



**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

AUGUST 21, 2023

Government Office Building, Council Chambers and Zoom Video Conferencing

- 4:30 p.m. Community Clinic R-5A Text Amendment- City Planner Brian Soper
- 4:40 p.m. Converting one block of Calvert St to one way- Infrastructure & Development
Director Rick Baldwin
- 4:45 p.m. Budget amendment to appropriate funds required for legal services- Finance
Director Keith Cordrey
- 4:50 p.m. Resolution appointing the Law Firm of Saul Ewing, LLP as Special Counsel- Finance
Director Keith Cordrey
- 4:55 p.m. Budget amendment to accept funds for K-9 bullet proof vests- Acting Chief Dave
Meienschein
- 5:00 p.m. Cannabis zoning discussion
- 5:15 p.m. Parking Master Plan presentation- City Administrator Andy Kitzrow
- 5:45 p.m. Adjournment / Motion to convene in Closed Session in accordance with the
Annotated Code of Maryland §3-305(b)(14) to discuss a utility easement agreement
involving a cell phone tower. The reason for closing the session is due to expressed
confidentiality of current and proposed vendor agreements as protected from
disclosure under the Maryland Public Information Act of which public discussion at
this juncture would adversely impact the ability of the City to participate in the
proposal process.

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*

Join Zoom Meeting

<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2IHbnROQzZVUT09>

Meeting ID: 881 6325 3286


Passcode: 812389

Phone: 1.301.715.8592

Posted 8/17/23



City of
Salisbury
John "Jack" R. Heath, Mayor

To: Andy Kitzrow, Acting City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development 
Date: 8/16/2023
Re: Zoning Code Text Amendments to Sections 17.04.120 and 17.160.030

Mark Cropper of Ayres, Jenkins, Gordy & Almand, P.A., on behalf of TidalHealth, has submitted a request to amend Sections 17.04.120 entitled "Definitions" and 17.160.030 entitled "Uses permitted by special exception." of the Salisbury City Code to include a community clinic in the R-5A zoning district.

The proposed text amendments were reviewed by the City Attorney and received a favorable recommendation from the Planning Commission following a public hearing on June 15, 2023.

The amendments define "clinic – residential" and permit the use by special exception in the R-5A zoning district only. Additionally, the amendments establish use specific requirements to include Planning Commission approval of a comprehensive site plan, parking standards, screening from adjoining residential uses, and signage. The definition prohibits the medical assisted treatments for addiction.

Uses currently permitted by special exception in the R-5A zoning district are care home, church or places of worship, day-care facilities for the elderly and handicapped, and solar farm. An outpatient community clinic as defined in the ordinance is compatible with existing residential and non-residential uses while increasing access to medical care.

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

ATTACHMENTS (2):

1. **ORDINANCE**
2. **PLANNING COMMISSION STAFF REPORT**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 17.04.120 OF THE SALISBURY CITY CODE TO INCLUDE A DEFINITION FOR “CLINIC-RESIDENTIAL” AND AMENDING 17.160.030 OF THE SALISBURY CITY CODE TO ADD CLINIC- RESIDENTIAL TO THE CATEGORY OF USES PERMITTED BY SPECIAL EXCEPTION IN THE R-5A ZONING DISTRICT.

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

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

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

WHEREAS, the uses permitted inherently and by special exception in the R-5A district currently include care facilities and neighborhood places of assembly such as worship centers with daycare facilities, meeting rooms, and schools of general instruction. The inclusion of community clinics, as defined in Section 17.04.120 would provide an additional, but still substantially similar, use option in the R-5A district;

WHEREAS, the Mayor and Council find that the health, safety and general welfare of the citizens of the City will be furthered by amending Section 17.160.030 of the Salisbury City Code to permit community clinics in the R-5A zoning district;

WHEREAS, pursuant to Section 17.228.020 of the Salisbury City Code, any amendment to the Salisbury Zoning Code requires the recommendation of the Salisbury Planning and Zoning Commission (the “**Planning Commission**”) prior to the passage of an ordinance amending Chapter 17;

WHEREAS, a public hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of Section 17.228.020 of the Salisbury City Code on June 15, 2023;

WHEREAS, at the conclusion of its June 15, 2023 meeting, the Planning Commission recommended, by a vote of 6-0, that the amendments to Sections 17.04.120 and 17.160.030 of the Salisbury City Code set forth herein be approved by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that the amendments to Sections 17.04.120 and 17.160.030 of the Salisbury City Code shall be adopted as set forth herein.

