monies left after December 1,
103 2022 would be transferred back to the County to be ultimately transferred to Shore Up.

104
105 Over the past two years \$26 million was expended to address the ERA Program. Even if
106 the \$26 million was divided two ways into \$13 million, the Continuum of Care (COC)
107 partners covering Wicomico, Worcester and Somerset only received \$1.3 million
108 annually for all three counties. This would put a strain on City services and Housing
109 First would be overloaded with cases. She wanted to ensure that the City was aware. The
110 COC partners and non-profit agencies were on a reimbursement schedule with the State,
111 and smaller non-profits without a thrift shop for supplemental funds would likely have to
112 stop serving vulnerable people until they received their reimbursement.

113
114 **Administration and Council Comments**

115
116 Ms. Glanz said she appreciated the speaker's comments but was unsure of an immediate
117 answer. The topic was regularly discussed in the Vulnerable Populations Task Force. She
118 agreed that Anne Street would only make a small dent locally. She thanked Field
119 Operations for getting the City into the holiday spirit, as it looked like a Winter
120 Wonderland around town. Third Friday was a great event and there were more events
121 planned in the coming weeks. Small Business Saturday was from 10:00 a.m. to 4:00 p.m.

122
123 Mr. Boda wished everyone a Happy Thanksgiving. He was happy to see the solar project.

124
125 Ms. Blake was very concerned about the housing situation. She asked for anyone healthy
126 enough to please donate blood, as the Eastern Shore continued to be very low.

127
128 Ms. Gregory remarked that if anyone was like her and lived in the UK in the 70's and
129 80's, they would be able to donate blood again.

130
131 President Heath concurred with Ms. Blake to donate blood if healthy enough, as there
132 was a national shortage. Operation We Care had another great packing event yesterday.
133 The City recognized Head Charge Nurse Lauren Mann of the Emergency Department
134 (ED) at TidalHealth. When Corporal Hilliard was mortally wounded and brought to the
135 ED, Lauren wanted him to have all the dignity and respect he deserved upon his

136 departure. She looked for a flag to cover him with, and as there were none, she asked
137 security to remove the hospital's flag to cover him with. She was thanked and recognized
138 by the Governor, Senate, Delegation, County and the City for her thoughtful humanity.

139
140 President Heath promoted shopping locally, as there were plenty of items to buy and no
141 lines. He then then wished everyone a happy and healthy Thanksgiving.

142
143 **Adjournment**

144
145 With no further business to discuss, President Heath adjourned the Work Session at 5:15 p.m.

146
147 _____
148 City Clerk

149
150 _____
151 Council President



OVERVIEW



November 16, 2022

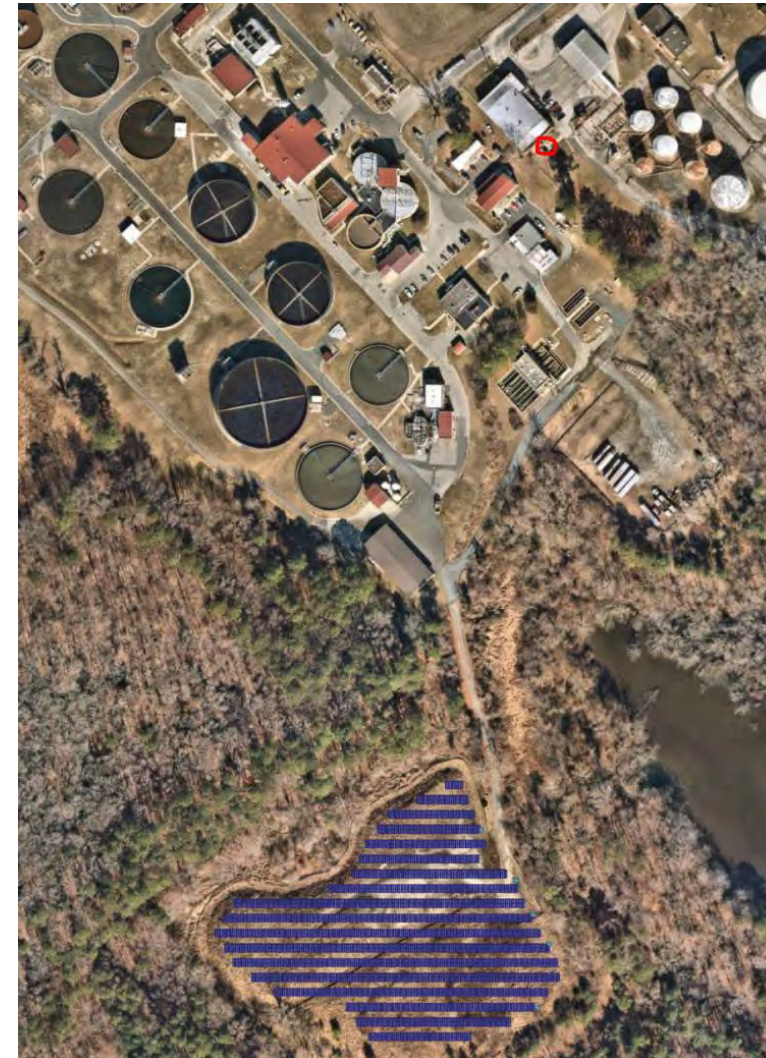
City of Salisbury

Waste Water Treatment Plant

Onsite Solar Photovoltaic Electricity Generation System

Spoils Site

CONTRACT NO. RFP 22-106





OVERVIEW



November 16, 2022





OVERVIEW



November 16, 2022





OVERVIEW



November 16, 2022



Ground Mount Solar

Behind the Meter Installation





OVERVIEW



November 16, 2022

- City conducted an assessment of City owned facilities and sites for development of on-site solar systems.
- The WWTP spoils site was selected as having the greatest potential for development of a solar system.
- Smaller on-site system development is possible at the City Service Center in the future.
- A Request for Proposal was issued and proposals received May 2022.
- Following the evaluation of proposals, the submission by **Empower Energies** was selected for review and negotiation.
- The Power Purchase Agreement was reviewed and the terms & conditions negotiated with Empower Energies, the City Attorney, City Staff and CQI Associates.



OVERVIEW



November 16, 2022

- WWTP - FY 2022 Annual Consumption: 8,401,463 kWh
- WWTP - FY 2022 Annual Cost: \$560,289

- Year One Expected Annual Solar Production: 2,513,388.5 kWh (AC)
- The potential solar production could reduce the purchase of electricity from DELMARVA by 30% for the WWTP

- Current electricity supply contract with Constellation ends May/June 2025
- Electricity costs are estimated to increase by over 55% based on current market projections starting June 2025



OVERVIEW



November 16, 2022

Key considerations for Council Review:

- 20 year agreement
- Empower Energies' solar system is turn key: owned, constructed, operated and maintained by developer
- City Capital Improvement Funding is not required
- City pays for the generated energy based on a per kilowatt rate
- Empower Energies has agreed to a 90% performance guarantee
- Empower Energies is required to remove the system at the end of the 20 year agreement and fully restore the site
- City has purchase options in years 7, 11, 16 and at the end of term



Offer Overview



November 16, 2022

- Contract Rate: \$0.078 per kWh
- Term: 20 Years
- Annual Escalation Rate Starting Year Two: 2% per year
- Year One Estimated Cost: \$197,301
- Estimated Savings – 20 Years: \$1,296,744
- Estimated Date for Commercial Operation: February – June 2024
- Year One Expected Annual Production: 2,513,388.5 kWh (AC)
- Annual production degradation rate is 1% per year
- Reduction in Greenhouse Gas Emissions: 1,100 metric tons
- Domestic Manufactured Solar Panels and Invertors
- Federal Investment Tax Credit Program and Inflation Reduction Act of 2022 include required Buy America and prevailing wage provisions to incentivize domestic production



Cost Comparison Projection



November 16, 2022

WWTP Net Meter Ground Mount 1752.72 kW/DC	Year	8,401,463 Production	Current CNE & Delmarva Rates				Solar PPA Rate & Delivery Offset				Estimated Annual Cost Reduction
			Supply Cost Constellation per kWh (2.0%/yr)	Delivery Cost DELMARVA per kWh	Bundled Consolidated per kWh	Electricity Annual Cost	Solar PPA Rate Empower Energies per kWh (2.0%/yr)	Delivery Cost DELMARVA per kWh	Bundled Consolidated per kWh	Electricity Annual Cost	
Cuurent Contract Rate*	2024	2,513,389	0.05184	0.0238	0.0756	\$190,113	0.07500	0.0005	0.0755	\$189,761	\$352
Rate Increase June 2025	2025	2,500,822	0.06860	0.0245	0.0931	\$232,862	0.07650	0.0005	0.0770	\$192,563	\$40,298
Rate Increase full year	2026	2,488,318	0.08535	0.0245	0.1099	\$273,382	0.07803	0.0005	0.0785	\$195,408	\$77,974
	2043	2,285,063	0.11915	0.0287	0.1479	\$337,889	0.10926	0.0005	0.1098	\$250,905	\$86,984
20 Year Totals		47,950,194				\$5,850,334				\$4,379,405	\$1,470,929

25.14%

*Production in first year is estimated to be 30% of WWTP use



Conclusion



November 16, 2022

- City has been seeking an opportunity to develop a solar project. The proposed WWTP solar project will meet this initial goal.
- **Climate Solutions Now Act of 2022** calls for Maryland to **reduce greenhouse gas emissions by 60% by 2031, below the 2006 baseline levels**
 - As of 2022 City GHG is **5,530 metric tons**
 - To reach goal, the City will need to reduce GHG Emissions by 2031 by **3,030 metric tons**
- The WWTP solar project reduces long-term costs, reduces GHG Emissions **by 1,100 metric tons**, and requires no initial Capital Investment
- Largest single GHG-Reduction effort to date



Next Steps



November 16, 2022

- Finalize the Power Purchase Agreement for signature – December 2022
- Proceed with 35% design for City review and approval – January 2022
- Apply to DELMARVA for utility interconnection approval – February 2023
- Conduct environmental assessments and permit application process – January to March 2023
- Proceed with 90% design for City review and approval – April 2023
- Confirm solar array and inverter orders – April - May 2023
- Receive DELMARVA utility interconnection and related permit approval – June - July 2023
- Site Work Start: August – September 2023
- Installation Completion: December 2023 to January 2024
- Commercial Operation Approval: February – June 2024
- Cost Reduction Impact FY 2025 (July 2024 to June 2025)



Reference



November 16, 2022

Year/Amount	GHG Metric Tons
2006 Baseline	6,280
Reduction to Date	750
Balance as of 2022	5,530
Goal by 2031	2,510
Amount to be Reduced 2024 to 2031	3,020



Reference



November 16, 2022

Year	Proposed Project Recommendations	Investment	Savings	GHG Reductions Base	GHG Reductions with Virtual Solar
2023	WWTP Solar	Rate per Generated kWh	\$17,300	1,100	1,100
	DELMARVA Lighting	Delmarva Funded	\$11,000	240	240
2024	O & M	\$18,660	\$10,165	88	88
	Off Site Solar	Rate per kWh	\$50,000	1,050	
	Virtual Off-Site Solar	Rate per kWh	\$168,000		3,670
2025	Lighting	\$120,285	\$18,560	166	166
	Gas Conversion	TBD	0	350	350
2026	HVAC	\$70,100	\$5,650	60	60
	Lighting	\$131,390	\$17,590	150	150
2027	HVAC	\$86,400	\$10,330	125	125
	Service Center Solar	Rate per kWh	\$15,000	150	150
2028	HVAC	\$243,500	\$13,000	110	110
	Reduction Estimate Totals	\$670,335	\$336,595	3,589	6,209

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

NOVEMBER 28, 2022

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 Council President John “Jack” R. Heath Mayor Jacob R. Day
8 Council Vice-President Muir Boda (Zoom) Councilwoman Angela M. Blake
9 Councilwoman Michele Gregory Councilwoman April Jackson

10
11 **IN ATTENDANCE**

12
13 City Administrator Julia Glanz, Fire Chief Tull, Deputy Chief O’Barsky, Code Compliance
14 Officer Dan Hogg, City Attorney Ashley Bosche, Assistant City Clerk Julie English, and
15 members of the public

16 *****
17 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

18
19 The City Council met in regular session at 6:00 p.m. via Zoom and in person. Council President
20 John R. “Jack” Heath called the meeting to order. After the recital of the pledge to the flag, Rev.
21 Dr. Maggie Gillespie of Wicomico Presbyterian Church provided the invocation.

22
23 **ADOPTION OF LEGISLATIVE AGENDA**

24
25 Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to approve the
26 legislative agenda as presented.

27
28 **CONSENT AGENDA**- presented by Assistant City Clerk Julie English

29
30 The consent agenda, consisting of the following items, was unanimously approved (5-0 vote) on
31 a motion and seconded by Ms. Blake and Ms. Gregory, respectively:

- 32
- **November 14, 2022 Council Meeting Minutes**
 - **Resolution No. 3198**- approving the re-appointment of David Plotts to the Parks & Recreation Committee for term ending November 2025

33
34 **ORDINANCES**- presented by City Attorney Ashley Bosche

- 35
- **Ordinance No. 2756- 2nd reading**- to amend Title 5 of the Salisbury City Code, Business Licenses and Regulations, to prohibit retail establishments from providing plastic carryout bags to customers

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (5-0) to approve Ordinance No. 2756 for second reading.

- **Ordinance No. 2757- 2nd reading**- approving a budget amendment of the FY2023 General Fund Budget to appropriate funds to the Salisbury Fire Department’s Operating Account

Ms. Jackson moved, Ms. Blake seconded, and the vote was unanimous (5-0) to approve Ordinance No. 2757 for second reading.

- **Ordinance No. 2759- 1st reading**- amending Section 1.16.100 of the Salisbury City Code, entitled “Waiver of Fines – Authority to Issue Citations – Violations and Penalties – Repealer’ to add to the categories of persons with the authority to issue citations for municipal infraction and further amending Section 8.04.050 of the Salisbury City Code entitled “False Alarms – Violations and Penalties” to clarify departmental responsibilities specific to false alarm fees and citations

Ms. Blake moved and Ms. Jackson seconded to approve Ordinance No. 2759 for first reading.

- **Ordinance No. 2760- 1st reading**- approving an amendment to the FY2023 General Fund Budget and the Grant Fund so to further appropriate funds for redesign of the Salisbury Zoo’s Andean Bear exhibit

Ms. Jackson moved, Ms. Blake seconded, and the vote was 5-0 to approve Ordinance No. 2760 for first reading.

- **Ordinance No. 2761- 1st reading**- authorizing the Mayor to enter into a memorandum of understanding with the Wicomico County Health Department and approving a budget amendment of the FY2023 General Fund Budget to appropriate funds received from the Wicomico County Health department in the amount of \$10,000.00

Ms. Blake moved, Ms. Jackson seconded, and the vote was 5-0 to approve Ordinance No. 2761 for first reading.

- **Ordinance No. 2762- 1st reading**- authorizing the Mayor to enter into a contract with TidalHealth for the purpose of accepting sub-granted funds in the amount of \$62,500

Mr. Jackson moved, Ms. Gregory seconded, and the vote was 5-0 to approve Ordinance No. 2762 for first reading.

- **Ordinance No. 2763- 1st reading**- to amend Chapter 2.12 of the Salisbury City Code, entitled “Department of Infrastructure and Development,” for the purpose of removing the authority to enforce the City Fire Prevention Code from the Director of the Department of Infrastructure and Development

Ms. Blake moved, Ms. Jackson seconded, and the vote was unanimous to approve Ordinance No. 2763 for first reading.

36
37
38

PUBLIC COMMENTS

39 *There were no requests for public comments.*

40

41 **ADMINISTRATION AND COUNCIL COMMENTS**

42

43 *Mayor Day referenced the Topping Out ceremony that was held at the top of the Ross building. He*
44 *referred to the building as “a symbol of a huge investment in the heart of our city.” He also shared*
45 *the attention the plastic bag ban was getting. Lastly, he announced that the City would be having its*
46 *annual holiday party and awards banquet on Friday.*

47

48 *Ms. Glanz thanked all who were in attendance to support the plastic bag ban. She added that public*
49 *education will be the next step in this process.*

50

51 *Mr. Boda expressed his excitement for the upcoming holiday party and awards banquet. He hoped*
52 *everyone had a great Thanksgiving with their family and he was looking forward to Christmas.*

53

54 *Ms. Jackson commended the young man who ran back into the burning building to rescue his sister.*
55 *She also mentioned how much she was looking forward to the awards banquet and the Christmas*
56 *parade.*

57

58 *Ms. Blake asked for anyone who was healthy enough to please donate blood.*

59

60 *Ms. Gregory was looking forward to the parade and Christmas party as well. She also hoped*
61 *everyone had recovered from Thanksgiving.*

62

63 *President Heath echoed what Ms. Blake shared about the need for blood and encouraged those who*
64 *were healthy enough to please give blood. He added that he received about 15 emails in favor of the*
65 *plastic bag ban and one that opposed it.*

66

67 *Mayor Day acknowledged the scouts from PAC151 who were in attendance to see government in*
68 *action. He shared that they would be visiting the Mayor’s Office at the conclusion of the council*
69 *meeting.*

70

71 **ADJOURNMENT**

72

73 *With no further business to discuss, the meeting adjourned at 6:38 p.m.*

74

75

76 _____
City Clerk

77

78

79 _____
Council President

1 CITY OF SALISBURY
2 WORK SESSION
3 DECEMBER 5, 2022
4

5 Public Officials Present
6

Council President John “Jack” R. Heath
Council Vice-President Muir Boda
Councilwoman Michele Gregory

Mayor Jacob R. Day
Councilwoman Angela M. Blake
Councilwoman April Jackson

7
8 In Attendance
9

10 Deputy City Administrator Andy Kitzrow, Housing & Community Development (HCDD)
11 Director Ron Strickler (via Zoom), Arts, Business & Culture Department (ABCD) Director Allen
12 Swiger, Deputy Chief Chris O’Barsky, City Clerk Kimberly Nichols, Attorney Ashley Bosche
13 (via Zoom), and interested members of the public.
14

15 -----
16 On December 5, 2022 the Salisbury City Council convened at 4:30 p.m. in a hybrid Work
17 Session in Council Chambers and on Zoom Conferencing Video.

18 **Ordinance to amend Chapter 1 of the City of Salisbury Municipal Code, granting**
19 **the authority to require a new certificate of occupancy and inspection for any**
20 **change of use, group, owner or tenant, and to clarify fire safety provisions**
21 **regarding the fire marshal’s enforcement powers**
22

23 Building Official Bill Holland and Building Inspector Chad Goblinger joined Council at
24 the table to present the proposed amendment to require a new Certificate of Occupancy
25 (CO) for commercial occupancies prior to the change of tenants. Currently, the building
26 code required a new CO with the change in occupancy/use classification.
27

28 On numerous occasions City Inspectors have discovered interior alteration changes
29 without the required permits, inspections, or new CO upon occupancy of new tenants. If
30 a building permit was not required, only a walk-thorough inspection would be necessary.
31

32 Council reached unanimous consensus to advance the legislation to legislative agenda.
33

34 **Ordinance- budget amendment to appropriate funds for the operation of the 2023**
35 **Maryland Folk Festival (MDFP)**
36

37 Deputy City Administrator Andy Kitzrow and Events & Culture Manager Caroline
38 O’Hare presented the budget amendment.
39

40 Mr. Kitzrow explained the budget amendment would help fund the MDFP, which would
41 require \$675,000.00. Out of that, about 1/3 was sponsorships, 1/3 was grants, and the
42 remaining 1/3 was from money made on site from vendors, alcohol sales, etc. The budget

43 amendment would help begin procuring the event, and from there moving forward they
44 would begin collecting the revenue.

45
46 Ms. O’Hare provided an overview of the upcoming event, which would be a four-stage
47 event with the addition of a local stage at the end of Main Street to drive traffic down
48 Main Street to businesses and vendors. While it has always been a vibrant part of the
49 festival, they wanted an anchor at the end. They were very conscience of costs and the
50 festival was decreased by about ½ of what the original budget was.

51
52 Council reached unanimous consensus to advance the legislation to legislative agenda.

53
54 **Administration and Council Comments**

55
56 Mayor Day thanked Council again for passing the plastic bag ban. There was a press
57 conference today with the public about the challenges in implementing the legislation.

58
59 Mr. Boda said the Christmas Parade was a great time.

60
61 Ms. Jackson said the Awards Banquet was lovely and commended everyone who helped
62 plan the party. She wanted more participants in the Christmas Parade next year. Next
63 weekend was her annual Senior Citizens Christmas Dinner and Gift Giveaway. So far,
64 she had over 200 seniors attending. She invited the other Council members to come out.
65 She asked everyone to stay safe, lock their vehicles, carry as little cash as possible, and
66 to not shop alone at night.

67
68 Ms. Blake said the Christmas Parade was very nice and asked for anyone healthy enough
69 to please donate blood.

70
71 Ms. Gregory asked about the 8-amp breaker for the Ann Street Village, and there was
72 none found yet. The parade was great and a lot of fun!

73
74 President Heath seconded the need for blood. It was badly needed. He was scheduled to
75 make Bark and would attend April’s party if he could still walk afterwards! The Awards
76 Banquet was very nice.

77
78 **Adjournment**

79
80 With no further business to discuss, President Heath adjourned the Work Session at 4:44 p.m.

81
82 _____
83 City Clerk

84
85 _____
86 Council President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **REGULAR MEETING**

DECEMBER 12, 2022

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council President John “Jack” R. Heath* *Council Vice-President Muir Boda*
8 *Councilwoman Michele Gregory* *Councilwoman April Jackson*

9
10 **PUBLIC OFFICIALS ABSENT**

11
12 *Mayor Jacob R. Day*
13 *Councilwoman Angela Blake*

14
15 **IN ATTENDANCE**

16
17 *Deputy City Administrator Andy Kitzrow, Acting County Administrator Bunky Luffman, Fire*
18 *Chief Tull, Deputy Chief Chris O’Barsky, Building Official Bill Holland, Building Inspector*
19 *Chad Goblinger, City Attorney Ashley Bosche, City Clerk Kimberly Nichols, and members of the*
20 *public*

21 *****

22 **CITY INVOCATION – PLEDGE OF ALLEGIANCE**

23
24 *The City Council met in regular session at 6:00 p.m. via Zoom and in person. Council President*
25 *John R. “Jack” Heath called the meeting to order and welcomed Mr. Bunky Luffman, Acting*
26 *County Administrator, to the meeting. After the recital of the pledge to the flag, Pastor Greg*
27 *Carlson of the Park Seventh-day Adventist Church provided the invocation.*

28
29 **ADOPTION OF LEGISLATIVE AGENDA**

30
31 *Ms. Jackson moved and Ms. Gregory seconded to approve the legislative agenda as presented.*

32
33 *Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous to approve amending the*
34 *legislative agenda by removing the Presentation of the FY22 Audit.*

35
36 *The legislative agenda, as amended, was approved by unanimous vote in favor.*

37
38 **CONSENT AGENDA**- *presented by City Clerk Kimberly Nichols*

39
40 *The Consent Agenda, consisting of the following items, was unanimously approved on a motion*
41 *and second by Ms. Jackson and Ms. Gregory, respectively.*

- 42
43 • *Approving the Manufacturing Exemption request for Machining Technologies, Inc for*
44 *equipment purchased in 2019*
45 • *Approving the Manufacturing Exemption request for Jubilant Cadista Pharmaceuticals*
46 *Inc. for equipment purchased in 2020*
47 • *Approving the Manufacturing Exemption request for Jubilant Cadista Pharmaceuticals*

48 *Inc. for equipment purchased in 2021*

49
50 **AWARD OF BIDS**- presented by Procurement Director Jennifer Miller

51
52 *The following items were unanimously approved on a motion and seconded by Mr. Boda and Ms.*
53 *Jackson, respectfully:*

54
55 *Award of Bid(s)*

- 56 • *1. RFP 22-106 Solar Photovoltaic Generation System* \$3,877,141.78 (20 yr. term)

57
58 *Approval of Tier 6 Change Order*

- 59 • *1. RFP 20-103 Lab Info Mgmt System- Change Order #5* \$ 8,400.00

60
61 **ORDINANCES**- presented by City Attorney Ashley Bosche

- 62
- **Ordinance No. 2759**- 2nd reading- amending Section 1.16.100 of the Salisbury City Code, entitled “Waiver of Fines – Authority to Issue Citations- Violations and Penalties- Repealed” to add to the categories of persons with the authority to issue citations for municipal infractions and further amending Section 8.04.050 of the Salisbury City Code entitled “False Alarms – Violations and Penalties” to clarify departmental responsibilities specific to false alarm fees and citations

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2759 for second reading.

- **Ordinance No. 2760**- 2nd reading- approving an amendment to the FY 2023 General Fund Budget and the Grant Fund so to further appropriate funds for redesign of the Salisbury Zoo’ Andean Bear exhibit

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2760 for second reading.

- **Ordinance No. 2761**- 2nd reading- authorizing the Mayor to enter into a memorandum of understanding with the Wicomico County Health Department and approving a budget amendment of the FY2023 General Fund Budget to appropriate funds received from the Wicomico County Health Department in the amount of \$10,000.00

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2761 for second reading.

- **Ordinance No. 2762**- 2nd reading- authorizing the Mayor to enter into a contract with TidalHealth for the purpose accepting sub-granted funds in the amount of \$62,500

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2762 for second reading.

- **Ordinance No. 2763**- 2nd reading- to amend Chapter 2.12 of the Salisbury City Code, entitled “Department of Infrastructure and Development”, for the purpose of removing the authority to enforce the City Fire Prevention Code from the director of the Department of Infrastructure and Development

Ms. Jackson moved, Ms. Gregory seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2763 for first reading.

- **Ordinance No. 2764**- 1st reading- approving an amendment to the FY 2023 General Fund Budget and the Grant Fund Budget further appropriating funds for the operation of the 2023 Maryland Folk Festival

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2764 for first reading.

- **Ordinance No. 2765**- 1st reading- to amend Chapter 1 – The International Building Code, Section 15.04.020 of the City of Salisbury Municipal Code, granting the authority to require a new certificate of occupancy and inspection for any change of use, group, owner or tenant, and to clarify fire safety provisions regarding the Fire Marshal’s enforcement powers

Ms. Jackson moved, Mr. Boda seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2765 for first reading.

Mr. Boda shared that he received a couple of phone calls about this ordinance last week with questions about some of the other residential zonings (larger apartment buildings) and also mixed-use situations where commercial was on one or two floors and then apartments on the top. He asked if they had a change in tenant, would the fire marshal have to come down and certify occupancy? It may be interpreted differently later on at another time. Ms. Bosche said she would speak internally with “the City” and make some revised edits in time for the second reading.

- **Ordinance No. 2766**- 1st reading- approving a budget amendment of the Water Sewer Capital Project Fund Budget to remove an appropriation for the Park Well Field Project

Ms. Gregory moved, Ms. Jackson seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2766 for first reading.

- **Ordinance No. 2767**- 1st reading- approving a budget amendment of the General Capital Project Fund Budget to replace funding from bond proceeds for the Police Communication Project with PAYGO from the GOV Roof Project

Mr. Boda moved, Ms. Jackson seconded, and the vote was unanimous (4-0) to approve Ordinance No. 2767 for first reading.

63
64
65

PUBLIC COMMENTS

66 *There were no requests for public comments.*

67

68 **ADMINISTRATION AND COUNCIL COMMENTS**

69

70 *Mr. Kitzrow announced the Santa's Workshop was held last Thursday by the Housing &*
71 *Community Development Department where toys are given 300 of the City residents' children. Last*
72 *Friday, the first Santa's Village and Jolly Trolley Tour was held, and had over 100 participants. It*
73 *would be held again on Friday, December 16, 2022 from 6:00 p.m. to 8:00 p.m. Everyone was*
74 *invited to the Truitt Street groundbreaking for the facility's expansion tomorrow, December 13,*
75 *2022 at 2:00 p.m. at the Truitt Street Center. The Vulnerable Populations One Stop Shop would be*
76 *held this Saturday from 1:00 p.m. to 3:00 p.m. at Wi Hi to offer free food, vaccines, community*
77 *resources and language support.*

78

79 *Mr. Boda wished everyone a Merry Christmas.*

80

81 *Ms. Jackson shared her concerns about the housing issues in the City about which she received*
82 *several calls in the past two weeks. Single parents were faced with paying between \$1,000 to \$1,800*
83 *per month for housing and having to work two and three jobs to ensure they were housed properly.*
84 *Some of the homes that rented for \$1,000 were uninhabitable; she could not understand how*
85 *anyone could charge people for housing that they themselves would not live in. It was disheartening*
86 *and she indicated that there would be even more homeless people if the City did not do something.*
87 *Maintenance work was not being done for the apartments. More affordable housing was needed*
88 *immediately. Ms. Jackson also asked everyone to be mindful of their safety while holiday shopping.*
89 *Keep doors locked and do not shop alone at night.*

90

91 *There were over 279 attendees at the Senior Christmas Dinner and Gift Giveaway. She appreciated*
92 *all donors, volunteers and young adults who worked. She also thanked Ms. Gregory for attending.*

93

94 *Ms. Gregory reminded everyone to get their COVID booster and flu vaccine. RSV was also going*
95 *around and was very bad.*

96

97 *President Heath made a plea for blood donations. The State of Maryland was extremely low, along*
98 *with most of the nation. He recognized Councilwoman Jackson for her efforts over the weekend and*
99 *agreed with her regarding the housing situation. The only thing that would reduce prices was*
100 *competition. When Here is Home comes aboard, there would be a great change to drive prices*
101 *down. He invited the attendees to have a piece of Christmas Bark that he and his family made.*

102

103 **ADJOURNMENT**

104

105 *With no further business to discuss, the meeting adjourned at 6:47 p.m.*

106

107

108 _____
City Clerk

109

110 _____

111 *Council President*

CITY OF SALISBURY
WORK SESSION
DECEMBER 19, 2022

Public Officials Present

Council President John “Jack” R. Heath
Councilwoman Angela M. Blake

Council Vice-President Muir Boda (via Zoom)
Councilwoman Michele Gregory

In Attendance

City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Finance Director Keith Cordrey, City Planner Brian Soper, City Clerk Kimberly Nichols, Attorneys Ashley Bosche and Laura Hay (via Zoom), and interested members of the public.

On December 19, 2022 the Salisbury City Council convened at 4:30 p.m. in a hybrid Work Session in Council Chambers and on Zoom Conferencing Video.

Faith Baptist Parking lot lease agreement

Deputy City Administrator Andy Kitzrow noted the Faith Baptist parking lot was the lot adjacent to the Lake Street Playground. The original agreement expired about two years ago and the lease agreement would re-establish the relationship with the church for the City to have access to the parking lot.

Council reached unanimous consensus to advance the legislation to legislative agenda.

Ordinance to amend the Salisbury City Code to combine the Housing Board of Adjustment and Appeals, the Building Board of Adjustment and Appeals, and the Board of Zoning Appeals into a new board known as the “Board of Appeals”

City Planner Brian Soper joined Council and Associate City Attorney Laura Hays joined via Zoom. She explained the ordinance combined three of the City boards- Housing, Building and Zoning Appeals. The Board of Zoning Appeals met fairly often but the other boards had not met in quite some time. There were various issues with staffing and with people volunteering to serve on the boards. Since they were not utilized very often, the thought was to create an overall Board of Appeals which would mainly hear the Zoning Appeals, but would also be able to hear cases from the other Boards to the extent they were needed. The Board would be fully staffed and operational.

Ms. Hays explained the reason the ordinance was so long was because everywhere in the Code where Board of Zoning Appeals was referenced, the word “Zoning” had to be removed. Having a Board of Appeals was required by statute, so she said she attempted to mirror the City’s Code to the State Code more concisely. She also corrected some of the issues in terms of how long people would have to appeal decisions. It was different

44 depending on department and where the appeal originated and uniformity was hopefully
45 achieved with a uniform 21 days for all appeals.

46
47 Mr. Soper added that by compiling the boards they would end up with a better board that
48 made use of the individuals that presented themselves to serve by consolidating them
49 into one stronger board.

50
51 Mr. Boda asked if the board would be five or seven members and if being a resident of
52 the City was required. Ms. Hay said there would be at least five members with up to two
53 alternates. They would include preference to certain professionals who wanted to serve.
54 Ms. Hay directed Council to Line 1660, Composition of the Board. Preference was given
55 to a building professional, architect, engineer, tenant, property owner and attorney as
56 well as others who have expressed a special interest of knowledge.

57
58 President Heath asked if in the transition, would the new board consist of at least one
59 member from one of the other boards to ensure continuity. Ms. Glanz said they had
60 invited everyone currently serving to submit applications and some had already applied.

61
62 Mr. Soper said the Board of Zoning Appeals currently had five members. It was standard
63 to have five with two alternates. Going down to one board, if the Council saw fit to
64 increase membership to seven, the potential was there to have the full number of
65 members. However, it had been difficult to staff the current boards. The Board of Zoning
66 Appeals was currently at three.

67
68 Council reached unanimous consensus to advance the legislation to legislative agenda.

69
70 **Presentation of FY22 Audit and Financial Statements**

71
72 Finance Director Keith Cordrey joined Council at the table along with Timothy Sawyer
73 of Barbacane Thornton & Company (BT&C), who joined via Zoom.

74
75 Mr. Sawyer introduced Joseph Manfre of BT&C, the audit supervisor who provided the
76 following audit summary to Council:

77
78 *The audit field work began on November 7, 2022 and completed on December 6,*
79 *2022. BT&C issued an unmodified or clean opinion on the audit opinions of the*
80 *City's governmental, business-type activities. Each major fund, aggregate*
81 *remaining fund information that reported on internal control over financial*
82 *reporting and on compliance and over other matters based on the audit of the*
83 *financial statements performed in accordance with government auditing*
84 *standards and the report of compliance with each major program, and on internal*
85 *control over compliance required by uniform guidance. Since the City spent over*
86 *\$750,000 in federal expenditures, the single audit was required.*

87
88 *In the audit, BT&C reviewed the internal control systems processing transactions*
89 *for the City (cash receipts, disbursements, payroll). Everything they reviewed was*

90 *designed to operate effectively. They tested 40 expenditure transactions and 40*
91 *water & sewer billings and found no issues with the samples selected.*

92
93 *BT&C assisted with the preparation of journal entries for the pension and OPEB*
94 *liabilities in accordance with GASB 58 and GASB 75. Mr. Manfre first reviewed*
95 *Cash, Restricted Cash, Investment Pool and Receivables. He then discussed*
96 *Capital Assets, Bonds and Net Position, followed by Governmental Fund*
97 *Balances, Governmental Fund Revenues, Governmental Expenditures, and Water*
98 *& Sewer Operating Results.*

99
100 *Mr. Manfre reported that the scope and timing of the audit were consistent with*
101 *what was planned by management, and again stated BT&C issued an unmodified*
102 *opinion on the City's financial statements for Year Ended June 30, 2022. The City*
103 *had not adopted any new accounting policies for the year, and they were unaware*
104 *of any accounting policies used by the City that could be controversial or lack*
105 *guidance. The proposed adjusting entries for pension and OPEB were reviewed*
106 *and approved by management and were reflected in the financial statements.*
107 *There were no material weaknesses or significant deficiencies identified, and they*
108 *were not aware of any fraud or illegal acts or any matters that lacked*
109 *professional judgment that would impair their independence.*

110
111 President Heath said that Mr. Cordrey had established a baseline of perfection and
112 thanked Messrs. Sawyer and Manfre and their team. Mr. Sawyer thanked the City for
113 entrusting the firm to perform the audit and for working so well with them.

114
115 Mr. Boda appreciated Mr. Cordrey and his team providing another clean audit and for
116 handling the citizens' money appropriately every day.

117
118 Mses. Blake and Gregory both were grateful for Mr. Cordrey and his team for doing such
119 a great job with the City's finances.

120
121 President Heath said this was his sixth or seventh audit since coming on Council, and it
122 was better every year. He knew the success was from having a great leader, and great
123 leaders surround themselves with great people. He told Mr. Cordrey he had obviously
124 done that. Mr. Cordrey said he was very fortunate with his staff.

125
126 **Adjournment**

127
128 With no further business to discuss, President Heath adjourned the Work Session at 4:55
129 p.m. and Council immediately convened in the scheduled Special Meeting.

130
131 _____
132 City Clerk

133
134 _____
135 Council President

1 **CITY OF SALISBURY, MARYLAND**

2
3 **SPECIAL MEETING**

DECEMBER 19, 2022

4
5 **PUBLIC OFFICIALS PRESENT**

6
7 *Council President John “Jack” R. Heath* *Council Vice President Muir Boda (via Zoom)*
8 *Councilwoman Angela M. Blake* *Councilwoman Michele Gregory*
9

10
11 **PUBLIC OFFICIALS ABSENT**

12
13 *Mayor Jacob R. Day*
14 *Councilwoman April Jackson*

15
16 **IN ATTENDANCE**

17
18 *City Administrator Julia Glanz, Deputy City Administrator Andy Kitzrow, Finance Director*
19 *Keith Cordrey, City Attorney Ashley Bosche (via Zoom) and City Clerk Kimberly Nichols*
20

21 *****
22 *The City Council convened in a Work Session at 4:30 p.m. At 4:55 p.m. the Work Session was*
23 *adjourned and Council immediately convened in the Special Meeting.*
24

25 **ADOPTION OF LEGISLATIVE AGENDA**

26
27 *Ms. Blake moved, Ms. Gregory seconded, and the vote was unanimous (4-0 vote) to approve the*
28 *Special Meeting agenda as presented.*
29

30 **ACCEPTANCE OF FY22 AUDIT**

31
32 *Ms. Gregory moved, Ms. Blake seconded, and the vote was 4-0 to approve accepting the FY22*
33 *Audit as presented.*
34

35 *Mr. Boda said he was very proud of the work done by the Finance team.*

36
37 **ADMINISTRATION AND COUNCIL COMMENTS**

38
39 *City Administrator Julia Glanz thanked Mr. Cordrey and the Finance Team and said she*
40 *realized how lucky the City was to have them. On Saturday, the Vulnerable Population Task*
41 *Force held the One Stop Shop Outreach Event at Wi-Hi. There was lots of food and resources*
42 *handed out, thirty-five vaccines were provided, and a newly engaged partnership with the*
43 *Department of Social Services (DSS) was established with the residents present to fill out*
44 *applications. This was the DSS’s first time of going to the streets.*

45
46 *Ms. Glanz wished everyone a happy holiday next week. City offices would be closed on Friday.*
47

48 *Mr. Boda wished everyone a Merry Christmas!*

49
50 *Ms. Blake wished everyone a Merry Christmas and asked those healthy enough to donate blood.*

51
52 *Ms. Gregory wished all of her Jewish friends a Happy Hanukkah and Happy Holidays to all, and*
53 *reminded everyone to get their vaccines so everyone could be safe.*

54
55 *President Heath reiterated Ms. Blake’s plea for donating blood. He attended the groundbreaking*
56 *for the Adopt-A-Block’s new building on Bennie Street and said it was a tremendous program.*
57 *He then wished everyone a great holiday season no matter what they celebrated and looked*
58 *forward to seeing everyone in the new year.*

59
60 **ADJOURNMENT**

61
62 *With no further business to discuss, the Special Meeting adjourned at 5:00 p.m.*

63
64 _____
65 *City Clerk*

66
67 _____
68 *Council President*



MEMORANDUM

To: Jacob R. Day, Mayor
From: Jessie Turner, Administrative Assistant
Subject: Appointment to the Sustainability Advisory Committee (Green Team)
Date: December 9, 2022

The following person has applied for appointment to the Sustainability Advisory Committee for the term ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Christina Williams	January 2026

Attached is the applicant's information and the resolution necessary for her appointment. If this appointment is approved, it will be placed on the next City Council agenda for review.

Attachments

OK
JRD

1 **RESOLUTION NO. 3203**

2
3 BE IT RESOLVED, by the City of Salisbury, Maryland that the following
4 individual is appointed to the Sustainability Advisory Committee for the term ending as
5 indicated.

6
7

<u>Name</u>	<u>Term Ending</u>
Christina Williams	January 2026

8
9
10
11
12 THE ABOVE RESOLUTION was introduced and duly passed at a meeting of the
13 Council of the City of Salisbury, Maryland held on January _____, 2023.

14 ATTEST:

15
16
17
18 _____
19 Kimberly R. Nichols
20 CITY CLERK

John R. Heath
PRESIDENT, City Council

21
22
23 APPROVED BY ME THIS

24
25 _____ day of _____, 2023

26
27
28 _____
29 Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

COUNCIL AGENDA – Department of Procurement

January 9, 2023

Award of Bid(s)

1. ITB 23-116 Sanitation Truck	\$106,873.52
--------------------------------	--------------

Declaration of Surplus

1. SPD: Uniform items	\$	0.00
2. SPD: Misc. vehicles and skid steer loader	\$	0.00
3. SPD: K-9	\$	0.00



City of
Salisbury
Jacob R. Day, Mayor

To: Mayor and City Council
From: Jennifer Miller
Director of Procurement
Date: January 9, 2023
Subject: Award of Bids

The Department of Procurement seeks Award of Bid approval from City Council for the solicitation(s) as defined herein.

ITB 23-112 Sanitation Truck

- Department: Field Operations
- Specifications: 2025 International HV607 conventional cab/chassis
- Cooperative contract(s):
 - Sourcewell 060920-NVS Class 4-8 Chassis w/Related Equipment, Accessories, and Services (exp. 08/01/2024)
- Vendor(s): Beltway International, LLC (Baltimore, MD)
- Cost: \$106,873.52 (cab/chassis only)
- GL Account(s): 32061-577025 Waste Collection - Vehicles
- Notes:
 - ITB 22-126 Sanitation Truck from International of Delmarva (cab/chassis) and Mid-Atlantic Waste Systems (refuse body)
 - Awarded 5/23/22
 - Original order price of cab/chassis: \$99,780
 - Original order price of refuse body: \$111,505.08
 - International pulled dealer allocation to International of Delmarva due to supply chain issues; order was cancelled
 - Order for Heil PT1000 Refuse Body under Mid-Atlantic Waste Systems remains intact under ITB 22-126
 - Sourcewell 091219-THC Mobile Refuse Collection Vehicles w/Related Equipment, Accessories, and Services
 - City of Salisbury Charter, Section SC 16-3 (9) General Policy of Competitive Bidding, Exceptions - Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract.”



City of
Salisbury
Jacob R. Day, Mayor

The Department of Procurement seeks approval from City Council to declare the following items as surplus and to dispose of the items as indicated:

Salisbury Police Department

- Item(s): 55 Stetson-brand straw hats and 70 pairs of Horace police auxiliary pants
- Method of disposal: Public sale

- Item(s): Two seized vehicles, SPD Vehicles #29, 23 and 1473 and Skid-Steer Loader
- Method of disposal: Salvage and/or public sale where appropriate

- Item(s): Police K-9
- Method of disposal: Adoption

Additional details regarding the items can be found in the departmental memo(s).



City of
Salisbury
Salisbury Police Department


Date: December 16, 2022
To: Jennifer Miller
Director of Procurement
From: B. Tucker #7190
Quartermaster
Subject: SURPLUS ITEMS

With the permission of the Chief of police The Salisbury Police Department is requesting the listed items be declared as surplus, since they are no longer of any use to the Salisbury Police Department. The below listed items are either outdated, worn or broken beyond repair, and are no longer needed or have been replaced with new and/or upgraded items. The items will either be sold at auction, or if unsalable disposed of per. City of Salisbury Code and the Salisbury Police Department Written Directives.


I request permission to declare, as surplus, the following item/s:

1. Fifty-Five (55) straw hats, Stetson brand, various sizes, new and used. The items are outdated or no longer used. (to be sold at auction on govdeals.com)
2. Seventy (70) uniform pants (police auxiliary) , Horace brand, various sizes new and used. The items are outdated or no longer used. (to be sold at auction on govdeals.com)

Respectfully Submitted,


B. Tucker #7190
Quartermaster's Office

Approved:


Barbara Duncan
Chief of Police



699 W. Salisbury Parkway
Salisbury, MD 21801
410-548-3165
www.salisburypd.com





City of
Salisbury
Salisbury Police Department

DATE: December 14, 2022
TO: Jennifer Miller
Director of Procurement
FROM: Stevenson Saby
Quartermasters Office
SUBJECT: SURPLUS VEHICLES– DECLARED TOTALED

The Salisbury Police Department requests that six (6) vehicles be declared surplus since these vehicles are no longer serviceable. Quartermasters Office inspected the vehicle and determined that the transmission and several other internal parts would need replacement at a cost exceeding several thousand per vehicle. SPD supervision reviewed the maintenance records on the vehicles. It determined that further maintenance funds should not be allocated to the below-mentioned vehicles.

- 1. Seized Mitsubishi Galant (VIN: 4A3AA46G53E048983)
- 2. Seized vehicle, 2003 Ford Explorer XLT (VIN: 1FMZU73W03UC24317)
- 3. Fleet vehicle #29, 2005 Ford Crown Victoria (VIN: 2FAFP71W95X128835)
- 4. Fleet vehicle #23, 2005 Ford Crown Victoria (VIN: 2FAFP71W95X117298)
- 5. Fleet vehicle #1473, 2012 Dodge Journey (VIN: 3C4PDCBG9CT245840)
- 6. Range equipment Skid-Steer Loader Model 1835C / Product #17940338*

Respectfully Submitted,

Approved:

Stevenson Saby
Logistics Manager

Chief Barbara Duncan
Chief of Police



Vehicle Inspection Form

Inventory ID:	Asset Number:	Fair Market Value:
----------------------	----------------------	---------------------------

Short Description:
 Year 2003 Make Mitsubishi Model Galant

VIN:

4	A	3	A	A	4	6	6	5	3	E	0	4	8	9	8	3
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

 Title Restriction: Y N

Odometer:

1	6	0	0	0	0
---	---	---	---	---	---

 Miles Kilometers Odometer Accurate Y N: _____

Long Description:
 This Vehicle: Starts Starts with a Boost & Runs/Driveable Engine Runs Does Not Run For Parts Only
Engine- Type: _____ L, V _____ Gas Diesel Engine Propane/Natural Gas Gas/Electric Hybrid
 Engine Condition: Runs Needs repair is in unknown condition
 Repairs needed: _____
 This vehicle was maintained every _____ Days Hours Miles
 Date Removed From Service: _____ Maintenance Records: Available Not Available For Inspection
Transmission: Automatic Manual _____ Speed Condition: Operable Needs repair Is Unknown Condition
 Repairs Needed: _____
Drivetrain: 2 Wheel Drive 4 Wheel Drive Condition: _____

Exterior: Color: Silver Windows: No Cracked Glass Cracked Back windshield
 Minor: Dents Scratches Dings Tire Condition: _____ Tread: _____ #Flat 1 Hubcaps # 0
 Major Damage to: Bumper, rust on hood
 Additional Damage: _____
 Decals: None Have Been Sprayed or Have been Removed & Impressions Remain No Impressions
 Emergency equip: None Has been removed & There are holes in the exterior There are no holes

Interior: Color Gray Cloth Vinyl Leather
 Damage to Seats: None
 Damage to Dash/Floor: Dash cracked / NO floor damage
 Radio: Stock or Brand & Model: _____ AM AM/FM AM/FM Cassette AM/FM CD
 AC (Condition: Cold Unknown) No AC Air Bags: Driver's Side Dual
 Cruise Control Tilt Steering Remote Mirrors Climate Control
 Power: Steering Windows Door Locks Seats

Additional Equipment: _____
 Manufacturer _____ Model _____ Serial # _____
 Tool Box Light Bar Ladder Rack Utility Body: Brand _____ Hitch: Type _____

Location of Asset: Police shooting range
For more information contact: _____
Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.

Vehicle Inspection Form

Inventory ID: _____

Asset Number: _____

Fair Market Value: _____

Short Description:

Year 2003 Make Ford Model Explorer

VIN:

1	F	M	7	U	7	3	W	0	3	U	C	2	4	3	1	7
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 Title Restriction: Y N

Odometer:

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 Miles Kilometers Odometer Accurate Y N: _____

Long Description:

This Vehicle: Starts Starts with a Boost & Runs/Driveable Engine Runs Does Not Run For Parts Only

Engine- Type: L, V Gas Diesel Engine Propane/Natural Gas Gas/Electric Hybrid

Engine Condition: Runs Needs repair is in unknown condition

Repairs needed: _____

This vehicle was maintained every _____ Days Hours Miles

Date Removed From Service: _____ Maintenance Records: Available Not Available For Inspection

Transmission: Automatic Manual ___ Speed Condition: Operable Needs repair Is Unknown Condition

Repairs Needed: _____

Drivetrain: 2 Wheel Drive Wheel Drive Condition: _____

Exterior: Color: Gray/Silver Windows: No Cracked Glass Cracked Broken seal (rear)

Minor: Dents Scratches Dings Tire Condition: air Tread: Bad #Flat 0 Hubcaps # 4

Major Damage to: Crack (passenger, bumper, hood)

Additional Damage: _____

Decals: None Have Been Sprayed or Have been Removed & Impressions Remain No Impressions

Emergency equip: None Has been removed & There are holes in the exterior There are no holes

Interior: Color Gray Cloth Vinyl Leather

Damage to Seats: water

Damage to Dash/Floor: FLOOR-water dash-none

Radio: Stock or Brand & Model: _____ AM AM/FM AM/FM Cassette AM/FM CD

AC (Condition: Cold Unknown) No AC Air Bags: Driver's Side Dual

Cruise Control Tilt Steering Remote Mirrors Climate Control

Power: Steering Windows Door Locks Seats

Additional Equipment: _____

Manufacturer _____ Model _____ Serial # _____

Tool Box Light Bar Ladder Rack Utility Body: Brand _____ Hitch: Type _____

Location of Asset: _____

For more information contact: _____

Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.

Vehicle Inspection Form

Inventory ID: _____ **Asset Number:** _____ **Fair Market Value:** _____

Short Description:
 Year 2005 Make FORD Model CROWN VICTORIA

VIN:

2	F	A	F	P	7	1	W	9	5	X	1	2	8	8	3	5
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 Title Restriction: Y N

Odometer:

1	3	2	3	0	1
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 Miles Kilometers Odometer Accurate Y N: _____

Long Description:

This Vehicle: Starts Starts with a Boost & Runs/Driveable Engine Runs, Does Not Run For Parts Only

Engine- Type: ___ L, V ___ Gas Diesel Engine Propane/Natural Gas Gas/Electric Hybrid

Engine Condition: Runs Needs repair is in unknown condition

Repairs needed: _____

This vehicle was maintained every _____ Days Hours Miles

Date Removed From Service: _____ Maintenance Records: Available Not Available For Inspection

Transmission: Automatic Manual ___ Speed Condition: Operable Needs repair Is Unknown Condition

Repairs Needed: _____

Drivetrain: 2 Wheel Drive 4 Wheel Drive Condition: _____

Exterior: Color: white Windows: No Cracked Glass Cracked _____

Minor: Dents Scratches Dings Tire Condition: _____ Tread: _____ #Flat 0 Hubcaps #4

Major Damage to: _____

Additional Damage: _____

Decals: None Have Been Sprayed or Have been Removed & Impressions Remain No Impressions

Emergency equip: None Has been removed & There are holes in the exterior There are no holes

Interior: Color black Cloth Vinyl Leather

Damage to Seats: tipped

Damage to Dash/Floor: _____

Radio: Stock or Brand & Model: _____ AM AM/FM AM/FM Cassette AM/FM CD

AC (Condition: Cold Unknown) No AC Air Bags: Driver's Side Dual

Cruise Control Tilt Steering Remote Mirrors Climate Control

Power: Steering Windows Door Locks Seats

Additional Equipment: _____

Manufacturer _____ Model _____ Serial # _____

Tool Box Light Bar Ladder Rack Utility Body: Brand _____ Hitch: Type _____

Location of Asset: _____

For more information contact: _____

Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.

Vehicle Inspection Form

Inventory ID: _____	Asset Number: _____	Fair Market Value: _____
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Short Description:
 Year 2005 Make FORD Model CROWN VICTORIA

VIN:

2	F	A	F	P	7	1	W	9	5	X	1	1	7	2	9	8
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 Title Restriction: Y N

Odometer:

1	5	6	2	1	9
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 Miles Kilometers Odometer Accurate Y N: _____

Long Description:
 This Vehicle: Starts Starts with a Boost & Runs/Driveable Engine Runs Does Not Run For Parts Only
Engine- Type: L, V Gas Diesel Engine Propane/Natural Gas Gas/Electric Hybrid
Engine Condition: Runs Needs repair is in unknown condition
 Repairs needed: _____
 This vehicle was maintained every _____ Days Hours Miles
 Date Removed From Service: _____ Maintenance Records: Available Not Available For Inspection
Transmission: Automatic Manual ___ Speed Condition: Operable Needs repair Is Unknown Condition
 Repairs Needed: _____
Drivetrain: 2 Wheel Drive 4 Wheel Drive Condition: _____

Exterior: Color: BLUE Windows: No Cracked Glass Cracked _____
 Minor: Dents Scratches Dings Tire Condition: _____ Tread: _____ #Flat _____ Hubcaps # _____
 Major Damage to: _____
 Additional Damage: _____
 Decals: None Have Been Sprayed or Have been Removed & Impressions Remain No Impressions
 Emergency equip: None Has been removed & There are holes in the exterior There are no holes

Interior: Color DARK GRAY Cloth Vinyl Leather
 Damage to Seats: rear seat off, thread on driver seat
 Damage to Dash/Floor: _____
 Radio: Stock or Brand & Model: _____ AM AM/FM AM/FM Cassette AM/FM CD
 AC (Condition: Cold Unknown) No AC Air Bags: Driver's Side Dual
 Cruise Control Tilt Steering Remote Mirrors Climate Control
 Power: Steering Windows Door Locks Seats

Additional Equipment: _____
 Manufacturer _____ Model _____ Serial # _____
 Tool Box Light Bar Ladder Rack Utility Body: Brand _____ Hitch: Type _____

Location of Asset: _____
For more information contact: _____
Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.