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

Section 1. Section 17.04.120 of the Salisbury City Code, entitled “Definitions” shall be amended as follows:

17.160.120 – Definitions.

The following definitions have been used or considered in the construction of this title and shall be used in its interpretation:

43 ...

44 **“Clinic – Residential” means a place used for the outpatient care, diagnosis and treatment of sick,**
45 **ailing, infirmed and injured persons and those who are in need of medical or surgical attention, but**
46 **who are not provided with board or room nor kept overnight on the premises. Behavioral and mental**
47 **health counseling, community wellness outreach and education may also be provided. Medication**
48 **Assisted Treatment (“MAT”) for addiction is not permitted.**

49 ...

50 **Section 2.** Section 17.160.030 of the Salisbury City Code, entitled “Uses permitted by special exception”
51 shall be amended as follows:

52 **Chapter 17.160 R-5A, R-8A AND R-10A RESIDENTIAL DISTRICTS**

53 **17.160.030 Uses permitted by special exception.**

54 Uses permitted by special exception shall be as follows:

- 55 A. Care home, in accordance with chapter 17.220;
- 56 B. Church and other place of worship on a lot size of less than five acres, in accordance with chapter 17.220,
57 excluding bus storage and maintenance, cemetery, day-care center, school of general instruction and
58 gymnasium as accessory uses;
- 59 C. Church and other place of worship on a minimum lot of five (5) acres, in accordance with chapter 17.220,
60 including an activity building with offices and meeting rooms, cemetery, day-care center, school of general
61 instruction and gymnasium as accessory uses;
- 62 D. Day-care facilities for the elderly and handicapped.
- 63 E. Solar Farm.

64 **F. Clinic – Residential in the R-5A district on a minimum lot of one (1) acre, in accordance with a**
65 **comprehensive site plan, as approved by the Planning Commission, with the following:**

- 66 1. **The requirements for “Medical and dental clinic and office” in 17.196.030 shall be used to**
67 **determine parking space requirements;**
- 68 2. **Screening from adjoining residential uses consisting of a fence six feet in height and a twenty-**
69 **foot-wide landscaped area shall be included on the comprehensive site plan approved by the**
70 **Planning Commission; and**
- 71 3. **A sign plan shall be approved by the Planning Commission in accordance with 17.216.120.**

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

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

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

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

83 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.
84

85 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury
86 held on the _____ day of _____, 2023 and thereafter, a statement of the substance of the Ordinance having
87 been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the
88 _____ day of _____, 2023.

89
90 **ATTEST:**

91
92
93 _____
94 **Kimberly R. Nichols, City Clerk**

_____ **Muir W. Boda, City Council President**

95
96 Approved by me, this _____ day of _____, 2023.

97
98
99 _____
100 **John R. Heath, Acting Mayor**



**Infrastructure and Development
Planning and Zoning
Commission
Staff Report**

Meeting of June 15, 2023

Public Hearing - Text Amendment - To amend Title 17,
Zoning, Chapters 17.04.120 entitled "Definitions" and 17.160.030 entitled "Uses permitted by
special exception."

I. CODE REQUIREMENTS:

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission shall hold a Public Hearing on proposed text amendments to the Code. The Commission shall forward a recommendation within six (6) months to the City Council. In accordance with the Salisbury Zoning Code the City Council shall also hold a public hearing before granting final approval to code text amendments.

Public notice was provided in accordance with the requirements of 17.04.150.
(Attachment 1)

II. REQUEST:

Mark Cropper, on behalf of TidalHealth, has requested a text amendment to add a community-based clinic to the uses permitted by special exception in the R-5A zoning district (Attachment 1).

A draft of Chapter 17.04.120 and 17.160.030 is shown in Attachment 2 with the proposed amendments bolded and underlined.

III. PLANNING AND ZONING:

Staff conducted research into the proposed use and the potential impacts to residential uses. Following this research, Staff finds that limiting the clinic, as defined in the Attachment 2, to the R-5A is compatible with residential uses and consistent with other permitted non-residential uses by special exception in the district. These uses include



City of
Salisbury
John "Jack" R. Heath, Mayor

schools, churches, and day-care facilities for the elderly and handicapped. Outpatient medical and counseling care, as well as health and wellness outreach, are a natural extension of these existing non-residential uses and will increase access to these services.

The definition prohibits Medical Assisted Treatments for addiction.

The draft amendment has been reviewed by the City Solicitor for legal sufficiency.

IV. STAFF RECOMMENDATION:

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for the proposed amendments as shown in Attachment 2, based on the findings in the staff report.

**SALISBURY PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING
TEXT AMENDMENT**

In accordance with the provisions of Section 17.228, Amendments and Rezoning, of the Salisbury Municipal Code, the City of Salisbury proposes amendments to the text of Title 17, Zoning, Chapter 17.04.120., entitled “Definitions” and Chapter 17.160., entitled “R-5A, R-8A and R-10A Residential Districts” to include a community clinic.

A PUBLIC HEARING WILL BE HELD ON

Thursday, June 15, 2023, at 1:30 P.M. in the Council Chambers, Room 301, of the Government Office Building, 125 North Division Street, Salisbury, Maryland to hear opponents and proponents, if there be any.

Subsequent to the consideration of this proposal by the Salisbury Planning and Zoning Commission, a recommendation will be made to the Salisbury City Council for its consideration at a Public Hearing.

The Commission reserves the right to close a part of this meeting in accordance with the Annotated Code of Maryland, General Provisions, section 3-305(b).

(FOR FURTHER INFORMATION CALL 410-548-3170)

Charles “Chip” Dashiell, Chairman

Publication Dates: June 1, 2023
 June 8, 2023

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HAROLD B. GORDY, JR.

April 5, 2023

Mr. Brian Soper
City Planner, Infrastructure and Development
City of Salisbury
125 N. Division Street
Salisbury, MD 21801

RE: Text Amendment for TidalHealth, Inc.

Dear Mr. Soper:

As you know, I represent TidalHealth, Inc. ("TidalHealth"), which owns and operates a variety of medical and other health related facilities in Salisbury, Maryland and the surrounding areas. My client wishes to place a community based medical clinic on a parcel of land zoned R-5A located in the City of Salisbury that will provide the following types of services:

- Outpatient diagnostic examinations and treatment;
- Outpatient behavioral and mental health counseling;
- In-house phlebotomy services supporting the on-premises examinations; and
- A community group wellness education center.

The type of clinic desired by TidalHealth is not allowed in the R-5A zoning district of the City of Salisbury without a text amendment permitting it to occur. As such, please accept this letter as a request to amend Chapter 17.160.030 of the Salisbury City Code to include a "community based medical clinic" as a new use permitted by special exception, which will be referred to as Section 17.160.030 (F). Knowing of concerns that may exist with allowing such a clinic in a residentially zoned area, TidalHealth agrees that any approval should include the following conditions:

- A. Minimum lot width 250';
- B. Minimum lot depth 250';
- C. Ratio of total interior floor area to total lot area shall not exceed 0.25;
- D. Maximum lot coverage 80%;

E. Parking shall only be permitted on two sides of the building where determined by the Planning Commission;

F. A landscaped buffer not less than 20' wide shall be located along any property line with existing residential uses; and

G. A privacy fence not less than 6' tall shall be installed along any property line with adjoining residential uses.

Should you have any questions about this letter or proposed text amendment, do not hesitate to give me a call. As always, your cooperation has been appreciated.

Very truly yours,



Mark Spencer Cropper

cc: Tom Anderson
Jeff Harman

17.04.120 Definitions.

The following definitions have been used or considered in the construction of this title and shall be used in its interpretation:

"Accessory apartment" means a dwelling unit, limited to no more than one bedroom, incorporated within a single-family dwelling or its accessory building. The accessory apartment or the principal dwelling shall be occupied by the owner(s) of the property on which the accessory apartment is located.

"Accessory use" means a use which is customarily incidental and subordinate to a principal use and which is located on the same lot therewith.

"Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, videos, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

"Adult cabaret" means any bar, dance hall, restaurant, or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or waiters or waitresses that engage in specified sexual activities or display specified anatomical areas, or any such business establishment, the advertising for, or a sign identifying which, uses the words, "adult," "topless," "nude," "bottomless," or other words of similar import. Any establishment in which employees perform straddle dances is considered an adult cabaret.