Vehicle Inspection Form

Inventory ID: _____

Asset Number: _____

Fair Market Value: _____

Short Description:

Year 2012 Make DODGE Model JOURNEY

VIN:

3	C	4	P	D	C	B	G	9	C	T	2	4	5	8	4	0
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 Title Restriction: Y N

Odometer:

1	3	5	5	3	9
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 Miles Kilometers Odometer Accurate Y N: _____

Long Description:

This Vehicle: Starts Starts with a Boost & Runs/Driveable Engine Runs Does Not Run For Parts Only

Engine- Type: _____ L, V _____ Gas Diesel Engine Propane/Natural Gas Gas/Electric Hybrid

Engine Condition: Runs Needs repair is in unknown condition

Repairs needed: _____

This vehicle was maintained every _____ Days Hours Miles

Date Removed From Service: _____ Maintenance Records: Available Not Available For Inspection

Transmission: Automatic Manual ___ Speed Condition: Operable Needs repair Is Unknown Condition

Repairs Needed: _____

Drivetrain: 2 Wheel Drive 4 Wheel Drive Condition: _____

Exterior: Color: SILVER Windows: No Cracked Glass Cracked _____

Minor: Dents Scratches Dings Tire Condition: _____ Tread: _____ #Flat ___ Hubcaps # ___

Major Damage to: Rusted exterior

Additional Damage: _____

Decals: None Have Been Sprayed or Have been Removed & Impressions Remain No Impressions

Emergency equip: None Has been removed & There are holes in the exterior There are no holes

Interior: Color Black Cloth Vinyl Leather

Damage to Seats: _____

Damage to Dash/Floor: _____

Radio: Stock or Brand & Model: _____ AM AM/FM AM/FM Cassette AM/FM CD

AC (Condition: Cold Unknown) No AC Air Bags: Driver's Side Dual

Cruise Control Tilt Steering Remote Mirrors Climate Control

Power: Steering Windows Door Locks Seats

Additional Equipment: _____

Manufacturer _____ Model _____ Serial # _____

Tool Box Light Bar Ladder Rack Utility Body: Brand _____ Hitch: Type _____

Location of Asset: _____

For more information contact: _____

Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.

Vehicle Inspection Form

Inventory ID: _____

Asset Number: _____

Fair Market Value: _____

Short Description:

Year _____ Make Skid loader Model 1835C

VIN:

1	7	9	4	0	3	3	8							
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 Title Restriction: Y N

Odometer:

		7	7	1	0
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 Miles Kilometers Odometer Accurate Y N: _____

Long Description:

This Vehicle: Starts Starts with a Boost & Runs/Driveable Engine Runs Does Not Run For Parts Only

Engine- Type: L, V Gas Diesel Engine Propane/Natural Gas Gas/Electric Hybrid

Engine Condition: Runs Needs repair is in unknown condition

Repairs needed: Leaking hydraulic line

This vehicle was maintained every _____ Days Hours Miles

Date Removed From Service: _____ Maintenance Records: Available Not Available For Inspection

Transmission: Automatic Manual ___ Speed Condition: Operable Needs repair Is Unknown Condition

Repairs Needed: _____

Drivetrain: 2 Wheel Drive 4 Wheel Drive Condition: _____

Exterior: Color: Yellow Windows: No Cracked Glass Cracked _____

Minor: Dents Scratches Dings Tire Condition: _____ Tread: _____ #Flat _____ Hubcaps # _____

Major Damage to: _____

Additional Damage: _____

Decals: None Have Been Sprayed or Have been Removed & Impressions Remain No Impressions

Emergency equip: None Has been removed & There are holes in the exterior There are no holes

Interior: Color _____ Cloth Vinyl Leather

Damage to Seats: _____

Damage to Dash/Floor: _____

Radio: Stock or Brand & Model: _____ AM AM/FM AM/FM Cassette AM/FM CD

AC (Condition: Cold Unknown) No AC Air Bags: Driver's Side Dual

Cruise Control Tilt Steering Remote Mirrors Climate Control

Power: Steering Windows Door Locks Seats

Additional Equipment: _____

Manufacturer _____ Model _____ Serial # _____

Tool Box Light Bar Ladder Rack Utility Body: Brand _____ Hitch: Type _____

Location of Asset: _____

For more information contact: _____

Reminder: Do not close items on or surrounding a Holiday, on Friday nights, or Weekends. Stagger closing times by 10 minutes.



City of
Salisbury
Salisbury Police Department

DATE: December 6, 2022
TO: Jennifer Miller
Director Of Procurement
FROM: Colonel David Meienschein
Assistant Chief of Police
SUBJECT: Surplus of Police K-9 (Chucky)

The Salisbury Police Department is requesting that Police K-9 be retired from service with the City of Salisbury. Chucky has served the City for 8 years. He was trained in patrol operations and narcotics detection. He was purchased from Tarheel Canine in May of 2016 in the amount of \$8,990.00.

It is the desire of the Salisbury Police Department to have the K-9 adopted by a third party via release of liability contract. The K-9 would no longer be able to be used for police work and be permanently retired from service.

I am requesting that Police K-9 Chucky be declared surplus, and further once this is complete, the K-9 will be adopted by a private third party and considered retired.

Respectfully Submitted,

Colonel David Meienschein
Assistant Chief of Police



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz
From: Andy Kitzrow, Deputy City Administrator
Subject: First Baptist Parking Lot Agreement
Date: December 15, 2022

The City of Salisbury had a prior lease agreement with the First Baptist Church for a portion of their parking lot which expired on or about May 13, 2021.

Included is the updated lease agreement with the First Baptist Church. The City would like to continue the relationship with the church because this portion of their parking lot serves as the primary parking location for the Lake Street Playground and is highly utilized during the summer months and during park rentals.

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RESOLUTION NO. 3204

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY TO AUTHORIZE THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF SALISBURY, A LEASE AGREEMENT BETWEEN THE FIRST BAPTIST CHURCH OF SALISBURY, MARYLAND AND THE CITY OF SALISBURY.

WHEREAS, the City of Salisbury (“City”) had a prior lease agreement with the First Baptist Church of Salisbury, Maryland for property located on the southerly side of Booth Street and the northerly side of Douglas Place (“the Property”) which expired on or about May 13, 2021; and

WHEREAS, the City desires to enter into another lease agreement with the First Baptist Church of Salisbury, Maryland for the Property in order to provide parking for the nearby playground and City amenities; and

WHEREAS, in accordance with the foregoing, it is in the best interest of the citizens of the City to enter into the Lease Agreement attached hereto as **Exhibit 1**; and

WHEREAS, by this Resolution, the Council **(i)** hereby approves the Lease Agreement (attached hereto and incorporated herein as **Exhibit 1**) and **(ii)** hereby authorizes the Mayor’s execution thereof on behalf of the City; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. The Mayor is hereby authorized to execute, on behalf of the City of Salisbury, that certain Lease Agreement, by and between the City of Salisbury and First Baptist Church of Salisbury, Maryland attached hereto and incorporated herein as **Exhibit 1**.

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Resolution 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 Resolution 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 Resolution shall remain and shall be deemed valid and enforceable.

Section 4. The recitals set forth hereinabove and **Exhibit 1** attached hereto, are incorporated into this section of the Resolution as if such recitals and **Exhibit 1** were specifically set forth at length in this Section 4.

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this ____ day of _____, 2023 and is to become effective immediately upon adoption.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

47 Approved by me, this _____ day of _____, 2023.

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Jacob R. Day, Mayor

EXHIBIT 1

LEASE AGREEMENT

THIS LEASE AGREEMENT (this “**Agreement**”), made this ____ day of _____, 2022 (the “**Effective Date**”), by and between **FIRST BAPTIST CHURCH OF SALISBURY, MARYLAND**, a religious corporation of the State of Maryland (“**Landlord**”), and the **CITY OF SALISBURY**, a municipal corporation of the State of Maryland (“**Tenant**”); (the Landlord and the Tenant hereinafter referred to from time to time collectively as the “**Parties**”, and each, a “**Party**”).

THAT FOR AND IN CONSIDERATION of the rents as hereinafter specified and the covenants, conditions and agreements herein contained, the parties named above hereby covenant and agree, as follows:

1. DESCRIPTION OF PREMISES. In consideration of the premises and payment of rents, construction of improvements and other considerations and the mutual terms and conditions hereof, Landlord does hereby lease, transfer and demise unto Tenant, and Tenant does hereby lease and take over from Landlord, the real property situate, lying and being in Salisbury, Wicomico County, Maryland, located on the Southerly side of Booth Street and the Northerly side of Douglas Place, all as more particularly shown on a plat entitled “Lease from First Baptist Church” dated October 20, 1994, showing a hatched area and “Leased Area 41,548 square feet”, all as more particularly shown on “**Exhibit A**” attached hereto, the foregoing referred to hereinafter as the “**Leased Premises**”. The Tenant shall have the right of ingress and egress to and from the Leased Premises by means of the right-of-way schematic as shown on “**Exhibit B**”.

2. TERM. The said Tenant is to have and to hold the leased premises for a term beginning on the execution hereof by all parties and ending on a date five (5) years thereafter (the “**Initial Term**”); provided, however, that the Lease shall automatically renew at the end of the Initial Term for three (3) additional terms of five (5) years each (each, an “**Extension Term**”), unless either Party gives the other Party written notice of its intention to terminate this Lease on or before the date that is ninety (90) days prior to the commencement of the applicable Extension Term. Each Extension Term shall commence upon the expiration of the immediately preceding Term and shall be on the same provisions as are set forth in this Lease. All references to the “**Term**” of this Lease shall, unless the context shall clearly indicate a different meaning, be deemed to include a reference to the Initial Term and any Extension Term that becomes part of the Term as provided above.

3. RENT. Tenant shall pay rent in the amount of One Dollar (\$1.00) per year, all of which such rent for the Term being paid upon the execution hereof by all parties.

4. [RESERVED].

5. USE.

(a) Tenant agrees to maintain and use the Leased Premises as a parking lot for use by the general public. Such parking lot and the allotted parking spaces shall be maintained in the configuration shown on the attached “**Exhibit B**”. The use of the parking lot located upon the Leased Premises (the “**Parking Lot**”) is intended to be controlled by the Tenant, whether such use relates to the general public’s use of the Parking Lot or use of the Parking Lot for an event sanctioned or sponsored by the Tenant or by the Wicomico County Department of Recreation and Parks, all in a manner Tenant deems appropriate in its reasonable discretion (such Tenant activities together with other usage by Tenant of the Leased Premises permitted pursuant to this Agreement hereinafter referred to as, the “**Tenant’s Use**”), and subject to the Landlord’s Reserved Use (as hereinafter defined). Notwithstanding anything to the contrary herein, the Landlord may use the Leased Premises as needed for parking rent free (such Landlord activities together with other usage by Landlord of the Lease Premises permitted pursuant to this Agreement hereinafter referred to as, the “**Landlord’s Reserved Use**”); provided, however, that this use is non-exclusive, and the Tenant and the general public retain full rights to use the Leased Premises consistent with the Tenant’s Use and otherwise in accordance with the terms of this Agreement. For the purposes of clarification, the Tenant’s Use shall not prohibit Landlord’s Reserved Use of the Leased Premises as provided for herein, and the Landlord’s Reserved Use shall not prohibit the Tenant’s Use. Tenant will close the Parking Lot to the general public from dusk to dawn, except to the extent that Tenant’s Use or Landlord’s Reserved Use at a given time requires access to the Parking Lot beyond dusk. Landlord prohibits Tenant from fencing the Leased Premises, unless Landlord’s consent in writing is obtained. Landlord may require signage to contain language that Tenant may utilize the Leased Premises at times that are restricted to the public.

(b) To facilitate the Tenant’s Use and Landlord’s Reserved Use, the Parties hereby agree to adhere to the following practices in good faith:

(i) at the beginning of each calendar month, Tenant shall share via email to the Landlord's Board of Managers a schedule of Tenant's planned activities for the following three (3) months; initially, the contact and email information for these purposes is as follows: Mr. David Jones; djlincolnu23@yahoo.com. The following events shall be given first priority with respect to determining and managing joint usage of the Parking Lot: (A) up to five (5) designated Landlord events per year, so long as Landlord provides Tenant with at least thirty (30) days' notice of each such event, and (B) Landlord shall have first priority to the extent possible with respect to any times during which the Landlord is conducting a funeral service for a member of its congregation (any such event, a "**Funeral Event**"), as follows: (1) as soon as possible after Landlord becomes aware of a Funeral Event, it shall give Tenant notice of such event, and (2) to the extent Tenant has a scheduled event during the same time as the Funeral Event, Tenant agrees that Landlord may direct traffic and parking such that members of Landlord's congregation may park as near as possible to the Landlord's main building, and Landlord may direct anyone using the Parking Lot for a Tenant event or for public usage generally, to the side of the Parking Lot that is nearest to Lake Street.

(ii) for up to two (2) events per year and only to the extent the Landlord's Use of the Leased Premises does not conflict with the Tenant's Use of the Leased Premises and/or the Tenant's use of the neighboring Lake Street Park, the Tenant shall grant the Landlord access to the property formerly used as a concession stand located on the Lake Street Park premises (the "Stand"). Landlord acknowledges that the Stand is provided on an as-is basis and that it is not equipped for use as a concession stand. Landlord will provide any equipment and obtain any required permits for Landlord's use of the Stand.

(iii) Tenant, through signage approved by Landlord and through communication with the general public, to the extent the general public is utilizing the Leased Premises for a scheduled event, shall direct all parties to access the Leased Premises from the Lake Street entrance.

6. CONTROLLED ACCESS; INGRESS AND EGRESS. Within ninety (90) days of the Effective Date, Tenant shall install signage in accordance with Section 5(b)(iii) at the Booth Street entrance to the Leased Premises indicating that the Leased Premises should be accessed via Lake Street. The Landlord may elect in its discretion to prohibit access to the Leased Premises via the Booth Street access (the "**Booth Street Access**"), whether by roping off the Booth Street

Access, installing a gate, or otherwise. Notwithstanding the foregoing, Landlord may at any time allow access through the Booth Street Access in connection with the Landlord's Reserved Use.

7. STORMWATER MANAGEMENT. Landlord has granted Tenant the right to use the stormwater management pond build on other properties of the Landlord and has executed an easement providing for Tenant's use of the stormwater management pond.

8. [RESERVED].

9. REPAIRS AND MAINTENANCE. Tenant will be obligated to maintain the Leased Premises, including the Parking Lot, in good repair during the Term, including without limitation, with respect to the following:

(a) The Tenant shall provide regular street sweeping services. The Tenant shall provide trash removal for the Parking Lot (i) every two (2) weeks, and (ii) upon the conclusion of any Tenant-sponsored event. For any future event in which Tenant permits a third-party to use the Parking Lot, Tenant shall require the third-party to provide post event trash removal and cleanup immediately upon conclusion of the event. Tenant may install and maintain, at Tenant's cost, a reasonable number of trash cans on the Parking Lot to facilitate its obligations under this provision. For the avoidance of confusion, Tenant acknowledges that the cleanup requirements in this provision are a material covenant of this Agreement and that any failure, whether by Tenant or any third party permitted to use the Parking Lot by Tenant, to reasonably clean the Parking Lot after any event shall be a breach of this Agreement.

(b) Tenant shall spray each parking lot island on the Leased Premises (the "**Islands**") for weed control purposes on an as-needed basis for the months of March through September of each year during the Term.

(c) The Tenant shall replace mulch on the Islands on an annual basis each Spring of each year during the Term.

(d) The Tenant acknowledges the Landlord's intent to scrape and repave the Parking Lot during the Term (the "**Repaving Project**"). The Tenant agrees to pay the Landlord an annual maintenance fee of two thousand dollars (\$2,000) per year in immediately available funds on each anniversary of the Effective Date during the Initial Term and any Extension Term (for a total of

forty thousand dollars (\$40,000) if all Extension Terms are utilized over the period of the Initial Term and all Extension Terms), which such amounts are intended offset roughly half of the Landlord's expenses in connection with the Repaving Project. The Landlord shall provide the Tenant with sixty (60) days' advance notice of the intended scheduling of the Repaving Project, together with the estimate received from the third-party the Landlord chooses to engage to perform the Repaving Project. Regardless of whether the actual cost of the Repaving Project is greater or less than the anticipated costs, Tenant shall have no obligation to make additional payments, nor recourse to reduce payments, with regard to the Repaving Project, and Tenant's sole obligation with respect to the Repaving Project shall be limited to the payment of two thousand dollars (\$2,000) per year as identified above. Tenant shall have no obligation to pave or otherwise patch/repair defects in the parking lot surface.

10. INSURANCE. Tenant, at its sole cost and expense, shall maintain in full force and effect during the Term of this Agreement, through its self-insurance program or with the Local Government Insurance Trust, such coverages as are necessary to insure against claims that may arise from or in connection with Tenant's operation and use of the Leased Premises.

11. DEFAULT. If Tenant shall default in the fulfillment of any of the covenants of this Agreement, or if the Leased Premises become vacated or deserted, Landlord may immediately terminate this Agreement as fully and completely as if it were the day the Term expired, and Tenant will then quit and surrender the Leased Premises to Landlord (any such termination, a "**Default Termination**"). If the Term expires due to a Default Termination, or upon the breach of any other term or provision herein, then in any of such events, Landlord may, without notice, re-enter the Leased Premises either by force or otherwise, and dispossess Tenant by summary proceedings or otherwise, and Tenant hereby waives the service of notice of intention to re-enter to institute legal proceedings to that end. The foregoing shall be in addition to and not in limitation of any other remedy permitted by law or by this Agreement. If the Term expires due to a Default Termination, Tenant shall have no further obligation to pay rent or funds towards the Repaving Project.

12. INDEMNIFICATION. Except for claims resulting from Landlord's own negligence, Tenant will defend, indemnify and hold harmless the Landlord from and against all claims, actions, damages, and expense (including but not limited to attorneys' fees) in connection with the loss of life, personal injury, or damage to property or business arising from, related to, or in connection

with the occupancy or use by Tenant, its licensees, contractors, subcontractors, agents or employees (collectively, the “**Tenant Parties**”), of the Leased Premises.

Tenant shall pay all costs, expenses and reasonable attorneys’ fees that may be expended or incurred by Landlord in enforcing the covenants and agreements of this Agreement. Likewise, Landlord shall pay all costs, expenses and reasonable attorneys’ fees that may be expended or incurred by Tenant in enforcing the covenants and agreements of this Agreement. The provisions of this Section shall survive the termination or earlier expiration of this Agreement.

Except for claims resulting from Landlord’s own negligence, Landlord shall not be liable for, and Tenant, in consideration of Landlord’s execution of this Agreement, hereby releases all claims against Landlord for loss or damage that may be occasioned by or through the acts or omissions of the Tenant Parties or for loss of life, personal injury, or damage to the property or business sustained by Tenant or any person claiming through Tenant or on the Premises resulting from any fire, accident, occurrence, or any other condition in or upon the Property or any part thereof, including but not limited to, such claims for loss of life, bodily injury, or damage resulting from (a) water, snow or ice being upon or coming through the Leased Premises, (b) broken glass, (c) any act or omission of the Landlord or its licensees, contractors, subcontractors, agents, employees or invitees whether occurring on, prior to, or subsequent to the date of this Agreement. The foregoing waiver and release is intended by Landlord and Tenant to be absolute, unconditional and without exception and to supersede any specific repair or maintenance obligation, if any, imposed upon Landlord hereunder; provided that such waiver and release shall not apply to the omission, fault, negligence or other misconduct of Landlord, except to the extent such omission, fault, negligence or other misconduct is waived by Tenant after the occurrence.

Notwithstanding anything to the contrary herein contained, Landlord and Tenant do mutually each release and discharge the other, and all persons against whom their insurance company or companies would have a right or claim by virtue of subrogation, of and from all suits, claims and demands whatsoever, for loss or damage to the property of the other, even if caused by or occurring through or as a result of any negligent act or omission of the party released hereby or its contractors, subcontractors, agents or employees, so long as and to the extent that such loss or damage is covered by insurance benefitting the party suffering such loss or damage or was required to be so covered under this Agreement.

The provisions of this Section shall survive the termination or earlier expiration of the Term of this Agreement with respect to any damage, injury or death occurring prior to such termination.

13. QUIET ENJOYMENT. Landlord agrees to permit Tenant quiet enjoyment of the Leased Premises during the term of the Agreement, subject to Landlord's Reserved Use; provided, however, that it is understood that the Landlord's Reserved Use cannot be such that it effectively excludes the general public from the Leased Premises or unduly interferes with the Tenant's Use in accordance with the terms of this Agreement.

14. PARKING USE; COMPLIANCE WITH LAW. Tenant covenants and agrees to use the Leased Premises for parking and shall not use the Leased Premises for any significantly different purpose without the written consent of the Landlord. Tenant shall not use or permit the Leased Premises, or any part thereof, to be used for any purposes other than those permitted by the terms of this Agreement. Furthermore, no use of the Leased Premises shall be made or permitted to be made that result in: (a) waste of the Leased Premises or any part thereof, (b) a public or private nuisance that may disturb the quiet enjoyment of Landlord or its invitees, (c) improper, unlawful or objectionable use including sale, storage or preparation of food, alcoholic beverages, or materials generating an odor on the Leased Premises, or (d) noises or vibration that may disturb the Landlord or its invitees. Tenant, at Tenant's expense, shall comply with all laws, ordinances and regulations of federal, state and local authorities pertaining to Tenant's use of the Leased Premises.

15. ASSIGNMENT. Tenant covenants and agrees not to assign or sublet the Leased Premises to any person, firm or corporation without prior written approval of Landlord. This paragraph does not preclude the Tenant from having the Leased Premises operated by any governmental entity, including, but not limited to, a Recreation and Parks Department for the City, County, or State.

16. END OF TERM; HOLDOVER FEES. Upon the termination of this Agreement, Tenant shall quit and surrender to the Landlord the Leased Premises, in good order and condition, ordinary wear and tear excepted. Tenant shall remove all vehicles, trash or debris or other materials from the Leased Premises. Tenant shall be solely responsible for the costs to remove the aforesaid items and materials. In the event Tenant fails to quit and surrender to Landlord the Leased Premises on the date required pursuant to the terms of this Agreement, Tenant shall pay to Landlord the sum

of ONE HUNDRED DOLLARS (\$100.00) per day for each day that Tenant holds over and remains on the Leased Premises. Any and all hold over fees shall constitute rent due under this Agreement.

17. ESTOPPEL; SUBORDINATION AND ATTORNMENT. At any time and from time to time upon the written request of the Landlord or its mortgagee, Tenant, within twenty (20) days of the date of such written request, agrees to execute and deliver to Landlord, without charge, a written statement: (a) ratifying this Agreement; (b) confirming the commencement and expiration dates of the Term of this Agreement; (c) certifying that Tenant is in occupancy of the Leased Premises and that this Agreement is in full force and effect and has not been modified, assigned, subleased, supplemented or amended except by such writings as shall be stated; (d) certifying that all conditions and agreements under this Agreement to be satisfied or performed by Landlord, if any, have been satisfied and performed except as shall be stated; (e) certifying that Landlord is not in default under this Agreement and there are no defenses, set-offs, recoupments or counterclaims against the enforcement of this Agreement by the Landlord, or so stating if otherwise; and (f) containing any other information that Landlord or its mortgagee shall reasonably require.

This Agreement is and shall be expressly subject and subordinate at all times to the lien of any present or future mortgage or deed of trust encumbering fee title to the Leased Premises. If any such mortgage or deed of trust be foreclosed, upon request of the mortgagee or beneficiary, as the case may be, Tenant will attorn to the purchaser at the foreclosure sale. The foregoing provisions are subject to any such mortgagee, beneficiary or purchaser at foreclosure, as the case may be, to execute a commercially reasonable subordination and/or attornment instruments with Tenant. Notwithstanding the foregoing to the contrary, any such mortgagee or beneficiary may elect to give the rights and interests of Tenant under this Agreement (excluding rights in and to insurance proceeds and condemnation awards) priority over the lien of its mortgage or deed of trust, as the case may be. In the event of such election and upon the mortgagee or beneficiary notifying Tenant of such election, the rights and interests of Tenant shall be deemed superior to and to have priority over the lien of said mortgage or deed of trust or the estate of such lease, as the case may be, whether this Agreement is dated prior to or subsequent to the date of such mortgage or deed of trust. In such event, Tenant shall execute and deliver whatever instruments

may be required by such mortgagee or beneficiary to confirm such superiority on a commercially reasonable form. Landlord shall use its commercially reasonable efforts to have its existing mortgagee execute a subordination, non-disturbance and attornment agreement in a form reasonably acceptable to Tenant.

18. BINDING EFFECT. The conditions contained in this Agreement shall be binding upon and shall insure to the benefit of the respective successors and assigns of Landlord and Tenant to the same extent as if each such successor and/or assign, in each case, was named a party to this Agreement.

19. CONDEMNATION. The parties agree that this Agreement shall not preclude Tenant from exercising its rights of condemnation. Nothing herein shall be deemed to prevent Landlord from claiming and receiving from Tenant, the condemning authority, fair market value compensation, except that the parties agree that, in the event Tenant condemns the property, any improvements constructed by Tenant on the Leased Premises, whether prior to the date of this Agreement or during the Term, shall be taken into account as part of the purchase price.

20. HEADINGS. The headings above each paragraph in the Agreement have been inserted for convenience and reference only shall not, to any extent, have the effect of modifying, amending, or changing the expressed terms and provisions of this Agreement.

21. INTERPRETATION. Terms and conditions of this Agreement shall be governed by, and construed in accordance with, the laws of the State of Maryland.

22. WRITTEN AGREEMENT. This Agreement contains the entire agreement between the parties hereto and supersedes all previous negotiations leadings hereto and it may be modified hereafter only by an agreement in writing, signed and sealed by Landlord and Tenant.

23. NOTICES. Except as otherwise expressly provided for herein, all notices and demands which may or are to be required or permitted to be given by either Party to the other hereunder shall be (a) in writing, and (b) deemed to have been given (i) when personally delivered, (b) the day following the day (except if not a business day, then the next business day) on which the same has been delivered prepaid to a reputable national overnight courier service, or (ii) the third business day following the day on which the same is sent by certified or registered mail,

postage prepaid, in each case to the address set forth below, or at such other address as such party may specify by written notice to the other party hereto

Notices to Tenant:

City of Salisbury

P.O. Box 4118

Salisbury, Maryland 21803-4118

Attention: Andy Kitzrow, Deputy City Administrator

With a copy to

Cockey, Brennan & Maloney, PC

313 Lemmon Hill Lane

Salisbury, MD 21801

Attn: Laura E. Hay, Esquire

Notices to Landlord:

First Baptist Church of Salisbury

P.O. Box 1738

Salisbury, Maryland 21802

Attention: Mr. David Jones

With a copy to:

McAllister, DeTar, Showalter & Walker LLC

100 N. West Street

Easton, Maryland 21601

Attn: Vincent A. Dongarra, Esquire

[Signatures Appear on Following Page]

IN WITNESS WHEREOF, Landlord has executed this Agreement as of the Effective Date.

FIRST BAPTIST CHURCH OF
SALISBURY, MARYLAND

By: _____ (SEAL)
Name:
Title:

STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY that on this ____ day of _____, 2022, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____ who acknowledged [himself][herself] to be the [Chairman of the Board of Trustees] of First Baptist Church of Salisbury, Maryland, and, being authorized so to do, executed the foregoing document for the purposes therein contained, same being it's act and deed.

WITNESS my hand and Notarial Seal

Notary Public

My commission expires: _____

IN WITNESS WHEREOF, Tenant has executed this Agreement as of the Effective Date.

CITY OF SALISBURY

By: _____(SEAL)

Name:

Title:

STATE OF MARYLAND, COUNTY OF WICOMICO:

I HEREBY CERTIFY that on this ____ day of _____, 2022, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____ who acknowledged himself to be the [_____]of the City of Salisbury and, being authorized so to do, executed the foregoing document for the purposes therein contained, same being it's act and deed.

WITNESS my hand and Notarial Seal

Notary Public

My commission expires: _____

(ABANDONED)
ORDINANCE NO. 1589

"EXHIBIT A"



PER PLAT OF RECORD
CAB. 10/22-67

DOUGLAS PLACE

BOOTH STREET

FIRST BAPTIST CHURCH
883/550

N 19° 30' 00" E 245.57'

N 70° 05' 02" W 528.19'

184.54'

FIRST BAPTIST CHURCH
DEED REF: P/O 883/550
PLAT REF: CAB. 10/22-87
LEASED AREA
41,548 SQ. FT.

153.00'

S 70° 30' 00" E 288.24'

248.92'

S 12° 13' 16" W

N/F
J.E. JAMES HANDY
618/234

N/F
EDWARD E. HERNY
352/535

N/F
WILLIAM F. COOK SR.
928/178

N/F
DORIS D. CANE
1322/741

DWG. NO.	DCA94101
DATE	10/20/94
SCALE	1" = 40'

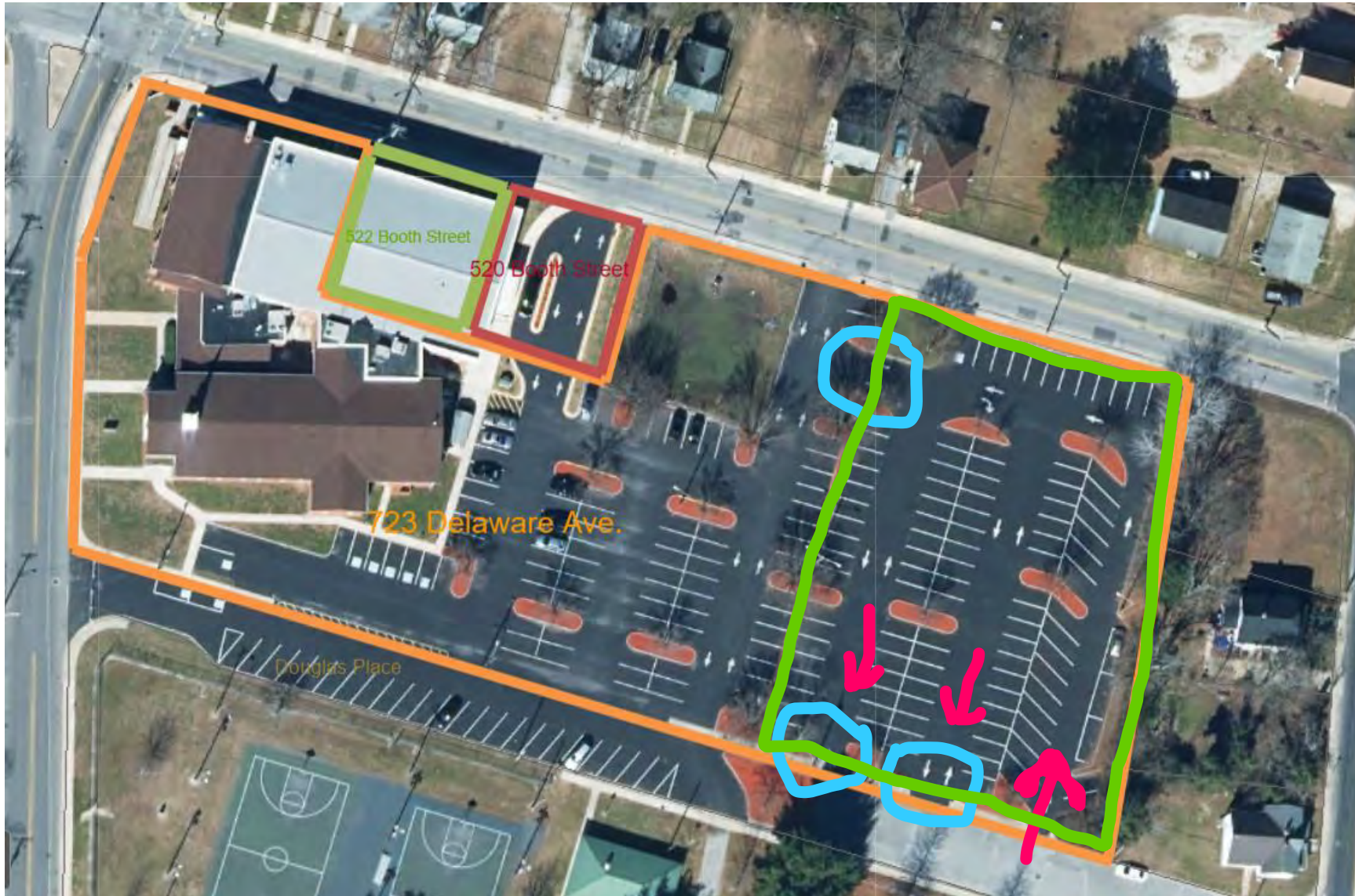
LEASE FROM 1ST
BAPTIST CHURCH

APPROVED

CITY ENGINEER

DATE

Exhibit B



BLUE CIRCLES = ENTRANCES.



PINK ARROW = LAKE STREET ENTRANCE TO BE USED FOR ENTRY INTO LEASED PREMISES; AND EGRESS ONLY FROM THE OTHER LAKE STREET ENTRANCES.

MEMO

To: Rick Baldwin, Director Infrastructure & Development
From: William T Holland 
Date: 12/20/2022
Re: Sharen Drive – Ocean Isle Annexation

Attached is the referenced annexation scheduled for the City Council work session for Tuesday, January 3, 2023. The package includes Resolutions 3159, the Annexation Agreement and Resolution 33160, the Annexation Plan. Also included is Ordinance 2758 amending Section 17.119.020 of the City of Salisbury Zoning Code by adding the area of Planed Development District No. 1- Robertson Farm (PDD No.1).

Let me know if you have any question.



RINNIER
DEVELOPMENT COMPANY

218 East Main Street
Salisbury, MD 21801
410-742-8151
fax 410-742-8153
www.rinnier.com

June 2, 2021

City of Salisbury
Infrastructure & Development
125 N Division St, B13
Salisbury, MD 21801

Attn: Bill Holland, et al

To Whom It May Concern:

Please find enclosed our application to annex the attached parcel into the City of Salisbury. The proposed use will be for a self-storage facility and the site plan reflects our intended layout. This project will be built in three phases, which is also denoted on the site plan.

I have enclosed an older survey of the property however Brock Parker and Associates is in the process of conducting a new survey and annexation plat which I expect to have to you next week.

If you have any questions or need any additional information at this time please feel free to email me at LBSteele@rinnier.com or call me on 443-523-4403.

Thank you very much for your help.

LB Steele
Rinnier Development

CITY OF SALISBURY

PETITION FOR ANNEXATION

To the Mayor and Council of the City of Salisbury:

I/We request annexation of my/our land to the City of Salisbury.

Parcel(s) # 0269

Map # 0039 - Grid #0007

SIGNATURE (S)



Printed

W. Blair Rinnier - President, 2538 Old Ocean City Rd, LLC

May 20, 2021

Date

Printed

Date

Printed

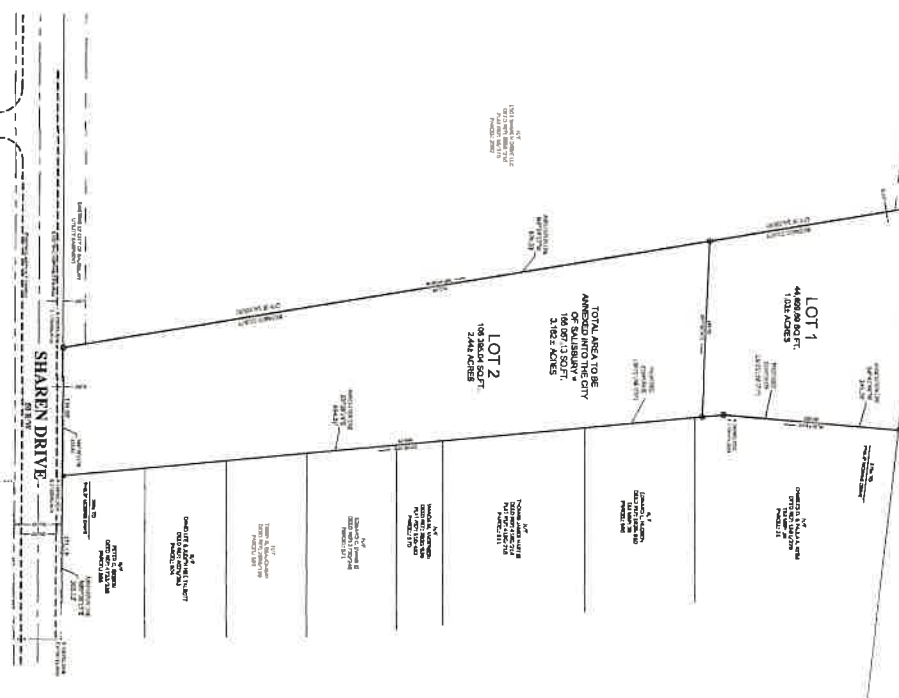
Date

Printed

Date



OLD OCEAN CITY ROAD
MARYLAND ROUTE 366



LEGEND

○	CONCRETE WATER PLANT
●	CONCRETE WATER TOWER
○	CONCRETE WATER PUMP
○	IRON PIPE WITH GALV. PIPING
○	ASBESTOS-CEMENT WATER PIPE
○	STEEL PIPE WITH GALV. PIPING
○	STEEL PIPE WITH GALV. PIPING
○	STEEL PIPE WITH GALV. PIPING

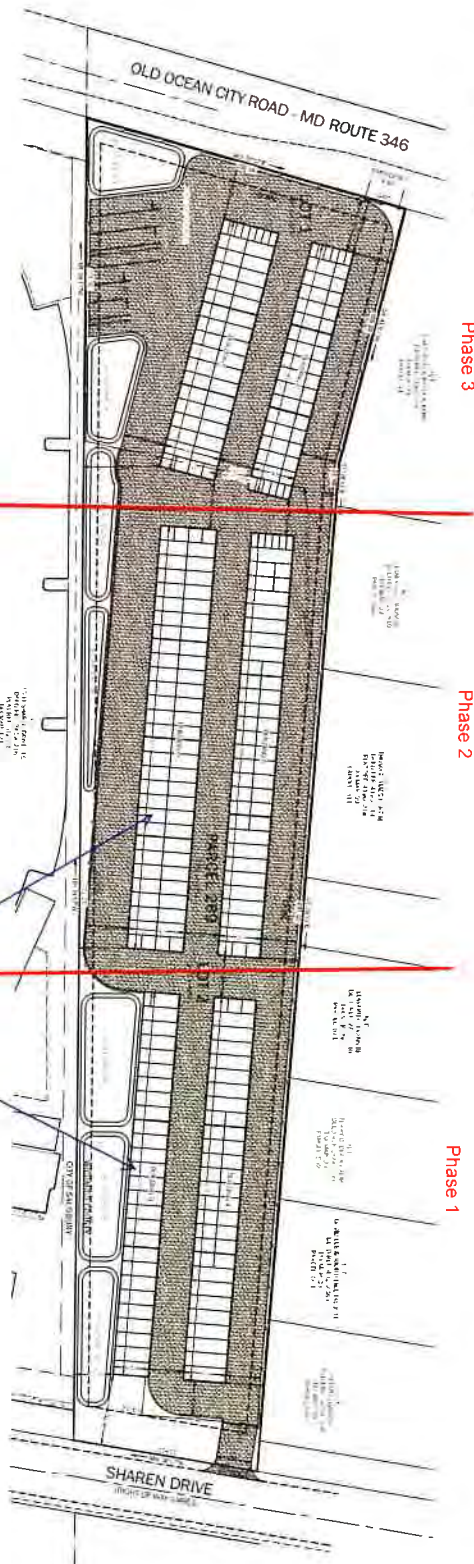
GENERAL NOTES

- 1) THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY [Name]
- 2) [Name] HAS OBTAINED ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES AND DEPARTMENTS.
- 3) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 4) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 5) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 6) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 7) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 8) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 9) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 10) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 11) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 12) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 13) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.
- 14) THE PROPERTY IS BEING ANNEXED TO THE CITY OF SALUBRITY, MISSISSIPPI.



MISSISSIPPI SURVEYORS BOARD
No. 12345
JAMES W. & HAZEL E. BRITTINGHAM
SURVEYORS

ANNEXATION PLAT	DATE: 01/15/2021	SCALE: 1" = 2000'	PROJECT NO: 2021-001
FOR LOTS 1 AND 2	OWNER: JAMES W. & HAZEL E. BRITTINGHAM	PREPARED BY: JAMES W. & HAZEL E. BRITTINGHAM	REVISIONS:
AS SHOWN ON PROPERTY SUBDIVISION FOR	DATE: 01/15/2021	SCALE: 1" = 2000'	PROJECT NO: 2021-001
JAMES W. & HAZEL E. BRITTINGHAM	DATE: 01/15/2021	SCALE: 1" = 2000'	PROJECT NO: 2021-001
PARKER ASSOCIATES	DATE: 01/15/2021	SCALE: 1" = 2000'	PROJECT NO: 2021-001



Phase 3

Phase 2

Phase 1

Buildings B + D
to be climate controlled

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).
2. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO OBVIOUS OBSTACLES TO THE PROPOSED DEVELOPMENT.
3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION.
4. THE DESIGNER HAS ASSUMED THAT ALL UTILITIES HAVE BEEN LOCATED AND DEPTH DETERMINED.
5. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION.

PLAN AND ELEVATION SYMBOLS

LANDSCAPE SYMBOLS

MECHANICAL SYMBOLS

ELECTRICAL SYMBOLS

CONCRETE FOOTING SYMBOLS

FOUNDATION SYMBOLS

FOUNDATION SYMBOLS

FOUNDATION SYMBOLS

FOUNDATION SYMBOLS

LEGEND

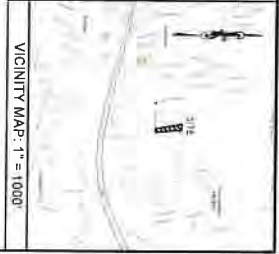
PROPERTY LINES

PROPERTY LINES

PROPERTY LINES

PROPERTY LINES

PROPERTY LINES



**CONCEPT SITE PLAN
SHAREN DRIVE SELF STORAGE FACILITY**

SHAREN DRIVE
OR SHAR TURNER
HARRIS ELECTION DISTRICT, CITY OF SALISBURY, MARYLAND

DATE: 05/11/2011
SCALE: AS SHOWN

REVISIONS

NO.	DATE	DESCRIPTION
1	05/11/2011	ISSUED FOR PERMITTING



SHEET 1





City of
Salisbury
Jacob R. Day, Mayor

June 28, 2021

Rinnier Development Company
218 East Main Street
Salisbury, MD 21801
Attn: LB Steele

**RE: #202100641 Annexation Zoning – Sharen Drive Annexation – 2538 Old Ocean City Road –
Map 0039, Grid 0007, Parcel 0269, Lots 1 & 2**

Dear Mr. Steele:

The Salisbury Planning Commission at its June 17, 2021, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for the referenced property to be zoned **Planned Development District #1** upon annexation. The Commission also found that the proposed zoning is consistent with the Wicomico County Zoning and the Salisbury Comprehensive Plan.

If you have any questions or concerns regarding this matter, please call our office at 410-548-3130.

Sincerely,

Henry Eure
Project Manager



Infrastructure and Development Staff Report

July 15, 2021

I. BACKGROUND INFORMATION:

Project Name: Sharen Drive Annexation
Applicant/Owner: Rinnier Development
Infrastructure and Development Case No.: 202100641
Nature of Request: Zoning Recommendation for Annexation
Location of Property: 2538 Old Ocean City Road; Map #0039; Grid #0007; Parcel #0269;
Lots #1 & 2
Requested Zoning District: Planned Development District #1

II. SUMMARY OF REQUEST:

A. Introduction:

The City Administration has referred the Sharen Drive annexation, located east of the Ocean Aisle apartment complex, to the Planning Commission for review and recommendation of an appropriate zoning designation. **(Attachments 1 - 3)** The properties are located on the southerly side of Old Ocean City Road (MD Rt. 346), the easterly side of Ocean Aisle Apartments, and the northerly side of Sharen Drive. The combined area of both lots totals 3.55 acres. **(Attachment 4)**

B. Area Description:

The requested annexation area consists of two (2) lots on one (1) parcel that total 3.55 acres in size. **(Attachment 5)**

III. ZONING ANALYSIS:

A. Existing Zoning:

The annexation area and the adjoining County area to east is zoned R-15 Residential. To the west, the properties are located in the City's Planned Development District #1 zoning district, while properties to the north are in the City's R-10A Residential district. The south is bordered by properties in the City's Light Business and Institutional district.



City of
Salisbury
Jacob R. Day, Mayor

B. County & City Plans.

The County Comprehensive Plan designates this property and area as High Density Residential. Meanwhile, the City's Comprehensive Plan targets this site as Mixed Use.

C. Zoning for Annexed Areas.

1. Introduction.

Current City policy requires that all areas to be annexed shall be submitted to the Salisbury-Wicomico Planning Commission for review and recommendation of an appropriate zoning district. The Zoning Code does not establish specific procedures for zoning lands to be annexed to the City of Salisbury. The classification of future City areas, therefore, is conducted consistent with local adopted plan recommendations and Maryland Annexation Law.

2. Adopted Plans.

The Planning Commission is a jointly established agency for both the City of Salisbury and Wicomico County. One of its basic charges is to prepare and recommend various plans guiding the long-range development of both jurisdictions.

The information below summarizes the legal status of the plans currently in effect for Wicomico County and the City of Salisbury.

- a. The Salisbury Comprehensive Plan - The Salisbury City Council adopted the current Comprehensive Plan on July 12, 2010. That document includes land use policies for all lands within the Corporate Limits as well as a Municipal Growth Element addressing growth areas outside the Corporate Limits. This property is included within the Municipal Growth Area, and designates this area as Mixed Use.
- b. The Wicomico County Comprehensive Plan - The Wicomico County Council adopted the County Plan on March 21, 2017. This area is designated "High Density Residential."



City of
Salisbury
Jacob R. Day, Mayor

3. Maryland Law.

House Bill 1141 made two (2) changes to Annexation Procedures that became effective October 1, 2006. They are:

- 1. The Five-Year Rule.** First, the rule is applied solely on zoning. The issue becomes the degree of use change from the current county zoning classification to the proposed municipal classification following the annexation. When the zoning change is from one residential zone to another, "substantially different" is defined as a density change. The five-year rule does not apply for a density change unless the proposed zoning is denser by 50 percent. For example, if the current zoning permits 1 unit per acre, the new zoning can be subject to the five-year rule if it permits anything more than 1.5 units per acre. A municipality may obtain a waiver from the county to avoid the five-year wait until the new zoning classification applies.
- 2. Annexation Plans Required.** An annexation plan is required that replaces the "outline" for the extension of services and public facilities prior to the public hearing for an annexation proposal. This section contains no additional language for the content of the annexation plan to be adopted, but does require it to be consistent with the municipal growth element for any annexations that begin after October 1, 2009 (unless extended for up to two six-month periods). The Plan must be provided to the County and the State (the Maryland Department of Planning) at least 30 days prior to the hearing.

IV. DEVELOPMENT SCENARIO:

A. Proposed Use:

The proposed development will consist of six self-storage buildings that will utilize both lots. **(Attachment 6)**

B. Access:

The site will have access from Sharen Drive.



City of
Salisbury
Jacob R. Day, Mayor

C. Configuration and Design:

The annexation area is rectangular in shape and adjoins the existing City boundaries along the west property lines.

D. Estimated Development Impacts:

The development impact assessment traditionally pertains to a proposal for a residential development. This site is proposed for a low-traffic self-storage facility that is intended to serve residential customers in the area.

V. ZONING RECOMMENDATION:

The specific purpose of the Planning Commission's review is to make a zoning recommendation for the annexation area that is currently zoned R-15 Residential in the County.

The adopted Salisbury Comprehensive Plan designates nearby areas as mixture of both Mixed Use and Residential, and the proposed use and requested zoning classification of Planned Development District #1 meets this designation by utilizing the adjoining City zoning classification and also incorporating the inherently permitted uses of three (3) different zoning districts (Light Business and Institutional, Neighborhood Business, and Select Commercial districts). **(Attachment 7)**

Staff recommends that the Planning Commission forward a **Favorable** recommendation to the Mayor and City Council for this property to be zoned **Planned Development District #1** upon annexation.

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ORDINANCE NO. 2758

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO CHAPTERS 17.108, 17.228 AND 17.119.070 OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE, AND TITLE 4, ZONING OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSE OF AMENDING SECTION 17.119.020 OF THE SALISBURY CITY CODE BY ADDING TO THE AREA OF PLANNED DEVELOPMENT DISTRICT NO. 1 – ROBERTSON FARM (PDD NO. 1) TWO LOTS TOTALING 3.55 ACRES WHICH TOGETHER ARE ON THE NORTH SIDE OF AND BINDING ON SHAREN DRIVE, THE SOUTH SIDE OF AND BINDING ON OLD OCEAN CITY ROAD – MD ROUTE 346, THE EAST SIDE OF AND BINDING ON THE CURRENT CORPORATE LINE OF THE CITY OF SALISBURY ALSO BEING THE CURRENT WESTERLY LINE OF PDD NO. 1 AND WEST OF BUT NOT BINDING UPON PHILLIP MORRIS DRIVE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO

WHEREAS, the ongoing application, administration and enforcement of Title 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 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**”); and

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; and

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 § 17.228.020 of the Salisbury City Code; and

WHEREAS, Petitioner, 2538 Old Ocean City Road, LLC, filed a Petition for Annexation dated May 20, 2021, requesting annexation of property described in Exhibit A, attached hereto, and desiring that the annexed property be zoned Planned Development District No. 1 – Robertson Farm (PDD No.1); and

WHEREAS, the Petition was referred by the City planning staff to the Planning Commission and, after due notice, on June 17, 2021, at its regular meeting, the Planning Commission recommended that the property be zoned PDD No. 1, upon annexation. The fulfilment of that recommendation requires a text amendment to the Salisbury City Code to add the legal description of the newly annexed property to the current legal description of PDD No. 1; and

WHEREAS, a Public Hearing on the aforesaid proposed text amendment and Preliminary Development Plan for the requested addition to PDD No. 1 was held by the Planning Commission in accordance with the provisions of Chapters 17.108 and 17.228 of Title 17 of the Salisbury Municipal Code on September 15, 2022. On that day, the Planning Commission provided a favorable recommendation for the Preliminary Development Plan, as well as the aforesaid proposed text amendment; and

47 **WHEREAS**, the City Council agrees with the Planning Commission’s recommendation, and
48 finds that the proposed use of the property is appropriate for inclusion in PDD No. 1; and

49 **WHEREAS**, immediately prior to the approval of this Ordinance, the City Council approved
50 Resolution No. **3159**, to annex into the City of Salisbury the property known as the “Sharen Drive
51 Annexation,” described in Exhibit A, and to designate the zoning of the said property as PDD No. 1;

52 **WHEREAS**, the Mayor and Council have determined that the amendments to Section
53 17.119.020 of the Salisbury City Code shall be adopted as set forth herein.

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

57 **Section 1.** By amending Section 17.119.020 of the Salisbury City Code, entitled “Area of
58 reclassification” as follows:

59 The area to be rezoned as planned development district No. 1—Robertson Farm, consists of **the**
60 **following:**

61 **Item One:** 45.4 acres of land binding upon the northerly side of a U.S. Route 50
62 service road, both sides of the Northeast Collector Road, the southerly side of MD
63 Route 346 (Old Ocean City Road) and the westerly side of lands now or formerly
64 owned by Sylvia Brittingham Robertson, James Scott Robertson, et al., United
65 Dominion Realty Trust, Inc., and Phillip Morris Drive Condominiums, being the same
66 as shown on the preliminary subdivision plat prepared by ESP Design Services, Inc.,
67 and dated February 19, 2003. The site is further identified as part of Parcel No. 2577 on
68 State City Tax Map No. 121.

69 **Item Two: 3.182 acres, more or less, beginning for the same at a point at a corner of**
70 **the existing Corporate Limits Line of the City of Salisbury, MD, being on the**
71 **northerly right of way line of Old Ocean City Road (MD Rte. 346). X 1,213,818.08 Y**
72 **200,006.79 (1) Thence with the said Corporate Limits line South nine degrees thirty-**
73 **four minutes fifty-seven seconds East (S 09° 34’ 57” E) nine hundred seventy-six**
74 **decimal three, three (976.33) feet to a point near the northerly line of Sharen Drive.**
75 **X 1,213,980.61 Y 199,044.08 (2) Thence continuing with the said existing Corporate**
76 **Limits Line North eighty-nine degrees thirty-eight minutes fifteen seconds East (N**
77 **89° 38’ 15” E) one hundred thirty-four decimal zero, zero (134.00) feet to a point on**
78 **the easterly line of Lot 2 of the “James W. & Hazel E. Brittingham Subdivision”. X**
79 **1,214,114.61 Y 199,044.93 (3) Thence with the easterly line of the said Lot 2 and Lot**
80 **1 , in part, North five degrees twenty-eight minutes fourteen seconds West (N 05°**
81 **28’ 14” W) six hundred ninety-four decimal zero, one (694.01) feet to a breakpoint**
82 **on the easterly line of the said Lot 1. X 1,214,048.44 Y 199,735.78 (4) Thence**
83 **continuing with the easterly line of the said Lot 1 and crossing the aforesaid Old**
84 **Ocean City Road North four degrees forty-one minutes forty-six seconds East (N**
85 **04° 41’ 46” E) two hundred forty-five decimal three, nine (245.39) feet to a point on**
86 **the northerly right of way line of the said Old Ocean City Road. X 1,214,068.53 Y**
87 **199,980.35 (5) Thence by and with the northerly line of the said Old Ocean City**
88 **Road and aforesaid existing Corporate Limits Line North eighty-three degrees fifty-**
89 **eight minutes twenty-two seconds West (N 83° 58’ 22” W) two hundred fifty-one**
90 **decimal eight, four (251.84) feet to the point of beginning.**

91 **Section 2.** The official zoning map on file in the office of Planning and Zoning shall be amended
92 to include Item Two above in the area known as planned development district No. 1—Robertson Farm.

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

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

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

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

104 **Section 6.** This Ordinance shall take effect upon the effective date of annexation Resolution
105 **No. 3159**

107 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
108 Salisbury held on the _____ day of _____, 2022 and thereafter, a statement of the substance of
109 the Ordinance having been published as required by law, in the meantime, was finally passed by the
110 Council of the City of Salisbury on the _____ day of _____, 2022.

111
112 ATTEST:

113
114 _____
115 Kimberly R. Nichols
116 CITY CLERK

113
114 _____
115 John R. Heath
116 PRESIDENT, City Council

117
118 APPROVED BY ME THIS _____ day of _____, 2022

119
120 _____
121 Jacob R. Day, Mayor

MEMORANDUM

To: Julia Glanz, City Administrator
From: Christopher Jakubiak, AICP
Date: November 5, 2021
Re: Fiscal Impact, Sharon Drive - Annexation

The Sharon Drive Annexation would add 3.55 acres to the City zoned for commercial use. The intended zoning district is Light Business Institutional (LBI). Since the property lies adjacent to the Planned Development District #1- Robertson Farm, the Planning Commission has recommended that the Property be zoned Planned Development District (PDD). The process for obtaining a rezoning to the PDD is set forth in the City Zoning Ordinance, Chapter 17 of the City Code. The subject Property is vacant and unimproved. The annexation is expected to have an overall net positive fiscal impact to the City. This memorandum summarizes the costs and revenues associated with the Annexation.

Cost

Cost projections are based on a snapshot marginal cost approach. The current level of service derived from the FY 2022 Approved Budget is used to project new costs, using demand unit multipliers, which reflect how responsive a cost is to demand—that is, how much the City's cost of providing a service is likely to vary with each additional household or job and in the present case, solely jobs since the project is completely commercial. Some a portion of all City services is fixed and therefore remains constant in light of new development; this portion of the municipal budget is not assigned to new development. The estimated annual cost to the City is \$941.00.

Revenues

When land is annexed into Salisbury it is subject to the municipal real property tax. The real property tax rate is applied to the value of land and improvements (structures) thereon. The City's rate is \$0.9832 per \$100 of assessed value. Since the assessed value of a future land use is unknown, this study estimates an assessed value by comparing assessed values of comparable properties in the City of Salisbury. The source for the information is the Maryland Department of Assessments and Taxation.

According to the proposed concept development plan, upon annexation, this Property would be developed with 48,450 square feet of interior building self-storage space. At an estimated assessed value of \$2,907,000, the total expected revenue from the proposed development on the Property is \$28,582. (Should the site be developed with 30% fewer square feet of building space, the projected revenue would approximate \$20,007.)

It is important to note that upon annexation of a property, the City of Salisbury could begin receiving property tax revenue before development. These revenues are not included. Also, this study considers only "direct" costs and revenues. "Indirect" costs and revenues, which may arise from increased demand for local commercial and industrial uses as a result of the development and its occupants are not considered in this model.

Lastly, the City collects user fees, license fees, and permitting fees. These are charged to applicants for permits and/or users of certain services. These revenues are small relative to the property tax revenue and are not included in this study.

Conclusion

The Annexation would have a positive fiscal impact to the City of between \$27,641 and \$19,066 per year, depending on the final development plan eventually approved by the City.

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RESOLUTION NO. 3159

A RESOLUTION OF THE CITY OF SALISBURY PROPOSING THE ANNEXATION TO THE CITY OF SALISBURY OF A CERTAIN AREA OF LAND SITUATE CONTIGUOUS TO AND BINDING UPON THE EASTERLY CORPORATE LIMIT OF THE CITY OF SALISBURY, TO BE KNOWN AS THE "SHAREN DRIVE ANNEXATION," ON THE NORTH SIDE OF AND BINDING ON SHAREN DRIVE, THE SOUTH SIDE OF AND BINDING ON OLD OCEAN CITY ROAD – MD ROUTE 346, THE EAST SIDE OF AND BINDING ON THE CURRENT CORPORATE LINE OF THE CITY OF SALISBURY ALSO BEING THE CURRENT WESTERLY LINE OF PDD NO. 1 AND WEST OF BUT NOT BINDING UPON PHILLIP MORRIS DRIVE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO

WHEREAS, the City of Salisbury has received a Petition for Annexation, signed by at least twenty-five percent (25%) of the persons who are resident registered voters and of the persons who are owners of at least twenty-five percent (25%) of the assessed valuation of the real property in the area sought to be annexed, and being located on the north side of and binding on Sharen Drive, the south side of and binding on Old Ocean City Road – MD Route 346, the east side of and binding on the current corporate line of the City of Salisbury also being the current westerly line of PDD No. 1 and west of but not binding upon Phillip Morris Drive and more particularly described in **Exhibit A**, attached hereto (the aforesaid real property is hereinafter referred to as the "**Property**"); and

WHEREAS, the City of Salisbury has caused to be made a certification of the signatures on said Petition for Annexation and has verified that the persons signing the petition represent at least twenty-five percent (25%) of the persons who are eligible voters and property owners owning twenty-five percent (25%) of the assessed valuation of real property in the area to be annexed, all as of September 23, 2021, as set forth in the certification of Leslie C. Sherrill, Surveyor, of the City of Salisbury, attached hereto as **Exhibit B**; and

WHEREAS, it appears that the Petition meets all the requirements of the law, and

WHEREAS, the public hearing is scheduled for 2/13/23 ~~= 2022~~ at 6:00p.m.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY as follows:

Section 1. It is hereby proposed and recommended that the boundaries of the City of Salisbury be changed so as to annex to and include within said City all that parcel of land together with the persons residing therein and their property, contiguous to and binding on the north side of Sharen Drive, the south side of and binding on Old Ocean City Road – MD Route 346, the east side of and binding on the current corporate line of the City of Salisbury also being the current westerly line of PDD No. 1 and west of but not binding upon Phillip Morris Drive, as more particularly described in **Exhibit A**, attached hereto and made a part hereof

Section 2. The annexation of the Property be and hereby is approved by the Council of the City of Salisbury subject to all terms, conditions and agreements contained in the aforementioned property description, the proposed Annexation Agreement, the Annexation Plan, and the Concept Site Plan, attached as **Exhibits C, D** and **E**, respectively, each of which is attached hereto and incorporated herein as if all such terms, conditions and agreements contained in such Exhibits were specifically set forth at length in this Resolution.

Section 3. Pursuant to MD Code, Local Government, § 4-406, the Council of the City of

48 Salisbury shall hold a public hearing on this Resolution on 2/13/23, ~~2022~~ at 6:00 p.m. in the
49 Council Chambers at the City-County Office Building and the City Administrator shall cause a public
50 notice of the time and place of said hearing to be published not fewer than two (2) times at not less than
51 weekly intervals, in one (1) newspaper of general circulation in the City of Salisbury, which said public
52 notice shall specify a time and place at which the Council of the City of Salisbury will the hold the
53 aforesaid public hearing, the date of which shall be no sooner than fifteen (15) days after the final
54 required date of publication as specified hereinabove.

55 **Section 4.** Upon annexation of the Property, the Zoning Map of the City of Salisbury shall be
56 amended to include the Property within that certain Zoning District of the City of Salisbury identified as
57 **“Planned Development District No. 1 (PDD No. 1)”** which said real property newly annexed into
58 Corporate Limits of the City of Salisbury, as contemplated by this Resolution, is presently zoned **“R-15**
59 **Residential”** in accordance with the existing zoning laws of Wicomico County, Maryland.

60 **AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
61 **SALISBURY** as follows:

62 **Section 5.** It is the intention of the Council of the City of Salisbury that each provision this
63 Resolution shall be deemed independent of all other provisions herein.

64 **Section 6.** It is further the intention of the Council of the City of Salisbury that if any section,
65 paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or
66 otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to
67 the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this
68 Resolution shall remain and shall be deemed valid and enforceable.

69 **Section 7.** The Recitals set forth hereinabove are incorporated into this section of this Resolution
70 as if such recitals were specifically set forth at length in this Section 7

71 **Section 8.** This Resolution and the annexation of the Property as contemplated herein, shall take
72 effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right
73 of referendum with respect to this Resolution as set forth in MD Code, Local Government, § 4-401. et
74 seq.

75 The above Resolution was introduced and read and passed at the regular meeting of the Council of
76 the City of Salisbury held on the ___ day of _____, 2022, having been duly published as required by
77 law; in the meantime a public hearing was held on the ___ day of _____, 2022, and was finally
78 passed by the Council at its regular meeting held on the ___ day of _____, 2022.

79

80 ATTEST:

81

82

83 _____
84 Kimberly R. Nichols
85 CITY CLERK

83 _____
84 John R. Heath
85 PRESIDENT, City Council

86

86 APPROVED BY ME THIS _____ day of _____, 2022

87

88

89 _____
89 Jacob R. Day, Mayor

EXHIBIT A

SHAREN DRIVE – OCEAN ISLE

Beginning for the same at a point at a corner of the existing Corporate Limits Line of the City of Salisbury, MD, being on the northerly right of way line of Old Ocean City Road (MD Rte. 346). X 1,213,818.08 Y 200,006.79 (1) Thence with the said Corporate Limits line South nine degrees thirty-four minutes fifty-seven seconds East (S 09° 34' 57" E) nine hundred seventy-six decimal three, three (976.33) feet to a point near the northerly line of Sharen Drive. X 1,213,980.61 Y 199,044.08 (2) Thence continuing with the said existing Corporate Limits Line North eighty-nine degrees thirty-eight minutes fifteen seconds East (N 89° 38' 15" E) one hundred thirty-four decimal zero, zero (134.00) feet to a point on the easterly line of Lot 2 of the "James W. & Hazel E. Brittingham Subdivision". X 1,214,114.61 Y 199,044.93 (3) Thence with the easterly line of the said Lot 2 and Lot 1, in part, North five degrees twenty-eight minutes fourteen seconds West (N 05° 28' 14" W) six hundred ninety-four decimal zero, one (694.01) feet to a breakpoint on the easterly line of the said Lot 1. X 1,214,048.44 Y 199,735.78 (4) Thence continuing with the easterly line of the said Lot 1 and crossing the aforesaid Old Ocean City Road North four degrees forty-one minutes forty-six seconds East (N 04° 41' 46" E) two hundred forty-five decimal three, nine (245.39) feet to a point on the northerly right of way line of the said Old Ocean City Road. X 1,214,068.53 Y 199,980.35 (5) Thence by and with the northerly line of the said Old Ocean City Road and aforesaid existing Corporate Limits Line North eighty-three degrees fifty-eight minutes twenty-two seconds West (N 83° 58' 22" W) two hundred fifty-one decimal eight, four (251.84) feet to the point of beginning.

Annexation containing 3.182 acres, more or less.

EXHIBIT B



City of
Salisbury
Jacob R. Day, Mayor

CERTIFICATION

SHAREN DRIVE – OCEAN ISLE ANNEXATION

This is to certify that I have verified the petitions for the annexation and that to the best of my knowledge the persons having signed the petition represent at least 25% of the registered voters residing in the area to be annexed and are the owners of at least 25% of the assessed valuation of real property located in the area to be annexed.

A handwritten signature in black ink, appearing to read 'Leslie C. Sherrill', is written over a horizontal line.

Leslie C. Sherrill
Surveyor

Date: 9/23/2021

Sharen Drive – Ocean Isle – Certification – 09-23-2021.doc

EXHIBIT C

ANNEXATION AGREEMENT

Sharen Drive –Annexation

THIS AGREEMENT is made this ___ day of _____, 2022, by and between the City of Salisbury, a municipal corporation of the State of Maryland (hereinafter, “the City”) and 2538 Old Ocean City Road, LLC (hereinafter, “the Owner”) with the principal address at 218 E. Main Street, Salisbury, Maryland.

RECITALS

WHEREAS, the Owner is the record owner of certain real property located in Wicomico County, Maryland, (hereinafter, “the Property”), and more particularly described in Attachment “A” attached hereto and made a part hereof; and

WHEREAS, the Owner desires to construct upon the Property six self-storage buildings; and

WHEREAS, the Property is not presently within the corporate boundaries of the City and is therefore ineligible to receive certain municipal services, including municipal water and wastewater services, that the Owner desires to obtain for the Property; and

WHEREAS, the Owner desires that the City annex the Property and the City desires to annex the Property, provided that certain conditions are satisfied; and

WHEREAS, pursuant to the authority contained in Local Government Article, subtitle 4-400 of the Annotated Code of Maryland, the Owner and the City have agreed that the following conditions and circumstances will apply to the annexation proceedings and to the Property.

1

WITNESSETH:

1. WARRANTIES AND REPRESENTATIONS OF CITY:

The City of Salisbury, the Salisbury-Wicomico County Planning Commission and staff will be guided by this Agreement throughout the review of all development plans submitted for the Property ensure that the provisions of this Agreement are specifically implemented, and the Property is developed in substantial conformance with the concept development plan which is part of this Agreement. Any approval granted to a development plan by any commission, board, body, or agent of the City shall be in substantial compliance with the terms and conditions of this Agreement and the appurtenant concept development plan.

The parties understand and agree that the City’s herein provided covenant of support is not

intended, nor could it be construed, to legally prohibit the City from enacting such future ordinances or charter provisions or engineering standards or amendments deemed necessary to protect the public health, safety and welfare of the residents of the City, nor from applying such ordinances or charter provisions to the development of the Property, provided such application does not operate to divest prior approvals, nor interfere with the Owner's vested rights to any greater extent than the impact of such ordinances and charter resolutions upon other similarly-situated properties within the City's boundaries.

2. **WARRANTIES AND REPRESENTATIONS OF THE OWNER:**

This Agreement constitutes the formal written consent to annexation by the Owner as required by Local Government Article of the Maryland Code, Section 4-403 (b)(1) and (2). The Owner acknowledges that it will receive a benefit from annexation and agrees, as a bargained-for condition and circumstances applicable to the annexation, that it waives and completely relinquishes any right to withdraw its consent to annexation, except as explicitly provided for in this Annexation Agreement, from the date of execution of this Agreement by all parties. The Owner further agrees that it will not petition to take the Annexation Resolution to referendum and that, in the event of a referendum in which it is permitted to vote, that it shall vote in favor of the Annexation Resolution.

The Owner warrants and represents that it has the full authority to sign this Agreement and is in fact the sole owner of the real property encompassed in the annexation area and more particularly described in Attachment "A", and that there is no action pending against it or involving it that would in any way affect its right and authority to execute this Agreement.

The Owner warrants and represents that it has the full power and authority to sign this Agreement and Consent and is, in fact, collectively the sole owner of not less than Twenty-five Percent (25%) of the assessed valuation of the real property within the annexation area.

3. **APPLICATION OF CITY CODE AND CHARTER**

From and after the effective date of the Annexation Resolution implementing this Agreement, all provisions of the Charter and Code of the City shall have full force and effect within the Property except as otherwise specifically provided herein.

4. **MUNICIPAL ZONING**

Upon the effective date of the Annexation Resolution implementing this Agreement, the Property will be zoned **Planned Development District No. 1 – Robertson Farm (PDD No. 1)** as stated in the Annexation Resolution, but only if all appropriate submissions are received from the Owner and if the City of Salisbury determines that PDD No. 1 is the appropriate zoning classification. If so, the City will amend PDD No. 1, which adjoins the Annexation Property to include the Annexation Property, pursuant to the zoning provisions of the Salisbury Municipal Code. Since the zoning classification of

pursuant to the zoning provisions of the Salisbury Municipal Code. Since the zoning classification of PDD No.1 is critical to the viability of the proposed development project, if the City determines that PDD No. 1 is not the appropriate zoning classification for the Annexation Property, the Owner may withdraw its Petition For Annexation in writing.

5. MUNICIPAL SERVICES

Upon the effective date of the Annexation Resolution implementing this Agreement, the City will make the Property eligible to receive all applicable municipal services to the extent that the necessary public facilities exist to provide such services. Any allocation of capacity and/or services will be made by the City according to adopted allocation plans which may be in effect at the time the Owner makes request for such capacity and/or services.

6. STANDARDS AND CRITERIA

Should any environmental, engineering, or other similar standard or criteria specifically noted in this Agreement be exceeded by any local, State, or Federal standard, criteria, or regulation, which may be adopted after the execution of this Agreement, the newer stricter standard, criteria, or regulation shall apply.

7. CITY BOUNDARY MARKERS

The Owner will fund and install City Boundary Markers at the boundary lines to the newly enlarged City boundaries and will provide receipt of such work completed to the City within 90 days of expiration of the 45-day referendum period. The Owner agrees that failure to comply with this provision will subject the Owner to payment of a fee to the City of Salisbury made payable prior to development plan approval of \$10,000.00 plus the cost for the City's surveyor to complete the work.

8. DEVELOPMENT CONSIDERATIONS

A. Costs and Fees: The Owner agrees that it will pay the costs of annexation to the City, including but not limited to the City's costs for legal fees, planning, and other consulting fees in connection with the preparation of this Agreement and/or the necessary annexation resolution and related documents, for publication of any required notices, and for any other cost or expense reasonably related, in the City's sole judgment, to the annexation. This obligation applies regardless of whether the proposed annexation or the desired zoning classification is achieved by the Owner.

B. The Owner and City agree that the Property will be developed consistent with the regulations of the zoning district classification referenced in the Annexation Resolution and in substantial conformance with the concept development plan shown as Attachment B-1, except as may be modified through the inclusion of the Property within the Planned Development District No.1 Robertson Farm.

C. Contribution to Area Improvement: The Owner agrees that any site plan for the Property shall contain a landscape plan containing evergreen and deciduous trees, planted in a buffer area of a

sufficient width to screen the proposed buildings and site operations from the adjoining public streets and adjoining properties using tree species and tree sizes approved by the City.

D. The Owner agrees to install a 5-foot-wide sidewalk along the Property's full frontage with Sharen Drive to specifications approved by the City.

E. Re-investment in Existing Neighborhoods: Prior to the issuance of the first building permit, the Owner agrees to pay a development assessment to the City of Salisbury at the rate of \$9,011 per acre, such that the amount payable for the subject 3.55-acre Property shall be \$31,989. This assessment is understood by the parties to be intended for use by the City in its sole discretion for beautification, restoration, and revitalization improvements to existing neighborhoods in the City and is to be in addition to and independent of the City's water and sewer comprehensive connection charges, any impact fees imposed by Wicomico County or the City, and any assessments that may be required to be paid elsewhere in this Agreement.

F. Escalation of Development Assessments: The assessment set forth in paragraph E. above is subject to adjustment to reflect inflation. Beginning January 1, 2024, the assessment shall be adjusted for inflation and this adjustment shall take place annually thereafter on the first day of January, for any assessment that remains unpaid. The assessment shall be adjusted by the percent change in the CPI during the previous 12-month period. The CPI to be used is the Consumer Price Index-U, All City Average, Unadjusted, published by the Bureau of Labor Statistics.

G. Community / Environmental Design: The Owner agrees to use its best efforts, in coordination with the City of Salisbury Department of Infrastructure and Development and the Salisbury – Wicomico County Planning Commission to achieve as many LEED certification level points as possible for new construction projects as outlined by the U.S. Green Building Council's LEED Standards for Building Design, New Construction as may be updated from time to time and specifically agrees to meet the following energy and environmental performance standards:

Site lighting fixtures shall be energy efficient and, where possible, shall utilize LED lamps for energy efficiency and long lamp life. They shall also be selected for highest efficiency but recognizing that they will ultimately be owned and maintained by the City of Salisbury, the selection of streetlights shall be made in conjunction with the City of Salisbury DPW.

The Property's entire stormwater management system will be designed with an emphasis on stormwater infiltration, bio-retention, and open channel conveyance, with as little conventional piped conveyance as possible. Using these and other innovative approaches, the requirements for groundwater recharge and stormwater pretreatment will be satisfied in an environmentally friendly and aesthetically pleasing manner.

Roadway and parking lot construction shall be accomplished using recycled aggregates and base material when acceptable recycled materials meeting the required physical properties of the design engineer are locally available.

The HVAC systems in the buildings that will contain them shall be high energy performance units. Air conditioning compressors will be 17 SEER, minimum.

Building finish materials that have high recycled content shall be selected.

Building roofing materials on the Property shall be selected for energy efficiency and to minimize the heat island effect of dark roof coverings.

Building finish materials that have high-recycled content shall be selected where possible. Low VOC (Volatile Organic Compound) paints and finishes shall be used.

The parties acknowledge and agree that the obligations set forth herein on the part of both parties pertain to the Property, unless otherwise expressly stated herein.

9. RECORD PLAT:

The Owner will provide the City with a copy of the final record plat for the development of the Property.

10. MISCELLANEOUS:

The obligations of the parties hereto, set forth herein are contingent upon the adoption of an Annexation Resolution effecting the annexation of the Property by the Mayor and City Council of the City of Salisbury and shall be void in the event the City fails to affect such annexation or such annexation is invalidated by referendum or otherwise.

The use of singular verb, noun and pronoun forms in this Agreement shall also include the plural forms where such usage is appropriate; the use of the pronoun "it" shall also include, where appropriate "he" or "she" and the possessive pronoun "its" shall also include, where appropriate, "his" "hers" and "theirs."

From time to time after the date of this Annexation Agreement, the parties, without charge to each other, will perform such other acts, and will execute, acknowledge and will furnish to the other such instruments, documents, materials and information which either party reasonably may request, in order to affect the consummation of the transactions provided for in this Agreement.

This Agreement, which includes all exhibits, schedules, and addenda hereto, each of which is incorporated in this Agreement by this reference, shall be recorded among the Land Records of Wicomico County and shall run with the land and be binding upon and inure to the benefit of the parties, their heirs, successors, and assigns, and embodies and constitutes the entire understanding, representations, and statements, whether oral or written, are merged in this Annexation Agreement. The parties may renegotiate the terms hereof by mutual agreement, after the effective date of any Annexation Resolution adopted by the City pursuant hereto, provided that neither this Agreement nor any provisions hereof may be waived, modified, or amended unless such modification is in writing and is signed by the party against whom the enforcement of such waiver, modification or amendment is sought, and then only to the extent set forth in such instrument.

The parties hereto acknowledge that, in entering into this Agreement, neither party has been induced by, nor has relied upon, nor included as part of the basis of the bargain herein, any representations or statement, whether express or implied, made by any agent, representative or

employee, which representation or statement is not expressly set forth in this Agreement.

This Agreement shall be construed according to its plain meaning without giving regard to any inference or implication arising from the fact that it may have been drafted in whole or in part by or for any one of the parties hereto.

This Agreement, its benefit and burden, shall be assignable, in whole or in part, by the Owner without the consent of the City or of its elected officials, employees or agents, to any purchasers or contract purchasers of the property or any party thereof. However, the Owner will not transfer or pledge as security for any debt or obligation, any interest in all or part of the Annexation Area, without first obtaining the written consent and acknowledgement of the transferee or pledgee to the Annexation Agreement and to the complete observance hereof. The Owner shall provide the City with copies of all documents of transfer or assignment, including exhibits when the documents are fully executed, regardless of recordation.

The captions in any Agreement are inserted for convenience only, and in no way define, describe, or limit the scope of intent of this Agreement or any of the provisions hereof.

The laws of the State of Maryland shall govern the interpretation, validity, and construction of the terms and provisions of this Agreement. If any term or provision of this Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect. Any suit to enforce the terms hereof or for damages or other remedy for the breach or alleged breach hereof shall be brought exclusively in the Courts of the State of Maryland in Wicomico County and the parties expressly consent to the jurisdiction thereof and waive any right that they might otherwise have to bring such action in or transfer or remove such action to the courts of any other jurisdiction.

All notices and other communications under this Agreement shall be in writing and shall be sent either by first class mail, postage prepaid, or by personal delivery, addressed to the parties as provided below. Notice shall be deemed given on the date delivered or attempted to be delivered during normal working hours on business days.

IF TO THE CITY: Julia Glanz, City Administrator
125 North Division Street
Salisbury, Maryland 21801

WITH A COPY TO: Laura Hay, City Attorney
313 Lemmon Hill Lane
Salisbury, MD 21801

IF TO THE OWNER: W. Blair Rinnier, President
218 East Main Street
Salisbury, MD 21801

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

WITNESS:

THE CITY OF SALSIBURY, MARYLAND

By: _____

WITNESS/ATTEST:

OWNER:

By: _____
W. Blair Rinnier, President

APPROVED AS TO FORM:

Laura Hay, City Attorney

STATE OF MARYLAND
COUNTY OF _____, to wit:

I HEREBY CERTIFY, that on this _____ day of _____, _____, before me, a Notary Public in and for the State aforesaid, personally appeared _____, who has been satisfactorily proven to be the person whose name is subscribed to the within instrument, who acknowledged himself to be a duly elected official of the City of Salisbury, a municipal corporation of the State of Maryland, and that said official, being duly authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the municipal corporation as such official.

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public

My Commission Expires: _____

I HEREBY CERTIFY, that on this _____ day of _____, _____, before me, a Notary Public in and for the State aforesaid, personally appeared _____, who has been satisfactorily proven to be the person whose name is subscribed to the within instrument.

WITNESS my hand and notarial seal.

_____(SEAL)
Notary Public

My Commission Expires: _____

I HEREBY CERTIFY that the foregoing instrument was prepared by or under the supervision of an attorney duly admitted to practice before the Court of Appeals of Maryland.

_____, City Attorney

EXHIBIT D

REPORT OF ANNEXATION PLAN

for the

**SHAREN DRIVE ANNEXATION
TO THE CITY OF SALISBURY**

November 5, 2021

This Annexation Plan is consistent with the Municipal Growth Element of the City of Salisbury's adopted Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on _____, the Salisbury City Council reviewed the proposed annexation request.
- On June 17, 2021 the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and approved a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on _____ 2021, the City Council *reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review – (text in italics is written prospectively).*
- A City Council meeting held on *(date to be inserted)* the Council formally reviewed this Annexation Plan and the Annexation Resolution and directed that a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council for comment within 30 days of the public hearing as provided for by State law.

1.0

GENERAL INFORMATION AND DESCRIPTION

1.1 Petitioners

The petitioner is Rinnier Development, a Maryland corporation whose principal address is 218 E. Main Street in Salisbury, Maryland 21801.

1.2 Location

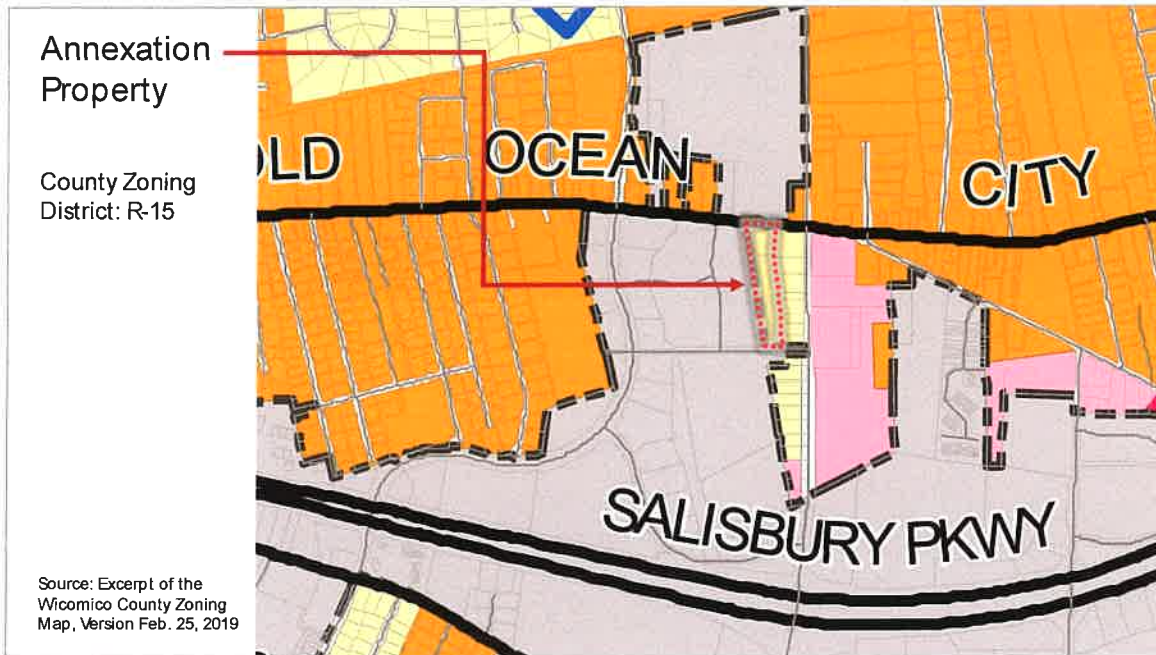
The Property's fronts Sharen Drive just west of its intersection with Phillip Morris Drive: Tax Map 0039, Parcel 0269.

1.3 Property Description

The Property is comprised of two lots totaling 3.55 acres. It contains a single-family detached house and otherwise is undeveloped, vacant, and partially wooded.

1.4 Existing Zoning

The Property is now zoned Residential, R-15 under the Wicomico County Code as shown in the exhibit below.



2.0

LAND USE PATTERN PROPOSED FOR THE AREA TO BE ANNEXED

2.1 Comprehensive Plan

The City of Salisbury adopted the current Comprehensive Plan in 2010. The Property is located within the City's Municipal Growth Area with a planned land use designation of "Mixed-Use". As the Comprehensive Plan states that, "The purpose of the mixed use category is to optimize the use of land and services, the conservation of environmentally sensitive areas, and the creation of functional and attractive developments". The Comprehensive Plan specifically notes that "areas designated as "Mixed-Use" within the designated future growth areas will not include a residential component". The use proposed for the annexation is fully non-residential – a self-storage facility.

The Comprehensive Plan's goal as it pertains to annexations is as follows: "To encourage the orderly growth and expansion of the City of Salisbury by annexing selected areas and by providing public services to newly developing areas without overburdening these facilities while continuing to maintain a high level of services to existing developments and residents of the City".

The annexation of the subject Property is consistent with the Comprehensive Plan. It is in the designated municipal growth area and lies adjacent to property in the City already developed with apartments and other high density residential uses, under the Planned Development District standards (PDD #1-Robertson Farm).

2.2 Proposed Zoning

Upon annexation, the Property would be zoned Light Business Institutional (LBI). The Salisbury Wicomico County Planning Commission recommends that the Property be zoned Planned Development District. The process for applying the Planned Development District zoning designation is set forth in the City Zoning Ordinance. It may be rezoned PDD through an amendment to the existing PDD #1 which is known as Robertson Farm. Under such an amendment, the boundaries of the PDD #1 would be enlarged to encompass the Property. This zoning step could proceed after annexation upon petition of the Owner.

2.3 Proposed Land Use

The petitioners are proposing that the Property be developed into a self-storage facility. Development would be governed by City zoning regulations pertaining to the proposed LBI District except as may be amended through a subsequent rezoning to Planned Development District #1, as may be amended from time to time, or, through any successor zoning district which may be approved by the City in the future.

3.0

THE PUBLIC FACILITIES AND SERVICES NEEDED BY THE DEVELOPMENT AND THE METHODS TO PROVIDE SUCH FACILITIES AND SERVICES TO THE ANNEXED PARCEL

3.1 Roads

Access to the Property is provided via Sharen Drive, which is a public street road running between Beaglin Parkway and Phillip Morris Drive. The developer would extend the existing sidewalk on Sharen Drive from its current terminus through the frontage of the Property to Philip Morris Dive.

3.2 Water and Wastewater

The Annexation Property is presently not connected to public water and sewer services and no connections are planned as part of the development. The proposed use—self storage—will operate without a source of potable water or sanitary sewer services.

3.3 Schools

As a non-residential use, the Property would not generate pupil enrollment and have no impact of school capacity.

3.4 Parks and Rec.

As a non-residential use in this case, the Property would have no impact on park and recreational facilities or generate a demand for them.

3.5 Fire, E.M., and Rescue Services

The Salisbury Fire Department would provide fire suppression, technical rescue, special operations, and advanced life support (ALS-EMS) emergency medical treatment and transport services to the Property.

3.6 Police

The City of Salisbury Police Department would provide services to the Property.

3.7 Stormwater Management:

Stormwater management is governed by the Maryland Stormwater Management regulations administered locally.

3.8 Waste Collection

Commercial development in the City is served by independent waste haulers.

4.0

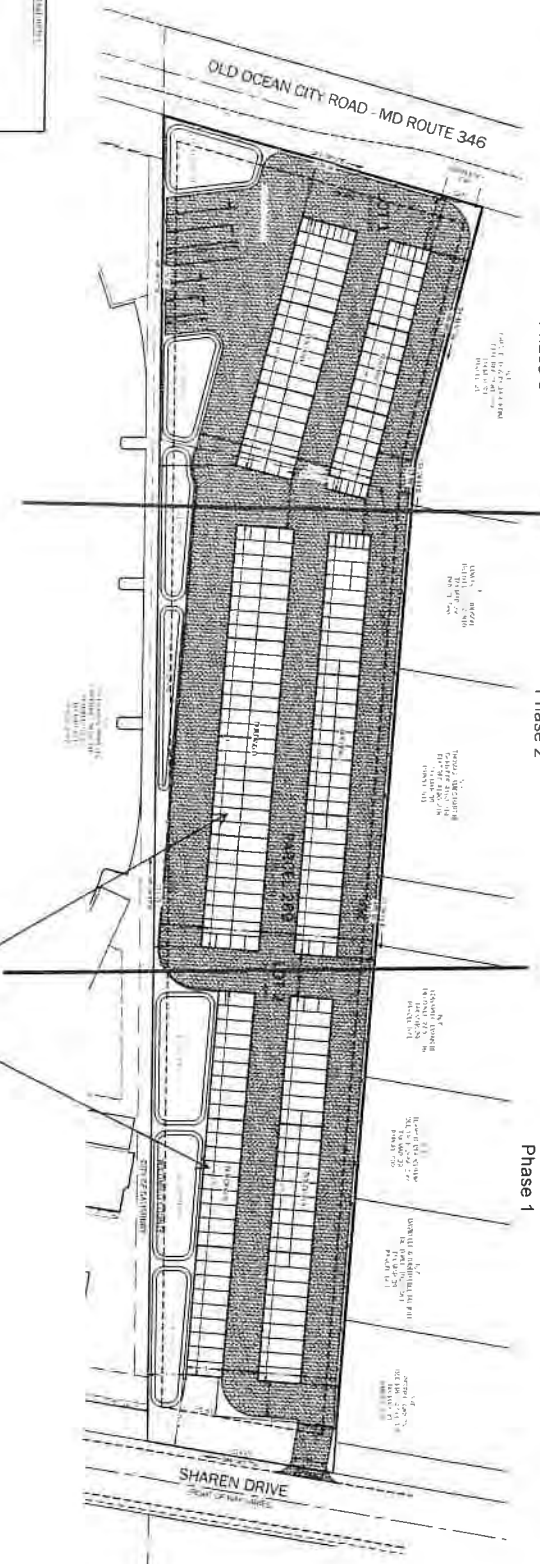
HOW DEVELOPMENT OF THE ANNEXED PARCEL WOULD RELATE TO EXISTING/PLANNED LAND USE DEVELOPMENT, STREETS, PUBLIC FACILITIES AND SERVICES, OPEN SPACES AND NATURAL AREAS.

The Property is located within the City's Municipal Growth Area and within the area designated "Mixed-Use". The Property is proposed to be developed as a self-storage facility. It lies adjacent to an existing apartment complex on its western side which is in the City, and single family detached house lots on its eastern side, which is outside of the City.

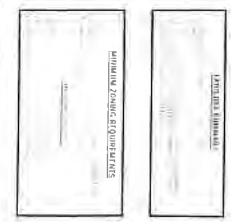
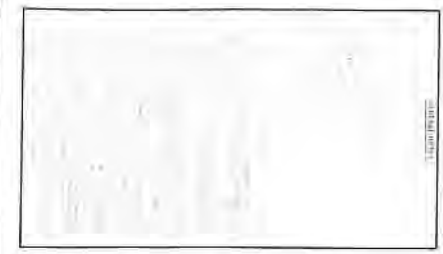
Should the Property eventually be rezoned to PDD #1, as recommended by the Planning Commission, (through amendments to the Roberts Farm PDD Development Plan), care will need to be taken to ensure that potential land use conflicts are minimized through use of setbacks, buffering, landscaping, and careful regulation of the placement and intensity of site lighting. The property must be developed with buffers adequate to screen the self-storage building and site operations from the adjoining residential uses and from Sharen Drive.

The sidewalk existing on Sharen Drive will be extended by the developer from its existing terminus to Phillip Morris Drive.

The site is presently mostly vacant and partially forested. It has no significant natural features or environmental constrains.



Buildings B + D
to be climate controlled



LEGEND

[Symbol]	PHASE 1
[Symbol]	PHASE 2
[Symbol]	PHASE 3
[Symbol]	EXISTING UTILITIES
[Symbol]	STREET LIGHTS
[Symbol]	MINIMUM 5% OPEN SPACE REQUIREMENTS
[Symbol]	LAWN AND TREES



CONCEPT SITE PLAN
SHAREN DRIVE SELF STORAGE FACILITY

DATE: 11/17/2011

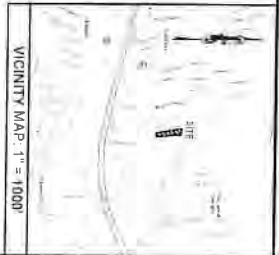
SHEET 1

PROJECT: SHAREN DRIVE SELF STORAGE FACILITY

DRAWN BY: [Name]

CHECKED BY: [Name]

SCALE: AS SHOWN



1 RESOLUTION NO. 3160

2 A RESOLUTION OF THE CITY OF SALISBURY PROPOSING THE
3 ANNEXATION TO THE CITY OF SALISBURY OF A CERTAIN AREA OF LAND
4 SITUATE CONTIGUOUS TO AND BINDING UPON THE EASTERLY
5 CORPORATE LIMIT OF THE CITY OF SALISBURY, TO BE KNOWN AS THE
6 "SHAREN DRIVE ANNEXATION," ON THE NORTH SIDE OF AND BINDING
7 ON OLD OCEAN CITY ROAD – MD ROUTE 346, THE EAST SIDE OF AND
8 BINDING ON THE CURRENT CORPORATE LINE OF THE CITY OF
9 SALISBURY ALSO BEING THE CURRENT WESTERLY LINE PDD NO. 1 AND
10 WEST OF BUT NOT BINDING UPON PHILLIP MORRIS DRIVE AND
11 PARTICULARLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO

12 WHEREAS, the City of Salisbury is considering the annexation of a parcel of land contiguous to
13 and binding upon the easterly corporate limit of the City of Salisbury, to be known as the "Sharen Drive
14 Annexation," on the north side of and binding on Old Ocean City Road, the east side of and binding on the
15 current corporate line of the City of Salisbury also being the current westerly line PDD NO.1 being all of
16 Map 0039, Parcel 0269, Lot 1 & 2, being more particularly described in "Exhibit A" attached hereto and
17 made part hereof; and

18 WHEREAS, the City of Salisbury is required to adopt an annexation plan for the proposed area of
19 annexation pursuant to the Local government Article of the Maryland Annotated Code; and

20 WHEREAS, pursuant to MD Code, Local Government, § 4-406, a public hearing on this
21 Resolution, providing for the Council of the City of Salisbury's approval of the Annexation Plan (as defined
22 hereinbelow) for the City of Salisbury's annexation of the Property as set forth herein, shall be and hereby
23 is scheduled for February 13, 2023 at 6:00 p.m.

24 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
25 SALISBURY as follows:

26 **Section 1.** The Annexation Plan for the Sharen Drive Annexation, attached hereto as **Exhibit B**
27 and incorporated as if fully set forth herein (the "**Annexation Plan**"), be and hereby is adopted for the City
28 of Salisbury's annexation of the Property as contemplated by this Resolution.

29 **Section 2.** Pursuant to MD Code, Local Government, § 4-406, the Council of the City of Salisbury
30 shall hold a public hearing on this Resolution on February 13, 2023 at 6:00 p.m. in the Council
31 Chambers at the City-County Office Building, and the City Administrator shall cause a public notice of
32 time and place of the said public hearing to be published not fewer than two (2) times at not less than weekly
33 intervals, in at least one (1) newspaper of general circulation in the City of Salisbury, which said public
34 notice shall specify a time and place at which the Council of the City of Salisbury will the hold the aforesaid
35 public hearing, the date of which shall be no sooner than fifteen (15) days after the final required date of
36 publication as specified hereinabove.

37 AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY
38 as follows:

39 **Section 3.** It is the intention of the Council of the City of Salisbury that each provision this
40 Resolution shall be deemed independent of all other provisions herein.

41 **Section 4.** It is further the intention of the Council of the City of Salisbury that if any section,
42 paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or
43 otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to
44 the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this
45 Resolution shall remain and shall be deemed valid and enforceable.

46 **Section 5.** The Recitals set forth hereinabove are incorporated into this section of this Resolution
47 as if such recitals were specifically set forth at length in this Section 5.

48 **Section 6.** This Resolution and the annexation of the Property as contemplated herein, shall take
49 effect upon the expiration of forty-five (45) days following its final passage, subject, however, to the right
50 of referendum with respect to this Resolution as set forth in MD Code, Local Government, § 4-401, et seq.

51 **THIS RESOLUTION** was introduced and read and passed at the regular meeting of the Council
52 of the City of Salisbury held on, having been duly published as required by law in the meantime a public
53 hearing was held on _____, 2022, at 6:00 p.m., and was finally passed by the Council of the
54 City of Salisbury at its regular meeting held on the _____ 2022.

55

56

57

58 _____
59 Kimberly R. Nichols,
60 City Clerk

John R. Heath,
Council President

61 APPROVED BY ME this ____ day of _____, 2022.

62

63

64

65 _____
66 Jacob R. Day,
67 Mayor

68

EXHIBIT A

SHAREN DRIVE – OCEAN ISLE

Beginning for the same at a point at a corner of the existing Corporate Limits Line of the City of Salisbury, MD, being on the northerly right of way line of Old Ocean City Road (MD Rte. 346). X 1,213,818.08 Y 200,006.79 (1) Thence with the said Corporate Limits line South nine degrees thirty-four minutes fifty-seven seconds East (S 09° 34' 57" E) nine hundred seventy-six decimal three, three (976.33) feet to a point near the northerly line of Sharen Drive. X 1,213,980.61 Y 199,044.08 (2) Thence continuing with the said existing Corporate Limits Line North eighty-nine degrees thirty-eight minutes fifteen seconds East (N 89° 38' 15" E) one hundred thirty-four decimal zero, zero (134.00) feet to a point on the easterly line of Lot 2 of the "James W. & Hazel E. Brittingham Subdivision". X 1,214,114.61 Y 199,044.93 (3) Thence with the easterly line of the said Lot 2 and Lot 1, in part, North five degrees twenty-eight minutes fourteen seconds West (N 05° 28' 14" W) six hundred ninety-four decimal zero, one (694.01) feet to a breakpoint on the easterly line of the said Lot 1. X 1,214,048.44 Y 199,735.78 (4) Thence continuing with the easterly line of the said Lot 1 and crossing the aforesaid Old Ocean City Road North four degrees forty-one minutes forty-six seconds East (N 04° 41' 46" E) two hundred forty-five decimal three, nine (245.39) feet to a point on the northerly right of way line of the said Old Ocean City Road. X 1,214,068.53 Y 199,980.35 (5) Thence by and with the northerly line of the said Old Ocean City Road and aforesaid existing Corporate Limits Line North eighty-three degrees fifty-eight minutes twenty-two seconds West (N 83° 58' 22" W) two hundred fifty-one decimal eight, four (251.84) feet to the point of beginning.

Annexation containing 3.182 acres, more or less.

EXHIBIT B

REPORT OF ANNEXATION PLAN

for the

**SHAREN DRIVE ANNEXATION
TO THE CITY OF SALISBURY**

November 5, 2021

This Annexation Plan is consistent with the Municipal Growth Element of the City of Salisbury's adopted Comprehensive Plan. The following are milestones in the public review and consideration of the proposed Annexation.

- At a work session on _____, the Salisbury City Council reviewed the proposed annexation request.
- On June 17, 2021 the City of Salisbury / Wicomico County Planning Commission reviewed the proposed annexation and approved a favorable recommendation to the Salisbury City Council for the proposed zoning of the Property.
- At a Salisbury City Council work session on _____ 2021, the City Council *reviewed the draft annexation agreement and the draft version of this Annexation Plan and directed that an Annexation Resolution be drafted for review – (text in italics is written prospectively).*
- A City Council meeting held on *(date to be inserted)* the Council formally reviewed this Annexation Plan and the Annexation Resolution and directed that a date for a public hearing be established. The Council further directed that the Annexation Plan be forwarded to the Maryland Department of Planning and the Wicomico County Council for comment within 30 days of the public hearing as provided for by State law.

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1.1 Petitioners

The petitioner is Rinnier Development, a Maryland corporation whose principal address is 218 E. Main Street in Salisbury, Maryland 21801.

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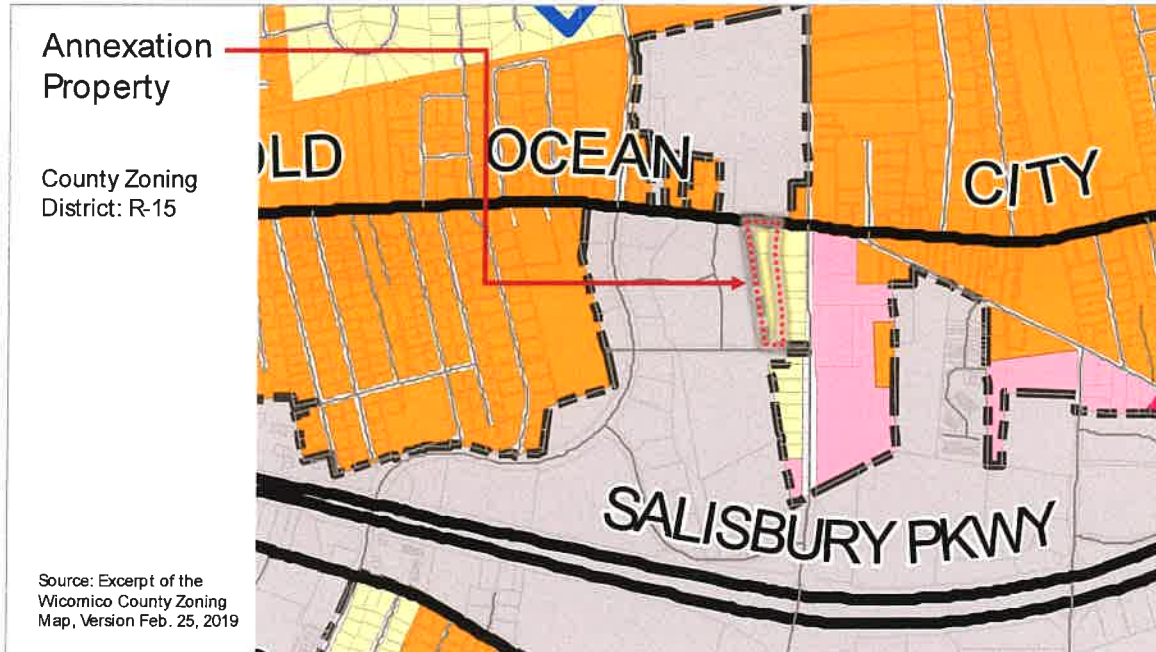
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The Property is comprised of two lots totaling 3.55 acres. It contains a single-family detached house and otherwise is undeveloped, vacant, and partially wooded.

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The Property is now zoned Residential, R-15 under the Wicomico County Code as shown in the exhibit below.



2.0

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2.1 Comprehensive Plan

The City of Salisbury adopted the current Comprehensive Plan in 2010. The Property is located within the City's Municipal Growth Area with a planned land use designation of "Mixed-Use". As the Comprehensive Plan states that, "The purpose of the mixed use category is to optimize the use of land and services, the conservation of environmentally sensitive areas, and the creation of functional and attractive developments". The Comprehensive Plan specifically notes that "areas designated as "Mixed-Use" within the designated future growth areas will not include a residential component". The use proposed for the annexation is fully non-residential – a self-storage facility.

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3.1 Roads Access to the Property is provided via Sharen Drive, which is a public street road running between Beaglin Parkway and Phillip Morris Drive. The developer would extend the existing sidewalk on Sharen Drive from its current terminus through the frontage of the Property to Philip Morris Dive.

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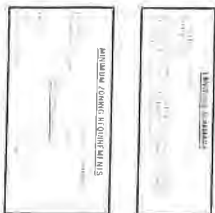
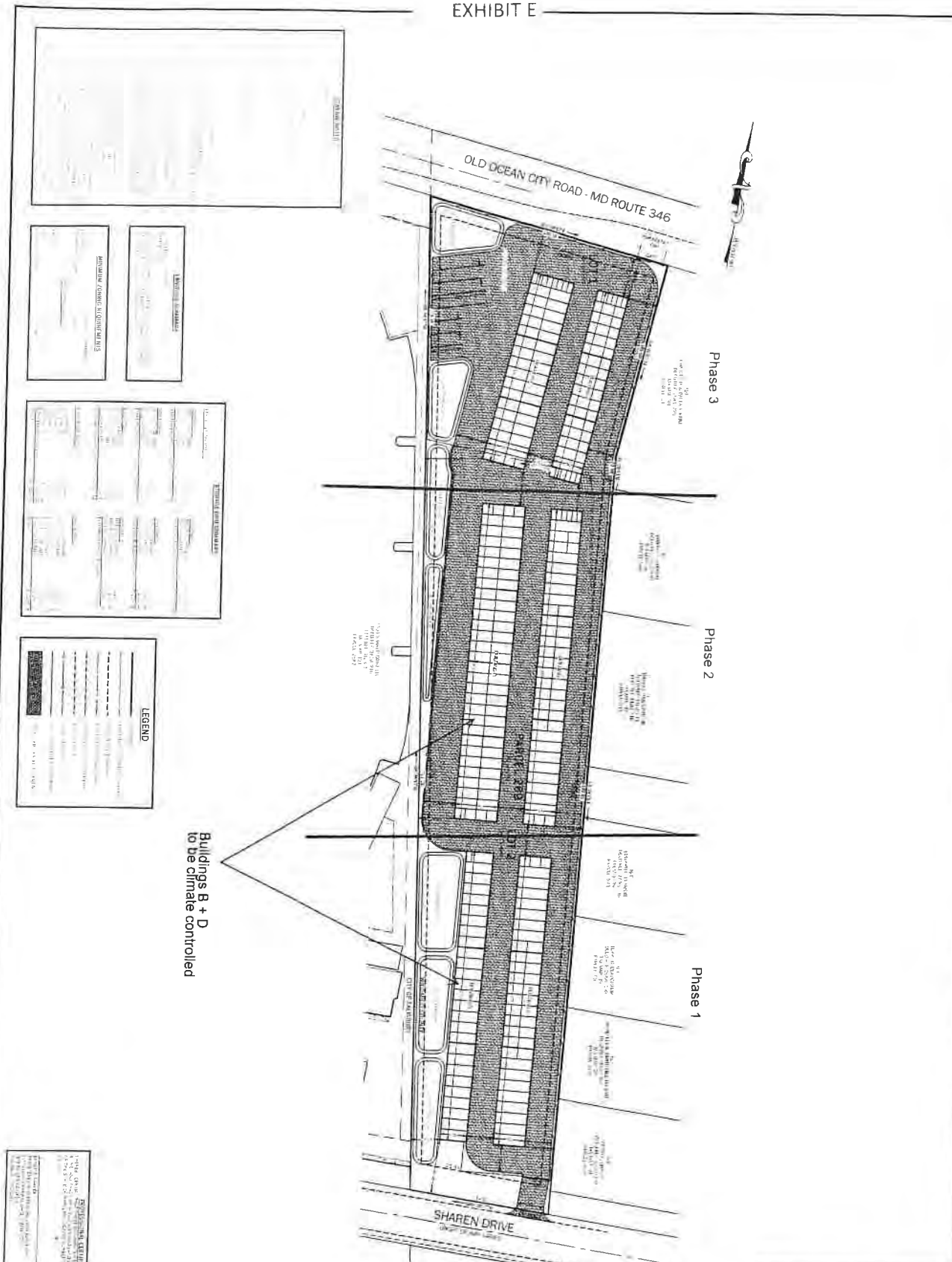
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Should the Property eventually be rezoned to PDD #1, as recommended by the Planning Commission, (through amendments to the Roberts Farm PDD Development Plan), care will need to be taken to ensure that potential land use conflicts are minimized through use of setbacks, buffering, landscaping, and careful regulation of the placement and intensity of site lighting. The property must be developed with buffers adequate to screen the self-storage building and site operations from the adjoining residential uses and from Sharen Drive.

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Legend

Symbol	Description
---	Proposed Building Footprint
---	Proposed Driveway
---	Proposed Parking Area
---	Proposed Access Road
---	Proposed Utility Lines
---	Proposed Fencing
---	Proposed Landscaping
---	Proposed Stormwater Management
---	Proposed Security Features
---	Proposed Other Amenities

Legend

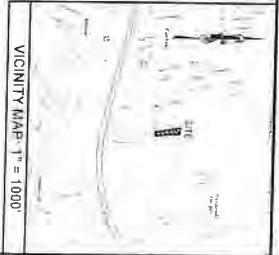
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---	Proposed Fencing
---	Proposed Landscaping
---	Proposed Stormwater Management
---	Proposed Security Features
---	Proposed Other Amenities

PROFESSIONAL CERTIFICATION

I, **DAVID M. BROWN**, a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the above is a true and correct copy of the original as submitted to me for my review and approval.

DATE: 08/15/2011

PROJECT NUMBER: 11-001



	CONCEPT SITE PLAN SHAREN DRIVE SELF STORAGE FACILITY	
	SHAREN DRIVE BRIDGE AND BLVD BALDWIN ELECTION DISTRICT, CITY OF SALISBURY, MARYLAND	
SHEET 1	SCALE: 1" = 100'	DATE: 08/15/2011

1 **ORDINANCE NO. 2764**

2 **AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT TO THE FY**
3 **2023 GENERAL FUND BUDGET AND THE GRANT FUND BUDGET FURTHER**
4 **APPROPRIATING FUNDS FOR THE OPERATION OF THE 2023 MARYLAND FOLK**
5 **FESTIVAL.**

6
7 **WHEREAS**, the City wishes to hold the inaugural Maryland Folk Festival in September of 2023 to
8 celebrate our community’s rich artistic vibrancy and diversity by offering unique experiences to express cultural
9 traditions through music, dance, food, crafts and other folk arts; and

10
11 **WHEREAS**, funds in the amount of \$675,000 will be needed to cover all facets of festival operations
12 including, but not limited to, staffing, production fees, artist fees, equipment, staging, and lighting; and

13
14 **WHEREAS**, the \$675,000 in expenditures for the Maryland Folk Festival will be offset by a variety of
15 revenue sources including, but not limited to, sponsorships, donations, grants and on-site revenue collected through
16 alcohol and merchandise sales; and

17
18 **WHEREAS**, appropriations necessary to execute the purpose of this grant must be made upon the
19 recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

20
21 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE**
22 **CITY OF SALISBURY, MARYLAND**, as follows:

23
24 **Section 1.** The City of Salisbury’s FY23 General Fund Budget be and hereby is amended as follows:

25

Increase Decrease	Type	Account	Account Description	Amount
Increase	Revenue	01000-69810	Current Year Surplus	162,500
Increase	Expense	91001-599105	Transfer Special Revenue Fund	162,500

26
27
28 **Section 2.** The City of Salisbury’s Grand Fund be and hereby is amended as follows:

29

Increase Decrease	Type	Account	Account Description	Amount
Increase	Revenue	10125-456124-xxxxx	Sponsorships	353,000
Increase	Revenue	10125-456400-xxxxx	Donations	72,500
Increase	Revenue	10125-456123-xxxxx	Vender Revenue	22,000
Increase	Revenue	10125-469110-xxxxx	Transfer In – General Fund	162,500
Increase	Expense	10125-xxxxxx-xxxxx	Operating and Other various	610,000

30
31 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
32 **SALISBURY, MARYLAND**, as follows:

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

35
36 **Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
37 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise
38 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section,

39 paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and
40 shall be deemed valid and enforceable.

41
42 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
43 recitals were specifically set forth at length in this Section 5.

44
45 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.

46
47 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
48 Salisbury held on the 12th day of December, 2022 and thereafter, a statement of the substance of the Ordinance
49 having been published as required by law, in the meantime, was finally passed by the Council
50 of the City of Salisbury on the ___ day of January , 2023.

51

52 **ATTEST:**

53 _____
54 **Kimberly R. Nichols, City Clerk**

_____ **John R. Heath, City Council President**

55
56

57 Approved by me, this _____ day of _____, 2023.

58
59

60 _____
61 **Jacob R. Day, Mayor**

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ORDINANCE NO. 2765

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 1 – THE INTERNATIONAL BUILDING CODE, SECTION 15.04.020 OF THE CITY OF SALISBURY MUNICIPAL CODE, GRANTING THE AUTHORITY TO REQUIRE A NEW CERTIFICATE OF OCCUPANCY AND INSPECTION FOR ANY CHANGE OF USE, GROUP, OWNER OR TENANT, AND TO CLARIFY FIRE SAFETY PROVISIONS REGARDING THE FIRE MARSHAL’S ENFORCEMENT POWERS.

WHEREAS, the ongoing application, administration and enforcement of Title 15, Buildings and Construction, of the City of Salisbury Municipal Code demonstrates the need for periodic review, evaluation and amendment; and

WHEREAS, the Mayor and City Council may amend Chapter 15.04, Building Code, pursuant to the authority granted in SC 2-15 of the Salisbury City Charter and § 12-501, *et seq.*, of the Public Safety Article, Maryland Annotated Code; and

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 15.04.020 of the Salisbury City Code to require a new certificate of occupancy and inspection for any change of use, group, owner or tenant, and to clarify fire safety provisions regarding the Fire Marshal’s enforcement powers.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Title 15 of the Salisbury City Code is hereby amended by adding the bolded and underlined language as follows:

Section 1. By amending Section 15.04.020 of the Salisbury City Code, entitled “Amendments to the International Building Code (2018)” as follows:

The following additions and deletions are made to the International Building Code (2018):

A. Chapter 1 delete Section 101.2.1 Appendices, and replace with the following: Paragraph 101.2.1 Appendix provisions on Appendix B. Building Board of Appeals and Appendix I. Patio Covers are adopted as part of the IBC.

B. Chapter 1 delete [A] 101.4.4 Property Maintenance.

C. Chapter 1 amend [A] 102.6 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided for in this code, the International Existing Building Code, City of Salisbury Property Maintenance Code, or the NFPA Life Safety Code 101 (2018).

D. Chapter 1 delete [A] 105.2 Work exempt from permit: 2. Fences not over 7 feet (2134mm) high and replace with the following:

[A] 105.2 Work exempt from permit.

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

E. Chapter 1 add [A] 105.2.14 Work exempt from permit: 14. to read as follows: "Replacement windows, doors, vinyl/aluminum siding and custom trim."

F. Chapter 1 amend [A] 109.4 Work commencing before issuance of a permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to a permit fee two times the amount of the original fee.

G. Chapter 1 add Section [A] 111.1.1, Change of Use Group, Owner or Tenant. No change in use, group, owner or tenant of a building or structure shall be permitted, wholly or in part, until a new Certificate of Occupancy has been issued by the Building Official certifying

46 compliance with applicable parts of this Chapter and other applicable State or local laws,
47 ordinances, and regulations. This provision shall not apply to a change of tenant for R-2,
48 change of owner or tenant for R-3, or change of tenant for R-4 structures. For purposes of
49 this Section, “R-2”, “R-3” and “R-4” shall be defined in accordance with the International
50 Building Code (2018). Further, this provision shall not apply to any property used for a
51 residential purpose, which shall be defined as a property designed to be lived in or otherwise
52 providing living accommodations.

53 **H. Add Section [A] 104.1.1. Fire Safety Provisions. The Fire Marshal or the Fire Marshal's**
54 **authorized representative shall enforce all fire safety provisions of this Code. Where**
55 **references to fire safety provisions in this Code indicate the term "Building Official or Code**
56 **Official," they shall be construed to refer to the Fire Marshal or the Fire Marshal's**
57 **authorized representative. In any conflict of opinion concerning fire safety of a structure, the**
58 **decision of the Fire Marshal shall control. In all other matters relating to structures, the**
59 **decision of the Building Code Official shall control. The Fire Marshal shall be responsible**
60 **for the final technical interpretation of all fire safety provisions within this Code.**

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

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

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

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

72 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
73

74 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
75 Salisbury held on the _____ day of _____, 2022 and thereafter, a statement of the substance of the
76 Ordinance having been published as required by law, in the meantime, was finally passed by the Council of
77 the City of Salisbury on the _____ day of _____, 2022

78 **ATTEST:**
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82 _____
83 **Kimberly R. Nichols, City Clerk**

_____ **John R. Heath, City Council President**

84 Approved by me, this _____ day of _____, 2022.
85

86 _____
87 **Jacob R. Day, Mayor**
88

AS AMENDED ON JANUARY 9, 2023
ORDINANCE NO. 2765

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3 **AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 1 – THE**
4 **INTERNATIONAL BUILDING CODE, SECTION 15.04.020 OF THE CITY OF**
5 **SALISBURY MUNICIPAL CODE, GRANTING THE AUTHORITY TO REQUIRE A**
6 **NEW CERTIFICATE OF OCCUPANCY AND INSPECTION FOR ANY CHANGE**
7 **OF USE, GROUP, OWNER OR TENANT, AND TO CLARIFY FIRE SAFETY**
8 **PROVISIONS REGARDING THE FIRE MARSHAL’S ENFORCEMENT POWERS.**

9 **WHEREAS**, the ongoing application, administration and enforcement of Title 15, Buildings and
10 Construction, of the City of Salisbury Municipal Code demonstrates the need for periodic review, evaluation
11 and amendment; and

12 **WHEREAS**, the Mayor and City Council may amend Chapter 15.04, Building Code, pursuant to the
13 authority granted in SC 2-15 of the Salisbury City Charter and § 12-501, *et seq.*, of the Public Safety Article,
14 Maryland Annotated Code; and

15 **WHEREAS**, the Mayor and Council find that the health, safety and general welfare of the citizens of
16 the City will be furthered by amending section 15.04.020 of the Salisbury City Code to require a new
17 certificate of occupancy and inspection for any change of use, group, owner or tenant, and to clarify fire
18 safety provisions regarding the Fire Marshal’s enforcement powers.

19 **NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY OF**
20 **SALISBURY, MARYLAND**, that Title 15 of the Salisbury City Code is hereby amended by adding the
21 bolded and underlined language as follows:

22 **Section 1.** By amending Section 15.04.020 of the Salisbury City Code, entitled “Amendments to the
23 International Building Code (2018)” as follows:

24 The following additions and deletions are made to the International Building Code (2018):

25 A. Chapter 1 delete Section 101.2.1 Appendices, and replace with the following: Paragraph 101.2.1
26 Appendix provisions on Appendix B. Building Board of Appeals and Appendix I. Patio Covers
27 are adopted as part of the IBC.

28 B. Chapter 1 delete [A] 101.4.4 Property Maintenance.

29 C. Chapter 1 amend [A] 102.6 Existing Structures. The legal occupancy of any structure existing on
30 the date of adoption of this code shall be permitted to continue without change, except as
31 otherwise specifically provided for in this code, the International Existing Building Code, City of
32 Salisbury Property Maintenance Code, or the NFPA Life Safety Code 101 (2018).

33 D. Chapter 1 delete [A] 105.2 Work exempt from permit: 2. Fences not over 7 feet (2134mm) high
34 and replace with the following:

35 [A] 105.2 Work exempt from permit.

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

37 E. Chapter 1 add [A] 105.2.14 Work exempt from permit: 14. to read as follows: "Replacement
38 windows, doors, vinyl/aluminum siding and custom trim."

39 F. Chapter 1 amend [A] 109.4 Work commencing before issuance of a permit issuance. Any person
40 who commences any work on a building, structure, electrical, gas, mechanical or plumbing system
41 before obtaining the necessary permits may be subject to a permit fee two times the amount of the
42 original fee.

43 **G. Chapter 1 add Section [A] 111.1.1, Change of Use Group, Owner or Tenant. No change in**
44 **use, group, owner or tenant of a building or structure shall be permitted, wholly or in part,**
45 **until a new Certificate of Occupancy has been issued by the Building Official certifying**

46 compliance with applicable parts of this Chapter and other applicable State or local laws,
47 ordinances, and regulations. This provision shall not apply to a change of tenant for R-2,
48 change of owner or tenant for R-3, or change of tenant for R-4 structures. For purposes of
49 this Section, “R-2”, “R-3” and “R-4” shall be defined in accordance with the
50 International Building Code (2018). Further, this provision shall not apply to any
51 property used for a residential purpose, which shall be defined as a property designed to
52 be lived in or otherwise providing living accommodations.

53 **H. Add Section [A] 104.1.1. Fire Safety Provisions. The Fire Marshal or the Fire Marshal's**
54 **authorized representative shall enforce all fire safety provisions of this Code. Where**
55 **references to fire safety provisions in this Code indicate the term "Building Official or Code**
56 **Official," they shall be construed to refer to the Fire Marshal or the Fire Marshal's**
57 **authorized representative. In any conflict of opinion concerning fire safety of a structure, the**
58 **decision of the Fire Marshal shall control. In all other matters relating to structures, the**
59 **decision of the Building Code Official shall control. The Fire Marshal shall be responsible**
60 **for the final technical interpretation of all fire safety provisions within this Code.**

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

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

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

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

72 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
73

74 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
75 Salisbury held on the 12th day of December, 2022 and thereafter, a statement of the substance of the
76 Ordinance having been published as required by law, in the meantime, was finally passed by the Council of
77 the City of Salisbury on the 9th day of January, 2023

78 **ATTEST:**
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82 _____
83 **Kimberly R. Nichols, City Clerk**

_____ **John R. Heath, City Council President**

84 Approved by me, this _____ day of _____, 2023.
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87 _____
88 **Jacob R. Day, Mayor**

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ORDINANCE NO. 2766

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE WATER SEWER CAPITAL PROJECT FUND BUDGET TO REMOVE AN APPROPRIATION FOR THE PARK WELL FIELD PROJECT.

WHEREAS, the Finance Department has determined funding from Investment Interest and Bond Proceeds for the Park Well Field Project included in Ordinance No. 2576 should be funded from other sources; and

WHEREAS, the Water Works Department has determined there are available funds for the project in the FY 13 Bond Pool in Project 50031 Restore Park Well Field; and

WHEREAS, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. The City of Salisbury’s Water Sewer Capital Project Fund budget is hereby amended as follows:

Increase (decrease)	Account Type	Project	Account	Description	Amount
Decrease	Revenue	Park Well Field	96017-456110-50022	Investment Interest	127,000
Increase	Revenue	Unassigned	96017-456110-99999	Investment Interest	127,000
Decrease	Revenue	Park Well Field	96017-469312-50022	Debt Proceeds	48,000
Increase	Revenue	Belt Press	96017-469312-55018	Debt Proceeds	48,000
Decrease	Expenditure	Park Well Field	96217-513026-50022	Construction	175,000
Increase	Expenditure	Unassigned	97030-513026-99999	Construction	127,000
Increase	Expenditure	Belt Press	96317-513026-55018	Construction	48,000

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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.

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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.

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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 12th day of December, 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 _____ day of _____, 2023.

ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2023.

Jacob R. Day, Mayor

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ORDINANCE NO. 2767

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET AMENDMENT OF THE GENERAL CAPITAL PROJECT FUND BUDGET TO REPLACE FUNDING FROM BOND PROCEEDS FOR THE POLICE COMMUNICATION PROJECT WITH PAYGO FROM THE GOB ROOF PROJECT.

WHEREAS, the City Finance Department has determined funding from Investment Interest and Bond Proceeds for the Police Communication Project included in Ordinance No. 2653 should be funded from other sources; and

WHEREAS, the Procurement Department has determined there are available PayGO funds to replace the previously assigned Investment Interest and Bond Proceeds for the Police Communications Project from the GOB Roof Project; and

WHEREAS, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. The City of Salisbury’s General Capital Project Fund budget is hereby amended as follows:

Increase (decrease)	Account Type	Project	Account	Description	Amount
Decrease	Revenue	Police Communications	98017-456110-48033	Investment Interest	15,054.54
Increase	Revenue	Unassigned	98017-456110-99999	Investment Interest	15,054.54
Decrease	Revenue	Police Communications	98017-469312-48033	Debt Proceeds	10,674.12
Increase	Revenue	Public Works Vehicles	98017-469312-48034	Debt Proceeds	10,674.12
Decrease	Revenue	Police Communications	98017-469312-48033	Debt Proceeds	13,048.34
Increase	Revenue	Bond Issuance	98017-469312-99998	Debt Proceeds	13,048.34
Increase	Revenue	Police Communications	96017-469313-48033	PayGO	37,620.54
Decrease	Revenue	GOB Roof	96017-469313-43029	PayGO	37,620.54
Decrease	Expenditure	Police Communications	98017-577030-48033	Equipment	1,156.46
Increase	Expenditure	Public Works Vehicles	98117-577025-48034	Vehicles	10,674.12
Increase	Expenditure	Bond Issuance	98117-588900-99998	Bond Issuance Cost	13,048.34
Increase	Expenditure	Unassigned	98117-513026-99999	Construction	15,054.54
Decrease	Expenditure	GOB Roof	98117-577015-43029	Buildings	37,620.54

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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,

28 subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed
29 valid and enforceable.

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

32 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
33

34 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury
35 held on the 12th day of December, 2022 and thereafter, a statement of the substance of the Ordinance having been
36 published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the ____
37 day of _____, 2023.

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41 **ATTEST:**

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45 _____
46 **Kimberly R. Nichols, City Clerk**

_____ **John R. Heath, City Council President**

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49 Approved by me, this _____ day of _____, 2023.
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54 _____
55 **Jacob R. Day, Mayor**

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ORDINANCE NO. 2768

**AN ORDINANCE OF THE CITY OF SALISBURY APPROVING A BUDGET
AMENDMENT OF THE FY2023 GENERAL FUND BUDGET TO APPROPRIATE
ADDITIONAL FUNDS REQUIRED FOR FIELD OPERATIONS.**

WHEREAS, the City has surpassed what was originally budgeted for gasoline in the Department of Field Operations and;

WHEREAS, the City’s fuel budget has not kept up with the inflated price of gasoline seen in FY22/FY23.

WHEREAS, the City’s Field Operations Department would use the funds to operate through the remainder of FY23 without impacting service and;

WHEREAS, the budget amendment as provided herein must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

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

Section 1. The City of Salisbury’s Fiscal Year 2023 General Fund budget is hereby amended as follows:

Increase (decrease)	Account Type	Account	Description	Amount
Increase	Revenue	01000-469810	Current Year Surplus	\$70,000
Increase	Expenditure	32061-546006	Operating	\$70,000

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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.

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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.

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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 12th day of December, 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 ____ day of _____, 2023.

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ATTEST:

Kimberly R. Nichols, City Clerk

John R. Heath, City Council President

Approved by me, this _____ day of _____, 2023.

Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

TO: City Council
FROM: Kim Nichols, City Clerk
SUBJECT: Ordinance No. 2758
DATE: January 4, 2023

Ordinance No. 2758 is associated with and included in the actual packet for the Sharen Drive – Ocean Isle Annexation. It must remain in the packet as part of the annexation, but has been separated out on the following three pages for approval in the agenda packet since it is an ordinance.

Ordinance No. 2758 will amend Section 17.119.020 of the City of Salisbury Zoning Code by adding the area of Planned Development District No. 1- Robertson Farm (PDD No. 1).

Thank you.

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ORDINANCE NO. 2758

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND PURSUANT TO CHAPTERS 17.108, 17.228 AND 17.119.070 OF TITLE 17, ZONING, OF THE SALISBURY MUNICIPAL CODE, AND TITLE 4, ZONING OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND, FOR THE PURPOSE OF AMENDING SECTION 17.119.020 OF THE SALISBURY CITY CODE BY ADDING TO THE AREA OF PLANNED DEVELOPMENT DISTRICT NO. 1 – ROBERTSON FARM (PDD NO. 1) TWO LOTS TOTALING 3.55 ACRES WHICH TOGETHER ARE ON THE NORTH SIDE OF AND BINDING ON SHAREN DRIVE, THE SOUTH SIDE OF AND BINDING ON OLD OCEAN CITY ROAD – MD ROUTE 346, THE EAST SIDE OF AND BINDING ON THE CURRENT CORPORATE LINE OF THE CITY OF SALISBURY ALSO BEING THE CURRENT WESTERLY LINE OF PDD NO. 1 AND WEST OF BUT NOT BINDING UPON PHILLIP MORRIS DRIVE AND MORE PARTICULARLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO

WHEREAS, the ongoing application, administration and enforcement of Title 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 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**”); and

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; and

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 § 17.228.020 of the Salisbury City Code; and

WHEREAS, Petitioner, 2538 Old Ocean City Road, LLC, filed a Petition for Annexation dated May 20, 2021, requesting annexation of property described in Exhibit A, attached hereto, and desiring that the annexed property be zoned Planned Development District No. 1 – Robertson Farm (PDD No.1); and

WHEREAS, the Petition was referred by the City planning staff to the Planning Commission and, after due notice, on June 17, 2021, at its regular meeting, the Planning Commission recommended that the property be zoned PDD No. 1, upon annexation. The fulfilment of that recommendation requires a text amendment to the Salisbury City Code to add the legal description of the newly annexed property to the current legal description of PDD No. 1; and

WHEREAS, a Public Hearing on the aforesaid proposed text amendment and Preliminary Development Plan for the requested addition to PDD No. 1 was held by the Planning Commission in accordance with the provisions of Chapters 17.108 and 17.228 of Title 17 of the Salisbury Municipal Code on September 15, 2022. On that day, the Planning Commission provided a favorable recommendation for the Preliminary Development Plan, as well as the aforesaid proposed text amendment; and

47 **WHEREAS**, the City Council agrees with the Planning Commission’s recommendation, and
48 finds that the proposed use of the property is appropriate for inclusion in PDD No. 1; and

49 **WHEREAS**, immediately prior to the approval of this Ordinance, the City Council approved
50 Resolution No. **3159**, to annex into the City of Salisbury the property known as the “Sharen Drive
51 Annexation,” described in Exhibit A, and to designate the zoning of the said property as PDD No. 1;

52 **WHEREAS**, the Mayor and Council have determined that the amendments to Section
53 17.119.020 of the Salisbury City Code shall be adopted as set forth herein.

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

57 **Section 1.** By amending Section 17.119.020 of the Salisbury City Code, entitled “Area of
58 reclassification” as follows:

59 The area to be rezoned as planned development district No. 1—Robertson Farm, consists of **the**
60 **following:**

61 **Item One:** 45.4 acres of land binding upon the northerly side of a U.S. Route 50
62 service road, both sides of the Northeast Collector Road, the southerly side of MD
63 Route 346 (Old Ocean City Road) and the westerly side of lands now or formerly
64 owned by Sylvia Brittingham Robertson, James Scott Robertson, et al., United
65 Dominion Realty Trust, Inc., and Phillip Morris Drive Condominiums, being the same
66 as shown on the preliminary subdivision plat prepared by ESP Design Services, Inc.,
67 and dated February 19, 2003. The site is further identified as part of Parcel No. 2577 on
68 State City Tax Map No. 121.

69 **Item Two: 3.182 acres, more or less, beginning for the same at a point at a corner of**
70 **the existing Corporate Limits Line of the City of Salisbury, MD, being on the**
71 **northerly right of way line of Old Ocean City Road (MD Rte. 346). X 1,213,818.08 Y**
72 **200,006.79 (1) Thence with the said Corporate Limits line South nine degrees thirty-**
73 **four minutes fifty-seven seconds East (S 09° 34’ 57” E) nine hundred seventy-six**
74 **decimal three, three (976.33) feet to a point near the northerly line of Sharen Drive.**
75 **X 1,213,980.61 Y 199,044.08 (2) Thence continuing with the said existing Corporate**
76 **Limits Line North eighty-nine degrees thirty-eight minutes fifteen seconds East (N**
77 **89° 38’ 15” E) one hundred thirty-four decimal zero, zero (134.00) feet to a point on**
78 **the easterly line of Lot 2 of the “James W. & Hazel E. Brittingham Subdivision”. X**
79 **1,214,114.61 Y 199,044.93 (3) Thence with the easterly line of the said Lot 2 and Lot**
80 **1 , in part, North five degrees twenty-eight minutes fourteen seconds West (N 05°**
81 **28’ 14” W) six hundred ninety-four decimal zero, one (694.01) feet to a breakpoint**
82 **on the easterly line of the said Lot 1. X 1,214,048.44 Y 199,735.78 (4) Thence**
83 **continuing with the easterly line of the said Lot 1 and crossing the aforesaid Old**
84 **Ocean City Road North four degrees forty-one minutes forty-six seconds East (N**
85 **04° 41’ 46” E) two hundred forty-five decimal three, nine (245.39) feet to a point on**
86 **the northerly right of way line of the said Old Ocean City Road. X 1,214,068.53 Y**
87 **199,980.35 (5) Thence by and with the northerly line of the said Old Ocean City**
88 **Road and aforesaid existing Corporate Limits Line North eighty-three degrees fifty-**
89 **eight minutes twenty-two seconds West (N 83° 58’ 22” W) two hundred fifty-one**
90 **decimal eight, four (251.84) feet to the point of beginning.**

91 **Section 2.** The official zoning map on file in the office of Planning and Zoning shall be amended
92 to include Item Two above in the area known as planned development district No. 1—Robertson Farm.

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

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

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

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

104 **Section 6.** This Ordinance shall take effect upon the effective date of annexation Resolution
105 **No. 3159**
106

107 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
108 Salisbury held on the 9th day of January, 2022 and thereafter, a statement of the substance of
109 the Ordinance having been published as required by law, in the meantime, was finally passed by the
110 Council of the City of Salisbury on the _____ day of _____, 2022.

111
112 ATTEST:

113
114 _____
115 Kimberly R. Nichols
116 CITY CLERK


113
114 _____
115 John R. Heath
116 PRESIDENT, City Council

117
118 APPROVED BY ME THIS _____ day of _____, 2022
119

120 _____
121 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: December 15, 2022
Re: Code Text Amendments to create the Board of Appeals

The text amendments to consolidate the Salisbury Board of Zoning Appeals, the Building Board, and the Housing Board of Adjustments and Appeals, and to create the Board of Appeals has been prepared by the City Attorney. Following a public hearing these amendments received a favorable recommendation from the Planning Commission December 15, 2022.

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

1
2 **ORDINANCE NO. 2769**

3 **AN ORDINANCE OF THE CITY OF SALISBURY AMENDING THE SALISBURY**
4 **CITY CODE TO COMBINE THE HOUSING BOARD OF ADJUSTMENT AND**
5 **APPEALS, THE BUILDING BOARD OF ADJUSTMENT AND APPEALS, AND**
6 **THE BOARD OF ZONING APPEALS INTO A NEW BOARD KNOWN AS THE**
7 **“BOARD OF APPEALS.”**

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

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

19 **WHEREAS**, the Mayor and Council find that the health, safety and general welfare of the citizens
20 of the City will be furthered by amending the Salisbury City Code to combine the Housing Board of
21 Adjustment and Appeals, the Building Board of Adjustment and Appeals, and the Board of Zoning Appeals
22 into a new board known as the “Board of Appeals.”

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

26 **WHEREAS**, a public hearing on the proposed amendment was held by the Planning Commission
27 in accordance with the provisions of § 17.228.020 of the Salisbury City Code on December 15, 2022;

28 **WHEREAS**, at the conclusion of its December 15, 2022 meeting, the Planning Commission
29 recommended, by a vote of 7-0, that the amendment to the Salisbury City Code, including those sections
30 found in the Salisbury Zoning Code, set forth herein be approved by the Mayor and Council; and

31 **WHEREAS**, the Mayor and Council have determined that the amendments to the Salisbury City
32 Code set forth shall be adopted as set forth herein.

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

36 **Section 1.** By amending the Salisbury City Code as follows:

37 **2.04.060 Financial disclosure—Employees and appointed officials.**

- 38 A. This section only applies to the following appointed officials and employees:
39 City Administrator — Deputy City Administrators
40 City Clerk — Assistant City Clerk
41 City Solicitor — Assistant City Solicitor
42 Department Directors — Assistant Department Directors

43 Members of Quasi-Judicial Boards and Commissions including, but not limited to:

44 Members of Board of ~~Zoning~~ Appeals

45 ~~Members of Housing Board of Adjustment and Appeals~~

46 ~~Members of Building Board of Adjustment and Appeals~~

47 Members of the Planning and Zoning Commission appointed by the City

48 Members of the Ethics Commission

49 Members of the Historic District Commission

50 B. A statement filed under this section shall be filed with the commission under oath or affirmation.

51 C. On or before April 30 of each year during which an official or employee holds office, an official or
52 employee shall file a statement disclosing gifts received during the preceding calendar year from
53 any person that contracts or is regulated by the city including the name of the donor of the gift and
54 the approximate retail value at the time of receipt.

55 D. An official or employee shall disclose employment and interests that raise conflicts of interest or
56 potential conflicts of interest in connection with a specific proposed action by the employee or
57 official sufficiently in advance of the action to provide adequate disclosure to the public. Officials
58 and employees shall disclose, in all statements filed hereunder, whether they or their spouse is a
59 lobbyist required to register and, if so, they shall identify the entities that engage the lobbyist.

60 E. The commission shall maintain all disclosure statements filed under this section as public records
61 available for public inspection and copying as provided in Section 2.04.050(e) and (f) of this
62 chapter.

63 **8.08.070 Appeal.**

64 A. Any person wishing to appeal a determination of the director of the Housing and Community
65 Development Department regarding the provisions of this chapter shall file a written notice of
66 appeal with the Housing and Community Development Department within twenty-one (21) days
67 after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall
68 contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee
69 as set from time to time by the city council ~~of one hundred dollars (\$100.00).~~

70 B. The director of the Housing and Community Development Department shall refer the appeal to the
71 Board of Appeals ~~housing board of adjustments and appeals. The board shall meet monthly, or~~
72 ~~more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing~~
73 ~~of the time and place of the hearing.~~

74 C. When hearing appeals under this chapter, the Board of Appeals ~~board~~ shall follow the procedures
75 set forth in section 17.12.090 through 17.12.130 ~~15.24.~~

76 **8.09.080 Appeal.**

77 A. Any person wishing to appeal a determination of the director of the Housing and Community
78 Development Department regarding the provisions of this chapter shall file a written notice of
79 appeal with the Housing and Community Development Department within twenty-one (21) days
80 after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall
81 contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee
82 as set from time to time by the city council ~~of one hundred dollars (\$100.00).~~

83

84 B. The director of the Housing and Community Development Department shall refer the appeal to the
85 **Board of Appeals** ~~housing board of adjustments and appeals~~ for hearing pursuant to Section
86 **17.12.090 through 17.12.130** ~~15.24.360~~.

87 C. Should the decision of the housing official be overturned by the **Board of Appeals** ~~housing board~~
88 ~~of adjustments and appeals~~, the appellant shall receive a full refund of the ~~one hundred dollars~~
89 ~~(\$100.00)~~ appeal application fee within thirty (30) days of the date of the decision of the **Board of**
90 **Appeals** ~~board~~.

91 **8.10.080 Appeal.**

92 A. Any person wishing to appeal a determination of the director of the housing and community
93 development department regarding the provisions of this chapter shall file a written notice of appeal
94 with the housing and community development department within twenty-one (21) days after receipt
95 of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall contain a
96 statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee **as set from**
97 **time to time by the city council** ~~of one hundred dollars (\$100.00)~~.

98 B. The director of the housing and community development department shall refer the appeal to the
99 **Board of Appeals** ~~housing board of adjustments and appeals~~ for hearing pursuant to section
100 **17.12.090 through 17.12.130** ~~15.24.360~~.

101 **8.11.020 Amendments to the State Fire Prevention Code.**

102 A. The National Fire Protection Association Life Safety Code 101 as referenced, amended, and
103 promulgated by the State Fire Prevention Commission is adopted by the city with the following
104 local amendment.

105 1. Fire prevention fees shall be established by resolution of the city council.

106 B. The National Fire Protections Association Fire Code 1 as referenced, amended, and promulgated
107 by the State Fire Prevention Commission is adopted by the city with the following local
108 amendments:

109 1. The board of appeals shall be the **City of Salisbury Board of Appeals** ~~building board of~~
110 ~~adjustments and appeals~~.

111 2. Any person who fails to comply with the provisions of the Code or who fails to carry out
112 an order made pursuant to this Code or violates any condition attached to a permit,
113 approval, or certificate may be subject to a municipal infraction not to exceed five hundred
114 dollars (\$500.00) each day the violation continues.

115 3. Failure to comply with the time limits of an abatement notice or other corrective notice
116 issued by the authority having jurisdiction (AHJ) may result in municipal infractions not
117 to exceed five hundred dollars (\$500.00) for each day the violation continues and the AHJ
118 shall have authority to evacuate, vacate and order such building or structure to be closed to
119 the public.

120 4. Include Annex E: Fire Fighter Safety Building Marking System, with local amendments.

121 a. Local amendments to Annex E are:

122 i. Add E. 1.3.6.1. The following letters shall be used to indicate special
123 hazards assigned to the center of the Maltese cross:

124 A) "F" — Floor hazard

125 B) "R" — Roof hazard

126 C) "W" — Wall hazard

- 127 D) "H" — Holes in structure
- 128 E) "S" — Stairs compromised
- 129 F) "M" — Maze like, confusing layout
- 130 ii. Add E. 1.3.6.2. Where the AHJ determines the conditions to be severe
- 131 enough to limit all operational activity to a defensive mode only, a red "X"
- 132 shall be placed through the center section of the Maltese cross.
- 133 5. Replace Subsection '10.10.1 Permits.' with 10.10.1 Open Burning Prohibited. Open
- 134 burning, other than cooking and recreational fires compliant with the provisions of this
- 135 Code, is prohibited.
- 136 6. Permits from the Fire Marshal are required for the following:
- 137 a. Installation/Modification of fire alarm and detection systems;
- 138 b. Installation/Modification of sprinkler or water spray systems;
- 139 c. Installation/Modification of standpipe systems;
- 140 d. Installation/Modification fire pumps;
- 141 e. Installation/Modification of water storage tanks for fire protection;
- 142 f. Installation/Modification of gaseous and chemical extinguishing systems;
- 143 g. Installation/Modification of foam systems;
- 144 h. Installation/Modification of smoke control systems;
- 145 i. Installation/Modification of flammable and combustible liquid storage tanks;
- 146 j. Installation/modification of emergency generators for fire protection systems.;
- 147 k. Installation, modification, or removal from service of any private fire hydrants;
- 148 l. Fireworks displays;
- 149 m. To store, transport on site, dispense, use, or handle hazardous materials;
- 150 n. To perform any fire hydrant or fire pump water flow test; and
- 151 o. To sell consumer fireworks.

152 **12.10.060 Appeal.**

- 153 A. Any person wishing to appeal a determination of the director of the Housing and Community
- 154 Development Department regarding the provisions of this chapter shall file a written notice of
- 155 appeal with the Housing and Community Development Department within twenty-one (21) days
- 156 after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall
- 157 contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee
- 158 as set from time to time by the city council ~~of one hundred dollars (\$100.00)~~. Municipal
- 159 infraction citations are subject to the jurisdiction of the District Court of Maryland and, once issued,
- 160 are not subject to the provisions of this chapter.
- 161 B. The director of the Housing and Community Development Department shall refer the appeal to the
- 162 Board of Appeals ~~housing board of adjustments and appeals~~ for hearing pursuant to Section
- 163 17.12.090 through 17.12.130 ~~15.24.360~~.
- 164 C. Should the decision of the housing official be overturned by the Board of Appeals ~~housing board~~
- 165 ~~of adjustments and appeals~~ the appellant shall receive a full refund of the ~~one hundred dollar~~

166 (~~\$100.00~~)-appeal application fee within thirty (30) days of the date of the decision of the **Board of**
167 **Appeals** ~~board~~.

168 **12.40.040 Appeals.**

169 A. Any person wishing to appeal a determination of the director of the department of infrastructure
170 and development regarding the provisions of this chapter shall file a written notice of appeal with
171 the department of infrastructure and development within twenty-one (21) days after receipt of a
172 notice sent pursuant to the provisions of this chapter. The notice of appeal shall contain a statement
173 of grounds for the appeal. The notice of appeal shall be accompanied by a fee **as set from time to**
174 **time by the city council** ~~of one hundred dollars (\$100.00).~~

175 B. The director of the department of infrastructure and development shall refer the appeal to the **Board**
176 **of Appeals** ~~housing board of adjustments and appeals~~ for hearing pursuant to Sections ~~15.24.360~~
177 ~~through 15.24.450~~ **17.12.090 through 17.12.130.**

178 **13.28.110 Appeals.**

179 Any person aggrieved by the action of any official charged with the enforcement of this chapter, as the
180 result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation,
181 or an alleged failure to properly enforce the chapter in regard to a specific application, shall have the right
182 to appeal the action to the ~~board of zoning appeals~~ **Board of Appeals** ~~board~~. The appeal shall be filed in
183 writing within ~~thirty (30)~~ **twenty-one (21)** days of the date of official transmittal of the final decision or
184 determination to the applicant, state clearly the grounds on which the appeal is based, and be processed in
185 the manner prescribed for hearing administrative appeals under ~~board of zoning appeals~~ **Board of Appeals**
186 ~~board~~ rules of procedure.

187 **15.16.120 Duties and responsibilities of the floodplain administrator.**

188 The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

189 A. Review applications for permits to determine whether proposed activities will be located in flood
190 hazard areas.

191 B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard
192 information.

193 C. Review applications to determine whether proposed activities will be reasonably safe from flooding
194 and require new construction and substantial improvements to meet the requirements of these
195 regulations.

196 D. Review applications to determine whether all necessary permits have been obtained from the
197 Federal, State or local agencies from which prior or concurrent approval is required; in particular,
198 permits from MDE for any construction, reconstruction, repair, or alteration of a dam, reservoir, or
199 waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or
200 any change of the course, current, or cross section of a stream or body of water, including any
201 change to the one hundred (100) year frequency floodplain of free-flowing nontidal waters of the
202 State.

203 E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities
204 and MDE (NFIP State Coordinator), and have submitted copies of such notifications to FEMA.

205 F. Approve applications and issue permits to develop in flood hazard areas if the provisions of these
206 regulations have been met, or disapprove applications if the provisions of these regulations have
207 not been met.

- 208 G. Inspect or cause to be inspected, buildings, structures, and other development for which permits
209 have been issued to determine compliance with these regulations or to determine if non-compliance
210 has occurred or violations have been committed.
- 211 H. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- 212 I. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to
213 maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the
214 City of Salisbury, Maryland, within six months after such data and information becomes available
215 if the analyses indicate changes in base flood elevations or boundaries.
- 216 J. Maintain and permanently keep records that are necessary for the administration of these
217 regulations, including:
- 218 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps
219 and current effective studies and maps) and Letters of Map Change; and
- 220 2. Documentation supporting issuance and denial of permits, Elevation Certificates,
221 documentation of the elevation (in relation to the datum on the FIRM) to which structures
222 have been floodproofed, other required design certifications, variances, and records of
223 enforcement actions taken to correct violations of these regulations.
- 224 K. Enforce the provisions of these regulations, investigate violations, issue notices of violations or
225 stop work orders, and require permit holders to take corrective action.
- 226 L. Advise the **Board of Appeals** ~~Building Board of Adjustments and Appeals~~ regarding the intent of
227 these regulations and, for each application for a variance, prepare a staff report and
228 recommendation.
- 229 M. Administer the requirements related to proposed work on existing buildings:
- 230 1. Make determinations as to whether buildings and structures that are located in flood hazard
231 areas and that are damaged by any cause have been substantially damaged.
- 232 2. Make reasonable efforts to notify owners of substantially damaged structures of the need
233 to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant
234 repair of substantially damaged buildings except for temporary emergency protective
235 measures necessary to secure a property or stabilize a building or structure to prevent
236 additional damage.
- 237 N. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances,
238 other actions which may include but are not limited to: issuing press releases, public service
239 announcements, and other public information materials related to permit requests and repair of
240 damaged structures; coordinating with other Federal, State, and local agencies to assist with
241 substantial damage determinations; providing owners of damaged structures information related to
242 the proper repair of damaged structures in special flood hazard areas; and assisting property owners
243 with documentation necessary to file claims for Increased Cost of Compliance (ICC) coverage
244 under NFIP flood insurance policies.
- 245 O. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of
246 Salisbury, Maryland have been modified and:
- 247 1. Provide a map that clearly delineates the new corporate boundaries or the new area for
248 which the authority to regulate pursuant to these regulations has either been assumed or
249 relinquished through annexation; and
- 250 2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones
251 that have regulatory requirements that are not set forth in these regulations, prepare

252 amendments to these regulations to adopt the FIRM and appropriate requirements, and
253 submit the amendments to the governing body for adoption; such adoption shall take place
254 within six months of the date of annexation and a copy of the amended regulations shall be
255 provided to MDE (NFIP State Coordinator) and FEMA.

256 P. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP
257 which may request information regarding the number of buildings in the SFHA, number of permits
258 issued for development in the SFHA, and number of variances issued for development in the SFHA.
259 (Ord. No. 2337, 6-22-2015)

260 **15.16.360 General.**

261 The **Board of Appeals** ~~Building Board of Adjustments and Appeals~~ shall have the power to consider and
262 authorize or deny variances from the strict application of the requirements of these regulations. A variance
263 shall be approved only if it is determined to not be contrary to the public interest and where, owing to
264 special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations, an
265 unnecessary hardship would result.

266 Upon consideration of the purposes of these regulations, the individual circumstances, and the
267 considerations and limitations of this section, the **Board of Appeals** ~~Building Board of Adjustments and~~
268 ~~Appeals~~ may attach such conditions to variances as it deems necessary to further the purposes of these
269 regulations.

270 The **Board of Appeals** ~~Building Board of Adjustments and Appeals~~ shall notify, in writing, any applicant
271 to whom a variance is granted to construct or substantially improve a building or structure with its lowest
272 floor below the elevation required by these regulations that the variance is to the floodplain management
273 requirements of these regulations only, and that the cost of Federal flood insurance will be commensurate
274 with the increased risk, with rates up to twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of
275 insurance coverage.

276 A record of all variance actions, including justification for issuance shall be maintained pursuant to Section
277 15.16.120.J.

278 **15.16.370 Application for a variance.**

279 A. The owner of property, or the owner's authorized agent, for which a variance is sought shall submit
280 an application for a variance to the Floodplain Administrator.

281 B. At a minimum, the application shall contain the following information: name, address, and
282 telephone number of the applicant and property owner; legal description of the property; parcel
283 map; description of the existing use; description of the proposed use; site map showing the location
284 of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and
285 flood protection setbacks; description of the variance sought; and reason for the variance request.
286 Variance applications shall specifically address each of the considerations in Section 15.16.380.

287 C. If the application is for a variance to allow the lowest floor of a building or structure below the
288 applicable minimum elevation required by these regulations, the application shall include a
289 statement signed by the owner that, if granted, the conditions of the variance shall be recorded on
290 the deed of the property.

291 D. If the application is for a variance for a historic structure pursuant to Section 15.16.220 of these
292 regulations, the application shall contain documentation that the proposed work does not preclude
293 the structure's continued eligibility and designation as a historic structure. The documentation shall
294 be obtained from a source that is authorized to make such determinations (see definition of "
295 Historic Structure").

296 **15.16.380 Considerations for variances.**

297 The Floodplain Administrator shall request comments on variance applications from MDE (NFIP State
298 Coordinator) and shall provide such comments to the Board of Appeals ~~Building Board of Adjustments~~
299 ~~and Appeals~~.

300 In considering variance applications, the Board of Appeals ~~Building Board of Adjustments and Appeals~~
301 shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in
302 other sections of these regulations, and the following factors:

- 303 A. The danger that materials may be swept onto other lands to the injury of others.
- 304 B. The danger to life and property due to flooding or erosion damage.
- 305 C. The susceptibility of the proposed development and its contents (if applicable) to flood damage and
306 the effect of such damage on the individual owner.
- 307 D. The importance of the services to the community provided by the proposed development.
- 308 E. The availability of alternative locations for the proposed use which are not subject to, or are subject
309 to less, flooding or erosion damage.
- 310 F. The necessity to the facility of a waterfront location, where applicable, or if the facility is a
311 functionally dependent use.
- 312 G. The compatibility of the proposed use with existing and anticipated development.
- 313 H. The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that
314 area.
- 315 I. The safety of access to the property in times of flood for passenger vehicles and emergency
316 vehicles.
- 317 J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and
318 the effects of wave action, if applicable, expected at the site.
- 319 K. The costs of providing government services during and after flood conditions, including
320 maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water
321 systems, and streets and bridges.
- 322 L. The comments provided by MDE (NFIP State Coordinator).

323 **15.16.390 Limitations for granting variances.**

324 The Board of Appeals ~~Building Board of Adjustments and Appeals~~ shall make an affirmative decision on
325 a variance request only upon:

- 326 A. A Showing of Good and Sufficient Cause. Good and sufficient cause deals solely with the physical
327 characteristics of the property and cannot be based on the character of the improvement, the
328 personal characteristics of the owner/inhabitants, or local provision that regulate standards other
329 than health and public safety.
- 330 B. A determination that failure to grant the variance would result in exceptional hardship due to the
331 physical characteristics of the property. Increased cost or inconvenience of meeting the
332 requirements of these regulations does not constitute an exceptional hardship to the applicant.
- 333 C. A determination that the granting of a variance for development within any designated floodway,
334 or flood hazard area with base flood elevations but no designated floodway, will not result in
335 increased flood heights beyond that which is allowed in these regulations.
- 336 D. A determination that the granting of a variance will not result in additional threats to public safety;
337 extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with
338 existing local laws.

339 E. A determination that the building, structure or other development is protected by methods to
340 minimize flood damages.

341 F. A determination that the variance is the minimum necessary to afford relief, considering the flood
342 hazard.

343 **15.21.070 Appeals procedures.**

344 A. Any person wishing to appeal a determination of the director regarding the provisions of this
345 chapter shall file a written notice of appeal with the Housing and Community Development
346 Department within twenty-one (21) calendar days after receipt of a notice sent pursuant to the
347 provisions of this chapter. The notice of appeal shall contain a statement of grounds for the appeal.
348 The notice of appeal shall be accompanied by a fee as set from time to time by the city council
349 ~~of one hundred dollars (\$100.00)~~. Municipal infraction citations are subject to the jurisdiction of
350 the District Court of Maryland and, once issued, are not subject to the provisions of this chapter.

351 B. The director shall refer the appeal to the Board of Appeals ~~housing board of adjustments and~~
352 ~~appeals~~ for hearing pursuant to Section 17.12.090 through 17.12.130 ~~15.24.360~~.

353 C. Should the decision of the director be reversed by a final appellate decision, the appellant shall
354 receive a refund of the ~~one hundred dollar (\$100.00)~~ application fee within thirty (30) calendar days
355 of the date of the final appellate decision.

356 **15.22.080 Appeals procedure.**

357 A. Any person wishing to appeal a determination of the Housing and Community Development
358 Department shall file a written notice of appeal with the director within ~~thirty (30)~~ twenty-one (21)
359 days after the department's action. The notice shall contain a statement of the grounds for the
360 appeal. The notice of appeal shall be accompanied by a fee as set from time to time by the city
361 council ~~of one hundred dollars (\$100.00)~~.

362 B. The director shall refer the appeal to the Board of Appeals ~~housing board of adjustments and~~
363 ~~appeals~~. The board shall meet monthly, or more frequently at the call of the chair, to hear appeals.
364 The board shall notify the owner in writing of the time and place of the hearing.

365 C. When hearing appeals under this chapter, the board shall follow the procedures set forth in Chapter
366 17.12.090 through 17.12.130 ~~15.24~~ of this code.

367 **~~Article X Means of Appeal~~**

368 **~~15.24.360 Establishment of board.~~**

369 ~~There is established in the city a board to be called the Housing Board of Adjustments and Appeals, which~~
370 ~~shall consist of five members. Such board shall be composed of residents of the City of Salisbury, and, at~~
371 ~~the time of any new appointment, the City shall ensure that the board includes at least one homeowner and~~
372 ~~at least one tenant. The board shall be appointed by the Mayor and Council.~~

373 **~~15.24.370 Terms of office.~~**

374 ~~Members shall be appointed for a term of four years. Any continued absence of any member from meetings~~
375 ~~of the board or failure of any member to complete required training shall, at the discretion of the Mayor~~
376 ~~and Council, render any such member subject to immediate removal from office.~~

377 **~~15.24.380 Quorum.~~**

378 ~~Three members of the board shall constitute a quorum. In varying the application of any provisions of this~~
379 ~~code or in modifying an order of the housing official, affirmative votes of the majority present shall be~~
380 ~~required. A board member shall not hear or act on an appeal which that member has any personal,~~
381 ~~professional or financial or financial interest.~~

382 **15.24.390 Application for appeal.**

383 Any person affected by a decision of the housing official or a notice or order issued under this code shall
384 have the right to appeal to the **Board of Appeals pursuant to section 17.12.090 through 17.12.130**
385 ~~housing board of adjustments and appeals~~ provided that a written application for appeal is filed within
386 twenty-one (21) days after the date that the decision, notice or order was served. An application for appeal
387 shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been
388 incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are
389 adequately satisfied by other means.

390 ~~**15.24.391 Request for Waiver of Fee.**~~

391 ~~A person unable by reason of poverty to pay the appeal fee, may appeal and request a waiver of the fee.~~
392 ~~This provision shall apply to an appeal within the city. This shall not apply to an appeal of a municipal~~
393 ~~citation, an appeal to the district court, or an appeal to any court or agency outside of the jurisdiction of the~~
394 ~~city.~~

395 ~~A. Any person wishing to request a waiver of the appeal fee may submit a completed request for~~
396 ~~waiver of fee form with their application for appeal.~~

397 ~~B. The board of appeals shall review any request for waiver of fee forms that are submitted and may~~
398 ~~require the person submitting the request to supplement or explain any of the matters set forth in~~
399 ~~the request.~~

400 ~~C. In determining whether to grant a waiver, the board shall consider:~~

401 ~~1. Whether the person requesting fee waiver is receiving services from a state or federal~~
402 ~~program serving low income individuals; and~~

403 ~~2. Whether the household income is equal or less than that which would qualify for one of~~
404 ~~the low income programs in subsection (C)(1); and~~

405 ~~3. Whether there is any other factor that may be relevant to the person's ability to pay the fee.~~

406 ~~D. Upon notification of the request for waiver being denied, the person appealing shall have ten (10)~~
407 ~~days to pay the appeal fee.~~

408 ~~1. If paid within that time, the application for appeal shall be deemed to have been filed on~~
409 ~~the date the application for appeal and request for waiver forms were filed.~~

410 ~~2. If the fees are not paid within that time, the application for appeal shall be deemed to have~~
411 ~~been withdrawn.~~

412 ~~E. If the request for waiver is approved, the appeal shall proceed as though the fee had been paid.~~

413 ~~F. If the appeal fee is waived and the appeal is denied, the appeal fee shall be due, unless a request for~~
414 ~~waiver of final fee is submitted, within ten (10) days of the notice of decision, and approved.~~

415 ~~G. If the appeal fee is waived and the appeal is successful, the individual shall owe nothing.~~

416 **15.24.400 Effect of failure to appeal.**

417 Failure of any person to file an appeal shall constitute a waiver of his/her right to an administrative hearing
418 and adjudication of the notice and order, or any portion thereof.

419 **15.24.410 Scope of hearing on appeal.**

420 Only those matters or issues specifically raised by the appellant in his notice of appeal shall be considered
421 in the hearing of the appeal.

422 **~~15.24.420 Staying of order under appeal.~~**

423 ~~Except for orders to vacate made pursuant to Section 15.24.230 of this chapter enforcement of any notice~~
424 ~~and order of the housing official issued under this code shall be stayed during the time of appeal and hearing.~~

425 **~~15.24.430 Conduct of hearing.~~**

426 A. ~~Hearings will be conducted according to the board's administrative rules relating to evidence and~~
427 ~~witnesses.~~

428 B. ~~Oral evidence shall be taken only on oath or affirmation.~~

429 C. ~~Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence~~
430 ~~but shall not be sufficient in itself to support a finding unless it would be admissible over objection~~
431 ~~in civil actions in courts of competent jurisdiction in this state.~~

432 D. ~~Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons~~
433 ~~are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any~~
434 ~~common law or statutory rule which might make improper the admission of such evidence over~~
435 ~~objection in civil actions in courts of competent jurisdiction in this state.~~

436 E. ~~Each party shall have these rights, among others:~~

437 1. ~~To call and examine witnesses on any matter relevant to the issues of the hearing;~~

438 2. ~~To introduce documentary and physical evidence;~~

439 3. ~~To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;~~

440 4. ~~To represent himself or to be represented by anyone of his choice who is lawfully permitted~~
441 ~~to do so.~~

442 F. ~~The board shall inspect any building or premises involved in the appeal. Notice of such inspection~~
443 ~~shall be given to the parties before the inspection is made that the parties are permitted to be present~~
444 ~~during the inspection. Each party then shall have a right to rebut or explain the matters so stated to~~
445 ~~the board.~~

446 ~~(Ord. 1665 Exh. A (part), 1997)~~

447 **15.24.440 Variations and modifications.**

448 A. The **Board of Appeals** ~~board~~, after hearing an appeal, may vary the application of any provision
449 of this code to any particular case when, in its opinion, the enforcement thereof would cause undue
450 hardship and would be contrary to the spirit and purpose of this code or public interest or when, in
451 its opinion, the interpretation of the housing official should be modified or reversed.

452 B. A decision of the **Board of Appeals** ~~board~~ to vary the application of any provision of this code or
453 to modify an order of the housing official shall specify in what manner such variation or
454 modification is made.

455 **15.24.450 Decisions.**

456 A. Every decision of the **Board of Appeals** ~~board~~ shall be final except as allowed in subsection C of
457 this section.

458 B. The **Board of Appeals** ~~board~~ shall, in every case, reach a ~~written~~ decision without unreasonable or
459 unnecessary delay.

460 C. The appellant shall comply with the Board of Appeals' ~~board's~~ decision unless appealed to the
461 circuit court within thirty (30) days after the date of decision.

462 **15.24.1380 Appeals.**

463 Within ~~seven~~ twenty-one (21) days from service of notice as provided for in this chapter, the owner or his
464 ~~agent agency~~ may file an appeal with the Board of Appeals ~~housing board of adjustments and appeals~~
465 stating in detail the reasons as to why the action proposed by the housing official should not be taken. Upon
466 receipt of such appeal, the Board of Appeals ~~housing board of adjustments and appeals~~ shall proceed under
467 ~~Article X~~, Section 17.12.090 through 17.12.130 ~~15.24.360 et seq.~~

468 **15.24.1590 Appeals.**

469 Within ~~seven~~ twenty-one (21) days after service of notice as provided in this chapter, the owner or his
470 agent may file an appeal with the Board of Appeals ~~housing board of adjustments and appeals~~ stating in
471 detail the reasons as to why the action proposed by the housing official should not be taken. Upon receipt
472 of such appeal, the Board of Appeals ~~housing board of adjustments and appeals~~ shall proceed under ~~Article~~
473 ~~X~~, Section 17.12.090 through 17.12.130 ~~15.24.360, et seq.~~

474 **15.24.1710 Appeal procedure.**

475 Within twenty-one (21) days after service of a notice provided for herein, a property owner may file a notice
476 of appeal with the housing official. The notice shall state in detail the reasons the action proposed by the
477 housing official should not be taken. Upon receipt of such notice of appeal, the housing official shall refer
478 the appeal to the Board of Appeals ~~housing board of adjustments and appeals~~, which shall proceed in
479 accordance with ~~article X~~, section 17.12.090 through 17.12.130 ~~15.24.360 et seq.~~

480 **15.26.120 Appeals procedure.**

481 A. Any person wishing to appeal a determination of the director recommending denial, nonrenewal,
482 revocation, or suspension of a license or registration shall file a written notice of appeal with the
483 director within twenty-one (21) days after receipt of the notice of denial, nonrenewal, revocation,
484 or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of
485 appeal shall be accompanied by a fee as set from time to time by the city council ~~of one hundred~~
486 ~~dollars (\$100.00).~~

487 B. The director shall refer the appeal to the Board of Appeals ~~housing board of adjustments and~~
488 ~~appeals~~ to either accept the appeal and schedule a hearing, or reject the appeal. ~~The board shall~~
489 ~~meet monthly, or more frequently at the call of the chair, to hear appeals. The board shall notify~~
490 ~~the owner in writing of the time and place of the hearing.~~

491 C. When hearing appeals under this chapter, the Board of Appeals ~~board~~ shall follow the procedures
492 set forth in Chapter 17.12.090 through 17.12.130 ~~15.24~~ of the Salisbury Municipal Code.

493 D. Should the decision of the housing official be overturned by the Board of Appeals ~~Housing Board~~
494 ~~of Adjustments and Appeals~~, the appellant shall receive a full refund of the ~~one hundred dollar~~
495 ~~(\$100.00)~~ appeal application fee within thirty (30) days of the date of the decision of the Board.

496 **15.27.060 Appeal.**

497 A. Any person wishing to appeal a determination of the Director of the Housing and Community
498 Development Department regarding the provisions of this chapter shall file a written notice of
499 appeal with the Housing and Community Development Department within twenty-one (21) days
500 after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall
501 contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee
502 as set from time to time by the city council ~~of one hundred dollars (\$100.00).~~

- 503 B. The Director of the Housing and Community Development Department shall refer the appeal to the
504 **Board of Appeals** ~~housing board of adjustments and appeals. The board shall meet monthly, or~~
505 ~~more frequently at the call of the chair, to hear appeals. The board shall notify the owner in writing~~
506 ~~of the time and place of the hearing, pursuant to the rules of the housing board of adjustments and~~
507 ~~appeals.~~
- 508 C. When hearing appeals under this chapter, the board shall follow the procedures set forth in Chapter
509 **17.12.090 through 17.12.130** ~~15.24.~~
- 510 D. If the **Board of Appeals** ~~board~~ overturns the decision of the housing official, the owner shall be
511 refunded the ~~one hundred dollar (\$100.00)~~ appeal fee.

512 **16.16.010 Preliminary plat.**

- 513 A. Scope—Procedure. A preliminary subdivision plat is required to be submitted to the planning
514 commission for review and approval for all proposed major subdivisions, as defined by Section
515 16.08.020, and any subdivision where five lots have already been subdivided from a parcel of
516 record. This provision shall apply regardless of ownership or change in ownership since the original
517 lots were subdivided.
 - 518 1. The preliminary plat shall be submitted to the planning department which is from time to
519 time established by the planning commission.
 - 520 2. The planning commission shall consider such preliminary plat and take action thereon at a
521 meeting open to the public but the plat shall not be scheduled for action by the commission
522 until the director of infrastructure and development certifies that all requirements of these
523 regulations applying to a preliminary plat have been met.
 - 524 3. In the event of a disagreement between the applicant and the director of infrastructure and
525 development concerning the application of this title, either party may, no sooner than sixty
526 (60) days after the plat is received by the department of infrastructure and development,
527 submit the plat to the commission for its review.
 - 528 4. No plat shall be acted upon by the planning commission except at a public meeting, notice
529 of the time and place of which shall be sent by regular mail to the applicant or his
530 representative not less than five days before the date of the meeting.
 - 531 5. The planning commission may approve the preliminary plat with or without conditions or
532 modifications or may disapprove the plat.
 - 533 6. If the planning commission disapproves the plat, reasons therefore shall be submitted in
534 writing to either the applicant or his representative.
 - 535 7. If the commission does not approve, disapprove, table for further consideration, or review
536 and make recommendations on the plat within sixty (60) days after the meeting at which
537 the preliminary plat was first reviewed, the plat shall be deemed approved as submitted,
538 and may be prepared and submitted by the applicant as a final plat.
- 539 B. Drafting Standards. All preliminary plats shall be prepared in accordance with the following
540 drafting standards:
 - 541 1. The plat shall be drawn at a scale of one inch equals one hundred (100) feet or other
542 appropriate scale approved by the director of infrastructure and development.
 - 543 2. When more than one sheet is necessary, each sheet shall bear the name of the subdivision
544 and shall be numbered and show its relationship to the total number of sheets.

- 545 3. Where any revision is made, or when a plat is a resubdivision of a previously recorded plat,
546 dashed or light dotted lines shall be used to show features or locations to be changed. Solid
547 lines shall be used to show the existing features.
- 548 4. The perimeter boundary line of the subdivision shall be shown as a solid heavy line and all
549 proposed lots shall be shown solid with lines of lesser thickness and/or different patterns.
- 550 5. All existing parcels within a proposed subdivision shall be shown by a different line pattern
551 or line weight than the proposed lots and clearly labeled.
- 552 6. Easements shall be shown with dotted lines and clearly labeled.
- 553 7. All plats shall be clearly titled "Preliminary—Not for Recording," on a sheet size of either
554 twenty-four (24) inches by thirty-six (36) inches or eighteen (18) inches by twenty-four
555 (24) inches.
- 556 C. Information Required. The preliminary plat shall meet the minimum design standards for the
557 construction of public improvements set forth in Chapter 16.40 and shall give the following
558 information insofar as possible:
- 559 1. The name and location of the proposed subdivision, the name and address of the owner or
560 owners and the name and seal of the surveyor who prepared the plat and an
561 acknowledgment that the professional land surveyor or property line surveyor is duly
562 licensed by the state of Maryland;
- 563 2. The date, geographic scale and a north arrow designating the northerly direction of the Y-
564 axis of the Maryland State Grid Coordinate System;
- 565 3. The location and vicinity map showing relationship of subdivision site to area;
- 566 4. The location of existing and platted property lines, streets, buildings, watercourses, with
567 detailed or approximately one hundred (100) year floodplain delineation, water and sewer
568 lines, railroads, bridges, culverts, drain pipes, and any easements based on an accurate field
569 survey and the names of all adjoining owners or subdivisions;
- 570 5. Plans of proposed sewer or water utility layouts showing feasible connections to existing
571 or proposed systems when required by the director of infrastructure and development. The
572 number of service connections will be determined by the director of the city department of
573 infrastructure and development;
- 574 6. When public sewer and water systems are not available, any proposed individual on-site
575 water supply and/or sewage disposal system must be specifically approved by the city
576 director of infrastructure and development and the county health officer;
- 577 7. The tax map, city property maps, grid and parcel numbers, deed reference, zoning
578 classifications; the water and sewerage plan service area; the tax ditch, and the urban
579 services district in which the subdivision is located, if applicable;
- 580 8. The names, locations, widths and other dimensions of proposed streets, alleys, easements,
581 parks and other open spaces, reservations and stormwater management areas;
- 582 9. Approximate dimensions, lot numbers, block letters, front building lines and any other
583 proposed private setback lines for the proposed lots;
- 584 10. Contours at vertical intervals of not more than one foot, when required by the director of
585 the department of infrastructure and development. The director may require contours of a
586 lesser interval where conditions of the parcel warrant;

- 587 11. The preliminary plat shall include a signed certificate showing ownership or legal control
588 of the property and a tabular summary of the following:
- 589 a. The total acreage of the site being subdivided,
 - 590 b. The total number of lots proposed and average lot size,
 - 591 c. The area of natural vegetation to remain on the site and all buffer or screening areas
592 as proposed or as may be required by the commission,
 - 593 d. The estimated total amount of land area on the site to be reserved and used for
594 stormwater management areas,
 - 595 e. The total amount of land area proposed for access rights-of-way, easement areas,
596 on-site recreation, open spaces, and other parcels or areas in the subdivision
597 reserved for the common use of residents,
 - 598 f. The estimated linear footage and area of new public roads to be constructed or
599 widened;
- 600 12. The following information shall also be shown, if applicable:
- 601 a. Chesapeake Bay Critical Area. All preliminary plats for land located in the
602 Chesapeake Bay Critical Area shall be in accordance with the requirements of
603 Chapter 12.20, Chesapeake Bay Critical Area Natural Resources Protection.
 - 604 b. The one hundred (100) year floodplain. The one hundred (100) year floodplain line
605 and elevations shall be shown on the plat in accordance with a method approved
606 by the director of infrastructure and development.
 - 607 c. Forest Conservation Act. All areas required for preservation or conservation as
608 may be required by the Forest Conservation Act.
 - 609 d. A note indicating that the property is located in an airport zoning district and any
610 airport approach, horizontal, transitional or turning surface and an airport clear
611 zone; and the identification of any easement related to airport safety, maintenance
612 or operations which may affect the property.
 - 613 e. When required by the director of infrastructure and development location and
614 general design of any stormwater management pond as required by Chapter 13.28,
615 Stormwater Management, of this Code. A general description of the proposed flow
616 pattern for the entire drainage system, including the paved surfaces, open ditches
617 and piped sections, with outfall points indicated shall be included or available for
618 reference.
 - 619 f. All preliminary plats for land located in a well head protection area shall be in
620 accordance with the requirements of the city well head protection areas ordinance.
 - 621 g. The Paleochannel. On all preliminary plats for land located over the paleochannel,
622 the paleochannel line shall be shown.
- 623 D. Copies. Four copies of the preliminary plat shall be submitted to the planning department. The staff
624 shall distribute the copies as follows: two copies of the plat will be submitted to the department of
625 infrastructure and development, one copy to the fire chief, and one copy will be retained in the files
626 of the planning commission.
- 627 E. Concept Approval or Denial. The planning commission may provide concept approval or denial of
628 a preliminary plat of a parcel that could only be developed by special consideration in order to
629 allow a developer to obtain an approval before proceeding with the required engineering.

- 630 1. All such plats shall clearly show the reasons for the commission's action, be legible and
631 drawn to approximate scale.
- 632 2. Once approval has been obtained from the commission, the plat shall be reviewed and
633 approved in accordance with all final plat requirements of this chapter.
- 634 F. Preliminary Plat of Entire Tract. If, after the subdivision of any five lots from a legally established
635 parcel of record, the planning commission determines that it is necessary in order to assure the
636 future coordination of any street, drainage area or other community services or facilities, the
637 commission may require the preparation of a preliminary plat for up to one hundred (100) acres of
638 the entire tract regardless of current ownership or change in ownership since the original lots were
639 subdivided from the property.
- 640 G. Denial of Preliminary Plats. The planning commission may deny approval of any preliminary plat
641 of the subdivision of land if, after investigations conducted or recommendations by the public
642 agencies concerned, it is determined that at least one of the following factors exists in regard to the
643 subdivision:
- 644 1. The land is subject to flooding or is topographically unsuitable for residential occupancy
645 or for such other use and the development or occupancy may increase the danger to health,
646 life, or property, or aggravate erosion or create a flood hazard to future occupants or the
647 general public; or
- 648 2. Inadequate drainage ways or public accessways exist, either on-site or off-site, to serve the
649 proposed development; or
- 650 3. A subdivision is proposed without frontage on a governmentally owned or maintained
651 street or road; or
- 652 4. The health department has determined that the soils on the site or the water supply serving
653 the subdivision is contaminated and development would pose a danger to the health and
654 safety of the public; or
- 655 5. The layout of the lots are such that intensive development of the site will create a safety
656 hazard to the future residents of the subdivision or to the general public; or
- 657 6. The proposed subdivision does not meet the requirements of this title and the applicant is
658 unable to receive a waiver or a variance.
- 659 H. Appeal of Preliminary Plat Denial. All decisions of the commission to deny approval of a
660 preliminary plat may be appealed to the city **Board of Appeals** ~~board of zoning appeals~~ in
661 accordance with the provisions of Chapter 16.52, Appeals.

662 **16.20.010 Final plat.**

- 663 A. Scope—Procedure. Final plats may be submitted to the planning department for consideration by
664 the planning commission at any time during the year for official action at a public meeting.
- 665 1. No final plat shall be acted upon by the planning commission until the director of
666 infrastructure and development verifies that the plat meets the following:
- 667 a. Actual size of lots, as approved by the health department or in conformance with
668 Title 17, Zoning, are shown in the plat;
- 669 b. All requirements for a final plat as required by this chapter and the plat contains
670 the signature of the owner(s), the signature of the surveyor and the signature of the
671 appropriate health department official.

672 B. Drafting Standards. All final plats shall be prepared in accordance with the following drafting
673 standards:

- 674 1. The plat shall be drawn at a scale of one inch equals one hundred (100) feet or other
675 appropriate scale approved by the director of infrastructure and development.
- 676 2. Dimensions shall be in feet and decimal parts thereof to the nearest hundreds and bearings
677 in degrees, minutes and seconds.
- 678 3. When more than one sheet is necessary, each sheet shall bear the name of the subdivision
679 and shall be numbered and show its relationship to the total number of sheets.
- 680 4. Where any revision is made, or when a plat is a resubdivision of a previously recorded plat,
681 dashed or light dotted lines shall be used to show features or locations to be changed and
682 solid lines shall be used to show the existing features.
- 683 5. The perimeter boundary line of the subdivision shall be shown as a solid heavy line and all
684 proposed lots shall be shown with lines of lessor thickness and/or different patterns.
- 685 6. All existing parcels within a proposed subdivision shall be shown by a different line pattern
686 or line weight than the proposed lots and clearly labeled.
- 687 7. Easements shall be shown with light dashed lines and clearly labeled.
- 688 8. All said plats shall be clearly titled "Final Subdivision Plat" or "Final Resubdivision Plat."

689 C. Information Required. The final plat shall show:

- 690 1. The date, title, name and location of the subdivision, graphic scale and a north arrow
691 referenced to the Maryland Grid Coordinate System;
- 692 2. Location and vicinity map showing the site in relation to area;
- 693 3. The final lines of all streets and roads, alleys lines, lot lines, dimensions and sizes, front
694 building setback lines, lots numbered in numerical order, blocks numbered in alphabetical
695 order; reservations, easements, existing structures and any areas to be dedicated to common
696 use or public use or sites for other than residential use with notes stating their purpose and
697 any limitations thereto;
- 698 4. Sufficient data to readily determine and to reproduce on the ground the location, bearing
699 and length of every street line, boundary line, block line and front building line whether
700 curved or straight. This shall include the radius, central angle, tangent, arc length and chord
701 distance for all curved property lines;
- 702 5. The names and location of adjoining subdivisions and streets and the location and
703 ownership of adjoining unsubdivided property;
- 704 6. The plat shall be legible, drawn accurately and to scale and shall be submitted for
705 recordation using black ink on transparent mylar, or linen or black-line photo process
706 comparable to original quality that will conform to the state's archival standards;
- 707 7. All courses shown on the plat shall be calculated from the plat meridian. The plat shall
708 include a north arrow designating the northerly direction of the Y-axis of the Maryland
709 Grid Coordinate System;
- 710 8. No distance on the plat may be marked, "more or less," except on lines which begin,
711 terminate, or bind on a marsh, stream or any body of water. When binding on water or
712 marsh, a traverse line (meandering line) may be required with tie in distances to water line;

713 9. The plat shall show the position by coordinates of all monuments, and monuments shall be
714 set to delineate all perimeter corners of the subdivision and streets including points of curve
715 and points of tangents. These monuments shall comply with Chapter 56, Section 333(D)
716 of the Annotated Code of Maryland and Code of Maryland Regulations, COMAR
717 09.13.03;

718 10. The Maryland State Grid Coordinate System shall be used for horizontal control. Bearings
719 of lines and coordinates of corners, points of curvature, and traverse points shall be
720 referenced to the Maryland State Coordinate System in accordance with the Special
721 Publication No. 235 "THE STATE COORDINATE SYSTEMS" (A Manual for Surveyors)
722 published by the U.S. Department of Commerce, National Geodetic Survey, and the plat
723 shall indicate the traverse point of origin of the survey. The city's vertical control datum
724 shall be used. All vertical elevations shall be referred to a city's approved project
725 benchmark;

726 11. The following certificate shall be placed on the plat and signed by the owner of the land
727 shown on the plat and by the surveyor preparing it. Each plat shall be signed and sealed by
728 a surveyor registered in the state of Maryland.

729 Certificate

730 I/We certify that the requirements of real property Section 3-108 of the
731 Annotated Code of Maryland, latest edition, as far as it concerns the making of this
732 plat and setting of markers have been complied with.

733 12. Certification by county health office for adequacy of service or water supply shall be shown
734 on the plat;

735 13. The location and designation of any stormwater management areas shall be shown on the
736 plat;

737 14. The following note shall appear on the final plat:

738 Note: Final Plat approval certifies that the subdivision has been reviewed for stormwater
739 drainage affecting only streets and public areas within its own boundaries, not individual lots.

740 15. The following information shall also be shown:

741 a. Chesapeake Bay Critical Area. All final plats for land located in the Chesapeake
742 Bay Critical Area shall be in accordance with the requirements of Chapter 12.20,
743 Chesapeake Bay Critical Area Natural Resources Protection;

744 b. The one hundred (100) year floodplain. The one hundred (100) year floodplain line
745 and elevations shall be shown on the plat in accordance with a method approved
746 by the director of infrastructure and development consistent with the requirements
747 of Chapter 15.16, Floodplain Management;

748 c. All areas reserved for conservation or preservation in order to comply with the
749 requirements of the Forest Conservation Act'

750 d. A note indicating that the property is located in an airport zoning district and any
751 airport approach, horizontal, transitional or turning surface and an airport clear
752 zone; and the identification of any easement related to airport safety, maintenance
753 or operations which may affect the property;

754 e. When required by the director of the department of infrastructure and development
755 any on-site stormwater management pond as may be required by Chapter 13.28,
756 Stormwater Management;

- 757 f. All final plats for land located in a well head protection area shall be in accordance
758 with the requirements of the city well head protection areas ordinance;
- 759 g. The Paleochannel. All final plats for land located over the paleochannel, the
760 paleochannel line shall be shown;
- 761 h. Wetlands delineation as required by state and/or federal agencies;
- 762 16. Bodies of Water. The location of any watercourse, channel, stream, creek, lake, pond or
763 marsh shall be shown on the final plat. The direction of flow and ebb shall be shown for
764 tidal waters;
- 765 17. Improvements. If any existing or required utilities or improvements are to be installed other
766 than in the streets of such subdivision, then the subdivider shall show upon the plat and
767 dedicate the necessary easements thereof;
- 768 18. Building setback lines as may be proposed on each lot but not less than required by Title
769 17, Zoning, of this code;
- 770 19. The corporate limit lines of the city and any other municipality, if applicable;
- 771 20. Statements or certificates as required by federal, state and/or county agencies concerning
772 floodplains, non-tidal wetlands, tidal wetlands, and other such areas.
- 773 D. Copies. Five copies of the final plat shall be submitted to the planning director for submission to
774 the planning commission and appropriate review agencies.
- 775 1. Sheet sizes shall be either twenty-four (24) inches by thirty-six (36) inches or eighteen (18)
776 inches by twenty-four (24) inches.
- 777 2. When more than one sheet is required, an index sheet of the same size shall be filed
778 showing the name of the subdivision and entire subdivision drawn to scale with the sheets
779 numbered in numerical order as a key.
- 780 3. The planning commission may, after favorable recommendation by the director of
781 infrastructure and development, permit a different scale than required by this chapter.
- 782 E. Denial of Final Plats. The planning commission may deny approval of any final plat of the
783 subdivision of land if, after investigations conducted or recommendations by the public agencies
784 concerned, it is determined that one of the following factors exists in regards to the subdivision:
- 785 1. The land is subject to flooding or is topographically unsuitable for residential occupancy
786 or for such other use and the development or occupancy of which may increase the danger
787 of health, life, property or aggravate erosion or flood hazard to future occupants or the
788 general public; or
- 789 2. Inadequate drainage ways or public accessways exist, either on-site or off-site, to serve the
790 proposed development; or
- 791 3. A subdivision is proposed without frontage on a governmentally owned or maintained
792 street or road; or
- 793 4. The health department has determined that the soils on the site or the water supply serving
794 the subdivision is contaminated and development would pose a danger to the health and
795 safety of the public; or
- 796 5. The layout of the lots are such that intensive development of the site will create a safety
797 hazard to the future residents of the subdivision or to the general public; or

- 798 6. The proposed subdivision will not meet the floodplain regulations in Chapter 15.16 of Title
799 15, floodplain management ordinance; or
- 800 7. The proposed subdivision does not meet the requirements of this chapter and the applicant
801 is unable to receive a waiver or a variance.
- 802 F. Appeal of Final Plat Denial. All decisions of the planning commission to deny approval of a final
803 plat may be appealed to the city Board of Appeals ~~board of zoning appeals~~ in accordance with the
804 provisions of Chapter 16.52, Appeals, of this title.
- 805 G. Phased Approval. The final plat shall conform substantially to the preliminary plat as approved,
806 except that:
- 807 1. At the option of the subdivider, the final plat may cover only that portion of the approved
808 preliminary plat which the subdivider proposes to record at that time; provided, that all
809 requirements are met for the area included in the final plat.
- 810 2. If a final plat is submitted for only a portion of the area approved in the preliminary plat,
811 the subdivider shall have one year from the date of approval by the commission within
812 which to present a final plat or plats in substantial conformance with the approved
813 preliminary plat, covering that area or areas on the preliminary plat not already recorded
814 on the final plat.
- 815 3. The final subdivision of any future phase shall be in conformance with the city's
816 requirements in existence at the time the final plat is approved.

817 **16.52.010 Appeal to board of ~~zoning~~ appeals.**

- 818 A. Any person, officer or department of the city, aggrieved by any final ruling of the planning
819 commission on a preliminary or final plat as to the interpretation or application of the terms or
820 conditions of this title, may appeal in writing to the Board of Appeals ~~board of zoning appeals~~,
821 within ~~fifteen (15)~~ twenty-one (21) days after such final ruling.
- 822 B. Within ten days after the filing of the written appeal, the party appealing shall file with the Board
823 of Appeals ~~board of zoning appeals~~ a statement setting forth, with reasonable particularity, the
824 grounds for the appeal, including the error committed by the commission in taking the final action,
825 the relief sought, and the reasons why the final action appealed from should be reversed or
826 remanded. A copy of the statement shall be served on the commission. Failure to file the statement
827 is grounds for dismissal of the appeal.
- 828 C. The Board of Appeals ~~board~~ shall not hear any appeal to the city's construction and material
829 specifications or the construction standards requirements.
- 830 D. The board of ~~zoning~~ appeals shall hold a public hearing on all such appeals.
- 831 E. The Board of Appeals ~~board of zoning appeals~~ shall cause a notice of the public hearing to be
832 published in a newspaper of general circulation once a week for two consecutive weeks. The site
833 of all proposed subdivisions involved in any site specific appeal shall be posted.
- 834 F. Upon the hearing of such appeal, on the record, the final decision of the planning and zoning
835 commission shall be presumed by the Board of Appeals ~~board of zoning appeals~~ to be proper and
836 to best serve the public interest. The burden of proof shall be upon the appellant, or appellants, to
837 show that the decision or ruling complained of was arbitrary, capricious, discriminatory or
838 unsupported by any substantial evidence.
- 839 G. If the Board of Appeals ~~board of zoning appeals~~ finds that the decision of the commission was
840 improper under the provisions of this chapter, it shall have the power to affirm, modify, or reverse

841 in part or in whole any decision or ruling appealed from and remand any case for the entering of a
842 proper order or for further proceedings as the **Board** ~~board~~ shall determine.

843 H. The decision of the **Board of Appeals** ~~board of zoning appeals~~ shall be set forth in its minutes and
844 a notation of such action placed on the preliminary and final plat or both, together with the date of
845 the **Board's** ~~board's~~ action and signed by the secretary to the **Board** ~~board~~.

846 **16.52.020 Appeal to circuit court.**

847 Any person, officer, department or board of the city aggrieved by the decision of the **Board of Appeals**
848 ~~board of zoning appeals~~ and a party to the proceeding may appeal to the circuit court for Wicomico County,
849 Maryland, provided that the appeal is taken within thirty (30) days after the final decision has been rendered
850 by the **Board of Appeals** ~~board of zoning appeals~~.

851 **17.04.110 Word usage.**

852 For the purpose of this title, the following rules shall be observed and applied, except where the context
853 indicates otherwise:

854 A. Words used in the present tense shall include the future; words used in the singular number shall
855 include the plural, and the plural the singular.

856 B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

857 C. Whenever a provision or regulation applies to a "building" or "structure," it shall be deemed to
858 apply to any part or portion of such building or structure.

859 D. The word "city" means the city of Salisbury, Maryland.

860 E. The word "board" means the board of ~~zoning~~ appeals for the city of Salisbury, Maryland.

861 F. The word(s) "commission" or "planning commission" shall mean the Salisbury-Wicomico County
862 Planning and Zoning Commission.

863 G. The word "council" shall mean the Salisbury city council.

864 H. The word "person" includes individuals, firms, corporations, partnerships, associations and all other
865 legal entities.

866 I. The word "used" and "occupied" shall be considered as though followed by the words "or changed,
867 intended or designed to be occupied or used."

868 J. Unless otherwise specified, all distances shall be measured horizontally, and setbacks shall be
869 measured from the curblin.

870 **17.04.120 Definitions.**

871 The following definitions have been used or considered in the construction of this title and shall be used in
872 its interpretation:

873 "Accessory apartment" means a dwelling unit, limited to no more than one bedroom, incorporated within a
874 single-family dwelling or its accessory building. The accessory apartment or the principal dwelling shall be
875 occupied by the owner(s) of the property on which the accessory apartment is located.

876 "Accessory use" means a use which is customarily incidental and subordinate to a principal use and which
877 is located on the same lot therewith.

878 "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-
879 operated or electronically, electrically, or mechanically controlled still or motion picture machines,
880 projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons

881 per machine at any one time, and where the images so displayed are distinguished or characterized by the
882 depicting or describing of specified sexual activities or specified anatomical areas.

883 "Adult cabaret" means any bar, dance hall, restaurant, or other place of business which features dancers,
884 go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or waiters
885 or waitresses that engage in specified sexual activities or display specified anatomical areas, or any such
886 business establishment, the advertising for, or a sign identifying which, uses the words, "adult," "topless,"
887 "nude," "bottomless," or other words of similar import. Any establishment in which employees perform
888 straddle dances is considered an adult cabaret.

889 "Adult entertainment business" means an adult arcade, adult cabaret, adult motion picture theater, adult
890 photographic and modeling studio, adult retail store, adult theater, sexual encounter center, or any other
891 business establishment whose primary business stock in trade is dependent upon the activities relating to
892 specified sexual activities, specified anatomical areas, private performances or straddle dances. An adult
893 entertainment business does not include a modeling class operated by a proprietary school, licensed by the
894 state of Maryland, a college, junior college, or university supported entirely or partly by taxation, or a
895 private college or university that maintains and operates educational programs in which credits are
896 transferable to a college, junior college, or university supported entirely or partly by taxation.

897 "Adult motion picture theater" means any commercial establishment where, for any form of consideration,
898 films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly,
899 commonly, habitually, or consistently shown that are characterized by the depiction or description of
900 "specified sexual activities" or "specified anatomical areas."

901 "Adult photographic and modeling studio" means any commercial establishment which offers or advertises,
902 as its primary business stock in trade, the use of its premises for the purpose of photographing or exhibiting
903 specified sexual activities or specified anatomical areas, or modeling of apparel that exhibits specified
904 anatomical areas, or modeling, demonstrating, or presenting any product or service for sale, in a private
905 performance setting, in which the model or sales representative exhibits specified anatomical areas.

906 "Adult retail store" means a commercial establishment that offers for sale or rental for any form of
907 consideration a significant amount of any one or more of the following:

- 908 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion
909 pictures, video cassettes or video reproductions, slides, or other visual representations, that
910 depict or describe specified sexual activities or specified anatomical areas; or
- 911 2. Novelty items, games, greeting cards, instruments, devices, or paraphernalia that are
912 designed for use in connection with specified sexual activities.

913 "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that
914 regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity,
915 and/or live performances that are characterized by the exposure of specified anatomical areas or by specified
916 sexual activities.

917 "Animal hospital" means facilities for the care and treatment of animals by a qualified veterinarian,
918 completely enclosed within a building.

919 "Animal shelter" means facilities for the seizure and impounding of all unlicensed or untagged dogs and
920 provision of shelter for lost, strayed or homeless animals.

921 "Apartment" means a dwelling unit, as defined herein.

922 "Apartment building" means a single residential structure designed and constructed to contain three or more
923 separate dwelling units, regardless of the internal arrangement of such units or the ownership thereof.

924 "Apartment, efficiency" means a dwelling unit consisting of not more than one habitable room together
925 with kitchenette and sanitary facilities.

926 "Apartment project" means a group of two or more apartment buildings constructed in accordance with a
927 comprehensive development plan.

928 "Bed and breakfast inn" means the renting of not more than three rooms in an owner-occupied dwelling for
929 lodging and serving of breakfast to not more than six casual and transient adult roomers (and the children
930 of those six adults), provided that:

- 931 1. The renting of such rooms for such purpose is incidental and subordinate to the principle
932 use of the dwelling;
- 933 2. No roomer's stay shall exceed fourteen (14) days in any six month period;
- 934 3. All meals and all amenities connected with the guest rooms shall be solely for use by the
935 owner, the owner's family and the owner's registered guests;
- 936 4. There shall be only one kitchen and no guest room shall include cooking facilities;
- 937 5. The owner shall maintain a guest register, shall preserve all registration records for no less
938 than three years, and shall consent to and thereafter make such records available
939 immediately to the housing official upon request;
- 940 6. The owner may display a single exterior sign, as provided for under section 17.216.060,
941 "sign standards"; and
- 942 7. The owner has been issued a permit for the use and operation of the owner occupied
943 dwelling as a bed and breakfast inn by the housing official pursuant to the requirements
944 established by ordinance.

945 "Boardinghouse/rooming house" means a building other than a hotel or restaurant where lodging and/or
946 meals are regularly furnished by prearrangement for which compensation is paid in advance.

947 "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

948 "Building, accessory" means a building subordinate to, and located on the same lot with, a main building
949 and designed, intended or used as an accessory use.

950 "Building deficiencies" means any defect, deterioration or need for alteration in the structure or architectural
951 members of a structure, and shall include the following:

- 952 1. Defects which, under the housing or building code of the city of Salisbury, would require
953 removal;
- 954 2. Deterioration which cannot be corrected by normal maintenance;
- 955 3. Excessive minor defects which, when taken collectively, cause the building to have a
956 deteriorating or undesirable effect on the surrounding area;
- 957 4. "Inadequate" original construction or subsequent alteration;
- 958 5. Inadequate, unsafe or nonconforming plumbing, heating or electrical facilities.

959 "Building height" means the vertical distance from the grade to the top of the highest roof beams of a flat
960 roof or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than
961 one street, the height shall be measured from the average of the grades at the center of each street front.

962 "Building inspector" means the department of building, permitting and inspections, and the duly designated
963 building official.

964 "Building supply and lumber yard" means the sale and storage of supplies and materials used in construction
965 or repair of buildings, but not to include stockpiling, storage or sale of sand, gravel, cement or similar
966 materials.

967 "Business center" means a group of buildings for business use arranged on a parcel of land or on a group
968 of individual lots in accordance with a predetermined development plan.

969 "Care home" means a facility established to render domiciliary care for eleven (11) or more chronic or
970 convalescent patients, which includes common features and services, including assistance with daily
971 activities. This category includes assisted-living facilities, rest homes, and nursing homes. This category
972 excludes group domiciliary care facilities and group homes, as defined by this chapter.

973 "Church" means an institution that people regularly attend to participate in or hold religious services,
974 meetings, and other activities. The term shall include buildings and all customary accessory activities
975 including but not limited to a chapel, day care center, school of general instruction, gymnasium, or social
976 hall.

977 "Club," "lodge" and "fraternal organization" mean a nonprofit organization whose premises are restricted
978 to members or guests, excluding a fraternity or sorority house.

979 "Cluster development" means a residential development constructed in accordance with a comprehensive
980 development plan, permitting reduction and modification of lot area and size, provided that any reduction
981 in area is retained as open space. Cluster development provides for the grouping of lots and open space in
982 predetermined areas on the tract as an alternative to traditional zoning, while maintaining the established
983 density of development for the district in which the cluster development is located.

984 "Commercial auction" means the sale of any article or property, excluding animals and farm produce, by
985 auction, conducted entirely within the confines of a building so that noise from within the building does not
986 pass beyond the lot lines, and provided that there is no outside storage of inventory or property to be sold
987 at said auction on the same or contiguous lots.

988 "Common open space" means open space within the boundaries of a development, designed and set aside
989 for use by all residents or a designated portion of residents of the development under the bylaws of an
990 association.

991 "Community impact statement" includes the following:

992 A. A marketing study related to the type of development proposed; e.g. retail marketing, housing
993 market, transient housing, etc. This study shall include an estimate of existing need and reasonable
994 forecast of future demand for the kind of development proposed. It will be used to determine that
995 extent of existing facilities of a type similar to that proposed and used to estimate when
996 development may be needed in the community;

997 B. An impact study related to the quantity and kind of improvement and service to be provided by the
998 community for the proposed development. This study should include an estimate of revenue to the
999 community from proposed development and an estimate of the cost of improvements and services
1000 required to serve the development. The cost of improvements shall include those immediately
1001 needed to serve the development and those that may be needed in the future. The impact study
1002 related to services and improvements should include, where applicable, but not be limited to
1003 services and improvements, such as schools, utilities, including sewage, water mains, and storm
1004 drains, streets, traffic signals, police and fire protection, refuse collection and disposal, recreation
1005 facilities and any other service to be provided by the city;

1006 C. An environmental impact statement related to the effect of proposed development on natural
1007 drainage channels and streams, natural growth, soils, air and water quality, etc., and a statement
1008 related to the effect of the proposed development on the use and development of adjoining property
1009 and the general neighborhood. This statement should include such considerations as the effects of
1010 noise, dust, odor, traffic, lighting, smoke, erosion, sediment control, flooding, change in natural
1011 ground cover, etc.

1012 "Community shopping center" means a shopping center containing between one hundred thousand one
1013 (100,001) and three hundred thousand (300,000) square feet in gross floor area.

1014 "Compact concrete dispenser" means a concrete dispenser that does not exceed a mix of twenty-five (25)
1015 cubic yards of concrete per hour, and a height of thirty (30) feet.

1016 "Comprehensive development plan" means a comprehensive set of plans, specifications and measures for
1017 either private or public development, such as but not limited to townhouse development, apartment project,
1018 shopping center or other such development permitted in this code. The development plan shall include:

1019 A. A preliminary comprehensive development plan, at the option of the applicant, showing the design
1020 of the development or project in sketch form drawn to scale prior to preparation of the final
1021 comprehensive development plan;

1022 B. A site plan showing the location of all streets, pedestrian ways, rail lines, utility systems and
1023 buildings;

1024 C. Any restrictions to be included in the sale or lease of land for parking, building locations, property
1025 maintenance, sign control and any other protective measures;

1026 D. A schedule, timetable or proposed phasing for the development of streets, grading, utility
1027 installation, rail facilities, docking facilities or other improvements to be provided for the project
1028 area and occupants thereof;

1029 E. A statement of intent to proceed and financial capability of the developer or sponsor;

1030 F. A community impact statement as defined in this section.

1031 "Comprehensive site plan" means a plan, drawn to scale, which shows the proposed location and
1032 dimensions of all roads, vehicular and pedestrian accessways, buildings, building footprints, parking areas,
1033 including the type and size of all spaces, open spaces, landscaping, recreation facilities, natural features,
1034 drainage ways, fire-fighting facilities, existing zoning, abutting property owners, stormwater management
1035 areas, setbacks from all property lines, on-site loading and unloading spaces and recreational facilities, as
1036 well as any on-site refuse disposal or recycling areas and facilities or both as may be required by the city
1037 together with measures necessary to provide screening in accordance with the requirements of chapter
1038 17.220.

1039 "Construction contractor's equipment, supplies, plant or storage yard" means the storage or keeping of
1040 construction equipment, machinery or supplies which are for use by a construction contractor.

1041 "Construction contractor's establishment" means an establishment where a construction contractor conducts
1042 his business, including the indoor storage of materials used in the conduct of business.

1043 "Convenience store" means a neighborhood-serving retail sales establishment wherein groceries and other
1044 miscellaneous convenience items may be purchased by residents of the neighborhood which it serves.

1045 "Cultivation of land" means the use of land for agricultural purposes limited to raising field crops,
1046 horticulture and accessory uses, but excluding animal husbandry.

1047 "Custom repair and service shop" means a shop for the repair and servicing of small appliances, televisions
1048 or other household goods, excluding repair and servicing of any type requiring other than pickup trucks and
1049 vans for delivery, and excluding repair and servicing of any type of vehicle.

1050 "Day-care center" means any place, however designated, licensed by the appropriate state or county health
1051 or welfare agency that, for part or all of a day, or on a twenty-four-hour basis on a regular schedule, and at
1052 least twice a week, offers or provides child care to children who do not have the same parentage except as
1053 otherwise provided for in law or regulation.

1054 "Day-care facilities for the elderly and handicapped" means any place, however designated, providing
1055 training, guidance, counseling and care for the elderly and handicapped during any part of the day, but not
1056 to include rest and nursing homes, convalescent homes, or domiciliary care for chronically ill or
1057 convalescents.

1058 "Day-care service" means any type of child care, provided on a full-time, part-time or temporary basis,
1059 including a day-care center, which is approved, endorsed or licensed by the appropriate state or county
1060 agency.

1061 "Density" means the maximum number of dwelling units which are permitted in a given area.

1062 "Developed open space" means that portion of common open space within the boundaries of a development
1063 improved for recreational purposes, such improvements to include but not be limited to areas for passive
1064 recreation, parks, bridle paths, play lots and playgrounds and sports facilities, such as tennis and
1065 shuffleboard courts, golf courses, boating docks and community buildings.

1066 "Dormitory housing" means a building or group of buildings containing rooms forming habitable units
1067 which are used or intended to be used for living and sleeping by persons enrolled or participating in an
1068 academic or other institution, but not for cooking or eating purposes.

1069 "Dwelling" means a building or portion thereof used for residential occupancy, including single-family,
1070 two-family and three-family, but not including hotel, motel or other accommodations used for transient
1071 occupancy.

1072 "Dwelling, duplex" means the same as semidetached dwelling.

1073 Dwelling, Multifamily. See "apartment" and "townhouse" definitions.

1074 "Dwelling, patio" means one building arranged or designed as one dwelling unit to either abut one side lot
1075 line, hereinafter called the zero lot line, or be within three feet of a lot line, but no portion of which is to
1076 encroach upon any adjoining lot other than provided for in section 17.200.020(A), Note b, and separated
1077 from any other building or structure by space on all sides.

1078 "Dwelling, semidetached" means a building arranged or designed to contain two abutting single-family
1079 dwelling units, separated from each other by a vertical party wall, and separated from any other building or
1080 structure by space on all sides.

1081 "Dwelling, single-family" means a dwelling containing one dwelling unit.

1082 "Dwelling, single-family attached" means a dwelling which is joined to another dwelling at one or more
1083 sides by an approved party wall or walls.

1084 "Dwelling, single-family detached" means a dwelling arranged or designed for occupancy for only one
1085 family which is not attached to any other dwelling.

1086 "Dwelling, three-family" means a dwelling containing three dwelling units.

1087 "Dwelling, two-family" means a dwelling containing two dwelling units.

1088 "Dwelling unit" means a single unit providing complete independent facilities for occupancy by one family
1089 and containing permanent provisions for living, sleeping, eating, cooking and sanitation (bathroom).

1090 "Environmental deficiencies" means those deficiencies which affect the living standards of the persons
1091 occupying the premises, and shall include the following:

1092 A. Overcrowding or improper location of structures on the land which are evidenced through violation
1093 of setbacks and/or yard restrictions;

1094 B. Excessive dwelling density or density that exceeds that permitted in the district;

- 1095 C. Obsolete building types (i.e., large residential buildings or other buildings which, through lack of
1096 maintenance, have a blighting influence);
- 1097 D. Detrimental land use or conditions such as incompatible uses, structures in mixed use not permitted
1098 by this chapter or adverse influence from noise, smoke, fumes or traffic;
- 1099 E. Unsafe, congested, poorly designed or otherwise deficient streets (i.e., streets not in conformance
1100 with current city standards);
- 1101 F. Inadequate public utilities or community facilities contributing to unsafe living conditions or
1102 economic decline.

1103 "Family" means and includes, subject to the exceptions stated below:

1104 I. A core consisting of one person living alone or one of the following groups living as a single
1105 housekeeping unit:

1106 A. Two or more persons who are related by blood, marriage, adoption, guardianship or other
1107 duly authorized custodial relationship, such as foster children, placed by an agency licensed
1108 to operate in Maryland;

1109 B. Up to a maximum of four persons who are not so related, hereinafter referred to as
1110 "unrelated persons" provided, however, that:

1111 1. a. Any existing lawful occupancy, in any dwelling or dwelling unit, including an
1112 apartment, in an R-5, R-8 or R-10 district or in Spring Chase PRD No. 1, the maximum
1113 shall be two unrelated persons, not including the children of either of them, after December
1114 16, 2002, subject to the occupancy permitted by subsections (I)(B)(1)(b) and (c) of this
1115 section.

1116 b. Any existing lawful occupancy, in any dwelling or dwelling unit, including an
1117 apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the maximum shall
1118 be three unrelated persons, not including the children of either of them, if the dwelling or
1119 dwelling unit was occupied by three unrelated persons, during the one year period prior to
1120 December 16, 2002. The occupancy may continue as a nonconforming use. In an
1121 apartment, the maximum occupancy shall not exceed the number of unrelated persons set
1122 forth in subsection (I)(B)(1)(c) of this section.

1123 c. Any existing lawful occupancy, in any dwelling or dwelling unit, including an
1124 apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the maximum shall
1125 be four unrelated persons, not including the children of either of them, if the dwelling or
1126 dwelling unit was occupied by four unrelated persons, during the one year period prior to
1127 December 16, 2002, and meets the requirements of section 15.24.1600. The occupancy
1128 may continue as a nonconforming use. In an apartment, the maximum occupancy shall not
1129 exceed the number of unrelated persons set forth in subsection (I)(B)(2) of this section.

1130 d. The following lots are exempt from the occupancy restriction set forth in
1131 subsection (I)(B)(1)(a) of this section: all dwelling units shown on an approved final
1132 comprehensive development plan; and where the total land area shown thereon is subject
1133 to a special exception granted by the board of zoning appeals prior to December 23, 2002;
1134 and for which the director of building, housing and zoning has determined that the units
1135 were proposed and constructed primarily for student housing.

1136 2. In any district other than an R-5, R-8 or R-10 district, in an apartment or any
1137 attached dwelling unit, except a townhouse or duplex dwelling, the maximum shall be the
1138 following number of unrelated persons not including the children of any of them:

1139 Two - in an efficiency or one bedroom unit;

1140 Three - in a unit having two or more bedrooms; or
1141 Four - in any unit constructed after November 25, 2002 (effective date of
1142 Ordinance No. 1864) having two or more bedrooms, if the entire parcel or tract of
1143 land on which it is located complies with the off-street parking requirement in
1144 effect when it was completed.

1145 All dwelling units shall comply with parking code requirements.

1146 C. 1. A group of not more than four persons who are approved by the Department of
1147 Neighborhood Services and Code Compliance pursuant to section 15.24.1620(1) as a
1148 "functional family," and

1149 2. A group of four or more disabled persons (as defined by the Americans with Disability
1150 Act), who are approved by the Department of Neighborhood Services and Code
1151 Compliance pursuant to section 15.24.1620(2).

1152 II. In addition to its core member(s) a family may include:

1153 A. One or more persons who provide health care or assisted living services to any core
1154 member of the family that are essential to the health, safety or general well-being of such
1155 core member, by performing such services at least eight hours each day.

1156 B. One or more domestic servants who perform personal or household services at the dwelling
1157 or dwelling unit at least eight hours each day.

1158 C. In the case of an owner-occupied dwelling unit in an R-5, R-8 or R-10 district, one person
1159 who is not a core member of the family, provided that no more than two unrelated persons, not
1160 including any permitted provider of health care or assisted living services, may reside in the
1161 dwelling.

1162 III. A "family" may not include or consist in whole or in part of:

1163 A. Any society, club, fraternity, sorority, association, lodge, federation, or like organization.

1164 B. Occupants of a rooming house or boarding house.

1165 C. Persons whose association as a group is temporary or seasonal in nature.

1166 D. Persons living in a group arrangement as a result of criminal conduct.

1167 IV. The "family" definition shall be applied to occupancy in accordance with the requirements of state
1168 and federal law.

1169 "Family day-care home" means any dwelling unit either licensed or registered by the appropriate state
1170 and/or county health or welfare agency to provide care for no more than eight children separated from their
1171 parents or guardians during any part of the day and occupied by the family of the licensee, provided that
1172 written consent is obtained from the owner(s) of the unit and owner(s) of any attached dwelling units. Any
1173 such consent may be withdrawn after thirty (30) days' written notice by the owner of said unit to the day-
1174 care home operator.

1175 "Floodplain" means a relatively flat or low land area adjoining a river, stream or watercourse, which is
1176 subject to partial or complete inundation, or any area subject to the unusual and rapid accumulation of
1177 runoff of surface waters or from tidal action or from any source, and specifically including those areas
1178 subject to the United States Department of Housing and Urban Development, Federal Insurance
1179 Administration, Flood Hazard Rate Maps (Flood Hazard Boundary Maps) for the city of Salisbury.

1180 "Floor area, gross" means the floor area within the perimeter of the outside walls of the building under
1181 consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

1182 "Fraternity" or "sorority" means a private club maintained exclusively for members affiliated with an
1183 academic or professional college or university or other recognized institution of higher learning, wherein
1184 members may reside and conduct social activities.

1185 "Gross leasable area" means the total floor area of a building designed for tenant occupancy and exclusive
1186 use, including basements, mezzanines and upper floors, expressed in square feet and measured from the
1187 center line of joining partitions and from outside wall faces. It is all that area on which tenants pay rent.

1188 "Gross tract area" means the area of land within the boundaries or property lines of a proposed development.

1189 "Group domiciliary care facility" means a facility which does not constitute a group home and which
1190 provides lodging and residence services in a single dwelling which is occupied by ten or fewer unrelated
1191 persons, including support personnel and that provides service and supervision by licensed operators in
1192 accordance with federal, state and local laws, regulations and requirements. Residents shall be the elderly
1193 or persons protected by reason of handicap or familial status under the Federal Fair Housing Act, as
1194 amended, or Maryland housing discrimination statutes. As permitted by 32 U.S.G.S. section 3604(f)(9), the
1195 residents of a group domiciliary care facility shall not include any person who, during his term of residence
1196 at such facility, commits a violent act or causes substantial physical damage to the property of others, and
1197 any such person must be removed from such facility.

1198 "Group home" means a facility providing housing facilities and/or rehabilitation in a single dwelling for
1199 not more than ten persons, including support personnel, for persons who need specialized housing,
1200 treatment and/or counseling service because of delinquency or criminal rehabilitation, such as a criminal
1201 half-way house, current addiction to or illegal use of a controlled substance, or a type of mental illness that
1202 involves or has involved behavior related to violent felony crime. Residents are provided service and
1203 supervision by licensed operators in accordance with federal, state and local laws, regulations and
1204 requirements. Treatment and counseling shall be limited to the residents of the dwelling. The residents of a
1205 group home shall not include any person who, during his term of residence at such facility, commits a
1206 violent act or causes substantial physical damage to the property of others, and any such person must be
1207 removed from such home.

1208 "Hairdresser shop" means a barbershop or beauty shop, or combination thereof.

1209 "Home occupation" means an accessory use conducted entirely within a detached single-family dwelling
1210 or its residential accessory building, which is clearly incidental and secondary to the use of the property for
1211 residential purposes and which does not change the character thereof, and provided that:

- 1212 A. No person other than members of the family residing on the premises shall be engaged in such
1213 occupation;
- 1214 B. There shall be no change in the outside residential appearance of the building or premises or other
1215 visible evidence of the conduct of such home occupation other than one sign, not exceeding one
1216 square foot in area, nonilluminated and mounted flat against the exterior of the building;
- 1217 C. Electrical or mechanical equipment which creates visible or audible interference in radio or
1218 television receivers or causes fluctuation in line voltage outside the dwelling or which creates noise
1219 not normally associated with residential uses shall be prohibited;
- 1220 D. No vehicle or pedestrian traffic shall be generated by the home occupation greater than normal for
1221 the district in which it is located;
- 1222 E. To the extent that there is any sale of any item related to a home occupation, no delivery of that
1223 item to the buyer shall occur on or adjacent to the premises;
- 1224 F. No storage or display of materials, goods, supplies or equipment related to the operation of a home
1225 occupation shall be visible from the outside of any structure located on the premises.

- 1226 "Home office" means an accessory use conducted entirely within a room(s) located in a detached single-
1227 family dwelling, provided that:
- 1228 A. The dwelling is the bona fide residence of the principal practitioner;
 - 1229 B. There is no more than one employee or person engaged in or serving the business other than the
1230 principal practitioner;
 - 1231 C. There shall be no change in the outside residential appearance of the dwelling or premises or other
1232 visible conduct of such office other than one sign, not exceeding one square foot in area,
1233 nonilluminated and mounted flat against the exterior of the dwelling;
 - 1234 D. There shall be no mechanical or electrical equipment used that will interfere with use of adjoining
1235 properties;
 - 1236 E. There is no outside storage or display of any material visible outside the dwelling;
 - 1237 F. Parking is provided only between the front building line and the rear lot line;
 - 1238 G. There is no outside storage of trucks or vans used in conduct of the business.
- 1239 "Hotel," "motel" or "motor hotel" means an establishment where sleeping accommodations for transient
1240 customers are provided.
- 1241 "Housing for the elderly and handicapped" means a dwelling specifically designed for the needs of the
1242 elderly and/or handicapped person or persons and conforming to the requirements of state and/or federal
1243 programs providing for housing for the elderly and/or handicapped.
- 1244 "Housing inspector" means the department of neighborhood services and code compliance and the duly
1245 designated housing official.
- 1246 "Industrial auction" means the sale of animals, farm produce or any article or property by auction, conducted
1247 on a lot without regard to whether there may be outside storage of inventory or property to be sold or
1248 whether the auction is conducted within a building or in the open.
- 1249 "Industrial vocational training school" means a public or private school which trains students in industrial
1250 skills.
- 1251 "Junkyard" means any area, lot, land, parcel, building or structure or part thereof used for the storage,
1252 collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or
1253 discarded goods, materials, machinery or unregistered, inoperable motor vehicles, marine equipment and/or
1254 vessels or other type of junk.
- 1255 "Kennel" means any place in or at which any number of dogs or cats are kept for the purpose of sale or in
1256 connection with the boarding, care or breeding, for which any fee is charged.
- 1257 "Landscaping" means a combination of grass and shrubs and/or trees and other decorative plantings,
1258 materials, statues, fountains and other special features as may be approved by the planning commission.
- 1259 "Liquor store" or "liquor dispensary" means any establishment or business which keeps for sale or sells
1260 liquor in any quantity and delivers the same in a sealed package or container which is not to be opened nor
1261 its content consumed on the premises where sold.
- 1262 "Lot" means land occupied or to be occupied by a building and any building accessory thereto or by a
1263 building group and any buildings accessory thereto, with open space and land area required by this chapter,
1264 and having its principal frontage on a public street or public way or on a private right-of-way or easement
1265 as approved by the planning commission and/or council.
- 1266 "Lot area" means the total horizontal area included within lot lines.
- 1267 "Lot, corner" means a lot at the junction of and abutting on two or more intersecting streets.

1268 "Lot coverage" means the percentage of land permitted by this chapter to be covered by a building or
1269 buildings.

1270 "Lot depth" means the average horizontal distance between the front lot line and rear lot line for an interior
1271 lot. In the case of a corner lot, the lot depth is the greater of the average horizontal distances between the
1272 front lot lines and the respective side lot line opposite each.

1273 "Lot frontage" means the side(s) of a lot abutting a street(s); on a corner lot, the shortest side that abuts a
1274 street; where sides are of equal length, the side fronting on the street having the longest frontages within
1275 the same block.

1276 "Lot, interior" means any lot other than a corner lot.

1277 "Lot lines" means lines bounding a lot as hereinafter described:

1278 A. "Front" means the line running along the front of a lot and separating it from the street. In a through
1279 lot, both lines abutting streets are deemed front lot lines.

1280 B. "Rear" means the line generally opposite or parallel to the front lot line, except in a through lot. If
1281 a rear lot line is less than ten feet long or if the lot comes to a point at the rear, the rear lot line shall
1282 be deemed to be a line at least ten feet long, lying wholly within the lot parallel to the front lot line,
1283 or if the front lot line is curved, parallel to the chord of the arc of said front lot line.

1284 C. "Side" means any lot line other than a front or a rear lot line.

1285 "Lot of record" means land designated as a separate and distinct parcel of land on a legally recorded
1286 subdivision plat or in a legally recorded deed filed in the land records of Wicomico County.

1287 "Lot, through" means an interior lot fronting on two streets.

1288 "Lot width" means the mean horizontal distance between the side lot lines of a lot measured at the
1289 setback/building line.

1290 "Marina" means a facility for the docking, storage, servicing and sale of recreational boats.

1291 "Medical-care facility" means a facility, however designated, providing medical treatment and short-term
1292 inpatient care, other than a hospital or medical clinic.

1293 "Mixed-use building" means a building or structure of less than fifteen thousand (15,000) square feet
1294 containing two or more different uses.

1295 "Mobile home" means a detached residential unit containing not less than five hundred (500) square feet of
1296 gross livable floor area in the original manufactured unit, designed and intended for repeated or periodic
1297 transportation in one or more sections on the highway, on a chassis which is permanent or designed to be
1298 permanent, and arriving at the site where it is to be occupied, complete and ready for occupancy except for
1299 minor and incidental unpacking and assembly of sections, location of jacks or other foundations, connection
1300 to utilities and the like. Units commonly known as "double-wides" and any unit classified by an applicable
1301 financing or construction standard, including without limitation, the United States Department of Housing
1302 and Urban Development Regulations, State of Maryland Department of Economic and Community
1303 Development Regulations or state or federal law, as such laws or regulations are in effect as of the date of
1304 passage hereof, as a mobile home shall be considered mobile homes. The placing of a mobile home on a
1305 permanent foundation or the construction of additions, porches and the like shall not change the
1306 classification of such mobile home. Recreational trailers and vehicles and modular homes are not
1307 considered as mobile homes.

1308 "Mobile home park" means any lot, parcel or tract of land planned, developed and improved for the
1309 placement of three or more mobile homes on a permanent or semi-permanent basis.

1310 "Modular home" means a detached residential unit built to a recognized building code, containing not less
1311 than five hundred (500) square feet of gross livable floor area in the original manufactured unit, designed
1312 and intended for delivery by transportation on the highway for permanent assembly on a permanent and
1313 separately constructed foundation. A modular home may be considered a single-family dwelling. A modular
1314 home must meet the requirements and definitions of the Maryland Industrialized Buildings and Mobile
1315 Homes Act as in effect as of the date of passage hereof.

1316 "Multi-use facility" means two or more similar or different uses on a lot or parcel that are conducted in
1317 physically separate areas and permitted inherently or otherwise in the district in which located, provided
1318 that the lot or parcel and improvements thereon satisfy the total parking, lot area and other requirements of
1319 the uses; the facility shall not be deemed to be a shopping center if the total floor area of the uses in which
1320 the principal activity is on-site retail sales does not exceed one-third of the gross floor area of the entire
1321 facility.

1322 "Neighborhood shopping center" means a shopping center not exceeding one hundred thousand (100,000)
1323 square feet in gross floor area.

1324 "Net tract area" means the gross project area less the area of land devoted to streets.

1325 "Nonconforming use, structure, lot and dwelling." See chapter 17.16.

1326 "Nudity" or "state of nudity" means the visibility or exposure of a human bare buttock, anus, anal cleft or
1327 cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a
1328 female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a
1329 discernibly turgid state even if completely and opaquely covered.

1330 "Nursery school" means a licensed establishment providing care and an educational program under the
1331 jurisdiction of and accredited by the state Board of Education to up through second grade aged children.

1332 "Open space" means the portion of a tract of land within the boundaries of a development not covered by
1333 principal and accessory buildings, parking lots, streets and utility structures, except buildings and structures
1334 for recreational use.

1335 "Outdoor advertising structure" means any structure which contains a sign, poster, panel, billboard, painted
1336 bulletin or any other structure, device, surface or display which advertises or displays any other message
1337 related to a business, profession, commodity, service or entertainment or event conducted, sold or offered
1338 elsewhere than on the premises where the advertising structure is located.

1339 "Outdoor storage yard" means the keeping or storing, other than in a wholly enclosed building, of goods,
1340 items, materials or merchandise, except for scrap materials, debris, or a junkyard.

1341 "Parks" and "playgrounds, public and private" means recreation facilities, such as picnic areas, ballfields,
1342 basketball and tennis courts, etc., not operated for profit.

1343 "Pet-grooming shop" means an establishment wherein pets may be bathed, clipped or otherwise groomed,
1344 but not to include facilities for overnight care, boarding, breeding or medical treatment.

1345 "Plat" means a sketch, map or survey of a lot(s), tract or parcel of land, indicating lot lines, street rights-of-
1346 way and easements, with the dimensions of these features inscribed thereon.

1347 "Principal use" means the principal purpose for which a lot or the main building or structure thereon is used,
1348 occupied or maintained.

1349 "Private club" means an association for civic, social, cultural, religious, literary, fraternal, political,
1350 recreational, or like activities, which is operated for the benefit of its members and not open to the general
1351 public.

1352 "Private performance" means the modeling, posing, or display or exposure of any specified anatomical area
1353 by an employee of an adult entertainment business to a person other than another employee, while the

1354 person is in an area not accessible during such display to all other persons in the establishment, or while the
1355 person is in an area in which the person is totally or partially screened or partitioned during such display
1356 from the view of persons outside the area.

1357 "Public" or "private utility buildings and uses" means facilities and structures owned or maintained by a
1358 government, a public or private agency or a public or private utility company for the purpose of and directly
1359 necessary for rendering or providing communication, electric, gas, sewer, water or comparable service of a
1360 public utility nature, and in fact used in the rendition of such service. Nothing in this title or amendment
1361 thereto is intended to limit or restrict the use of property in any zone for poles, mains, pipes, conduits or
1362 wires erected and maintained for the transmission and distribution of electric energy over wires for any
1363 lawful purpose or gas to customers for such energy or municipal water or sewer services or any equipment
1364 or device necessary or incident to such use or uses.

1365 "Public utility operation center" means facilities, structures and any or all uses directly relating to the
1366 operation and maintenance of a public utility:

1367 A. Including, but not limited to:

- 1368 1. Operating utility system controls;
- 1369 2. Business offices and associated accessory uses;
- 1370 3. Indoor and outdoor repair, maintenance and/or storage of motor vehicles and utility
1371 construction and maintenance equipment; and associated storage of fuels, lubricants,
1372 coolants and fluids and substances, not for sale to the public;
- 1373 4. Indoor and outdoor assembly, repair, maintenance, testing and storage of utility system
1374 components, equipment, tools and supplies; and;
- 1375 5. Staging area for contractors constructing, repairing, and/or maintaining the utility system;
- 1376 6. And may include a solar farm.

1377 "Recreational establishment, indoor" means billiard parlor, bowling alley, skating rink, tennis or racquetball
1378 center, automatic amusement device center, swimming pool, convention hall and other similar indoor
1379 recreational uses.

1380 "Recreational establishment, outdoor" means miniature golf course, amusement park, private zoo,
1381 kiddieland ride, driving range, sports stadium, arena and other similar outdoor recreational uses.

1382 "Recreational vehicle" means any type of vehicle, whether self-propelled, vehicle-mounted or vehicle-
1383 pulled, used for camping or recreational purposes, including but not limited to pickup campers, motor
1384 homes, tent campers and travel trailers.

1385 "Regional shopping center" means a shopping center containing more than three hundred thousand
1386 (300,000) square feet in gross floor area.

1387 "Restaurant" means any establishment of which the principal business is the sale of food and of which the
1388 principal method of operation is to serve food ordered from a menu to seated customers at a table, booth or
1389 counter inside the establishment. However a snack bar or refreshment stand at a public or nonprofit
1390 community swimming pool, playground or park, operated solely for the convenience of patrons of the
1391 facility, shall not be deemed to be a restaurant.

1392 "Restaurant, fast-food" means any establishment where ready-to-eat food primarily intended for immediate
1393 consumption is available upon a short waiting time and packaged or presented so that it can readily be eaten
1394 outside the premises where it is sold and where facilities for on-premises consumption of food are
1395 insufficient for the volume of food sold.

1396 "Restaurant, fast-food cafeteria" means any establishment where ready-to-eat food is available upon a short
1397 waiting time and served to customers on a tray through a cafeteria line for consumption at a table, booth or
1398 counter inside the establishment.

1399 "Restaurant, fast-food carry-out" means any establishment where ready-to-eat food primarily intended for
1400 immediate consumption is available upon a short waiting time and packaged or presented so that it can
1401 readily be eaten away from the premises where it is sold and where there are no facilities for on-premises
1402 consumption of food.

1403 "Restaurant, fast-food drive-in" means any establishment where ready-to-eat food primarily intended for
1404 immediate consumption is available upon a short waiting time and packaged or presented so that it can
1405 readily be eaten outside the premises and whose principal method of operation is to serve food to customers
1406 in motor vehicles.

1407 "Resubdivision" means a subdivision which has been altered by changing of a line, bearing or other
1408 measurement and which is subsequently platted and recorded in a legal manner.

1409 "Retail establishment" means a structure containing one retail use or several uses under one ownership in
1410 one structure or within one unit of a structure from which merchandise is sold to the general public including
1411 the rendering of services incidental to the sale of such merchandise.

1412 "Satellite simulcast betting facility" includes any place where pari-mutuel betting occurs on any race that
1413 is simulcast from any type of sending track by either thoroughbred or harness racing or any other type of
1414 human, animal or vehicle racing; or on any other type of sporting event. This definition also includes any
1415 place known as an off-track betting (OTB) facility. No such facility shall be allowed in any city zoning
1416 district.

1417 "School of general instruction" means a public, parochial or private school or college providing regular
1418 instruction at least five days a week (except for holidays) for a normal school year, but not including a
1419 school of special instruction, a nursery school, unless conducted as part of a school of general instruction,
1420 or a riding school.

1421 "School of special instruction" means a school primarily devoted to giving instruction in vocational,
1422 professional, commercial, musical, dramatic, artistic, linguistic, scientific, religious or other special
1423 subjects, but not including a nursery school, or a riding school.

1424 "Screening" means landscaping, berms or fencing, or any combination thereof, designed to obstruct view
1425 of a particular use.

1426 "Self storage" means a facility used for the purpose of renting or leasing secure, interior, individual storage
1427 space. This may include rooms, compartments, and lockers in which individuals store and remove their
1428 own goods, records, and personal property on a self-service basis. This definition does not preclude such
1429 self storage from inclusion within other use categories (i.e. warehousing).

1430 "Setback/building line" means a line parallel to the front lot line beyond which no principal building or
1431 structure is permitted to extend.

1432 "Sexual conduct" means any and all acts or conduct which include, involve, or which display, exhibit, or
1433 simulate the following:

- 1434 1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual
1435 acts which are prohibited by law;
- 1436 2. The touching, caressing, and/or fondling of the breast, buttocks, anus, or genitals; or
- 1437 3. The displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals.

1438 "Sexual encounter center" means a commercial enterprise that, as one of its principal business purposes,
1439 offers for any form of consideration:

- 1440 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
1441 2. Activities between persons of the opposite sex and/or persons of the same sex when one or more
1442 of the persons is in a state of nudity.
- 1443 "Shopping center" means two or more commercial establishments either in one structure or in two or more
1444 separate structures built on one parcel of land that is planned and developed as an operating unit related in
1445 location, size and type of shops to the trade area that the center is designed to serve; it provides common
1446 on-site parking access and other amenities in definite relationship to the type and total size of the center.
- 1447 A. "Neighborhood" means a shopping center not exceeding thirty thousand (30,000) square feet in
1448 gross floor area.
- 1449 B. "Community" or "Regional" means a shopping center exceeding thirty thousand (30,000) square
1450 feet in gross floor area.
- 1451 Sign. See chapter 17.216.
- 1452 "Significant amount" means the following:
- 1453 1. At least fifteen (15) percent of the stock in the establishment or on display consists of adult
1454 entertainment or material;
- 1455 2. At least fifteen (15) percent of the area used for the display or storage of merchandise on the floor,
1456 walls, or vertical display area of the cabinets, shelves or racks which rise from the floor (or any
1457 combination thereof which is at least fifteen (15) percent of the area used for display or storage) is
1458 used for the display or storage of adult entertainment or material or houses or contains devices
1459 depicting, describing, or relating to adult entertainment or material; or
- 1460 3. At least fifteen (15) percent of the gross revenue is, or may reasonably be expected to be, derived
1461 from the provision of adult entertainment or material.
- 1462 "Site plan" means a detailed plan of development showing the arrangement of any building(s) in relation to
1463 parking, streets, entrances, exits, open space and adjoining properties, with all information relevant to size
1464 of area, number of parking spaces and square footage of buildings, etc., inscribed thereon in addition to any
1465 other pertinent information as may be required by a specific section of this code.
- 1466 "Solar farm" means a utility-scale energy generation facility, principally used to convert solar energy to
1467 electricity for the primary purpose of use by the owner and/or wholesale and/or retail sales of said
1468 electricity.
- 1469 "Special exception" means a land use authorized by the board of ~~zoning~~ appeals pursuant to the provisions
1470 of this title and subject to standards and conditions set forth for such use. It is a use which has been
1471 legislatively predetermined to be conditionally compatible with uses permitted as of right in a particular
1472 zoning district, the conditions being that the board of ~~zoning~~ appeals must, in each case, decide under the
1473 standards set forth in chapter 17.232 whether the presumptive compatibility in fact exists.
- 1474 "Specialty shop" means a shop for the sale of antiques/collectibles or handicraft and supplies, including
1475 artwork, leatherwork, pottery, needlework or similar items which may be made on the premises.
- 1476 "Specified anatomical areas" means the following:
- 1477 1. Less than completely or opaquely covered:
- 1478 a. Human genitals or pubic region;
- 1479 b. Entire cleft of the male or female buttocks. Attire which is insufficient to comply with this
1480 requirement includes, but is not limited to, G-strings, T-backs, and thongs;

1481 c. That portion of the human female breast below a point immediately above the top of the
1482 areola; this definition shall include the entire lower portion of the human female breast, but
1483 shall not include any portion of the cleavage of the human female breast exhibited by a
1484 dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is
1485 not so exposed.

1486 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

1487 "Specified sexual activities" means the following:

1488 1. Human genitals in a state of sexual stimulation or arousal or tumescence;

1489 2. Acts of anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation,
1490 masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism,
1491 sexual intercourse, sodomy, urolagnia or zoerasty;

1492 3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast;
1493 or

1494 4. Excretory functions as part of, or in connection with, any of the activities set forth in subsections
1495 (1) through (3) of this definition.

1496 "Straddle dance" means the following:

1497 1. The use by an employee of an adult entertainment business of any part of his or her body to directly
1498 or indirectly touch the genital or pubic area of a person, excluding another employee, while at the
1499 adult entertainment business, in exchange for a tip, donation, gratuity, or other thing of value,
1500 regardless of whether the employee is displaying or exposing any specified anatomical area; or

1501 2. The straddling of the legs of an employee of an adult entertainment business over any part of the
1502 body of a person, excluding another employee, regardless of whether there is any touching.

1503 A straddle dance is also known as a "lap dance," "table dance," or "face dance."

1504 "Street" means a public thoroughfare, however designated, maintained by the city of Salisbury, state of
1505 Maryland or Wicomico County, which affords the principal means of access to abutting property and which
1506 is hereafter developed according to the regulations for the city of Salisbury, or a public way, private right-
1507 of-way or easement as approved by either the planning commission or city council.

1508 "Structure" means that which is built or constructed.

1509 "Studio" means an establishment wherein music, photography, dancing, sculpting or other artistic
1510 instructions may be given.

1511 "Subdivision" means a lot, parcel or tract of land which has been legally subdivided, platted and recorded
1512 in the land records of Wicomico County.

1513 "Townhouse" means a single-family dwelling forming one of no fewer than three attached single-family
1514 dwellings with property lines and party walls separating such units and which are separated from any other
1515 building or structure by space on all other sides.

1516 "Transient" means on a one-day or a day-to-day basis.

1517 "Travel trailer" means a portable vehicular structure not over eight feet wide or thirty-five (35) feet in
1518 length, designed as a temporary living unit for travel, recreational and vacation uses. It is designed solely
1519 for short-term occupancy and for travel purposes.

1520 "Truck terminal" means a building or area where trucks, including tractors or trailer units, are parked, stored
1521 or serviced, which may also include areas, buildings or structures for the transfer, loading or unloading or
1522 storage of a wide array of goods and materials of various types and sizes.

1523 "Utility substation" means a station subordinate to a public or private utility building or use for the provision
1524 of services through areas which cannot be serviced by the facilities of the main building or use.

1525 "Variance" means a modification only of the required density, bulk or area requirements set forth in this
1526 title where such modification will not be contrary to the public interest and where, owing to conditions
1527 peculiar to the property and not the results of any action taken by the applicant, a literal enforcement of the
1528 title would result in unnecessary hardship.

1529 "Warehouse" means a building or structure used for the inside storage of goods and materials.

1530 "Warehousing" means facilities or structures operated for the storage of prefinished goods and materials,
1531 with not more than two bays to be used for maintenance within the same building where goods or materials
1532 are stored.

1533 "Width of street" means the mean of the distance between the right-of-way lines of a street between two
1534 intersecting streets.

1535 "Yard" means an open space on the same lot with a building or building group lying between the front, rear
1536 or side wall of a building and the nearest lot line, unoccupied except for projections and specific minor uses
1537 or structures allowed in such open space under the provisions of the zoning ordinance.

1538 "Yard, front" means a yard extending the full width of the lot on which a building is located and situated
1539 between the front lot line and a line parallel thereto and passing through the nearest point of the building.

1540 "Yard, interior side" means a side yard located immediately adjacent to another lot or to an alley separating
1541 such side from another lot.

1542 "Yard, rear" means a yard extending the full width of the lot on which a building is located and situated
1543 between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

1544 "Yard, side" means a yard on the same lot as a building situated between the side lot line and a line parallel
1545 thereto and passing through the nearest point of a building and extending from the front yard to the rear.

1546 **17.04.140 Interpretation.**

1547 A. In the event that there is a question as to interpretation of any part of this title, a written request for
1548 interpretation shall be submitted to the planning commission.

1549 B. The planning commission shall review that part of this title requested for interpretation and
1550 determine its original purpose and intent at the time of the writing and adoption of this title.

1551 C. The planning commission shall forward its interpretation to the applicant in writing within forty-
1552 five (45) days from receipt of the request. All such interpretations shall serve as the commission's
1553 policy until such time as the code is amended to include the interpretation as a part of the zoning
1554 code.

1555 D. The city of Salisbury recognizes that the Federal Fair Housing Act imposes upon it a duty to make
1556 "reasonable accommodations," as such term may be defined under the Fair Housing Act from time-
1557 to-time, in its land use and zoning policies and procedures where such accommodations may be
1558 necessary to afford persons or groups of persons with disabilities an equal opportunity to use and
1559 enjoy housing. The planning commission and board of ~~zoning~~ appeals shall interpret this title so as
1560 to comply with the Fair Housing Act and other applicable law.

1561 **17.12.010 Administrative agencies.**

1562 The administration of this title is vested in the following offices of the government of the city of Salisbury:

1563 A. Housing and Community Development Department;

1564 B. Department of infrastructure and development;

- 1565 C. The planning commission;
- 1566 D. The Salisbury city council;
- 1567 E. The board of zoning appeals.

1568 **17.12.030 Duties.**

1569 Duties of the Housing and Community Development Department shall be as follows:

- 1570 A. To issue zoning authorizations and make and maintain records thereof;
- 1571 ~~B. To receive applications for variances, special exceptions or any other matter to be considered by~~
- 1572 ~~the board of zoning appeals;~~
- 1573 **C.B.** To initiate and request inspections of structures and use of land to determine compliance with the
- 1574 terms of this title or actions of the planning commission, city council or board of zoning appeals
- 1575 and, where there are violations, to initiate action to secure compliance therewith.

1576 **17.12.040 Zoning authorizations.**

- 1577 A. Authorization Required. No land or building may be used, or any building constructed, extended,
- 1578 altered, changed or converted, without written authorization from the building inspector that the
- 1579 proposed structure, alteration, change, conversion or use complies with the provisions of this title.
- 1580 Where no other permit is required for the use of land, this zoning authorization shall be construed
- 1581 as the permit to so use the land. A building permit or occupancy certificate issued in conflict with
- 1582 the provisions of this title shall be null and void.
- 1583 B. Zoning Authorizations.
- 1584 1. Application for Zoning Authorization. The application for a zoning authorization shall be
- 1585 accompanied by a plot plan, indicating the parcel of land, lot or lots, block or blocks or
- 1586 portions thereof, drawn, to scale and fully dimensioned, showing the ground area, height
- 1587 and bulk of the structure or land and such other information as may be required by the
- 1588 building inspector for the proper administration and enforcement of this title. Whenever a
- 1589 structure or use is of the type requiring off-street parking on a ratio to the number of
- 1590 employees, the number of employees on which the parking is based shall be shown on the
- 1591 application.
- 1592 2. Critical Area Program. The requirements of this title are modified to the extent necessary
- 1593 in order that all land within the critical area as established by the Chesapeake Bay critical
- 1594 area commission, the critical area program and chapter 12.20 of the city code shall also
- 1595 comply with the provisions of the city of Salisbury Chesapeake Bay critical area program,
- 1596 where applicable.
- 1597 C. Disapproval. If the application and the accompanying papers do not comply in all respects with the
- 1598 regulations of this title, it shall be disapproved by the building inspector, and the applicant shall be
- 1599 notified in writing. The building inspector may, in his discretion, before disapproving any
- 1600 application, return such application to the applicant, who may amend said application, plans or
- 1601 specifications in order to make the proposal comply with the regulations of this title. In such event,
- 1602 the building inspector shall proceed to pass upon the application as if it were an original one.
- 1603 D. Issuance. If the application, filed together with the plans and specifications, conform in all respects
- 1604 with the requirements of this title, the building inspector shall issue written zoning authorization
- 1605 and any necessary permits.
- 1606 E. Appeal. If an application is disapproved, the applicant shall be notified in writing, with the reasons
- 1607 for disapproval. If the applicant wishes to pursue the request, an application for an appeal before
- 1608 the board of zoning appeals shall be filed with the building inspector. Such application shall be

1609 transmitted forthwith to the planning director who, in turn, shall forward such application to the
1610 board for its action. The planning director shall return the board's action to the building inspector
1611 in writing. If the appeal application is approved, the building inspector shall issue written zoning
1612 authorization and any necessary permits.

1613 F. Plan Applications.

1614 1. Applications requiring review and approval by the planning commission, board of zoning
1615 appeals and downtown/riverfront development review committee shall be forwarded to the
1616 City Planner ~~planning director~~ for scheduling before the appropriate commission,
1617 committee or board.

1618 2. No such application shall be accepted by the director of infrastructure and development or
1619 scheduled by the City Planner ~~planning director~~ until all plans and documentation required
1620 by and in compliance with this title have been received; except that,

1621 a. An application for official action by the planning commission or board of zoning
1622 appeals may be scheduled for review with only a site plan showing all required
1623 elements of the proposed development;

1624 b. An application for review by the downtown/riverfront development review
1625 committee may be scheduled for review with only a site plan showing all required
1626 elements of the proposed development and exterior elevations showing the design
1627 of the proposed development;

1628 c. Any commission, committee or board may render its decision if it determines that
1629 the information on the site plan or exterior elevations is sufficient; provided, that
1630 such approval is conditioned upon an applicant completing all other plans and
1631 documentation as may be required by this title.

1632 3. The City Planner ~~planning director~~ shall advise, in writing, the director of infrastructure
1633 and development of all action taken on the application.

1634 4. If the application is approved, the director of infrastructure and development may issue
1635 written zoning authorization or conditional zoning authorization, subject to compliance
1636 with all other requirements of this title and all other applicable city regulations.

1637 **17.12.050 Jurisdiction and authority.**

1638 The department of infrastructure and development shall have the following jurisdiction and authority
1639 wherever required by this title:

1640 A. To review and make recommendations on street width and layout of streets serving a development;

1641 B. To review and make recommendations on access from a development onto public streets and
1642 highways;

1643 C. To review and approve any plan relative to public utilities as requested by the planning commission,
1644 board of zoning appeals or city council.

1645 **17.12.060 Jurisdiction and authority.**

1646 The planning commission shall have the following jurisdiction and authority:

1647 A. To initiate, to receive and to review applications for and to make recommendations to the city
1648 council on all text amendments and zoning reclassifications;

1649 B. To review and approve all development where required by this title and to review development for
1650 recommendation to the board of zoning appeals or the city council, as required;

- 1651 C. To receive, review and recommend all requests for determination of unclassified uses and to
1652 interpret any part of this title where there is question as to the purpose and intent of its originality;
- 1653 D. To review certain uses in the industrial park and paleochannel districts and make recommendations
1654 to the city council;
- 1655 E. To review ordinance permit requests and make recommendations to the city council;
- 1656 F. To review and approve landscaping plans in accordance with chapter 17.220;
- 1657 G. In reviewing and approving any plan for development or landscaping as enumerated in subsections
1658 (A) thorough (F) of this section, the commission may establish those conditions it deems necessary
1659 to accomplish the purpose and intent of this title.

1660 **Article VI Board of Zoning Appeals**

1661 **17.12.090 Composition—Employees—Meetings.**

- 1662 A. The **Board of Appeals** ~~board of zoning appeals~~ shall consist of five members and ~~one~~ **two**
1663 alternates appointed by the mayor **and confirmed by** ~~with the advice and consent of the city~~
1664 council. **When possible, preference shall be given in order to ensure that the Board of Appeals**
1665 **includes at least one building professional/architect/engineer, tenant, property owner and**
1666 **attorney, as well as potential members who have a demonstrated special interest, specific**
1667 **knowledge, or professional or academic training in public health.** The alternates shall attend
1668 the **Board of Appeals** ~~board of zoning appeals~~ meetings and shall sit for an absent member, when
1669 appropriate. The members and alternate members of the **Board of Appeals** ~~board of zoning appeals~~
1670 shall be appointed for terms of three years. One member shall be named by the board as chairman.
1671 ~~The~~ **An** alternate member may complete the unexpired term of any member, who, for whatever
1672 reason, vacates his seat on the board. The members of the **Board of Appeals** ~~board of zoning~~
1673 ~~appeals~~ may be removed for cause by the appointing authority upon written charges and after a
1674 public hearing.
- 1675 B. The **Board of Appeals** ~~board of zoning appeals~~, hereinafter referred to as "the board," shall appoint
1676 such employees as may be authorized from time to time by the city council; ~~however, the~~
1677 ~~employees of the planning commission shall also serve as employees to the board.~~
- 1678 C. The board shall adopt rules necessary for carrying out the provisions of this chapter. The rules shall
1679 be approved by the city council. Meetings of the board shall be held at the call of the chairman and
1680 at such other times as the board may determine by general rule. Three members shall constitute a
1681 quorum. **A member of a board of appeals shall recuse himself or herself from participating in**
1682 **a matter in which the member may have a conflict of interest or an appearance of a conflict**
1683 **of interest.** If a majority of the board does not approve the application or find in the favor of the
1684 appellant, the board's inability to reach a decision by majority vote shall result in denial of the
1685 application or appeal. The chairman or, in his absence, the acting chairman may administer oaths
1686 and compel the attendance of witnesses. All meetings of the board shall be open to the public. The
1687 board shall record and keep minutes of its proceedings, which show the vote of each member upon
1688 each question, or, if a member is absent or fails to vote, the minutes shall indicate such fact. The
1689 board shall keep **recordings of all proceedings**, records of its examinations and other official
1690 actions, all of which shall be filed immediately in the office of the board and shall be a public record
1691 open to inspection during the hours of normal operation of the office. Copies of the minutes shall
1692 be made available to interested parties. A party who requests a copy of the recording or its transcript
1693 shall pay the cost of the recording or transcript.

1694 **17.12.100 Jurisdiction and authority.**

1695 Jurisdiction and authority of the board shall be as follows:

- 1696 A. To hear and decide applications for special exceptions in the manner prescribed by and subject to
1697 the standards established herein;
- 1698 B. To hear and decide applications for variances from the terms provided in this title in the manner
1699 prescribed by and subject to the standards established herein;
- 1700 C. To hear and decide appeals where it is alleged that there is an error in any order, requirement,
1701 decision or determination made by the director of the department of infrastructure and development
1702 or the Housing and Community Development Department under this title;
- 1703 D. To hear and decide applications for the change, alteration or enlargement of nonconforming uses
1704 and enlargement of nonconforming dwellings, in accordance with Sections 17.16.040 and
1705 17.16.050;
- 1706 E. To hear and decide all matters referred to it or upon which it is required to act under **the Salisbury**
1707 **Municipal Code** ~~this title~~;
- 1708 F. To adopt and establish general rules for the conduct of its proceedings.

1709 **17.12.110 Appeals.**

- 1710 A. Appeals to the board may be taken by any person aggrieved or by any officer, department, board
1711 or bureau of the municipality affected by any decision of **an administrative officer or unit**
1712 **pursuant to the Salisbury Municipal Code** ~~the building inspector~~. Such appeal shall be taken
1713 within a reasonable time, as approved by the rules of the board, by filing with the **administrative**
1714 **officer or unit from whose action the appeal is taken** ~~building inspector~~ and with the board a
1715 notice of appeal, specifying the grounds thereof. The **administrative officer or unit from whose**
1716 **action the appeal is taken** ~~building inspector~~ shall forthwith transmit to the board all of the papers
1717 constituting the record upon which the action appealed from was taken.
- 1718 B. An appeal stays all proceedings in furtherance of the action appealed from, unless the
1719 **administrative officer or unit from whose action the appeal is taken** ~~building inspector~~ certifies
1720 to the board after the notice of appeal shall have been filed with him that, by reason of facts stated
1721 in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case,
1722 proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the
1723 board or by a court of record, on application, on notice to the **administrative officer or unit from**
1724 **whose action the appeal is taken** ~~building inspector~~ and on **good** ~~due~~ cause shown.
- 1725 **C. On appeal, the Board of Appeals may:**
- 1726 **1. Wholly or partly reverse the order, requirement, or decision that is the subject of the**
1727 **appeal;**
- 1728 **2. Wholly or partly affirm the order, requirement, or decision that is the subject of the**
1729 **appeal;**
- 1730 **3. Modify the order, requirement, or decision that is the subject of the appeal; or**
- 1731 **4. Issue a new order, requirement, or decision.**
- 1732 **D. The Board of Appeals shall have all the powers of the administrative officer or unit from**
1733 **whose action the appeal is taken.**

1734 **~~17.12.111 Pre-hearing procedure.~~**

- 1735 A. ~~The applicant/appellant shall file two copies of a pre-hearing statement no later than twenty (20)~~
1736 ~~days prior to the public hearing. The statement shall include the following information:~~
- 1737 ~~1. Citation to the city code authorizing the board of zoning appeals to appear and decide the~~
1738 ~~application.~~

- 1739 2. ~~Citations to all ordinances, rules, regulations and cases upon which the applicant relies.~~
1740 3. ~~All facts upon which the application/appeal is based.~~
1741 4. ~~All documentary evidence upon which the applicant/appellant relies.~~
1742 5. ~~The identity of any expert who will testify and a summary of all expert opinion to be offered.~~
1743 6. ~~The area of expertise and qualifications of all expert witnesses.~~
1744 7. ~~Identity of all other witnesses who will testify.~~
1745 8. ~~Copies of all written affidavits upon which the applicant/appellant relies.~~
1746 B. ~~Response. City departments or personnel intending to appear in opposition to an application/appeal~~
1747 ~~shall file a similar pre hearing statement no later than ten days prior to the date of the hearing.~~
1748 C. ~~Public Participation. The public may present testimony during the hearing but written documents~~
1749 ~~or affidavits must be submitted no later than ten days prior to the date of the hearing.~~
1750 D. ~~Non binding. The information submitted in compliance with this article shall be construed only as~~
1751 ~~a statement of the party's intent to submit such information or to provide testimony from witnesses, but no~~
1752 ~~parties are bound to introduce the same at a hearing.~~
1753 E. ~~Non compliance. The rebuttal evidence is not required to be submitted in advance. No evidence~~
1754 ~~which is required to be submitted in advance under this article will be admitted as evidence unless the~~
1755 ~~offering party has complied with this article. Failure to comply with the requirements of this article may~~
1756 ~~result in a postponement, continuance or dismissal of an application at the discretion of the board.~~

1757 **17.12.130 Appeals to courts.**

- 1758 A. Any person or persons jointly or severally aggrieved by any decision of the **Board of Appeals**
1759 ~~board of zoning appeals~~ or of final decision of the planning commission or any taxpayer or office,
1760 department, board or bureau of the municipality may **file a request for judicial review** ~~appeal such~~
1761 ~~decision~~ to the Wicomico County Circuit Court setting forth that such decision is unlawful, in
1762 whole or in part, and specifying the unlawful grounds thereof.
- 1763 B. Such appeals shall follow the procedures established by the Maryland Rules, as promulgated from
1764 time to time by the Court of Appeals of Maryland. The appeal shall not stay proceedings upon the
1765 decision appealed from, but upon notice to the board or commission and to the applicant and on
1766 **good due** cause shown, the court may grant a restraining order to stay all current and further
1767 proceedings in the matter.
- 1768 C. The board or commission shall not be required to forward to the court the original papers acted
1769 upon by it, but it shall be sufficient to forward certified or sworn copies thereof or such portions
1770 thereof as may be called for by such appeal.
- 1771 D. When **an** ~~the~~ applicant files an appeal with the Wicomico County Circuit Court, a copy thereof
1772 shall be filed with the board or commission. It shall be the duty of the board or commission to
1773 notify the city solicitor and all interested parties promptly of the filing of every petition of appeal.
1774 The clerk of the Wicomico County Circuit Court shall notify the board of the final action of the
1775 court on each appeal.
- 1776 E. ~~When applicant files an appeal with the Wicomico County Circuit Court, a copy thereof shall be~~
1777 ~~filed with the board. It shall be the duty of the board to notify the city solicitor and all interested~~
1778 ~~parties promptly of the filing of every petition of appeal. The clerk of the Wicomico County Circuit~~
1779 ~~Court shall notify the board of the final action of the court on each appeal.~~

1780 **17.16.030 Nonconforming structures.**

- 1781 A. A "nonconforming structure" is a structure lawfully existing at the effective date of adoption or
1782 amendment of this title that could not be built under the terms of this title by reason of restrictions
1783 on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot.
- 1784 B. A nonconforming structure may continue so long as it remains lawful and such structures may be
1785 maintained to assure compliance with other applicable city codes.
- 1786 C. A nonconforming structure shall not be structurally changed or enlarged without approval of the
1787 **Board of Appeals** ~~board of zoning appeals~~ in accordance with Article II of this section.
- 1788 D. A nonconforming structure that is wholly or partially destroyed by fire, act of God or other casualty
1789 beyond the control of the owner may be reconstructed within one year afterward, as follows:
- 1790 1. More than fifty (50) percent destroyed—all such nonconforming structures may be
1791 reconstructed, provided that all provisions of this chapter are met for the zoning district in
1792 which the structure is located; or
- 1793 2. Less than fifty (50) percent destroyed—may be reconstructed exactly as existed prior to
1794 the structure being damaged.
- 1795 E. The **Board of Appeals** ~~board of zoning appeals~~ may grant an extension to the one year time
1796 limitation upon application to the board showing that strict compliance with this one year period
1797 will result in either an unwarranted hardship or injustice to the owner, provided that such extension
1798 will not be contrary to the public interest.

1799 **17.16.040 Nonconforming uses.**

- 1800 A. A "nonconforming use" is a use which legally exists at the effective date of adoption or amendment
1801 of this title but that does not comply with the use regulations of the district in which it is located.
1802 Such nonconforming use may consist of a nonconforming use of land, a nonconforming use of a
1803 structure or a nonconforming use of land and a structure.
- 1804 B. A nonconforming use may continue so long as it otherwise remains lawful.
- 1805 C. A nonconforming use may not be changed to another nonconforming use, extended or enlarged
1806 without approval of the **Board of Appeals** ~~board of zoning appeals~~ in accordance with Article II
1807 of this chapter.
- 1808 D. No building, structure or lot where a nonconforming use has substantially ceased for a continuous
1809 period of one year, whether or not fixtures or equipment are removed, shall again be put to a
1810 nonconforming use.
- 1811 E. The casual, temporary or illegal use of land or structure does not establish the existence of a
1812 nonconforming use.
- 1813 F. A nonconforming use or structure housing a nonconforming use that is wholly or partially
1814 destroyed by fire, act of God or other casualty beyond the control of the owner may be reconstructed
1815 within one year afterward, as follows:
- 1816 1. More than fifty (50) percent destroyed—all such nonconforming uses or structures may be
1817 reconstructed only in conformance with all provisions of this chapter for the zoning
1818 districts in which the structure or use is located; or
- 1819 2. Less than fifty (50) percent destroyed—may be reconstructed and sued exactly as existed
1820 prior to the structure being damaged.
- 1821 G. The **Board of Appeals** ~~board of zoning appeals~~ may grant an extension to the one year time
1822 limitation upon application to the board showing that strict compliance with this one year period

1823 will result in either an unwarranted hardship or injustice to the owner, provided that such extension
1824 will not be contrary to the public interest.

1825 **17.16.050 Nonconforming single-family dwellings.**

- 1826 A. A single-family dwelling lawfully existing on the effective date of this title but which could no
1827 longer be constructed in the district in which it is located because of a restriction of use may be
1828 enlarged or altered without permission of the **Board of Appeals** ~~board of zoning appeals~~.
- 1829 B. A single-family dwelling lawfully existing on the effective date of this title but nonconforming in
1830 setback with the regulations for the district in which it is located may be enlarged in line with the
1831 existing nonconforming setback without permission of the **Board of Appeals** ~~board of zoning~~
1832 ~~appeals~~; except, that on a corner lot no enlargement shall be made extending toward the intersecting
1833 street corner without permission of the **Board of Appeals** ~~board of zoning appeals~~ upon a finding
1834 that the enlargement will not be detrimental to the use or further development of the intersecting
1835 streets or create a safety hazard to motorists thereon.

1836 **17.16.070 Purpose.**

1837 Although there are uses which do not fit into the desired pattern of a zoning district and become
1838 nonconforming, it is the policy of the city of Salisbury to provide for the continuation of certain
1839 nonconformities which do not endanger the public health, safety and welfare and to recognize that certain
1840 uses, although nonconforming in their location, are needed and useful to the area they serve without great
1841 detriment to their surrounding neighbors. To provide for change, alteration or enlargement of these uses,
1842 the following criteria are established, and approval by the **Board of Appeals** ~~board of zoning appeals~~ is
1843 required, after public notice and hearing.

1844 **17.16.080 Criteria for approval—Conditions.**

- 1845 A. The **Board of Appeals** ~~board of zoning appeals~~ may approve change, alteration or enlargement of
1846 a nonconforming use or structure after consideration of the following:
- 1847 1. The intensity of the existing use relative to the district in which it is located, the scale of
1848 the change or enlargement in relation to the intensity of the use and whether it will have
1849 serious negative effects on the surrounding area, depreciating property values;
 - 1850 2. Whether the change, alteration or enlargement is of benefit to or in the best interest of the
1851 community or surrounding area, such as providing additional employment or housing for
1852 the community or services to a neighborhood;
 - 1853 3. Existing or possible traffic and parking problems and how they can be reduced or
1854 minimized;
 - 1855 4. Screening, buffering or architectural improvements which may make the use more
1856 compatible with the surrounding area;
 - 1857 5. Whether the change, alteration or enlargement will upgrade or improve the existing
1858 nonconforming use, such as change to a less-intensive use, change in operation, structural
1859 changes or redesign of the site relative to parking areas, entrances, exits, loading or
1860 unloading and traffic flow.
- 1861 B. Upon approval of a change, alteration or enlargement of a nonconforming use, the **Board of**
1862 **Appeals** ~~board of zoning appeals~~ may impose such conditions or restrictions on the proposal as
1863 deemed necessary to reduce or minimize any effect upon other properties in the neighborhood and
1864 to secure compliance with the intent of the criteria for approval of such change, alteration or
1865 enlargement.

1866 **17.16.090 Nonconforming Use Zoning Exemption Program.**

- 1867 A. Purpose. To assist in the reduction of vacant properties and provide for increased available housing
1868 within the City of Salisbury.
- 1869 B. Definitions.
- 1870 1. "Applicant" means the owner of a property who submits an application to participate in the
1871 Nonconforming Use Zoning Exemption Program.
- 1872 2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this
1873 chapter.
- 1874 3. "Property" means a residential property subject to the Nonconforming Use Zoning
1875 Exemption Program.
- 1876 C. Criteria for approval—Conditions.
- 1877 1. The Property must have lost its nonconforming use within sixty (60) months prior to
1878 submitting an application under the Program; or
- 1879 2. The Property must be vacant and the Property's nonconforming use must have substantially
1880 ceased for a continuous period of one year.
- 1881 D. Application Requirements.
- 1882 1. All applications to participate in the Program must be submitted on or before November
1883 30, 2022.
- 1884 2. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be
1885 defined as:
- 1886 a. Applicant shall not owe delinquent taxes to the City of Salisbury.
- 1887 b. Applicant shall not have outstanding code violations on any property owned by
1888 Applicant within the City of Salisbury.
- 1889 c. Applicant shall not own a condemned property within the City of Salisbury, unless
1890 Applicant has an approved rehabilitation plan for the condemned property.
- 1891 3. Applicant shall submit an application and rehabilitation plan for approval by the Housing
1892 and Community Development and Infrastructure and Development Departments. The
1893 rehabilitation plan shall include architectural renderings of the exterior and interior of the
1894 Property, and shall certify that the Property contains off-street and/or on-street parking of
1895 at least one space per unit.
- 1896 4. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
- 1897 5. Applicant shall obtain all permits required to execute the rehabilitation plan and shall
1898 comply with all applicable building codes.
- 1899 E. Program Requirements.
- 1900 1. Within twelve (12) months from application approval by the Housing and Community
1901 Development and Infrastructure and Development Departments, the Applicant shall:
- 1902 a. Complete all terms and conditions of Applicant's rehabilitation plan;
- 1903 b. Obtain a Certificate of Occupancy; and
- 1904 c. The Property must be inspected by the Housing and Community Development
1905 Department.

- 1906 2. The Property must be made available for rent within twelve (12) months following
 1907 application approval by the Housing and Community Development and Infrastructure and
 1908 Development Departments.
- 1909 3. The Property shall be subject to a three-year probationary period. During the probationary
 1910 period, the following additional conditions and requirements apply:
- 1911 a. All units within the Property shall be subject to yearly inspection by the Housing
 1912 and Community Development Department;
- 1913 b. The Property owner shall maintain Code and Standards of Livability requirements;
- 1914 c. There shall be no more than three code violations per Property, per year; and
- 1915 d. There shall be no more than three calls for service per unit located on the Property,
 1916 per year.
- 1917 4. No Property shall be vacant for more than a twelve-month period following the completion
 1918 of rehabilitation plan.
- 1919 F. Costs.
- 1920 1. There shall be a five hundred dollar (\$500.00) non-refundable application fee per Property.
- 1921 2. During the three-year probationary period, Applicant shall pay the following licensing
 1922 costs:
- 1923 a. Two hundred forty dollars (\$240.00) per landlord license, per year.
- 1924 b. Two hundred forty dollars (\$240.00) per rental unit, per year.
- 1925 3. At the end of the three-year probationary period, all costs shall return to those then in effect.
- 1926 G. Violations.
- 1927 1. Failure to complete the probationary period shall result in the Property's loss of its legal
 1928 nonconforming use status pursuant to the Program.
- 1929 2. Violation of any Program Requirement shall result in the Property's loss of its legal
 1930 nonconforming use status pursuant to the Program.
- 1931 H. Appeals. The denial of any application under this chapter may be appealed to the Board of ~~Zoning~~
 1932 Appeals. The appeal shall be filed in writing within ~~thirty (30)~~ **twenty-one (21)** days of the date of
 1933 the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based,
 1934 and be processed in the manner prescribed for hearing administrative appeals under Board of
 1935 ~~Zoning~~ Appeals rules of procedure.

1936 **17.24.040 Development standards.**

1937 Minimum development standards for the central business district shall be as follows:

- 1938 A. Minimum Lot Requirements. All lots hereafter established shall meet the following requirements:
- 1939 1. Lot area: five thousand (5,000) square feet;
- 1940 2. Lot width: fifty (50) feet.
- 1941 B. Setback, Height and Density. The following minimum standards are established as guides for
 1942 design of development. These standards may be increased or decreased by the planning commission
 1943 upon review of individual site design in relation to the surrounding properties and development of
 1944 the CBD as a whole.
- 1945 1. Setbacks.

- 1946 a. Setbacks shall be as follows:
- 1947 i. Setbacks shall be the same as the established setbacks for existing
- 1948 buildings within the same block.
- 1949 ii. Where there are minor irregularities in existing setbacks for the same
- 1950 block, any one of the existing setbacks which the planning commission
- 1951 considers most applicable may be used.
- 1952 iii. Where there are major irregularities in existing setbacks for the same
- 1953 block, the setback shall be no less than the average of setbacks for existing
- 1954 buildings on either side of the proposed development.
- 1955 iv. Where no established building setbacks exist, the setback shall be a
- 1956 minimum of five feet from the back of the sidewalk.
- 1957 v. Setbacks from the Wicomico River shall be a minimum of ten feet from
- 1958 the back of the existing or proposed bulkheading line.
- 1959 vi. Setbacks from interior lot lines shall be a minimum of ten feet.
- 1960 b. Modifications to Setbacks.
- 1961 i. During its review of any development requiring a modification to setbacks,
- 1962 the planning commission shall consider the location of buildings on the
- 1963 site relative to safe vehicular movement on existing or proposed streets,
- 1964 light, air and ability of fire or emergency equipment and vehicles to
- 1965 adequately serve the development.
- 1966 ii. Special consideration shall be given to the location of landscaped areas
- 1967 and areas of pedestrian movement to assure coordination of landscaping
- 1968 and freedom and safety of pedestrian movement.
- 1969 iii. The planning commission may increase or decrease setbacks wherever a
- 1970 rearrangement of buildings on the site will aid in achieving a continuous
- 1971 link of development with freedom and encouragement of pedestrian
- 1972 movement from one development to another.
- 1973 2. Density.
- 1974 a. Floor area for commercial or other uses shall not be used when computing density
- 1975 for dwelling units.
- 1976 b. Inherent density shall not exceed forty (40) units per acre.
- 1977 c. Increased density shall require a special exception from the **Board of Appeals**
- 1978 ~~board of zoning appeals~~. In addition to consideration of the criteria required by
- 1979 section 17.232.020, the board shall consider the criteria set forth in subsection
- 1980 (B)(4) of this section.
- 1981 3. Height.
- 1982 a. The height of all buildings or structures shall not exceed seventy-five (75) feet.
- 1983 b. Increased height shall require a special exception from the **Board of Appeals**
- 1984 ~~board of zoning appeals~~. In addition to consideration of the criteria required by
- 1985 section 17.232.020, the board shall consider the criteria set forth in subsection
- 1986 (B)(4) of this section.
- 1987 4. Criteria for Increased Height and/or Density.

- 1988
1989
1990
- a. When acting upon a request for either increased height or density, the **Board of Appeals** ~~board of zoning appeals~~ shall consider any or all of the following criteria as may apply to the type of development proposed:
- 1991 i. Recommendation from the planning commission;
- 1992 ii. The type of residential development proposed relative to the ability of the
1993 site to accommodate the density proposed;
- 1994 iii. The availability of city services to the site, such as water, sewer, streets
1995 and parking lots or structures; and whether the site can accommodate a
1996 higher density and/or height without an undue burden of expense to the
1997 city;
- 1998 iv. The functional, visual and spatial relationship of the proposed height
1999 relative to surrounding development and the CBD as a whole;
- 2000 v. Whether the proposed height will create an intrusion or conflict with the
2001 spatial arrangement of existing or proposed buildings;
- 2002 vi. Shadows which may interfere with solar panels or other solar equipment
2003 already in existence or under contract to be installed on existing buildings
2004 or buildings approved for construction in the immediate vicinity;
- 2005 vii. Water pressure and capability of community firefighting equipment, in
2006 addition to any required construction of fire safety devices, to assure safety
2007 of occupants;
- 2008 viii. The merits of the design and whether the treatment of setbacks,
2009 landscaping or other amenities, in addition to architectural treatment of the
2010 building, provide an excellence of design which contributes to the
2011 furtherance of the purpose of the CBD.
- 2012 b. The board may solicit any expert review and advice to assist it in making a decision
2013 on the request for increased height and/or density.
- 2014 C. Open Space and Landscaping.
- 2015 1. Landscaped open space shall be provided wherever possible to attract development and
2016 provide a pleasing environment to conduct business, trade, civic and cultural affairs and
2017 improve the appearance of downtown.
- 2018 2. Wherever possible, landscaped open space areas shall be provided adjoining the
2019 landscaped open space area on an adjoining parcel. Landscaping for both areas shall be
2020 coordinated so as to give the appearance of one continuous landscaped area.
- 2021 3. Development adjoining the Wicomico River shall provide public open space easements as
2022 required in the urban river plan or other adopted plans and shall provide open space and
2023 landscaped areas coordinated with existing open space and landscaped areas developed by
2024 the city.
- 2025 D. Parking. Parking shall be provided in accordance with chapter 17.196, except where governed by
2026 established parking tax district regulations.
- 2027 E. Building and Development Restrictions.
- 2028 1. Drive-in window service uses shall provide a reservoir of five spaces on site for each drive-
2029 in window or stall.

- 2030 2. Access driveways crossing sidewalks to private parking areas shall be reduced or
 2031 eliminated where it is determined that alternative or unified points of access are available
 2032 resulting in less traffic congestion and pedestrian interference.
- 2033 3. Common loading and unloading areas serving more than one business shall be encouraged
 2034 where possible.
- 2035 4. Entrance to loading and unloading areas shall be located at the rear of the building where
 2036 possible. Where a business abuts more than one street, this entrance shall be on the street
 2037 with the least amount of traffic.
- 2038 5. Outside storage of materials or parts shall be prohibited, except that outside storage of
 2039 service and delivery vehicles used in operation of a business within the CBD shall be
 2040 permitted.
- 2041 E. Signs. Signs shall be in accordance with chapter 17.216.

2042 **17.72.010 Purpose.**

2043 The purpose of the industrial district is to recognize those areas of industrial development which have
 2044 developed historically along the rivers and portions of rail lines in or close to the central part of the city and
 2045 to provide additional areas along the river and rail lines for location of industries dependent, to a great
 2046 extent, upon these facilities for transport of materials used in their operation. These uses also require large
 2047 sites and good access to major highways. To protect surrounding areas and assure compatibility of
 2048 development within the district, those uses which may create excessive external noise, vibration, smoke,
 2049 dust, lint, odor, heat, glare or which use explosive, toxic or otherwise hazardous materials are permitted
 2050 only by special exception upon approval of the **Board of Appeals** ~~board of zoning appeals~~. The following
 2051 uses, standards and area regulations have been developed in accordance with this purpose, which is in
 2052 accord with findings and recommendations of the city's adopted land use element of the metro core
 2053 comprehensive plan.

2054 **17.104.040 Development standards.**

2055 Minimum standards for development in the riverfront redevelopment multiuse district No. 1 shall be as
 2056 follows:

- 2057 A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum
 2058 requirements:
- 2059 1. Lot area: five thousand (5,000) square feet;
- 2060 2. Lot width: fifty (50) feet.
- 2061 B. Setback, Height and Density. The following minimum standards are established as guides for
 2062 design of development. These standards may be increased or decreased by the planning commission
 2063 upon review of individual site design in relation to surrounding properties and development of the
 2064 riverfront redevelopment multiuse district No. 1 as a whole.
- 2065 1. Setbacks.
- 2066 a. Setbacks shall be as follows:
- 2067 i. Setbacks shall be the same as the established setbacks for existing
 2068 buildings within the same block.
- 2069 ii. Where there are minor irregularities in existing setbacks for the same
 2070 block, any one of the existing setbacks which the planning commission
 2071 considers most applicable may be used.

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- 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 consider an 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 residential density shall not exceed forty (40) units per acre.
 - c. Increased density shall require a special exception from the **Board of Appeals** ~~board of zoning appeals~~. In addition to consideration of the criteria required by section 17.232.020 of this title, the board shall consider the criteria set forth in subsection (B)(4) of this section.
3. Height.
- a. Inherent height shall not exceed seventy-five (75) feet.
 - b. Increased height shall require a special exception from the **Board of Appeals** ~~board of zoning appeals~~. In addition to consideration of the criteria required by section 17.232.020 of this title, 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** ~~board of zoning 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;

- 2114 iii. The availability of city services to the site, such as water, sewer, streets
2115 and parking lots or structures; and whether the site can accommodate a
2116 higher density and/or height without an undue burden of expense to the
2117 city;
- 2118 iv. The functional, visual and spatial relationship of the proposed height
2119 relative to surrounding development and the CBD as a whole;
- 2120 v. Whether the proposed height will create an intrusion or conflict with the
2121 spatial arrangement of existing or proposed buildings;
- 2122 vi. Shadows which may interfere with solar panels or other solar equipment
2123 already in existence or under contract to be installed on existing buildings
2124 or buildings approved for construction in the immediate vicinity;
- 2125 vii. Water pressure and capability of community fire-fighting equipment, in
2126 addition to any required construction or fire safety devices, to assure safety
2127 of occupants;
- 2128 viii. The merits of the design and whether the treatment of setbacks,
2129 landscaping or other amenities, in addition to architectural treatment of the
2130 building, provide an excellence of design which contributes to the
2131 furtherance of the purpose of the CBD.
- 2132 b. The board may require a party to provide any expert review and advice, on the
2133 record, to assist it in making a decision on the request for increased height and/or
2134 density.

2135 C. Open Space and Landscaping.

- 2136 1. Landscaped open space shall be provided to attract development, provide a pleasing
2137 environment and improve the appearance of the entire area.
- 2138 2. Wherever possible, landscaped open space areas shall be provided adjoining the
2139 landscaped open space area on an adjoining parcel. Landscaping for both areas shall be
2140 coordinated so as to give the appearance of one continuous landscaped area.
- 2141 3. Parking lots shall be landscaped in accordance with chapter 17.220 of this title.
- 2142 4. Landscaped screening areas may be required along any property line where the planning
2143 commission finds that such landscaped screening area is necessary to further the purpose
2144 of the riverfront district and provide separation to minimize any possible adverse effect
2145 from adjoining uses.

2146 D. Parking. Parking shall be provided in accordance with chapter 17.196 of this title.

2147 E. Signs. Signs shall be in accordance with section 17.216.160 of this title.

2148 **17.105.040 Development standards.**

2149 Minimum standards for development in the riverfront redevelopment multiuse district shall be as follows:

- 2150 A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum
2151 requirements:
- 2152 1. Lot area: five thousand (5,000) square feet;
- 2153 2. Lot width: fifty (50) feet.
- 2154 B. Setback, Height and Density. The following minimum standards are established as guides for
2155 design of development. These standards may be increased or decreased by the development review

2156 committee upon review of individual site design in relation to surrounding properties and
2157 development of the riverfront redevelopment multiuse district as a whole.

2158 1. Setbacks.

2159 a. Setbacks shall be as follows:

2160 i. Setbacks shall be the same as the established setbacks for existing
2161 buildings within the same block.

2162 ii. Where there are minor irregularities in existing setbacks for the same
2163 block, any one of the existing setbacks which the planning commission
2164 considers most applicable may be used.

2165 iii. Where there are major irregularities in existing setbacks for the same
2166 block, the setback shall be no less than the average of setbacks for existing
2167 buildings on either side of the proposed development.

2168 iv. Where no established building setbacks exist, the setback shall be a
2169 minimum of five feet from the back of the sidewalk.

2170 v. Setbacks from the Wicomico River shall be a minimum of ten feet from
2171 the back of the existing or proposed bulkheading line.

2172 vi. Setbacks from interior lot lines shall be a minimum of ten feet.

2173 b. Modifications to Setbacks.

2174 i. During its review of any development requiring a modification to setbacks,
2175 the planning commission shall consider the location of buildings on the
2176 site relative to safe vehicular movement on existing or proposed streets,
2177 light, air and ability of fire or emergency equipment and vehicles to
2178 adequately serve the development.

2179 ii. Special consideration shall be given to the location of landscaped areas
2180 and areas of pedestrian movement to assure coordination of landscaping
2181 and freedom and safety of pedestrian movement.

2182 iii. The planning commission may consider an increase or decrease in
2183 setbacks wherever a rearrangement of buildings on the site will aid in
2184 achieving a continuous link of development with freedom and
2185 encouragement of pedestrian movement from one development to another.

2186 2. Density.

2187 a. Floor area for commercial or other uses shall not be used when computing density
2188 for dwelling units.

2189 b. Inherent density shall not exceed forty (40) units per acre.

2190 c. Increased density shall require a special exception from the b **Board of Appeals**
2191 ~~board of zoning appeals~~. In addition to consideration of the criteria required by
2192 section 17.232.020 of this title, the board shall consider the criteria set forth in
2193 subsection (B)(4) of this section.

2194 3. Height.

2195 a. Inherent height shall not exceed seventy-five (75) feet.

2196 b. Increased height shall require a special exception from the **Board of Appeals**
2197 ~~board of zoning appeals~~. In addition to consideration of the criteria required by

2198 section 17.232.020 of this title, the board shall consider the criteria set forth in
2199 subsection (B)(4) of this section.

2200 4. Criteria for Increased Height and/or Density.

2201 a. When acting upon a request for either increased height or density, the **Board of**
2202 **Appeals** ~~board of zoning appeals~~ shall consider any or all of the following criteria
2203 as may apply to the type of development proposed:

2204 i. Recommendation from the planning commission;

2205 ii. The type of residential development proposed relative to the ability of the
2206 site to accommodate the density proposed;

2207 iii. The availability of city services to the site, such as water, sewer, streets
2208 and parking lots or structures; and whether the site can accommodate a
2209 higher density and/or height without an undue burden of expense to the
2210 city;

2211 iv. The functional, visual and spatial relationship of the proposed height
2212 relative to surrounding development and the CBD as a whole;

2213 v. Whether the proposed height will create an intrusion or conflict with the
2214 spatial arrangement of existing or proposed buildings;

2215 vi. Shadows which may interfere with solar panels or other solar equipment
2216 already in existence or under contract to be installed on existing buildings
2217 or buildings approved for construction in the immediate vicinity;

2218 vii. Water pressure and capability of community fire-fighting equipment, in
2219 addition to any required construction or fire safety devices, to assure safety
2220 of occupants;

2221 viii. The merits of the design and whether the treatment of setbacks,
2222 landscaping or other amenities, in addition to architectural treatment of the
2223 building, provide an excellence of design which contributes to the
2224 furtherance of the purpose of the CBD.

2225 b. The board may solicit any expert review and advice to assist it in making a decision
2226 on the request for increased height and/or density.

2227 C. Open Space and Landscaping.

2228 1. Landscaped open space shall be provided to attract development, provide a pleasing
2229 environment and improve the appearance of the entire area.

2230 2. Wherever possible, landscaped open space areas shall be provided adjoining the
2231 landscaped open space area on an adjoining parcel. Landscaping for both areas shall be
2232 coordinated so as to give the appearance of one continuous landscaped area.

2233 3. Parking lots shall be landscaped in accordance with chapter 17.220 of this title.

2234 4. Landscaped screening areas shall be provided along side and/or rear property lines of
2235 industrially used property except where adjoining the Wicomico River. All areas not used
2236 for loading and unloading along the riverfront shall be landscaped.

2237 5. Landscaped screening areas may be required along any property line where the
2238 development review committee and planning commission find that such landscaped
2239 screening area is necessary to further the purpose of the riverfront district and provide
2240 separation to minimize any possible adverse effect from adjoining uses.

2241 D. Parking. Parking shall be provided in accordance with chapter 17.196, except where governed by
2242 the established parking tax district regulations.

2243 E. Signs. Signs shall be in accordance with chapter 17.216 of this title.

2244 **17.166.020 Permit required.**

2245 A. No adult entertainment business may operate within the city of Salisbury unless and until said
2246 business has obtained an adult entertainment permit from the city in accordance with this chapter.
2247 Permits shall be renewed on an annual basis on or before March 1st of each year.

2248 B. Permit applications shall be provided by the director of the department of infrastructure and
2249 development. The permit application shall include the street address of the proposed adult
2250 entertainment business, the names and addresses of all owners, as hereinafter described, and any
2251 other information deemed necessary by the director.

2252 1. If the owner is a corporation, the permit application shall provide the names and residence
2253 addresses of all officers of the corporation, and names and residence addresses of all
2254 shareholders or members with an interest of ten percent or greater;

2255 2. If the owner is a partnership, the permit application shall provide the names and residence
2256 addresses of all partners with an interest of ten percent or greater;

2257 3. If the owner is any other form of unincorporated association, the permit application shall
2258 provide the names and residence addresses of all principals with an interest of ten percent
2259 or greater;

2260 4. If the owner is an individual person, the permit application shall provide the name and
2261 address of that individual person;

2262 5. If none of the persons listed in subsections (B)(1) through (B)(4) hereinabove has an
2263 address in this state, the permit application also shall provide the name and address of a
2264 person who resides within the state and who is authorized to accept service of process on
2265 behalf of the owner(s) and who shall be designated as a responsible, local party or agent,
2266 both for purposes of notification in the event of an emergency affecting the public health,
2267 safety or welfare and as herein authorized and in connection herewith.

2268 C. Each application for an adult entertainment permit shall also include the following:

2269 1. A certification by a licensed surveyor or licensed engineer showing distances from the
2270 nearest portion of the structure to be used for an adult entertainment business to the nearest
2271 property line of the premises of a church, school, park, day care center, residential zoning
2272 district or other residential use, or another adult entertainment business, as those terms are
2273 defined in Title 17 of this code.

2274 D. Permit Fees. The application fee for an adult entertainment permit shall be one hundred dollars
2275 (\$100.00).

2276 E. Processing a Permit Application for an Adult Entertainment Business.

2277 1. The adult entertainment permit shall be approved or denied in writing within ten working
2278 days after the application is filed and determined to be complete, unless additional time is
2279 needed to review structural issues unrelated to the use of the adult entertainment business,
2280 in which case the generally applicable time period relating to issuance of a building permit
2281 shall apply.

2282 2. If the adult entertainment permit is not approved or denied within the time period
2283 established in this section, the application shall be deemed approved.

- 2284 3. In order to guarantee prompt judicial review of any adult entertainment application, and in
2285 recognition of the restrictions on the city of Salisbury's authority to require courts in
2286 Maryland or the federal circuits to take action within any given time period, a temporary
2287 zoning certificate shall be issued if:
- 2288 a. The adult entertainment permit is denied,
- 2289 b. The applicant brings a timely action for administrative review by the **Board of**
2290 **Appeals** ~~board of zoning appeals~~ and/or judicial review, as defined in the rules of
2291 procedure for the court in which the application is brought, and
- 2292 c. The proposed adult entertainment business is not located in a residential zoning
2293 district.
- 2294 4. A temporary adult entertainment permit issued pursuant to this section expires when a final
2295 judicial determination is made relating to the application. If the applicant prevails, and the
2296 city does not seek additional review, then a permanent adult entertainment permit shall be
2297 issued within five working days after the applicant notifies the director of the department
2298 of infrastructure and development of the reviewing body's decision; if the applicant does
2299 not prevail, the temporary adult entertainment permit becomes null and void, and the
2300 applicant shall bring the premises into compliance with this code within ten working days
2301 after the final judicial decision is rendered.

2302 **17.166.050 Variance.**

- 2303 A. Applicability. The **Board of Appeals** ~~board of zoning appeals~~ may authorize variances to the
2304 provisions of section 17.166.030 of this chapter in accordance with the criteria set forth in
2305 subsection B of this section. The granting of a variance does not exempt the applicant from any
2306 provisions of this section other than modifying the locational restrictions set forth in section
2307 17.166.030.
- 2308 B. Decision making Criteria, Variances for Adult Entertainment Businesses. The board may authorize
2309 a variance only upon specific findings that:
- 2310 1. A sufficient physical barrier separates the adult entertainment business from any of the
2311 protected uses set forth in section 17.166.030, so as to substantially fulfill the purpose of
2312 the distance requirement. Such physical barriers may include, but are not limited to, limited
2313 access streets or highways, walls, and natural or man-made waterways;
- 2314 2. The strict application of the provisions of these regulations will create an undue hardship
2315 unique to the applicant for a particular location; and
- 2316 3. All other applicable provisions of this chapter will be observed.

2317 **17.168.010 Purpose.**

2318 To avoid excessive concentration of population, prevent overcrowding of land and congestion in streets,
2319 minimize adverse effects on surrounding development, assure the safety of inhabitants and residents in the
2320 vicinity and to provide the amenities essential to a residential environment, the following minimum
2321 standards for apartment development are established. Recognizing that there may be certain locations where
2322 services, access, topography, amenities and design of the site can accommodate higher densities than
2323 permitted, inherently special standards and requirement of **Board of Appeals** ~~board of zoning appeals~~
2324 approval for higher densities are also established in addition to minimum standards.

2325 **17.168.040 Density or height increases permitted by special exception.**

- 2326 A. In all districts where apartment development is permitted, the **Board of Appeals** ~~board of zoning~~
2327 ~~appeals~~ may approve an increase in height or density up to a maximum of thirty (30) units per acre

2328 after consideration of the following criteria in addition to satisfying the requirements of chapter
2329 17.232 pertaining to special exceptions:

- 2330 1. The additional ten-foot setback required for each story above three is provided in any
2331 combination to provide distance and separation from lower profile residential
2332 development.
- 2333 2. Open space is increased to forty (40) percent of the net project area.
- 2334 3. Arrangement of buildings on the site can be designed to minimize the effect of shadows,
2335 interference with light and air and intrusion on privacy of adjoining residential yards.
- 2336 4. Additional landscaping and screening is provided around parking areas, where the board
2337 deems necessary, and adjoining residential development.

2338 B. In determining whether an increase in height or density should be approved, the board shall
2339 consider such factors as:

- 2340 1. The topography of the site and whether it can be used to soften the impact of any increased
2341 building height in relation to the surrounding area;
- 2342 2. Existing and proposed streets and traffic patterns relative to the amount of traffic to be
2343 generated by the increased density and whether it can easily be accommodated without
2344 being detrimental to surrounding residential area;
- 2345 3. Whether the site is further separated from residential areas by streets or nonresidential uses
2346 or the site adjoins or is immediately across the street from a public pond, lake or park;
- 2347 4. Provision of recreational facilities in relation to maximum density of people to be served;
- 2348 5. How the criteria have been used in designing the site to achieve maximum results in
2349 integration of greater building height and density without harsh contrast in relation to
2350 surrounding development.

2351 C. After consideration of the criteria and factors for review, the board shall approve such increase in
2352 building height and density as it considers will have the least impact on and be the least detrimental
2353 to the surrounding area.

2354 **17.180.050 Special exceptions.**

2355 For all developments requiring a special exception, the planning commission shall, after reviewing
2356 **applicant's preliminary comprehensive development plan, all plans and comments**, submit its review
2357 findings, together with all plans and comments and any suggested conditions or changes, to the board of
2358 zoning appeals for ~~final~~ consideration at a formal public hearing. **A final comprehensive development**
2359 **plan shall not be approved by the planning commission until the Board of Appeals has rendered a**
2360 **decision on the special exception.**

2361 **17.180.060 Waiver.**

2362 The planning commission and/or the **Board of Appeals** ~~board of zoning appeals~~ may waive any or all of
2363 the statements or studies required as part of the comprehensive development plan set forth in the definition
2364 in section 17.04.120, after consideration of the extent and impact of the development proposed, whether
2365 the requirement is necessary and in the best interest of the city, and the hardship imposed by the requirement
2366 upon the applicant.

2367 **17.196.020 General standards.**

2368 No land shall be used or occupied, no structure shall be designed, erected or expanded, used or occupied,
2369 and no establishment shall be operated, unless sufficient off-street parking and loading spaces are provided

2370 in accordance with this chapter. However, the provisions of this chapter shall not apply to established
2371 parking districts or uses for which a valid permit has been issued.

2372 A. Uses Not Listed. For any use, the wording of which is not specifically listed, the housing official
2373 shall determine if any other use is similar in nature, and the parking provisions for such a use shall
2374 prevail. Where the director of the department of infrastructure and development cannot make a
2375 determination of similar use, the planning commission, in accordance with the provisions of chapter
2376 17.04, Article II, shall review the proposal and make a written determination of similar use upon
2377 which the parking provisions for such use shall prevail.

2378 B. Encroachment. An off-street parking area shall not be encroached upon by buildings, storage,
2379 loading or unloading or any other use where such reduction or encroachment will reduce the area
2380 below that required by this article, nor shall the number of parking spaces be reduced except upon
2381 the granting of a variance by the **Board of Appeals** ~~board of zoning appeals~~. However, the
2382 placement of construction above such parking area shall not be deemed an encroachment if it is
2383 part of a building on the site and at least eight feet above the surface of the parking area.

2384 C. Prohibited Uses.

2385 1. No parking area shall be used for the sale, repair, dismantling or servicing of any vehicle
2386 or equipment or for the storage of materials or supplies, excluding emergency service and
2387 repair of vehicles.

2388 2. No motor vehicle, whether operable or inoperable, shall be parked in the front yard of any
2389 residence unless the same shall be positioned in a driveway or designated parking area with
2390 continuous access to a public street.

2391 In the event of a violation, the following procedures will be followed:

2392 a. A parking violation citation will be issued and placed on the windshield of the
2393 vehicle. A separate parking violation may be issued after each twenty-four-hour
2394 time period.

2395 b. A person who receives a citation under subsection (C)(2)(a) of this section may:

2396 i. Pay the penalty, in accordance with instructions on the citation, directly to
2397 the city; or

2398 ii. Elect to stand trial for the alleged violation pursuant to section 10.24.050
2399 of this code.

2400 D. Location.

2401 1. All required parking spaces shall be located on the same lot as the use they serve, except
2402 that:

2403 a. The owner of two or more abutting lots may locate the use on one lot and the
2404 parking spaces required for the use on another of his abutting lots; or

2405 b. Two or more abutting property owners may locate the parking spaces required for
2406 their uses on any of their lots if:

2407 i. The lot(s) providing the parking space abuts the lot(s) containing the use(s)
2408 it serves;

2409 ii. All of the affected lots are in the same zoning district;

2410 iii. The total number of spaces provided is not less than the sum of spaces
2411 required for all the uses;

2412 iv. Means of pedestrian access is provided from the parking space to the uses
2413 so that pedestrians are not required to traverse property owned by other
2414 than said property owners, except where public sidewalks may provide the
2415 access;

2416 v. That a recorded lease, easement or other form of agreement be executed
2417 among said property owners assuring perpetual use of the required parking
2418 spaces until or unless the required parking spaces are located on the same
2419 lot as the use they serve. In all cases above, both lots shall be included in
2420 the application for a building permit or certificate of occupancy.

2421 c. Where buildings existing on the date of enactment of this chapter cover a lot or
2422 parcel of land to the extent that required parking cannot be accommodated on the
2423 site, required parking may be provided on another lot in the same or adjoining
2424 district by special exception of the Board of Appeals ~~board of zoning appeals~~ in
2425 accordance with chapter 17.232.

2426 2. All parking spaces and lots open to the sky (i.e., not in garages or carports) shall be located
2427 no closer than three feet from the interior property line or back of the sidewalk or eight feet
2428 from the curbline where no sidewalk exists, except for abutting property lines of two or
2429 more lots exercising the options for common parking stipulated above.

2430 3. All covered parking spaces and lots, including garages and carports, shall not be located
2431 within any yard setback area, except when permitted as an accessory building.

2432 E. Existing Facilities. Parking spaces and lots serving structures and uses in existence on the initial
2433 date of adoption of this chapter and any amendments thereto shall not be subject to the changed
2434 requirements of this chapter so long as the kind or extent of use was legal when the structure or use
2435 began and has not changed; any requirement for parking spaces, lots, or facility now serving such
2436 structures or uses shall not in the future be increased or otherwise changed in kind or extent.

2437 F. Change in Requirements. Whenever there is an alteration or extension of a use or structure which
2438 increases the parking requirements according to subsection H of this section, the total additional
2439 parking required for the alteration or extension shall be provided in accordance with the
2440 requirements of that subsection.

2441 G. Construction. All required off-street parking spaces and aisles shall be paved with an all-weather
2442 material. For spaces and aisles which are not part of a parking lot as herein defined, this may include
2443 gravel or other dust-free material to provide a surface resistant to erosion. However, for parking
2444 lots, the paving material shall be limited to asphalt, concrete or similar hard surface material with
2445 all parking spaces designated with a four-inch white or yellow stripe painted the entire length of
2446 each space in accordance with the dimensional requirements stipulated in subsection H of this
2447 section. All parking areas shall be drained to prevent flooding or damage on adjoining properties
2448 or city streets.

2449 H. Required Off-Street Parking Spaces.

2450 1. All uses and structures shall provide off-street parking spaces in an amount equal to, and
2451 not to exceed the number required in section 17.196.030, parking space requirements,
2452 except by an approved request made to the planning commission, as described herein.

2453 Property owners may request up to twenty percent (20%) more parking spaces than allowed
2454 by section 17.196.30. The request may be granted upon a finding that the use of the
2455 property will require more spaces than are available within nine hundred (900) feet of the
2456 property, either on area streets or in public parking facilities, or that the use requires that
2457 additional parking be located on-site.

2458 The planning commission may grant a request to allow additional parking spaces and
2459 impose additional requirements to address the impact of the additional spaces. Additional
2460 requirements may include:

- 2461 a. The use of pervious pavers;
- 2462 b. The installation of vegetative planting or structural screening beyond that
2463 otherwise required in this chapter and in chapter 17.220; and
- 2464 c. The installation of sidewalks, walkways, pedestrian lighting, landscaping, and
2465 other site improvements beyond that required in this chapter and chapter 17.220.

2466 2. Dimensions.

2467 a. Parking spaces other than those parallel to a curb, aisle or accessway required for
2468 off-street parking space shall be at least nine feet wide and twenty (20) feet long.
2469 For parallel parking spaces abutting a curb, aisle or accessway, each space shall be
2470 eight feet wide and twenty-four (24) feet long.

2471 b. The Director of the Department of Infrastructure and Development, at the request
2472 of an applicant, may approve alternative parking space dimensions of not less than
2473 nine feet wide and eighteen (18) feet in length, provided that:

2474 i. A comprehensive site plan is submitted to the director showing alternative
2475 parking space dimensions;

2476 ii. No compact vehicle spaces shall be approved to meet the minimum
2477 parking requirements of this chapter, but said spaces may be used to
2478 provide parking above the required minimum.

2479 iii. These provisions shall not apply to parallel parking.

2480 c. When approving a comprehensive development plan for a shopping center, the
2481 planning commission, at the request of the applicant, may approve a parking space
2482 dimension of not less than nine feet in width and eighteen (18) feet in length,
2483 provided that no compact vehicle spaces shall be approved to meet the minimum
2484 parking requirements of this chapter. Compact spaces may be used to provide
2485 parking above the required minimum parking.

2486 d. Compact Vehicle Spaces Required. No more than fifty (50) percent of parking lots
2487 for ten or more vehicles shall be reserved for compact vehicles. Parking spaces for
2488 compact vehicles shall be at least eight feet in width by seventeen (17) feet in
2489 length. Such spaces shall be designated by signs measuring at least ten by sixteen
2490 (16) inches, with letters at least three inches high stating "COMPACT VEHICLES
2491 ONLY." Where spaces are grouped together, signs may be placed at each end of
2492 the group; otherwise, spaces shall be individually signed.

2493 e. Number and Computation. In computing the required number of spaces, all
2494 fractional numbers shall be increased to the next highest integer. When
2495 computation is based on the number of employees, the number employed during
2496 the largest work shift shall be used.

2497 3. Parking and loading requirements shall be determined on the basis of the total amount of
2498 gross square feet of building area.

2499 I. Parking Lots. For the purpose of this title, "parking lots" are defined as facilities providing off-
2500 street parking space for five or more vehicles. All parking lots shall meet the design and
2501 maintenance standards specified below. All applications for a building or occupancy permit to use

2502 land, in whole or in part, as a parking lot as herein defined shall be accompanied by a landscaping
2503 plan as stipulated in chapter 17.220.

2504 1. Dimensions.

2505 a. All parking spaces shall comply with the dimensions specified in subsection
2506 (H)(1)(a). The minimum dimensions of all aisles providing access to parking lot
2507 spaces shall be as follows:

Angle of Parking Space to Aisle	Aisle Width (feet)	
	One-Way	Two-Way
Parallel	12	20
30° (150°)	12	20
45° (135°)	15	20
60° (120°)	18	20
90°	24	24

2508
2509 b. No portion of any parking space shall intrude into the required aisle width. For
2510 aisles providing access to parking spaces set at angles other than those specified
2511 above, the required aisle width shall be that of the nearest specified angle of
2512 parking. If equidistant from specified angles, the greatest aisle width of the two
2513 nearest angles shall apply.

2514 c. Handicapped spaces and dimensions shall be provided in accordance with state
2515 law.

2516 2. Obstructions. Parking lots shall be designed to permit each motor vehicle to proceed to and
2517 from all unoccupied parking spaces without requiring the moving of any other parked
2518 vehicle.

2519 3. Ingress and Egress. Entrance and exit driveways and aisles linking parking lots to public
2520 streets shall comply with the requirements for motor vehicle access stipulated by the city
2521 department of infrastructure and development. Parking spaces, other than residential, shall
2522 be designed to prevent motor vehicles from backing onto a public street in order to leave
2523 the lot.

2524 4. Location and Yard Requirements.

2525 a. All parking lots shall meet the location requirements stipulated in section
2526 17.196.020(D).

2527 b. All yards surrounding the parking lot, exclusive of driveways providing ingress
2528 and egress to the lot, shall be bordered by a curb six inches high along the sides of
2529 the yard area abutting the parking lot, including spaces and aisles. Concrete curb
2530 or bumpers shall be required in areas where, in the opinion of the director of
2531 department of infrastructure and development, a curb constructed of asphalt or
2532 similar material would be vulnerable to vehicular damage. If bumpers are provided
2533 at the end of each parking space, a curb is not required. Setback areas shall be
2534 planted with grass or similar vegetative material and may include shrubs, fences
2535 or walls, provided that they are not placed closer than three feet from any parking
2536 space.

2537 5. Structures. Utility poles, light standards and similar structures shall not be permitted within
2538 any aisle or parking space. Any structure located elsewhere within a parking lot shall be

2539 surrounded on all sides abutting the spaces or aisles by a curb six inches high, separated
2540 from the structure by at least three feet, the distance to be measured from the broadest point
2541 on each side, exclusive of any portion greater than ten feet from the ground.

2542 6. Raised Islands. Raised islands shall be installed at the ends of all parking bays abutting an
2543 aisle or driveway. The raised island shall be bordered by an asphalt or concrete curb six
2544 inches high wherever it abuts a space or aisle and shall each be an average of at least eight
2545 feet wide and extend the length of the parking space and/or bay. The islands shall be planted
2546 with trees, grass, shrubs and similar vegetative materials (see chapter 17.220) and may be
2547 combined with crushed stone. Utility poles and light standards may be installed within the
2548 raised islands, provided that they are separated from the spaces and aisles as required in
2549 subsection (I)(5) above.

2550 7. Maintenance. All parking lots shall be kept free from litter and trash. Any vegetative
2551 material required herein which dies shall be replaced as soon as recommended seasonal
2552 conditions occur for the replacement of the species.

2553 8. Reduction of Paved Areas. The **Board of Appeals** ~~board of zoning appeals~~ may reduce the
2554 required number of paved parking spaces for a proposed retail sales use, provided that the
2555 board determines the proposed paved areas will adequately serve the proposed use and
2556 provided that land to accommodate the required number of paved parking spaces is set
2557 aside and maintained in grass area, and further provided that should the retail sales use be
2558 changed, the required paved parking spaces shall be provided.

2559 9. Up to fifty (50) percent of the parking spaces required for theaters, public auditoriums,
2560 bowling alleys, dance halls and nightclubs, and up to one hundred (100) percent of the
2561 parking spaces required for a church auditorium, may be provided and used jointly by
2562 banks, offices, retail stores, repair shops, service establishments and similar uses not
2563 normally open, used or operated during the same hours as those uses listed above; provided,
2564 however, that such joint use is approved by the **Board of Appeals** ~~board of zoning appeals~~
2565 and written agreement thereto is properly executed and recorded in the land records of
2566 Wicomico County, except that such joint use in a planned development district shall be
2567 approved by the city council as part of the development plan.

2568 **17.212.020 Development standards.**

2569 A. A shopping center shall be developed in accordance with a comprehensive development plan as
2570 defined in section 17.04.120, which shall be submitted and reviewed in accordance with chapter
2571 17.180.

2572 B. The site shall be designed so that buildings, parking areas and landscaping are harmonious and
2573 attractively arranged and in a manner which will not adversely affect existing or future development
2574 in the area.

2575 C. Buildings shall be designed so that facades, signs and other appurtenances have an integrated and
2576 harmonious appearance.

2577 D. Access to and from the site shall be provided so as not to create a traffic hazard on boundary streets
2578 or interrupt traffic flow near an intersection. Entrance and exit drives shall be designed so that
2579 traffic will flow smoothly into and out of the parking lot without stacking of cars in entrance ways,
2580 onto boundary streets, in front of building entrances or blocking interior access drives to parking
2581 areas and shall be delineated from interior parking areas by permanent curbing or similar barriers
2582 to effectively channel traffic within the parking lot.

2583 E. Parking shall be arranged to avoid excessive walking and minimize conflict between pedestrian
2584 and interior traffic movements. Loading and unloading areas shall be separated from customer

2585 parking areas, and safety provisions shall be made for protection of pedestrians through adequate
2586 location of sidewalks and crossovers which are provided with drainage, lighting, directional signs
2587 and supervision as may be necessary.

2588 F. Shopping centers shall be served by common sewers, gas, water, lighting, power and services where
2589 feasible.

2590 G. A minimum of ten percent of the total construction must be initiated within two years of
2591 comprehensive development plan approval.

2592 H. Needs Analysis.

2593 1. A needs analysis shall be prepared and submitted with the application for a comprehensive
2594 development plan for:

2595 a. Any proposed shopping center greater than one hundred thousand (100,000) gross
2596 square feet of floor area approved after July 1, 1989;

2597 b. The expansion of any existing or previously approved shopping center greater than
2598 one hundred thousand (100,000) gross square feet of floor area where such
2599 expansion exceeds fifty (50) percent of the approved gross floor area;

2600 c. The requirement for a needs analysis shall not be waived by the planning
2601 commission.

2602 2. The needs analysis shall be prepared to demonstrate that the amount of proposed building
2603 area can be properly absorbed by the local or regional market it is planned to serve.

2604 3. The needs analysis shall include an assessment of the existing amount of retail floor space
2605 in the community and the amount approved in the past but currently unbuilt in order to
2606 assure that premature development or a surplus of new commercial floor space does not
2607 occur which will oversaturate the city with commercial floor space resulting in the potential
2608 deterioration and blight of existing approved commercial areas in the city.

2609 4. If the planning commission finds, during its review of the comprehensive development
2610 plan, that the proposed shopping center will result in the creation of surplus retail square
2611 footage in the city which may result in the blight or deterioration of existing commercial
2612 areas or that the proposed shopping center may be premature or that the needs analysis is
2613 inadequate in content to provide the required information, then it shall recommend denial
2614 of the special exception to the **Board of Appeals** ~~board of zoning appeals~~.

2615 5. If the commission finds that the proposed development will add to the economic viability
2616 of the city and will not create the adverse conditions stated in subsection (H)(4) of this
2617 section, a recommendation for approval of the proposed development shall be forwarded
2618 to the **Board of Appeals** ~~board of zoning appeals~~.

2619 6. The **Board of Appeals** ~~board of zoning appeals~~ shall consider the results of the needs
2620 analysis and the planning commission's recommendation in making its decision on any
2621 request for a special exception for a shopping center. **A final comprehensive development
2622 plan shall not be approved by the planning commission until the Board of Appeals
2623 has rendered a decision on the special exception.**

2624 **17.216.070 Signs which may be erected in R-5A, RR-5A and R-8A residential districts.**

2625 Signs which may be erected in residential R-5A, RR-5A and R-8A districts are as follows:

2626 A. Signs as listed in section 17.216.050;

- 2627 B. One temporary sign not exceeding thirty-two (32) square feet in area, nonilluminated, identifying
2628 a model unit in a townhouse or apartment project;
- 2629 C. One nonilluminated or indirectly illuminated sign not exceeding two square feet in area identifying
2630 an ongoing management or rental office in an apartment or townhouse project or for a temporary
2631 sales office until all units have been sold;
- 2632 D. One identification sign for a townhouse or apartment project not to exceed fifty (50) square feet in
2633 surface area, which may be reduced by the **Board of Appeals** ~~board of zoning appeals~~ upon review
2634 of the site and size of projects. Such sign may be ground-mounted not to exceed five feet above
2635 grade and set back fifteen (15) feet from the curblineline or may be a flat wall sign.

2636 **17.216.200 General provisions.**

- 2637 A.
- 2638 1. No sign, unless excepted by these regulations, shall be erected, constructed, posted,
2639 painted, altered, maintained or relocated until a permit has been issued by the director of
2640 the department of infrastructure and development. Before any permit is issued, an
2641 application provided by the director shall be filed with three sets of drawings and/or
2642 specifications as may be necessary to fully advise and acquaint the director with the
2643 location, construction, materials, manner of illumination and/or securing or fastening and
2644 the number of signs applied for. All signs shall be erected on or before the expiration of six
2645 months from the date of issuance of the permit; otherwise a new permit shall be required.
2646 Fees for sign permits shall be in accordance with the fee schedule adopted by ordinance, a
2647 copy of which is maintained in the office of the department of infrastructure and
2648 development. Each sign requiring a permit shall be clearly marked with the permit number
2649 and name of the person or firm placing the sign on the premises.
- 2650 2. Where the director of the department of infrastructure and development determines that an
2651 application for a sign is either prohibited under section 17.216.030 or is not permitted to
2652 be erected in its applicable district, the director shall deny the permit.
- 2653 3. Any interested party may submit within ~~thirty (30)~~ **twenty-one (21)** days from the issuance
2654 or denial of the permit a written appeal to the **Board of Appeals** ~~board of zoning appeals~~,
2655 which shall promptly hear that appeal at a public meeting. ~~A majority vote of the board~~
2656 ~~shall either affirm the decision of the director or shall reverse the decision.~~
- 2657 B. The following signs do not require a permit as required in subsection (A) of this section; provided,
2658 they are in compliance with section 17.216.030:
- 2659 1. Public Signs. Signs erected by or required to be erected by any government agency;
- 2660 2. Changing of copy on a bulletin board, poster board, display easement, outdoor advertising
2661 structure or marquee;
- 2662 3. Temporary (as defined in section 17.216.020) instructional signs not exceeding two square
2663 feet in area or three feet in height;
- 2664 4. Signs on trucks, buses or other vehicles while in use in the normal course of business;
- 2665 5. Nonilluminated signs, not exceeding six square feet in area, with letters not exceeding one
2666 foot in height, painted, stamped, perforated or stitched on the surface area of an awning,
2667 canopy, roller curtain or umbrella;
- 2668 6. Memorial tablets or signs and historic markers;
- 2669 7. Flags and insignias of bona fide civic, charitable, fraternal and welfare or religious
2670 organizations and national flags and flags of political subdivisions of the United States;

- 2671 provided, there are no more than three flags, any one of which may not exceed twenty (20)
2672 square feet on any single lot;
- 2673 8. Banners. One banner of no more than thirty-two (32) square feet in area for no more than
2674 fourteen (14) consecutive days in any year;
- 2675 9. Permanent signs on vending machines and dispensers such as gasoline pumps;
- 2676 10. Signs not exceeding two square feet locating utility facilities;
- 2677 11. One or more political campaign signs which, in aggregate, do not exceed a total of thirty-
2678 two (32) square feet in area, set back at least fifteen (15) feet from the curblin, on any
2679 privately owned lot, except where a building is located less than fifteen (15) feet from the
2680 curblin and, in that event, the setback is the lesser of fifteen (15) feet or the distance
2681 between the building and the curblin;
- 2682 12. Nonbusiness signs (which are not outdoor advertising structures as defined in section
2683 17.216.020) may be erected for a period not to exceed ninety (90) days in any calendar
2684 year by or for the owner or lawful occupant of any lot or structure which signs, in aggregate,
2685 do not exceed a total of six square feet in area, nonilluminated. Such signs must be set back
2686 at least fifteen (15) feet from the curblin on any lot or affixed to an occupied dwelling,
2687 structure or building, except where such dwelling, structure or building is located less than
2688 fifteen (15) feet from the curblin and, in that event, the setback is the lesser of fifteen (15)
2689 feet or the distance between the dwelling structure or building and the curblin;
- 2690 13. Temporary (as defined in section 17.216.020) real estate signs as specified in section
2691 17.216.050(E), which have a maximum area of eight square feet, nonilluminated;
- 2692 14. Temporary (as defined in section 17.216.020) construction signs as specified in section
2693 17.216.050(G);
- 2694 15. Name and address signs not exceeding one for each principal business or use on a premises
2695 and not exceeding two square feet in area;
- 2696 16. Temporary (as defined in section 17.216.020) directional signs as specified in section
2697 17.216.050(K).
- 2698 C. The following temporary signs or displays may be permitted upon written approval of the director
2699 of the department of infrastructure and development:
- 2700 1. Signs advertising a special civic or cultural event such as a fair or exposition, play, concert
2701 or meeting, sponsored by a governmental or charitable organization;
- 2702 2. Special decorative displays used for holidays, public demonstrations or promotion for
2703 nonpartisan civic purposes;
- 2704 3. Special sales promotion displays, in districts where sales are permitted, including displays
2705 incidental to the opening of a new business.
- 2706 D. Signs which are allowed to be lighted may be lighted; provided, that the light illuminating any sign
2707 shall be shaded, shielded or directed so that it shall not adversely affect surrounding properties or
2708 the vision of drivers or pedestrians on public or private rights-of-way or parking areas.
- 2709 E. No business ground sign may be located closer than twenty-five (25) feet from a residentially zoned
2710 property, and no wall sign shall be placed on the side or rear of a building adjoining a residential
2711 district.

- 2712 F. Wherever a use for which a business ground sign is permitted has frontage on more than one street,
 2713 one additional ground sign may be permitted with a total surface area not to exceed one-half that
 2714 which is permitted for the first ground sign.
- 2715 G. Setbacks for signs shall be measured from the curblin where existing or proposed, except that
 2716 wherever a city or state right-of-way fifteen (15) feet or more in width is maintained beyond the
 2717 curblin, setbacks for all ground signs shall be no less than five feet from the right-of-way line.
- 2718 H. Heights of signs shall be measured from the ground to the top edge of the rectangle enclosing the
 2719 sign surface area, except for roof signs. Wherever the ground on which the sign is to be located is
 2720 below the grade of the roadway for which the sign is designated to be viewed, the height of the sign
 2721 shall be measured from the grade level of the curblin along such roadway.
- 2722 I. No ground sign shall be located so as to substantially obstruct the view of a ground sign on
 2723 adjoining property when viewed from a distance of two hundred (200) feet at any point four feet
 2724 above the roadway grade of the traffic lane closest to the street property line.
- 2725 J. No sign may be arranged or located in any district so that it interferes with traffic through glare,
 2726 through blocking of reasonable sight lines for streets, sidewalks or driveways or through confusion
 2727 with a traffic control device.
- 2728 K. A sign advertising a nonconforming business or industrial use located in a residential district shall
 2729 conform to the sign regulations set forth in section 17.216.080.
- 2730 L. In any district, the surface area of one ground sign may be increased by twenty-five (25) percent if
 2731 the permitted wall sign surface area is reduced by fifty (50) percent.

2732 **17.216.210 Nonconforming signs.**

- 2733 A. A legally nonconforming sign, except outdoor advertising structures, shall be any sign which on
 2734 the effective date of this title was lawfully existing, having been lawfully erected under any prior
 2735 zoning or other ordinance pertaining to signs and having been lawfully maintained since that time,
 2736 but which sign does not conform to the regulations for signs established by this chapter.
- 2737 B. A lawful nonconforming sign, except outdoor advertising structures, may continue, provided that
 2738 the owner and/or user can provide a notarized statement that the sign was constructed in accordance
 2739 with state and local regulations in effect at the time of construction. Such statement shall contain:
- 2740 1. The name and address of the owner of the sign and the owner of the property on which the
 2741 sign is located;
 - 2742 2. The location of the sign in relation to existing or proposed buildings;
 - 2743 3. The size, height, setback and description of the sign;
 - 2744 4. The date of erection of the sign and the permit number, if applicable.
- 2745 C. A nonconforming sign, except outdoor advertising structures, which is fifty (50) percent or more
 2746 damaged or destroyed or becomes substandard under any applicable city code to the extent that the
 2747 sign becomes a hazard or danger shall terminate and shall be removed within thirty (30) days from
 2748 the date of notification for removal from the director of the department of infrastructure and
 2749 development.
- 2750 D. All outdoor advertising structures of whatever value in the central business district are
 2751 nonconforming as of the date of enactment of this title, May 23, 1983, and by May 23, 1991, shall
 2752 be removed or conform to the standards set forth in subsection E of this section.
- 2753 E. All outdoor advertising structures of whatever number, size and value in the city of Salisbury, other
 2754 than those in the central business district, are nonconforming as of August 13, 1990. By the later

2755 of January 1, 1994, or January 1st of the year following the tenth anniversary of the issuance of the
2756 last building permit for the outdoor advertising structure issued by the city prior to August 13, 1990,
2757 all outdoor advertising structures shall either be removed or conform to the following standards,
2758 which shall also apply to all existing outdoor advertising structures which, after August 13, 1990,
2759 are either replaced entirely or are reconstructed or repaired such that the cost of such reconstruction
2760 or repair exceeds fifty (50) percent of the replacement cost of the entire outdoor advertising
2761 structure at the time of such reconstruction or repair, as follows:

- 2762 1. The number of outdoor advertising structures on a lot and the number of faces on any
2763 outdoor advertising structure may not be increased from the number which exists on such
2764 lot as of the date of final passage of this chapter.
- 2765 2. Any outdoor advertising structure shall be set back twenty-five (25) feet from the curblines
2766 of all streets.
- 2767 3. No outdoor advertising structure shall be located closer than one hundred (100) feet to
2768 either a city or county residential zoning district.
- 2769 4. An outdoor advertising structure face shall be limited to one message per face and shall not
2770 exceed a total of one hundred (100) square feet in surface area, except for faces which, on
2771 August 13, 1990, exceeded three hundred sixty (360) square feet, exclusive of trim, which
2772 shall not exceed a total of three hundred (300) square feet in surface area.
- 2773 5. All faces on any outdoor advertising structure shall be placed back-to-back.
- 2774 6. Each outdoor advertising structure face shall be framed with trim work which shall be no
2775 smaller than six inches and no larger than one foot. The area of the trim shall not be
2776 considered in determining the total square footage of surface area.
- 2777 7. No outdoor advertising structure face shall exceed a vertical dimension of fourteen (14)
2778 feet nor a total horizontal dimension of twenty-five (25) feet.
- 2779 8. No outdoor advertising structure shall exceed twenty-five (25) feet in height.
- 2780 9. The base of each outdoor advertising structure at ground level shall be surrounded at each
2781 of its base supports by a five-foot landscaped area consisting of flowering trees and
2782 evergreen shrubs. Each support pole shall be landscaped. The five-foot landscaped area
2783 shall be measured from the outside of said support pole entirely around said pole.
- 2784 10. All outdoor advertising structures and faces shall be kept repaired and properly painted and
2785 maintained.
- 2786 11. Each outdoor advertising structure shall comply with the licensing provisions of section
2787 17.216.240.
- 2788 12. Any outdoor advertising structure existing outside the city limits which is annexed into the
2789 city limits after August 13, 1990, shall be considered to have existed on August 13, 1990.
- 2790 13. No existing outdoor advertising structure which exists on August 13, 1990, shall be
2791 increased in size or height from the size and height that existed on August 13, 1990.
- 2792 14. No illegal outdoor advertising structure may continue in existence, and the same shall be
2793 removed. This chapter does not make legal any illegal outdoor advertising structure.
- 2794 15. Any sign, display or device allowed under this chapter may contain, in lieu of any other
2795 copy, any otherwise lawful noncommercial message that does not direct attention to a
2796 business operated for profit or to a commodity or service for sale and that complies with
2797 all other requirements of this chapter.

- 2798 16. Any variances from the operation of the foregoing standards shall be pursuant to the
2799 provisions of chapter 17.16, Article II, except that in addition to the criteria for approval
2800 contained in chapter 17.16, Article II, the **Board of Appeals** ~~board of zoning appeals~~ may
2801 also consider the following:
- 2802 a. Whether the strict application of the height and setback limitations will prevent the
2803 owner of the outdoor advertising structure from continuing the operation of the
2804 outdoor advertising structure;
 - 2805 b. Whether the obligation of the owner of the outdoor advertising structure under any
2806 lease or advertising obligation which existed on April 24, 1989, extends beyond
2807 the date upon which the outdoor advertising structure is required to conform to the
2808 standards contained in this subsection E of this section;
 - 2809 c. Whether for practical reasons it will be a hardship or unduly burdensome on the
2810 owner of the outdoor advertising structure to comply with the landscaping
2811 requirements contained in this subsection.

2812 **17.216.230 Unusual signs and displays.**

2813 Applications for unusual signs or displays which give rise to questions of interpretation of these regulations
2814 may be referred by the director of the department of building, permitting and inspections to the **Board of**
2815 **Appeals** ~~board of zoning appeals~~ for the purpose of interpretation by the board and recommendation for
2816 action on the application to the director.

2817 **17.220.020 Landscaping or screening requirements.**

2818 Wherever either landscaping or screening is required by this title, all such areas shall be provided in
2819 accordance with the requirements listed below and the requirements set forth in the special development
2820 standard chart in section 17.220.040.

2821 A. Screening.

- 2822 1. Building Permit Requirements. Wherever landscaping or screening is required by this title
2823 without the necessity of plan approval by the commission and in order to assure compliance
2824 with either the landscaping or screening requirements of this chapter, either landscaping or
2825 screening plans shall be submitted to the director of the department of infrastructure and
2826 development for review and approval as a part of the application for a building permit or
2827 prior to the issuance of any building permit. Said plan or plans may be submitted as separate
2828 documents or as a part of the required site plan and, if required by the director, shall be in
2829 sufficient detail to show:
 - 2830 a. The approximate location of neighboring homes or other buildings adjoining the
2831 proposed development site;
 - 2832 b. The approximate location of all wooded areas of branches or natural, intermittent
2833 drainage channels;
 - 2834 c. The approximate location of any outstanding individual trees or special features
2835 on the development site;
 - 2836 d. The location, name, height and diameter of trees and the size of shrubbery to be
2837 planted within landscaped or screened area;
 - 2838 e. The height, length, type and location of fencing to be used for screening purposes.
- 2839 2. Screening shall be required along the lot line abutting the street to create a visual barrier
2840 which shall consist of no less than section 17.220.050(K) or either of section 17.220.050(C)
2841 or (D), in combination with section 17.220.050(F), (G), (H), (I), (J) or (L):

- 2842 a. Where a district in an industrial category (listed in Chapters 17.72 and 17.76) is
2843 located across the street from a residential district within or adjoining the city of
2844 Salisbury;
- 2845 b. Where a district boundary line crosses a lot and an industrial use is extended over
2846 the entire lot in a residential district by special exception.
- 2847 3. A five-foot-wide screening area shall be required wherever a parking lot adjoins a
2848 residential property along all lot lines abutting the residential lot.
- 2849 4. Screening is required around three sides of all off-street loading and unloading
2850 areas and solid waste and refuse disposal areas and shall consist of whichever is
2851 not less than either section 17.220.050(A), (B) or (H), depending on the height of
2852 the facility to be screened.

2853 B. Landscaping.

- 2854 1. A twenty-five-foot-wide landscaped area shall be provided:
- 2855 a. Along the lot line abutting a street, where a district of a business category (listed
2856 in Chapters 17.28, 17.32, 17.36, 17.40, 17.44, 17.84, 17.88, 17.92 and 17.96) is
2857 located across the street from a residential district;
- 2858 b. Along the lot line abutting a residential street, where a district boundary line
2859 crosses a lot and a business use is extended over the entire lot in a residential
2860 district by special exception;
- 2861 c. Provided that all such areas along all lot lines abutting a street shall be compatible
2862 with the adjoining residential district and shall consist of no less than any
2863 combination of section 17.220.050(E), (F), (G), (H), (I), (J) and (L).
- 2864 2. Parking Lots. Landscaping requirements and screening requirements shall be as follows:
- 2865 a. All Parking Lots.
- 2866 i. Perimeter Requirements.
- 2867 (A) Setback Area. Three-foot-wide areas from interior property lines
2868 and back of sidewalks and eight-foot-wide areas from curblines where no
2869 sidewalk exists to the edge of a parking lot are required to be landscaped
2870 with any combination of grass, shrubs, trees and decorative plantings.
- 2871 (B) Screening Areas. A five-foot-wide screening area along all
2872 property lines is required where a parking lot adjoins a residential use, such
2873 area to be landscaped with any combination of section 17.220.050(E)
2874 through (L).
- 2875 ii. Interior Requirements for Islands.
- 2876 (A) Landscaped islands an average of eight feet wide, bordered by six-
2877 inch-high asphalt or concrete curbs shall be provided at the ends of all
2878 parking bays abutting an aisle or driveway and are required to be
2879 landscaped with trees, shrubs, grass and similar vegetation which may be
2880 combined with crushed stone or other decorative materials.
- 2881 (B) Apartment and townhouse parking lots. In addition to the above
2882 island requirement, no more than ten parking spaces may be located in a
2883 continuous arrangement without a landscaped divider at least nine feet in
2884 width separating groups of every ten spaces, provided that for groups of

2885 ten or more spaces but less than an even number, the nine-foot divider may
2886 be centered as evenly as possible.

2887 b. Parking Lots of Twenty (20) or More Spaces. For any parking lot of twenty (20)
2888 or more spaces, not less than ten percent of the interior shall be landscaped, in
2889 accordance with the following general guides:

2890 i. The primary landscaping material shall be trees capable of providing shade
2891 at maturity;

2892 ii. Shrubbery, hedges and other planting materials may be used as
2893 complements, and landscaping and planting areas must be reasonably
2894 dispersed throughout the parking lot;

2895 iii. The interior dimensions and height of any planting island or planting
2896 median must be sufficient to protect the landscaping materials planted
2897 therein and to ensure proper growth;

2898 iv. Interior landscaping of parking lots shall be in addition to peripheral
2899 landscaping required herein where applicable;

2900 v. All other provisions for the design and landscaping of parking lots as
2901 required by Chapters 17.96, 17.168 and 17.224 shall apply.

2902 c. Alternative Parking Lot Design. In lieu of the ten-percent interior landscaping
2903 requirements, an applicant has the option of designing a parking lot in accordance
2904 with the specific standards listed below; provided, that this provision shall apply
2905 only in those instances where a plan approval is not required by the planning
2906 commission.

2907 i. Perimeter Landscaping. A three-foot landscaped area adjacent to all
2908 driveways leading to the lot and around the outer edges of all parking lots.

2909 ii. Screening Areas. A five-foot screening area adjacent to all residential uses
2910 to be landscaped with any combination of section 17.220.050(E) through
2911 (L).

2912 iii. Islands. Landscaped islands, each an average of eight feet wide, bordered
2913 by six-inch-high asphalt or concrete curbs, shall be provided at the ends of
2914 all parking bays abutting an aisle or driveway which are required to be
2915 landscaped with trees, shrubs, grass and similar vegetation which may be
2916 combined with crushed stone or other decorative materials.

2917 iv. Dividers. No more than fifteen (15) parking spaces may be located in a
2918 continuous arrangement without a landscape divider at least nine feet in
2919 width separating groups of fifteen (15) spaces; provided, that for fifteen
2920 (15) or more spaces but less than an uneven number, the nine-foot divider
2921 may be centered as evenly as possible.

2922 3. Special Landscaping Guideline Areas. Where landscaping guidelines are established by the
2923 planning commission or city council for any specific street, highway, neighborhood, area
2924 or portion of a district, landscaping and screening shall be provided in accordance with
2925 such guidelines.

2926 C. Landscaping Plan or Screening Plan Requirements.

2927 1. Building Permit Requirements. Wherever landscaping or screening is required by this title
2928 without the necessity of plan approval by the commission and in order to assure compliance

2929 with either the landscaping or screening requirements of this chapter, either landscaping or
2930 screening plans shall be submitted to the Director of the Department of Infrastructure and
2931 Development for review and approval as a part of the application for a building permit or
2932 prior to the issuance of any building permit. Said plan or plans may be submitted as separate
2933 documents or as a part of the required site plan and, if required by the director, shall be in
2934 sufficient detail to show:

- 2935 a. The approximate location of neighboring homes or other buildings adjoining the
2936 proposed development site;
- 2937 b. The approximate location of all wooded areas of branches or natural, intermittent
2938 drainage channels;
- 2939 c. The approximate location of any outstanding individual trees or special features
2940 on the development site;
- 2941 d. The location, name, height and diameter of trees and the size of shrubbery to be
2942 planted within landscaped or screened area;
- 2943 e. The height, length, type and location of fencing to be used for screening purposes.

2944 2. Plan Approval Requirements. Wherever a landscaping plan or screening plan is required
2945 by this title as a part of a comprehensive development plan, certificate of design and site
2946 plan approval, a site plan or a planned development district or any project approval to be
2947 approved by the planning commission or **Board of Appeals** ~~board of zoning appeals~~, it
2948 shall:

- 2949 a. Be prepared by a registered landscape architect, architect, engineer, landscape
2950 designer or competent nurseryman;
- 2951 b. Consist of one or more sheets, drawn to scale, or included as a part of a site plan,
2952 including the following information:
 - 2953 i. The approximate location of neighboring homes or other buildings in the
2954 vicinity of the proposed development site,
 - 2955 ii. The location and footprint of all proposed buildings, structures and
2956 facilities on the site and proposed landscaping,
 - 2957 iii. The approximate location of branches or natural, intermittent drainage
2958 channels, ponds, wooded areas or other special features on the
2959 development site,
 - 2960 iv. A tabular summary of name, size and height or diameter and quantity of
2961 shrubbery and trees to be planted within landscaped or screened areas,
 - 2962 v. The height, length, type and location of fencing and related planting areas
2963 to be used for screening purposes;
- 2964 c. Show landscaping proposals for the following areas or facilities where applicable
2965 to the type of development proposed:
 - 2966 i. Foundation plantings,
 - 2967 ii. Dumpster or other solid waste collection area screening,
 - 2968 iii. Stormwater management retention or detention area landscaping,
 - 2969 iv. Aboveground utility box screening,
 - 2970 v. Parking lot plantings,

- 2971 vi. Perimeter plantings,
- 2972 vii. Recreation facilities landscaping,
- 2973 viii. Loading and unloading space screening;
- 2974 d. Be consistent with the provisions of this chapter;
- 2975 e. Be consistent with the specific requirements of a site plan or comprehensive
- 2976 development plan and the specific requirements of this title for either the type of
- 2977 development proposed or the planned development district being requested;
- 2978 f. Unless otherwise specified by this title, landscaping, as a minimum, shall consist
- 2979 of a combination of the following species at the sizes specified below, arranged in
- 2980 such a manner as to complement the proposed structure or project:
- 2981 i. Deciduous trees with a height of more than thirty (30) feet at maturity, two
- 2982 to two and one-half (2½) inches in caliper and six feet or more in height at
- 2983 planting,
- 2984 ii. Deciduous trees with a height of less than thirty (30) feet at maturity, one
- 2985 and one-half (1½) to two inches in caliper and four feet in height at
- 2986 planting,
- 2987 iii. Evergreen trees at a height of three and one-half (3½) to four feet or greater
- 2988 at planting,
- 2989 iv. Evergreen and deciduous shrubs at a height of eighteen (18) to twenty-
- 2990 four (24) inches or greater at the time of planting,
- 2991 v. As an alternative, an applicant may propose and the planning commission
- 2992 may approve:
- 2993 (A) The retention of natural growth on the site to meet the
- 2994 requirements of this subsection, depending on width, density and type of
- 2995 natural growth; provided, that the commission may require additional
- 2996 supplemental plantings to obtain the effect intended by the purpose and
- 2997 intent of these requirements;
- 2998 (B) Landscaping consisting of a combination of the plantings listed in
- 2999 section 17.220.050 and alternate plantings of various species and sizes;
- 3000 (C) Landscaping consisting of a combination of architectural
- 3001 materials, including fountains, special bricks, decorative features, statues
- 3002 and other combinations of landscaping features, materials and plantings;
- 3003 (D) Dwarf and other species may be used only for complementary
- 3004 plantings, and no minimum sizes shall be required.

3005 **17.220.110 More stringent requirements to govern.**

- 3006 A. Wherever screening and landscaping required by another chapter of this title which is more
- 3007 stringent than this chapter then that chapter shall govern.
- 3008 B. Wherever the planning commission, **Board of Appeals** ~~board of zoning appeals~~ or city council is
- 3009 required to review and approve either a landscaping or screening plan and its approval requires
- 3010 more stringent landscaping and screening than required by this chapter, the decision of the
- 3011 appropriate board, commission or council shall govern.

3012 C. Once a landscaping plan or screening and landscaping plan is approved by the council, commission
3013 or board, building permits shall be issued consistent with all approved plans.

3014 **17.232.020 Criteria—Conditions.**

3015 A special exception listed in this title shall be permitted, altered or denied by the **Board of Appeals** ~~board~~
3016 ~~of zoning appeals~~ as authorized in section 17.232.010, in accordance with the standards and procedures of
3017 this chapter. In judging whether or not a special exception shall be approved or denied, the **Board of**
3018 **Appeals** ~~board of zoning appeals~~ shall weigh its appropriateness and desirability or public convenience or
3019 necessity to be served against any adverse conditions that would result from authorizing the particular
3020 development at the location proposed and, in approving such use, shall consider the following criteria,
3021 except that the board, in making its decision, may waive those criteria it finds to be not applicable. In the
3022 case of a use existing prior to the effective date of this title classified as a special exception, a change in the
3023 use or in lot area or an addition to or enlargement of structure shall conform to the requirements for a special
3024 exception.

3025 A. Criteria for Consideration of Approval.

- 3026 1. Decisions of the circuit court for Wicomico County and appellate courts of Maryland;
- 3027 2. The nature of the proposed site, including its size and shape and the proposed size, shape
3028 and arrangement of structures;
- 3029 3. The resulting traffic patterns and adequacy of proposed off-street parking and loading
3030 areas;
- 3031 4. The nature of the surrounding area and the extent to which the proposed use might impair
3032 its present and future development;
- 3033 5. The proximity of dwellings, churches, schools, public structures and other places of public
3034 gathering;
- 3035 6. Accessibility of the premises for fire and police protection;
- 3036 7. Accessibility of light and air to the premises and to properties in the vicinity;
- 3037 8. The type and location of adequate utilities, access roads, drainage and other necessary
3038 facilities that have been or will be provided;
- 3039 9. The preservation of historic, cultural and environmental landmarks;
- 3040 10. The metro core plan or any other plan for development of the area affected approved by
3041 the planning commission or city council;
- 3042 11. All applicable standards and requirements of this title;
- 3043 12. Any other matter considered to be in the interest of the general welfare.

3044 B. Criteria for Approval. In approving a special exception, the board shall find the following criteria
3045 are either met, can be met by imposition of conditions or are not applicable:

- 3046 1. The proposal will be consistent with the metro core plan, the objectives of the
3047 zoning ordinance and any other applicable policy or plan adopted by the planning commission or
3048 city council for development of the area affected;
- 3049 2. The location, size, design and operating characteristics under the proposal will have
3050 minimal adverse impact on the livability, value or appropriate development of abutting
3051 properties and the surrounding area;
- 3052 3. The design of the site and structures for the proposal will be as attractive as the nature of
3053 the use and its setting warrants;

- 3054 4. The proposal will not be detrimental to or endanger the public health, security, general
3055 welfare or morals;
- 3056 5. The proposal will not impair an adequate supply of light and air to adjacent property or
3057 overcrowd the land or create any undue concentration of population or substantially
3058 increase the congestion of the streets or create hazardous traffic conditions or increase the
3059 danger of fire or otherwise endanger the public safety;
- 3060 6. The proposal will not adversely affect transportation or unduly burden water, sewer,
3061 school, park, stormwater management or other public facilities;
- 3062 7. The proposal will preserve or protect environmental or historical assets of particular
3063 interest to the community;
- 3064 8. The applicant has a bona fide intent and capability to develop and use the land as proposed
3065 and has no inappropriate purpose for submitting the proposal, such as to artificially alter
3066 property value for speculative purposes.

3067 C. Placing Conditions on a Special Exception.

- 3068 1. In approving a special exception or alteration of an existing special exception, the board
3069 may impose, in addition to those standards and requirements expressly specified for a special
3070 exception, additional conditions which it finds necessary to avoid any possible detrimental impact
3071 on adjoining properties and to otherwise protect the best interest of the surrounding area or the
3072 community as a whole. These conditions may include, but are not limited to, the following:
- 3073 a. Limiting the manner in which the use is conducted, including restricting the time
3074 a certain activity may take place and restraints to minimize such environmental
3075 effects as noise, vibration, air pollution, glare and odor;
- 3076 b. Establishing a special yard or other open space requirement or lot area or
3077 dimension;
- 3078 c. Limiting the height, size or location of a building or other structure;
- 3079 d. Designating the size, number, location and nature of vehicle access points;
- 3080 e. Increasing the amount of street dedication, roadway width or improvement of a
3081 parking area or truck loading area;
- 3082 f. Designating the size, location, screening, drainage, surfacing or other
3083 improvement of a parking area or truck loading area;
- 3084 g. Limiting or otherwise designating the number, size, location, height and lighting
3085 of signs;
- 3086 h. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- 3087 i. Requiring diking, screening, landscaping or fencing, in addition to the
3088 requirements of chapter 17.220, where applicable, to protect adjoining or nearby
3089 property and designating standards for its installation and maintenance;
- 3090 j. Designating the size, height, location and materials for a fence;
- 3091 k. Protecting and preserving existing trees, vegetation, water resources, wildlife
3092 habitat or another significant natural resource;
- 3093 l. Imposing any other condition to permit the development in conformity with
3094 subsection (B)(1) of this section;

3095 2. Failure to comply with the conditions imposed by the board shall constitute a violation of
3096 this title.

3097 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
3098 **SALISBURY, MARYLAND**, as follows:

3099 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
3100 of this Ordinance shall be deemed independent of all other provisions herein.

3101 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
3102 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
3103 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
3104 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
3105 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

3106 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
3107 if such recitals were specifically set forth at length in this Section 4.

3108 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.
3109

3110 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
3111 Salisbury held on the 9th day of January, 2023 and thereafter, a statement of the substance of the Ordinance
3112 having been published as required by law, in the meantime, was finally passed by the Council of the City
3113 of Salisbury on the ____ day of _____, 2023

3114 **ATTEST:**

3115

3116

3117 _____
Kimberly R. Nichols, City Clerk

_____ **John R. Heath, City Council President**

3118

3119 Approved by me, this _____ day of _____, 2023.

3120

3121

3122 _____
Jacob R. Day, Mayor

INTER

OFFICE

MEMO

Finance Department

To: Julia Glanz, City Administrator
From: Keith Cordrey, Director of Finance *KAC*
Subject: Budget Ordinance – Reallocation of FY13 FY16 FY17 Bond Proceeds to Raw Water Line at Naylor Mill
Date: December 29, 2022

The City's FY23 Budget Ordinance – Schedule B calls for the reallocation of \$300,000 in bond proceeds to the Raw Water Line at Naylor Mill project. Investment interest that has accrued on bond proceeds for the three bond pools below, is being used to complete the reallocation as follows:

FY13 Bond	180,000
FY16 Bond	80,000
FY17 Bond	40,000
Total	300,000

When a new project is funded from a bond, the City's Bond Counsel has to prepare an ordinance to officially insert the project into the bond pool. The three ordinances presented with this cover memo, one for each bond, inserts the Raw Water Line at Naylor Mill project into each of the above pool so that now the proceeds qualify to be used for this project. It should be noted that the documents prepared by Bond Counsel refer to the bonds based on a calendar year the bond was issued vs. the fiscal year which is how the City refers to them.

Unless you or the Mayor has further questions, please forward this Ordinance to the Salisbury City Council.

Ordinance No. 2770

AN ORDINANCE OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2223, PASSED BY THE COUNCIL ON OCTOBER 22, 2012, APPROVED BY THE MAYOR OF THE CITY ON OCTOBER 23, 2012 AND EFFECTIVE ON OCTOBER 23, 2012 ("ORDINANCE NO. 2223"), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE "CITY") TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$6,041,000 CITY OF SALISBURY TAXABLE PUBLIC IMPROVEMENTS BOND OF 2012 ISSUED ON DECEMBER 5, 2012 (THE "2012 TAXABLE BOND") TO A PROJECT IDENTIFIED HEREIN AS "RAW WATER LINE AT NAYLOR MILL ROAD" AND (2) IDENTIFYING SUCH ADDITIONAL PROJECT AS A "PROJECT" FOR ALL PURPOSES OF ORDINANCE NO. 2223 (AS AMENDED AND SUPPLEMENTED); PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2012 TAXABLE BOND.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the "City"), was authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (now codified as Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland), as replaced, supplemented or amended (the "Enabling Act"), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced, supplemented or amended (the "Charter"), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2223, passed by the Council of the City (the "Council") on October 22, 2012, approved by the Mayor of the City (the "Mayor") on October 23, 2012 and effective on October 23, 2012 ("Ordinance No. 2223"), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Six Million Fifty Thousand Dollars (\$6,050,000) (the "Authorized Bonds") in order to finance, reimburse or refinance "costs" (as defined in Section 3(b) of Ordinance No. 2223) of the projects and costs of issuance identified in Section 3(b) of Ordinance No. 2223 as Caustic Chemical Feed Building, Wastewater Treatment Plant Upgrade and Costs of Issuance (herein referred to as the "Original Authorized Projects" and referred to as the "Projects" in Ordinance No. 2223) in the maximum principal amounts set forth opposite each such Original Authorized Project in such Section 3(b); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2223 and Resolution No. 2236, adopted by the Council on November 26, 2012, approved by the Mayor on November 28, 2012 and effective on November 28, 2012 ("Resolution No. 2236"), the City determined to borrow money for the public purpose of financing

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44 or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2236, which definition mirrors
45 the definition of costs set forth in Section 3(b) of Ordinance No. 2223) of the projects specified in
46 Section 2(a) of Resolution No. 2236 (which included all of the Original Authorized Projects), and
47 to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds in
48 the form of a single general obligation bond in the maximum principal amount of Six Million Fifty
49 Thousand Dollars (\$6,050,000.00); and

50
51 WHEREAS, the Mayor, with the assistance of the financial advisor to the City, the City
52 Administrator of the City (the “City Administrator”) and the Director of Internal Services of the
53 City (the “Director of Internal Services,” who is now known as the “Director of Finance”), was
54 authorized to reduce the maximum principal amount of such Authorized Bond prior to issuance if
55 it was determined that the entire authorized principal amount of \$6,050,000.00 was not needed;
56 and

57
58 WHEREAS, in accordance with the provisions of Resolution No. 2236, the Mayor, with
59 the assistance of the City Administrator and the Director of Internal Services, determined to reduce
60 the final original principal amount of such Authorized Bond to Six Million Forty-one Thousand
61 Dollars (\$6,041,000.00), and such Authorized Bond as issued was designated as the City of
62 Salisbury Taxable Public Improvements Bond of 2012 (the “2012 Taxable Bond”); and

63
64 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
65 the Charter, Ordinance No. 2223 and Resolution No. 2236, the City issued and delivered the 2012
66 Taxable Bond to SunTrust Bank on December 5, 2012; and

67
68 WHEREAS, Section 2 of Resolution No. 2236 provides that proceeds of the 2012 Taxable
69 Bond (which is referred to as the “Bond” in Resolution No. 2236) shall be appropriated and allocated
70 to costs of the specified Original Authorized Projects identified therein, subject to the further
71 provisions of such Section 2 (which Original Authorized Projects are referred to as the “Projects” in
72 Resolution No. 2236); and

73
74 WHEREAS, after giving effect to issuance of the 2012 Taxable Bond, only \$9,000.00 of
75 bonding authority remained unused under Ordinance No. 2223; accordingly, for all practical purposes
76 the 2012 Taxable Bond constitutes the only “Bonds” that will be issued pursuant to authority of
77 Ordinance No. 2223 and the only “Authorized Bonds” as referred to in this Ordinance, and no BANs
78 (as defined in Ordinance No. 2223) will be issued pursuant to the authority set forth in Ordinance No.
79 2223; and

80
81 WHEREAS, pursuant to Ordinance No. 2475, adopted by the Council on February 26, 2018,
82 approved by the Mayor on February 28, 2018 and effective on February 28, 2018 (“Ordinance No.
83 2475”), the City amended and supplemented Ordinance No. 2223 in order to allow for the reallocation
84 of an unexpended portion of the original principal amount of the 2012 Taxable Bond to certain
85 projects referred to in the City’s fiscal year 2018 budget as “Sewer Infiltration and Inflow
86 Remediation”, “Replace Distribution Piping and Valves”, “Restore Park Well Field”, “Tank and

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87 Reservoir Mixing System”, “Paleo Water Treatment Plant Roof Improvements”, “Pump Station
88 Building Improvements”, “Park Water Treatment Electrical Gear Replacement”, “Glen Avenue Lift
89 Station, and “Sewer Extension in Mt. Herman Road” (collectively, the “2018 Additional Projects”
90 and, together with the Original Authorized Projects, the “Existing Projects”); and
91

92 WHEREAS, pursuant to Ordinance No. 2524, passed by the Council on January 28, 2019,
93 approved by the Mayor on January 29, 2019 and effective on January 29, 2019 (“Ordinance No.
94 2524”), the City reallocated a portion of the original principal amount of the 2012 Taxable Bond
95 among the Existing Projects; and
96

97 WHEREAS, pursuant to the authority of Ordinance No. 2223 (as then amended and
98 supplemented to date), Resolution No. 3117, adopted by the Council on August 9, 2021, approved by
99 the Mayor on August 10, 2021 and effective on August 10, 2021, and an Order of Award executed
100 by the Mayor on August 18, 2021, the City issued its City of Salisbury Taxable Refunding Bonds of
101 2021 in the original principal amount of \$2,895,000 on September 1, 2021 (the “2021 Taxable
102 Refunding Bonds”); and
103

104 WHEREAS, sale proceeds of the 2021 Taxable Refunding Bonds were applied to (i) currently
105 refund and prepay in whole on September 1, 2021 the then-outstanding 2012 Taxable Bond, and (ii)
106 pay or reimburse costs of issuance of the 2021 Taxable Refunding Bonds; and
107

108 WHEREAS, to the extent that unspent proceeds of the 2012 Taxable Bond (including
109 investment earnings thereon) are treated as “transferred proceeds” of the 2021 Taxable Refunding
110 Bonds for purposes of any applicable law, they are referred to as proceeds of the 2012 Taxable Bond
111 for purposes of this Ordinance; and
112

113 WHEREAS, the City now wishes to allocate a \$180,000.00 portion of investment earnings
114 on the 2012 Taxable Bond to a project that is not an Existing Project, which project is identified in
115 the City’s fiscal year 2023 budget as “Raw Water Line at Naylor Mill Road” (the “2022 Additional
116 Project”); and
117

118 WHEREAS, accordingly, the City desires to expand the list of the Projects, as set forth in
119 Ordinance No. 2223, as amended and supplemented to date, in order to allow certain investment
120 earnings on proceeds of the 2012 Taxable Bond to be applied to costs of the 2022 Additional Project,
121 and to identify such 2022 Additional Project as a “Project” for all purposes of Ordinance No. 2223,
122 as amended and supplemented.
123

124 SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
125 THE CITY OF SALISBURY, MARYLAND that:
126

127 (a) The Recitals to this Ordinance are incorporated by reference herein and deemed a
128 substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that
129 are not defined therein shall have the meanings given to such terms in the Recitals.

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~~Strike through~~ : Indicates material deleted by amendment after introduction

130 (b) References in this Ordinance to any official by title shall be deemed to refer (i) to any
131 official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other
132 applicable law or authority to act in such titled official’s stead during the absence or disability of such
133 titled official, (ii) to any person who has been elected, appointed or designated to fill such position in
134 an acting or interim capacity under the Charter, the City Code or other applicable law or authority,
135 (iii) to any person who serves in a “deputy”, “associate” or “assistant” capacity as such an official,
136 provided that the applicable responsibilities, rights or duties referred to herein have been delegated to
137 such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable
138 law or authority, and/or (iv) to the extent an identified official commonly uses another title not
139 provided for in the Charter or the City Code, the official, however known, who is charged under the
140 Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights
141 or duties referred to herein.

142 (c) References in this Ordinance to the application or use of proceeds of the 2012 Taxable
143 Bond to fund costs of the 2022 Revised Projects (as defined in Section 2(e) hereof) shall be construed
144 to refer to proceeds of the 2021 Taxable Refunding Bonds being used for such purpose to the extent
145 such proceeds are treated as proceeds of the 2021 Taxable Refunding Bonds under applicable law.

146 (d) References in this Ordinance to “investment earnings” shall be construed to include
147 interest income.

148 SECTION 2. BE IT FURTHER ORDAINED that:

149 (a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the
150 Charter and Ordinance No. 2223 (as amended and supplemented to date), from and after the effective
151 date of this Ordinance, and subject to Sections 2(f) and 8 hereof, Section 3(b) of Ordinance No. 2223
152 is hereby deleted in its entirety and inserted in place thereof shall be the following:
153

154 “(b) With respect to the projects listed below, the word “costs” as used
155 in Section 2 hereof shall include, as applicable, land and right-of-way acquisition
156 and development; acquisition of other property rights; site and utility
157 improvements, including, without limitation, grading, landscaping, paving,
158 sidewalk, curb, gutter, storm drain, water and sewer improvements, and related or
159 similar activities and expenses; demolition, razing and removal; acquisition,
160 construction, expansion, reconstruction, replacement, renovation, rehabilitation,
161 improvement, installation, furnishing and equipping activities and expenses, and
162 related or similar activities and expenses; planning, design, engineering,
163 architectural, feasibility, surveying, bidding, permitting, inspection, construction
164 management, surveying, financial, legal and administrative expenses, and related
165 or similar activities and expenses; costs of issuance (which may include costs of
166 bond insurance or other credit or liquidity enhancement); capitalized interest
167 (whether or not expressly so stated); and any such costs that may represent the
168 City’s share or contribution to the financing, reimbursement or refinancing of any
169 such project. The total Bond (or BANs, as identified in Section 6 hereof) funds to

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be appropriated or applied to the costs of such projects (exclusive of any investment earnings that may be applied for such purposes) shall be allocated among the following public purpose projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Caustic Chemical Feed Building	\$1,200,000.00
2.	Wastewater Treatment Plant Upgrade	2,360,300.00
3.	Sewer Infiltration and Inflow Remediation	900,000.00
4.	Replace Distribution Piping and Valves	100,000.00
5.	Restore Park Well Field	165,700.00
6.	Tank and Reservoir Mixing System	84,000.00
7.	Paleo Water Treatment Plant Roof Improvements	46,000.00
8.	Pump Station Building Improvements	610,000.00
9.	Park Water Treatment Electrical Gear Replacement	306,500.00
10.	Glen Avenue Lift Station	127,500.00
11.	Sewer Extension in Mt. Herman Road	100,000.00
12.	Costs of Issuance	50,000.00
13.	Raw Water Line at Naylor Mill Road	0(1)
	TOTAL	\$6,050,000.00

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(1) The City intends to allocate certain investment earnings on the Bonds to this project.

The projects and costs of issuance identified in items 1-13 above are collectively referred to herein as the “Projects”. The Projects described in items 1-13 above are identified by approximately the same names as such Projects are identified in City budget materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects identified herein in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable costs (as defined above) relating to the Projects identified in items 1-13 above, notwithstanding the descriptive names used for such Projects in the table above, including, without limitation, as the definitions of and/or the scopes of activities relating to the Projects may have already been, or may in the future be, amended or modified in accordance with applicable budgetary procedures or applicable law.”

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195
196 (b) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the
197 Charter and Ordinance No. 2223 (as amended and supplemented to date), from and after the effective
198 date of this Ordinance, and subject to Sections 2(f) and 8 hereof, Section 8(a) of Ordinance No. 2223
199 is hereby deleted in its entirety and inserted in place thereof shall be the following:
200

201 “SECTION 8. BE IT FURTHER ORDAINED that (a) unless otherwise
202 provided by ordinance or resolution of the Council, as applicable, that portion of the
203 principal of and interest on any series of the Bonds, the BANs or the Refunding Bonds,
204 as applicable (each, a series of the “Obligations”), allocated to the costs of the Projects
205 identified as (i) “Caustic Chemical Feed Building”, “Replace Distribution Piping and
206 Valves”, “Restore Park Well Field”, “Tank and Reservoir Mixing System”, “Paleo
207 Water Treatment Plant Roof Improvements”, “Pump Station Building
208 Improvements,” “Park Water Treatment Electrical Gear Replacement” and “Raw
209 Water Line at Naylor Mill Road” in Section 3(b) of this Ordinance will be payable in
210 the first instance from water system revenues (including moneys received for use of
211 or connection to such system) to the extent such revenues are available for such
212 purpose, and (ii) “Wastewater Treatment Plant Upgrade”, “Sewer Infiltration and
213 Inflow Remediation”, “Glen Avenue Lift Station” and “Sewer Extension in Mt.
214 Herman Road” in Section 3(b) of this Ordinance will be payable in the first instance
215 from sewer system revenues (including moneys received for use of or connection to
216 such system) to the extent such revenues are available for such purpose.
217 Notwithstanding the foregoing sentence, for the purpose of paying the principal of and
218 interest on the Obligations when due, the City shall levy or cause to be levied, for each
219 and every fiscal year during which any series of the Obligations may be outstanding,
220 ad valorem taxes upon all real and tangible personal property within its corporate
221 limits subject to assessment for unlimited municipal taxation in rate and amount
222 sufficient to provide for the prompt payment, when due, of the principal of and interest
223 on such series of the Obligations in each such fiscal year, provided that, to the extent
224 of any funds received or receivable as described in the first sentence of this Section
225 8(a) in any fiscal year, the taxes hereby required to be levied may be reduced
226 proportionately. If the proceeds from the taxes so levied in any such fiscal year are
227 inadequate for such payment, additional taxes shall be levied in the succeeding fiscal
228 year to make up such deficiency.”
229

230 (c) Subject to the further provisions of this Ordinance, the Council hereby appropriates
231 and allocates \$180,000.00 of investment earnings on the 2012 Taxable Bond to be applied to the costs
232 of the 2022 Additional Project.
233

234 (d) By undertaking the amendments to Ordinance No. 2223, as amended and
235 supplemented to date, provided for in subsections (a) and (b) above, the City is in effect (i) adding the
236 2022 Additional Project identified as “Raw Water Line at Naylor Mill Road” in subsection (a) above
237 to the list of projects the costs of which may be financed or reimbursed from the original principal

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238 amount of the 2012 Taxable Bond and investment earnings thereon, (ii) allocating a \$180,000.00
239 portion of the investment earnings on the 2012 Taxable Bond to the 2022 Additional Project, (iii) to
240 the extent any portion of the original principal amount of the 2012 Taxable Bond is subsequently
241 reallocated to the 2022 Additional Project, identifying the source from which allocable debt service
242 on such portion of the 2012 Taxable Bond will be payable in the first instance, and (iv) accounting
243 for the reallocation of a portion of the original principal amount of the 2012 Taxable Bond previously
244 provided for in Ordinance No. 2524.
245

246 (e) The projects identified in the table set forth in subsection (a) above (which amends
247 Section 3(b) of Ordinance No. 2223, as amended and supplemented to date) are collectively referred
248 to herein as the “2022 Revised Projects.” Subject to the provisions of subsection (f) below and Section
249 8 of this Ordinance, from and after the effective date of this Ordinance, all references to the Projects
250 in Ordinance No. 2223, as amended and supplemented to date, shall be deemed to be references to
251 the 2022 Revised Projects, as identified in this Ordinance. Subject to the provisions of subsection (f)
252 below and Section 8 of this Ordinance, from and after the effective date of this Ordinance, the
253 provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance No. 2223, as
254 amended and supplemented to date, with respect to the application of the principal amount of the
255 Authorized Bonds (which is the 2012 Taxable Bond because the maximum principal amount of
256 “Bonds” authorized by Ordinance No. 2223 was issued as the 2012 Taxable Bond).
257

258 (f) Notwithstanding the foregoing provisions of this Section 2, 2012 Taxable Bond
259 proceeds (including investment earnings thereon) may not be applied to costs of the 2022 Additional
260 Project unless and until the City adopts a resolution making corresponding amendments to the
261 provisions of Section 2(a) of Resolution No. 2236 (as amended and supplemented to date) to include
262 the 2022 Additional Project in the list of Projects identified in Resolution No. 2236 (as amended and
263 supplemented to date), thereby allowing proceeds of the 2012 Taxable Bond and investment earnings
264 on the 2012 Taxable Bond to be applied to costs of the 2022 Additional Project.
265

266 (g) Subject to the provisions of the subsections above and Section 8 of this Ordinance, it
267 is the intention of the Council that any investment earnings earned on the original principal amount
268 of the 2012 Taxable Bond (i) prior to the effective date of this Ordinance, to the extent not already
269 spent in accordance with the provisions of the Ordinance No. 2223 (as amended and supplemented to
270 date), Resolution No. 2236 (as amended and supplemented to date) or applicable budgetary
271 procedures or applicable law, and (ii) on and after the effective date of this Ordinance, shall be applied
272 to costs of any of the 2022 Revised Projects; provided that, any such investment earnings may be
273 allocated otherwise in accordance with applicable budgetary procedures or applicable law, including,
274 to the extent applicable, by resolution.
275

276 SECTION 3. BE IT FURTHER ORDAINED that, subject to the provisions of Sections 2(f)
277 and 8 of this Ordinance, \$180,000.00 of investment earnings on the 2012 Taxable Bond shall be
278 allocated to the 2022 Additional Project as follows (for purposes of the City’s customary practice of
279 allocating or reallocating sources of funding):
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Org	Object	Object Desc.	Project	Project Description			
96013	456110	Investment Interest		Unassigned	Revenue	Decrease	-180,000
96013	456110	Investment Interest	50048	Raw Water Line at Naylor Mill Road	Revenue	Increase	180,000
96013	513026	Construction	50048	Raw Water Line at Naylor Mill Road	Expenditure	Increase	180,000

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SECTION 4. BE IT FURTHER ORDAINED that the Mayor, the City Administrator, the Director of Finance and all other appropriate officials and employees of the City are hereby authorized and empowered to take any and all action necessary or appropriate to provide for the application of proceeds of the 2012 Taxable Bond to finance or reimburse costs of the 2022 Additional Project and to execute and deliver all documents, certificates or instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance including, without limitation, any amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2012 Taxable Bond.

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SECTION 5. BE IT FURTHER ORDAINED that from and after the effective date of this Ordinance, Ordinance No. 2223 (as amended and supplemented to date) shall be deemed amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2223 (as amended and supplemented to date) shall remain in full force and effect.

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SECTION 6. BE IT FURTHER ORDAINED that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

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SECTION 7. BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

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SECTION 8. BE IT FURTHER ORDAINED that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, that, notwithstanding the effective date of this Ordinance, no portion of the original principal amount of the 2012 Taxable Bond or investment earnings thereon may be applied to costs of the 2022 Additional Project unless Resolution No. 2236 is amended and supplemented as described herein. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

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311 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury
312 held on the _____ day of _____, 2023,
313 and thereafter, a statement of the substance of this Ordinance having been posted or published as
314 required by law, was finally passed by the Council _____ [as introduced] _____ [as
315 amended] [CHECK APPLICABLE LINE] on the _____ day of
316 _____, 2023.

317
318

319 ATTEST:

320
321

322

323 _____
324 Kimberly R. Nichols, City Clerk

325 _____
326 John R. Heath, President
327 Salisbury City Council

328 APPROVED BY ME THIS _____ DAY OF _____, 2023.

329
330

331 _____

332 Jacob R. Day, Mayor

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337 #229020;58111.001

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Ordinance No. 2771

AN ORDINANCE OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2357, PASSED BY THE COUNCIL ON OCTOBER 12, 2015, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE "CITY") ON OCTOBER 14, 2015 AND EFFECTIVE ON OCTOBER 14, 2015 ("ORDINANCE NO. 2357"), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$4,726,200 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2015 ISSUED ON DECEMBER 1, 2015 (THE "2015 BOND"), TO THE PROJECT IDENTIFIED HEREIN AS "RAW WATER LINE AT NAYLOR MILL ROAD", AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A "PROJECT" FOR ALL PURPOSES OF ORDINANCE NO. 2357 (AS AMENDED AND SUPPLEMENTED); PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2015 BOND.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the "City"), is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Enabling Act"), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced, supplemented or amended (the "Charter"), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2357, passed by the Council of the City (the "Council") on October 12, 2015, approved by the Mayor of the City (the "Mayor") on October 14, 2015 and effective on October 14, 2015 ("Ordinance No. 2357"), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Four Million Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00) (the "Authorized Bonds") in order to finance, reimburse or refinance "costs" (as defined in Section 3(b) of Ordinance No. 2357) of the projects identified in Section 3(b) of Ordinance No. 2357 as (1) "Main Street Master Plan", (2) "East Main St Storm Drain", (3) "Beaverdam Creek Tidal Dam Repair", and (4) "24" W in Gordy Rd" (herein collectively referred to as the "Original Authorized Projects" and referred to as the "Projects" in Ordinance No. 2357) in the maximum principal amounts set forth opposite each such Original Authorized Project in such Section 3(b); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2357 and Resolution No. 2569, adopted by the Council on November 23, 2015, approved by the Mayor on November 23, 2015 and effective on November 23, 2015

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44 (“Resolution No. 2569”), the City determined to borrow money for the public purpose of financing
45 or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2569, which definition mirrors
46 the definition of “costs” set forth in Section 3(b) of Ordinance No. 2357) of the projects specified
47 in Section 2(a) of Resolution No. 2569 (which included all of the Original Authorized Projects),
48 and to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds
49 in the form of a single general obligation installment bond in the maximum principal amount of
50 Four Million Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00): and
51

52 WHEREAS, pursuant to Resolution No. 2569, such Authorized Bond was issued in the
53 original principal amount of \$4,726,200.00 and was designated as the City of Salisbury Public
54 Improvements Bond of 2015 (the “2015 Bond”); and
55

56 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
57 the Charter, Ordinance No. 2357 and Resolution No. 2569, the City sold and delivered the 2015 Bond
58 to Bank of America, N.A. on December 1, 2015; and
59

60 WHEREAS, Section 2 of Resolution No. 2569 provides that proceeds of the 2015 Bond
61 (which is referred to as the “Bond” in Resolution No. 2569) shall be appropriated and allocated to
62 costs of the specified Original Authorized Projects identified therein, subject to the further provisions
63 of such Section 2 (which Original Authorized Projects are referred to as the “Projects” in Resolution
64 No. 2569); and
65

66 WHEREAS, pursuant to Ordinance No. 2411, passed by the Council on January 23, 2017 and
67 approved by the Mayor on January 24, 2017 (“Ordinance No. 2411”), the City reallocated an
68 aggregate of \$548,117.00 (rounded to the nearest whole dollar) of the original principal amount of
69 the Authorized Bonds originally allocated to the Original Authorized Project identified as
70 “Beaverdam Creek Tidal Dam Repair” to costs of the Original Authorized Project identified as “Main
71 Street Master Plan;” and
72

73 WHEREAS, pursuant to Ordinance No. 2648, passed by the Council on January 25, 2021,
74 approved by the Mayor on January 27, 2021 and effective on January 27, 2021 (“Ordinance No.
75 2648”), the City amended and supplemented Ordinance No. 2357 (as then amended and
76 supplemented to date) to (i) allocate \$113,500.00 of investment earnings on the 2015 Bond to be
77 applied to costs of a new project identified therein as “GOB Roof and Air Handler Replacement” and
78 (ii) allocate \$90,000.00 of investment earnings on the 2015 Bond to be applied to costs of a new
79 project identified therein as “WWTP HVAC,” subject to the further provisions of Ordinance No.
80 2648; and
81

82 WHEREAS, the projects referred to in Ordinance No. 2648 as “GOB Roof and Air Handler
83 Replacement” and “WWTP HVAC” are collectively referred to herein as the “2021 Additional
84 Projects”, and the Original Authorized Projects and the 2021 Additional Projects are collectively
85 referred to herein as the “Existing Projects;” and
86

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87 WHEREAS, the City now wishes to allocate an \$80,000.00 portion of investment earnings
88 on the 2015 Bond to a project that is not an Existing Project, which project is identified in the City’s
89 fiscal year 2023 budget as “Raw Water Line at Naylor Mill Road” (the “2022 Additional Project”);
90 and

91
92 WHEREAS, accordingly, the City desires to expand the list of the Projects as set forth in
93 Ordinance No. 2357, as amended and supplemented to date, in order to allow certain investment
94 earnings on proceeds of the 2015 Bond to be applied to costs of the 2022 Additional Project, and to
95 identify such 2022 Additional Project as a “Project” for all purposes of Ordinance No. 2357, as
96 amended and supplemented.

97
98 SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
99 THE CITY OF SALISBURY, MARYLAND that:

100
101 (a) The Recitals to this Ordinance are incorporated by reference herein and deemed a
102 substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that
103 are not defined therein shall have the meanings given to such terms in the Recitals.

104 (b) References in this Ordinance to any official by title shall be deemed to refer (i) to any
105 official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other
106 applicable law or authority to act in such titled official’s stead during the absence or disability of such
107 titled official, (ii) to any person who has been elected, appointed or designated to fill such position in
108 an acting or interim capacity under the Charter, the City Code or other applicable law or authority,
109 (iii) to any person who serves in a “deputy”, “associate” or “assistant” capacity as such an official,
110 provided that the applicable responsibilities, rights or duties referred to herein have been delegated to
111 such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable
112 law or authority, and/or (iv) to the extent an identified official commonly uses another title not
113 provided for in the Charter or the City Code, the official, however known, who is charged under the
114 Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights
115 or duties referred to herein.

116 (c) References in this Ordinance to “investment earnings” shall be construed to include
117 interest income.

118 SECTION 2. BE IT FURTHER ORDAINED that:

119 (a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the
120 Charter and Ordinance No. 2357 (as amended and supplemented to date), from and after the effective
121 date of this Ordinance, and subject to Sections 2(e) and 8 hereof, Section 3(b) of Ordinance No. 2357
122 is hereby deleted in its entirety and inserted in place thereof shall be the following:

123
124 “(b) With respect to the projects listed below, the word “costs” as used in
125 Section 2 hereof shall include, as applicable, land and right-of-way acquisition and
126 development; site and utility improvements; acquisition, construction, expansion,

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127 demolition, reconstruction, replacement, renovation, rehabilitation, improvement,
 128 installation, furnishing and equipping activities and expenses, and related or similar
 129 costs; planning, design, engineering, architectural, feasibility, inspection, construction
 130 management, surveying, permitting, financial and legal expenses, and related or
 131 similar costs; costs of issuance (which may include costs of bond insurance or other
 132 credit or liquidity enhancement); interest during construction and for a reasonable
 133 period thereafter (whether or not expressly so stated); and any such costs that may
 134 represent the City's share or contribution to the financing, reimbursement or
 135 refinancing of any such project. The total Bond (or BANs, as identified in Section 6
 136 hereof) funds to be appropriated or applied to the costs of such projects (exclusive of
 137 any investment earnings that may be applied for such purposes) shall be allocated
 138 among the following public purpose projects in the maximum principal amount set
 139 forth opposite each, except as otherwise herein provided:
 140

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,788,117
2.	East Main St Storm Drain	350,200
3.	Beaverdam Creek Tidal Dam Repair	587,883
4.	24" W in Gordy Rd	1,000,000
5.	GOB Roof and Air Handler Replacement	0(1)
6.	WWTP HVAC	0(2)
7.	Raw Water Line at Naylor Mill Road	<u>0(3)</u>
	TOTAL	<u>\$4,726,200</u>

- 141
 142 (1) The City intends to allocate certain investment earnings on the Bonds to this
 143 project.
 144 (2) The City intends to allocate certain investment earnings on the Bonds to this
 145 project.
 146 (3) The City intends to allocate certain investment earnings on the Bonds to this
 147 project.
 148

149 The projects identified in items 1-7 above are collectively referred to herein as the
 150 "Projects". The Projects described in items 1-7 above are identified by approximately
 151 the same names as such Projects are identified in City budget materials. The City,
 152 without notice to or the consent of any registered owners of the Bonds (or the registered
 153 owners of any of the BANs, as applicable), may reallocate the maximum principal
 154 amount of the Bonds (and of any of the BANs, as applicable) to be spent among any
 155 of the Projects in compliance with applicable budgetary procedures or applicable law,
 156 including, to the extent applicable, by resolution. Further, it is the intention of the

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157 Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent
158 on any applicable costs (as defined above) relating to the Projects, notwithstanding the
159 descriptive names used for such Projects in the table above, including, without
160 limitation, changes in scopes of the Projects identified above effected through
161 applicable budgetary procedures or applicable law.”

162
163 (b) Subject to the further provisions of this Ordinance, the Council hereby appropriates
164 and allocates \$80,000.00 of investment earnings on the 2015 Bond to be applied to costs of the 2022
165 Additional Project.

166
167 (c) By undertaking the amendments to Section 3(b) of Ordinance No. 2357, as amended
168 and supplemented to date, provided for in subsection (a) of this Section 2, the City is in effect (i)
169 adding the 2022 Additional Project identified as item 7 “Raw Water Line at Naylor Mill Road” in the
170 table set forth in subsection (a) above to the list of projects the costs of which may be financed or
171 reimbursed from the original principal amount of the 2015 Bond and investment earnings thereon,
172 and (ii) allocating an \$80,000.00 portion of investment earnings on the 2015 Bond to the 2022
173 Additional Project. Such amendments also reflect (i) the reallocation of a portion of the original
174 principal amount of the 2015 Bond provided for by Ordinance No. 2411 and (ii) the allocation of a
175 portion of investment earnings on the 2015 Bond provided for in Ordinance No. 2648.

176
177 (d) The projects identified in the table set forth in subsection (a) above (which amends
178 Section 3(b) of Ordinance No. 2357, as amended and supplemented to date) are collectively referred
179 to herein as the “2022 Revised Projects.” Subject to the provisions of subsection (e) below and
180 Section 8 of this Ordinance, from and after the effective date of this Ordinance, all references to the
181 Projects in Ordinance No. 2357, as amended and supplemented to date, shall be deemed to be
182 references to the 2022 Revised Projects, as identified in this Ordinance. Subject to the provisions of
183 subsection (e) below and Section 8 of this Ordinance, from and after the effective date of this
184 Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance
185 No. 2357, as amended and supplemented to date, with respect to the application of the principal
186 amount of the Authorized Bonds (which is the 2015 Bond because the maximum principal amount of
187 “Bonds” authorized by Ordinance No. 2357 was issued as the 2015 Bond).

188
189 (e) Notwithstanding the foregoing provisions of this Section 2, 2015 Bond proceeds
190 (including investment earnings thereon) may not be applied to costs of the 2022 Additional Project
191 unless and until the City adopts a resolution making corresponding amendments to the provisions of
192 Section 2(a) of Resolution No. 2569 (as amended and supplemented to date) to include the 2022
193 Additional Project in the list of Projects identified in Resolution No. 2569 (as amended and
194 supplemented to date), thereby allowing proceeds of the 2015 Bond and investment earnings on the
195 2015 Bond to be applied to costs of the 2022 Additional Project.

196
197 (f) Subject to the provisions of the subsections above and Section 8 of this Ordinance, it
198 is the intention of the Council that any investment earnings earned on the original principal amount
199 of the 2015 Bond (i) prior to the effective date of this Ordinance, to the extent not already spent in

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200 accordance with the provisions of the Ordinance No. 2357 (as amended and supplemented to date),
 201 Resolution No. 2569 (as amended and supplemented to date) or applicable budgetary procedures or
 202 applicable law, and (ii) on and after the effective date of this Ordinance, shall be applied to costs of
 203 any of the 2022 Revised Projects; provided that, any such investment earnings may be allocated
 204 otherwise in accordance with applicable budgetary procedures or applicable law, including, to the
 205 extent applicable, by resolution.

206
 207 SECTION 3. BE IT FURTHER ORDAINED that, subject to the provisions of Sections 2(e)
 208 and 8 of this Ordinance, \$80,000.00 of investment earnings on the 2015 Bond shall be allocated to
 209 the 2022 Additional Project as follows (for purposes of the City’s customary practice of allocating or
 210 reallocating sources of funding):
 211

Org	Object	Object Desc.	Project	Project Description			
96016	456110	Investment Interest		Unassigned	Revenue	Decrease	-80,000
96016	456110	Investment Interest	50048	Raw Water Line at Naylor Mill Road	Revenue	Increase	80,000
96016	513026	Construction	50048	Raw Water Line at Naylor Mill Road	Expenditure	Increase	80,000

212
 213 SECTION 4. BE IT FURTHER ORDAINED that, subject to the provisions of Sections 2(e)
 214 and 8 of this Ordinance, the Mayor, the City Administrator, the Director of Finance and all other
 215 appropriate officials and employees of the City, to the extent acting within the scope of their respective
 216 authority, are hereby authorized and empowered to take any and all action necessary or appropriate
 217 to provide for the application of the proceeds of the 2015 Bond to finance or reimburse costs of the
 218 2022 Revised Projects and to approve, execute and deliver all documents, certificates or instruments
 219 necessary or appropriate in connection therewith or in connection with the transactions contemplated
 220 by this Ordinance, including, without limitation, any amendments, modifications or supplements to
 221 any documents, certificates or instruments delivered in connection with the 2015 Bond.

222
 223 SECTION 5. BE IT FURTHER ORDAINED that from and after the effective date of this
 224 Ordinance, Ordinance No. 2357 (as amended and supplemented to date) shall be deemed amended
 225 and supplemented as provided herein and all other terms and provisions of Ordinance No. 2357 (as
 226 amended and supplemented to date) shall remain in full force and effect.

227
 228 SECTION 6. BE IT FURTHER ORDAINED that the title of this Ordinance shall be deemed
 229 to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

230
 231 SECTION 7. BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be
 232 liberally construed in order to effectuate the transactions contemplated by this Ordinance.

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237 SECTION 8. BE IT FURTHER ORDAINED that this Ordinance shall become effective
238 following approval by the Mayor or subsequent passage by the Council following the Mayor’s veto
239 in accordance with the provision of Section SC2-12 of the Charter; provided, however, that,
240 notwithstanding the effective date of this Ordinance, no portion of the original principal amount of
241 the 2015 Bond or investment earnings thereon may be applied to costs of the 2022 Additional Project
242 unless Resolution No. 2569 is amended and supplemented as described herein. Pursuant to Charter
243 Section SC2-16, this Ordinance shall not be subject to petition to referendum.
244

245 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury
246 held on the _____ day of _____, 2023
247 and thereafter, a statement of the substance of this Ordinance having been posted or published as
248 required by law, was finally passed by the Council _____ [as introduced] _____ [as
249 amended] [CHECK APPLICABLE LINE] on the _____ day of
250 _____, 2023.
251

252
253 ATTEST:
254

255
256 _____
257 Kimberly R. Nichols, City Clerk

John R. Heath, President
Salisbury City Council

259
260 APPROVED BY ME THIS _____ DAY OF _____, 2023.
261

262
263 _____
264 Jacob R. Day, Mayor
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272 #229026;58111.001

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Ordinance No. 2772

1
2
3 AN ORDINANCE OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY
4 AMENDING AND SUPPLEMENTING ORDINANCE NO. 2394, PASSED BY THE COUNCIL
5 ON JULY 18, 2016, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE "CITY")
6 ON JULY 19, 2016 AND EFFECTIVE ON JULY 19, 2016 ("ORDINANCE NO. 2394"), AS
7 SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY
8 TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$20,030,000 CITY OF
9 SALISBURY PUBLIC IMPROVEMENTS AND REFUNDING BONDS OF 2016 ISSUED ON
10 JULY 28, 2016 (THE "2016 BONDS") TO THE PROJECT IDENTIFIED HEREIN AS "RAW
11 WATER LINE AT NAYLOR MILL ROAD," AND (2) IDENTIFY SUCH ADDITIONAL
12 PROJECT AS A "PROJECT" FOR ALL PURPOSES OF ORDINANCE NO. 2394 (AS
13 SUPPLEMENTED); PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE
14 SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE
15 CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY
16 THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL
17 BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE
18 OF PROCEEDS OF THE 2016 BONDS.

19
20 RECITALS

21 WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the "City"),
22 is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government
23 Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Enabling
24 Act"), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced,
25 supplemented or amended (the "Charter"), to borrow money for any proper public purpose and to
26 evidence such borrowing by the issuance and sale of its general obligation bonds; and

27
28 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
29 the Charter, and Ordinance No. 2394, passed by the Council of the City (the "Council") on July 18,
30 2016, approved by the Mayor of the City (the "Mayor") on July 19, 2016 and effective on July 19,
31 2016 ("Ordinance No. 2394"), the City authorized general obligation bonds to be issued from time to
32 time in one or more series in an aggregate principal amount not to exceed Four Million Seven Hundred
33 Fifty-one Thousand Five Hundred Dollars (\$4,751,500.00) (the "Authorized Bonds") in order to
34 finance, reimburse or refinance "costs" (as defined in Section 3(b) of Ordinance No. 2394) of the
35 projects identified in Section 3(b) of Ordinance No. 2394 as (1) "Spine Rail Trail", (2) "Community
36 Centers", (3) "Riverside Circle", (4) "Service Center Facility Plan Phase 1", (5) "E-7 Inspector's
37 Truck", (6) "S-14 2001 F-150 Dump Truck", (7) "S-32 Hot Patch Trail Improvements", (8)
38 "Replacement of 1998 Roller", (9) "Lemmon Hill Standpipe", (10) "Fitzwater Street Lift Station –
39 Phase II", (11) "Belt Filter Press Rehabilitation", (12) "Dump Truck", (13) "Dump Truck WWTP",
40 (14) "Parking Garage Façade and Landscaping", and (15) "Aquatic Weed Harvester with Unloading
41 Conveyor" (herein collectively referred to as the "Original Authorized Projects" and referred to as
42 the "Projects" in Ordinance No. 2394) in the maximum principal amounts set forth opposite each such
43 Original Authorized Project in such Section 3(b); and

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44
45 WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
46 the Charter, Ordinance No. 2394, certain other ordinances identified in Resolution No. 2645 (defined
47 herein), and Resolution No. 2645, adopted by the Council on July 18, 2016, approved by the Mayor
48 on July 19, 2016 and effective on July 19, 2016 (“Resolution No. 2645”), the City issued on July 28,
49 2016 its \$20,030,000 City of Salisbury Public Improvement and Refunding Bonds of 2016 (the “2016
50 Bonds”): and

51
52 WHEREAS, the 2016 Bonds were issued in order to (i) finance or reimburse costs of the
53 Original Authorized Projects, including allocable costs of issuance, and (ii) currently refund on the
54 date of issuance of the 2016 Bonds certain outstanding obligations of the City and pay allocable
55 costs of issuance, all as described in the Tax and Section 148 Certificate of the City dated July 28,
56 2016 (the “2016 Tax Certificate”); and

57
58 WHEREAS, that portion of the 2016 Bonds applied or to be applied for new money purposes
59 (including paying allocable costs of issuance) was authorized by Ordinance No. 2394; and

60
61 WHEREAS, because the 2016 Bonds were sold by public sale at competitive bid, the City
62 realized net original issue premium in connection with the sale of the 2016 Bonds that allowed it to
63 reduce the par amount of the 2016 Bonds needed for new money purposes from the maximum par
64 amount authorized for such purposes by Ordinance No. 2394, and thereby to allocate a portion of
65 such net original issue premium, together with the par amount of the 2016 Bonds allocated to new
66 money purposes, to fund the Original Authorized Projects in the maximum aggregate principal
67 amount of \$4,751,500 contemplated by Ordinance No. 2394; and

68
69 WHEREAS, \$4,300,000 in par amount of the 2016 Bonds (which constitute the Authorized
70 Bonds for purposes of Ordinance No. 2394), together with a portion of the net original issue premium
71 paid with respect to the 2016 Bonds, was appropriated and allocated to the specified Original
72 Authorized Projects identified below (which Original Authorized Projects are referred to as the “New
73 Money Projects” in Resolution No. 2645), in the amounts set forth below, exclusive of allocable costs
74 of issuance:

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	<u>Project Name</u>	<u>Maximum Amount</u>
1.	Spine Rail Trail	\$150,000
2.	Community Centers	500,000
3.	Riverside Circle	175,000
4.	Service Center Facility Plan Phase 1	102,000
5.	E-7 Inspector's Truck	30,000
6.	S-14 2001 F-150 Dump Truck	48,500
7.	S-32 Hot Patch Trailer Improvements	40,000
8.	Replacement of 1998 Roller	50,000
9.	Lemmon Hill Standpipe	100,000
10.	Fitzwater Street Lift Station – Phase II	2,690,000
11.	Belt Filter Press Rehabilitation	357,000
12.	Dump Truck	90,000
13.	Dump Truck WWTP	90,000
14.	Parking Garage Façade and Landscaping	200,000
15.	Aquatic Weed Harvester with Unloading Conveyor	129,000
	TOTAL	<u>\$4,751,500.00</u>

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WHEREAS, Ordinance No. 2394 provides that, without notice to or the consent of any registered owners of the Authorized Bonds, the City may reallocate the maximum principal amount of the Authorized Bonds to be spent among any of the Original Authorized Projects in compliance with applicable budgetary procedures or applicable law; and

WHEREAS, the 2016 Tax Certificate identifies that portion of the par amount of the 2016 Bonds, together with that portion of the net original issue premium on the 2016 allocated to costs of the Original Authorized Projects (which are identified as the “New Money Projects” in the 2016 Tax Certificate), including allocable costs of issuance, as the “New Money Portion” of the 2016 Bonds; and

WHEREAS, pursuant to Ordinance No. 2544, passed by the Council on June 10, 2019 (“Ordinance No. 2544”), the City in effect supplemented Ordinance No. 2394 to (i) reallocate \$129,000.00 of the total amount of the New Money Portion of the 2016 Bonds allocated to the Original Authorized Project identified as “Aquatic Weed Harvester with Unloading Conveyor” to the Original Authorized Project identified as “Riverside Circle,” (ii) reallocate \$500.00 of the total amount of the New Money Portion of the 2016 Bonds allocated to the Original Authorized Project identified as “Spine Rail Trail” to the Original Authorized Project identified as “Riverside Circle,” (iii) reallocate \$4,189.10 of the New Money Portion of the 2016 Bonds originally allocated to costs of issuance to the Original Authorized Project identified as “Riverside Circle,” and (iv) allocate

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102 \$42,225.38 of investment earnings on the New Money Portion of the 2016 Bonds to the Original
103 Authorized Project identified as “Riverside Circle,” without differentiating between the principal
104 amount of the New Money Portion of the 2016 Bonds and the net original issue premium constituting
105 a portion of the New Money Portion of the 2016 Bonds so allocated to costs of the Original Authorized
106 Projects; and

107
108 WHEREAS, pursuant to Ordinance No. 2544, the Council in effect provided that no portion
109 of the proceeds of the New Money Portion of the 2016 Bonds would be applied to the Original
110 Authorized Project identified “Aquatic Weed Harvester with Unloading Conveyor;” and

111
112 WHEREAS, the City now wishes to allocate a \$40,000.00 portion of investment earnings on
113 the New Money Portion of the 2016 Bonds to a project that is not one of the Original Authorized
114 Projects, which project is identified in the City’s fiscal year 2023 budget as “Raw Water Line at
115 Naylor Mill Road” (the “2022 Additional Project”); and

116
117 WHEREAS, the City desires to expand the list of the Projects as set forth in Ordinance No.
118 2394, as supplemented to date, in order to allow certain investment earnings on the New Money
119 Portion of the 2016 Bonds to be applied to costs of the 2022 Additional Project, and to identify such
120 2022 Additional Project as a “Project” for all purposes of Ordinance No. 2394, as amended
121 supplemented.

122
123 SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
124 THE CITY OF SALISBURY, MARYLAND that:

125
126 (a) The Recitals to this Ordinance are incorporated by reference herein and deemed a
127 substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that
128 are not defined therein shall have the meanings given to such terms in the Recitals.

129 (b) References in this Ordinance to any official by title shall be deemed to refer (i) to any
130 official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other
131 applicable law or authority to act in such titled official’s stead during the absence or disability of such
132 titled official, (ii) to any person who has been elected, appointed or designated to fill such position in
133 an acting or interim capacity under the Charter, the City Code or other applicable law or authority,
134 (iii) to any person who serves in a “deputy”, “associate” or “assistant” capacity as such an official,
135 provided that the applicable responsibilities, rights or duties referred to herein have been delegated to
136 such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable
137 law or authority, and/or (iv) to the extent an identified official commonly uses another title not
138 provided for in the Charter or the City Code, the official, however known, who is charged under the
139 Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights
140 or duties referred to herein.

141 (c) References in this Ordinance to “investment earnings” shall be construed to include
142 interest income.

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Spine Rail Trail	\$149,500
2.	Community Centers	500,000
3.	Riverside Circle	304,500
4.	Service Center Facility Plan Phase 1	102,000
5.	E-7 Inspector's Truck	30,000
6.	S-14 2001 F-150 Dump Truck	48,500
7.	S-32 Hot Patch Trailer Improvements	40,000
8.	Replacement of 1998 Roller	50,000
9.	Lemmon Hill Standpipe	100,000
10.	Fitzwater Street Lift Station – Phase II	2,690,000
11.	Belt Filter Press Rehabilitation	357,000
12.	Dump Truck	90,000
13.	Dump Truck WWTP	90,000
14.	Parking Garage Façade and Landscaping	200,000
15.	Aquatic Weed Harvester with Unloading Conveyor	0
16.	Raw Water Line at Naylor Mill Road	0(1)
	TOTAL	<u>\$4,751,500.00</u>

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(1) The City intends to allocate certain investment earnings on the Bonds to this project.

The projects identified in items 1-16 above are collectively referred to herein as the “Projects”. The Projects described in items 1-16 above are identified by approximately the same names as such Projects are identified in City budget materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable costs (as defined above) relating to the Projects identified in items 1-16 above, notwithstanding the descriptive names used for such Projects in the table above, including, without limitation, changes in scopes of the Projects identified above effected through applicable budgetary procedures or applicable law.”

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193 (b) Subject to the further provisions of this Ordinance, the Council hereby appropriates
194 and allocates \$40,000.00 of investment earnings on the New Money Portion of the 2016 Bonds to be
195 applied to costs of the 2022 Additional Project.
196

197 (c) By undertaking the amendments to Section 3(b) of Ordinance No. 2394, as
198 supplemented to date, provided for in subsection (a) of this Section 2, the City is in effect (i) adding
199 the 2022 Additional Project identified as item 16 “Raw Water Line at Naylor Mill Road” in the table
200 set forth in subsection (a) above to the list of projects the costs of which may be financed or
201 reimbursed from the original principal amount of the Bonds contemplated by Ordinance No. 2394
202 and investment earnings thereon, without taking into account the fact that a portion of net original
203 issue premium allocated to the New Money Portion of the 2016 Bonds is being applied to pay costs
204 of the Original Authorized Projects, and (ii) recognizing that investment earnings on the New Money
205 Portion of the 2016 Bonds will be allocated to the 2022 Additional Project. Such amendments also
206 reflect the reallocation of a portion of the New Money Portion of the 2016 Bonds made by Ordinance
207 No. 2544 among the Original Authorized Projects, without taking into account the fact that net
208 original issue premium constituting a component of the New Money Portion of the 2016 Bonds was
209 applied to fund a portion of the costs of such Original Authorized Projects. Such amendments do not
210 specifically account for the application of investment earnings on the New Money Portion of the 2016
211 Bonds to the Original Authorized Project identified as “Riverside Circle” as previously provided for
212 by Ordinance No. 2544. While to date no proceeds of the New Money Portion of the 2016 Bonds
213 have been spent on the Original Authorized Project identified as “Aquatic Weed Harvester with
214 Unloading Conveyor” in Ordinance No. 2394, the City is not removing that Original Authorized
215 Project from the list of Projects identified in Ordinance No. 2394, as amended and supplemented,
216 including by this Ordinance.
217

218 (d) The projects identified in the table set forth in subsection (a) above (which amends
219 Section 3(b) of Ordinance No. 2394, as supplemented to date) are collectively referred to herein as
220 the “2022 Revised Projects.” Subject to the provisions of subsection (e) below and Section 8 of this
221 Ordinance, from and after the effective date of this Ordinance, all references to the Projects in
222 Ordinance No. 2394, as supplemented to date, shall be deemed to be references to the 2022 Revised
223 Projects, as identified in this Ordinance. Subject to the provisions of subsection (e) below and Section
224 8 of this Ordinance, from and after the effective date of this Ordinance, the provisions of this Section
225 2 shall supersede the provisions of Section 3(b) of Ordinance No. 2394, as supplemented to date, with
226 respect to the application of the principal amount of the Authorized Bonds as authorized by Ordinance
227 No. 2394.
228

229 (e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the New
230 Money Portion of the 2016 Bonds (including investment earnings thereon) may not be applied to
231 costs of the 2022 Additional Project unless and until the City adopts a resolution making
232 corresponding amendments to the provisions of Section 2(a) of Resolution No. 2645 to include the
233 2022 Additional Project in the list of Projects identified in Resolution No. 2645, thereby allowing
234 proceeds of the New Money Portion of the 2016 Bonds (including investment earnings thereon) to be
235 applied to costs of the 2022 Additional Project.

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236
 237 (f) Subject to the provisions of the subsections above and Section 8 of this Ordinance, it
 238 is the intention of the Council that any investment earnings earned on the New Money Portion of the
 239 2016 Bonds (i) prior to the effective date of this Ordinance, to the extent not already spent in
 240 accordance with the provisions of the Ordinance No. 2394 (as supplemented to date), Resolution No.
 241 2645 or applicable budgetary procedures or applicable law, and (ii) on and after the effective date of
 242 this Ordinance, shall be applied to costs of any of the 2022 Revised Projects; provided that, any such
 243 investment earnings may be allocated otherwise in accordance with applicable budgetary procedures
 244 or applicable law, including, to the extent applicable, by resolution.

245
 246 SECTION 3. BE IT FURTHER ORDAINED that, subject to the provisions of Sections 2(e)
 247 and 8 of this Ordinance, \$40,000.00 of investment earnings on the 2016 Bonds shall be allocated to
 248 the 2022 Additional Project as follows (for purposes of the City’s customary practice of allocating or
 249 reallocating sources of funding):
 250

Org	Object	Object Desc.	Project	Project Description			
96017	456110	Investment Interest		Unassigned	Revenue	Decrease	-40,000
96017	456110	Investment Interest	50048	Raw Water Line at Naylor Mill Road	Revenue	Increase	40,000
96017	513026	Construction	50048	Raw Water Line at Naylor Mill Road	Expenditure	Increase	40,000

251
 252 SECTION 4. BE IT FURTHER ORDAINED that, subject to the provisions of Sections 2(e)
 253 and 8 of this Ordinance, the Mayor, the City Administrator, the Director of Finance and all other
 254 appropriate officials and employees of the City, to the extent acting within the scope of their respective
 255 authority, are hereby authorized and empowered to take any and all action necessary or appropriate
 256 to provide for the application of the proceeds of the 2016 Bonds to finance or reimburse costs of the
 257 2022 Revised Projects and to approve, execute and deliver all documents, certificates or instruments
 258 necessary or appropriate in connection therewith or in connection with the transactions contemplated
 259 by this Ordinance, including, without limitation, any amendments, modifications or supplements to
 260 any documents, certificates or instruments delivered in connection with the 2016 Bonds.
 261

262 SECTION 5. BE IT FURTHER ORDAINED that from and after the effective date of this
 263 Ordinance, Ordinance No. 2394 (as supplemented to date) shall be deemed amended and
 264 supplemented as provided herein and all other terms and provisions of Ordinance No. 2394 (as
 265 amended and supplemented to date) shall remain in full force and effect.
 266

267 SECTION 6. BE IT FURTHER ORDAINED that the title of this Ordinance shall be deemed
 268 to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.
 269

270 SECTION 7. BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be
 271 liberally construed in order to effectuate the transactions contemplated by this Ordinance.
 272

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