"Adult entertainment business" means an adult arcade, adult cabaret, adult motion picture theater, adult photographic and modeling studio, adult retail store, adult theater, sexual encounter center, or any other business establishment whose primary business stock in trade is dependent upon the activities relating to specified sexual activities, specified anatomical areas, private performances or straddle dances. An adult entertainment business does not include a modeling class operated by a proprietary school, licensed by the state of Maryland, a college, junior college, or university supported entirely or partly by taxation, or a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

"Adult motion picture theater" means any commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult photographic and modeling studio" means any commercial establishment which offers or advertises, as its primary business stock in trade, the use of its premises for the purpose of photographing or exhibiting specified sexual activities or specified anatomical areas, or modeling of apparel that exhibits specified anatomical areas, or modeling, demonstrating, or presenting any product or service for sale, in a private performance setting, in which the model or sales representative exhibits specified anatomical areas.

"Adult retail store" means a commercial establishment that offers for sale or rental for any form of consideration a significant amount of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, that depict or describe specified sexual activities or specified anatomical areas; or
2. Novelty items, games, greeting cards, instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

"Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity, and/or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

"Animal hospital" means facilities for the care and treatment of animals by a qualified veterinarian, completely enclosed within a building.

"Animal shelter" means facilities for the seizure and impounding of all unlicensed or untagged dogs and provision of shelter for lost, strayed or homeless animals.

"Apartment" means a dwelling unit, as defined herein.

"Apartment building" means a single residential structure designed and constructed to contain three or more separate dwelling units, regardless of the internal arrangement of such units or the ownership thereof.

"Apartment, efficiency" means a dwelling unit consisting of not more than one habitable room together with kitchenette and sanitary facilities.

"Apartment project" means a group of two or more apartment buildings constructed in accordance with a comprehensive development plan.

"Bed and breakfast inn" means the renting of not more than three rooms in an owner-occupied dwelling for lodging and serving of breakfast to not more than six casual and transient adult roomers (and the children of those six adults), provided that:

1. The renting of such rooms for such purpose is incidental and subordinate to the principle use of the dwelling;
2. No roomer's stay shall exceed fourteen (14) days in any six month period;
3. All meals and all amenities connected with the guest rooms shall be solely for use by the owner, the owner's family and the owner's registered guests;
4. There shall be only one kitchen and no guest room shall include cooking facilities;
5. The owner shall maintain a guest register, shall preserve all registration records for no less than three years, and shall consent to and thereafter make such records available immediately to the housing official upon request;
6. The owner may display a single exterior sign, as provided for under section 17.216.060, "sign standards"; and
7. The owner has been issued a permit for the use and operation of the owner occupied dwelling as a bed and breakfast inn by the housing official pursuant to the requirements established by ordinance.

"Boardinghouse/rooming house" means a building other than a hotel or restaurant where lodging and/or meals are regularly furnished by prearrangement for which compensation is paid in advance.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building, accessory" means a building subordinate to, and located on the same lot with, a main building and designed, intended or used as an accessory use.

"Building deficiencies" means any defect, deterioration or need for alteration in the structure or architectural members of a structure, and shall include the following:

1. Defects which, under the housing or building code of the city of Salisbury, would require removal;
2. Deterioration which cannot be corrected by normal maintenance;

-
3. Excessive minor defects which, when taken collectively, cause the building to have a deteriorating or undesirable effect on the surrounding area;
 4. "Inadequate" original construction or subsequent alteration;
 5. Inadequate, unsafe or nonconforming plumbing, heating or electrical facilities.

"Building height" means the vertical distance from the grade to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

"Building inspector" means the department of building, permitting and inspections, and the duly designated building official.

"Building supply and lumber yard" means the sale and storage of supplies and materials used in construction or repair of buildings, but not to include stockpiling, storage or sale of sand, gravel, cement or similar materials.

"Business center" means a group of buildings for business use arranged on a parcel of land or on a group of individual lots in accordance with a predetermined development plan.

"Care home" means a facility established to render domiciliary care for eleven (11) or more chronic or convalescent patients, which includes common features and services, including assistance with daily activities. This category includes assisted-living facilities, rest homes, and nursing homes. This category excludes group domiciliary care facilities and group homes, as defined by this chapter.

"Church" means an institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term shall include buildings and all customary accessory activities including but not limited to a chapel, day care center, school of general instruction, gymnasium, or social hall.

"Clinic – Residential" means a place used for the outpatient care, diagnosis and treatment of sick, ailing, infirmed and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises. Behavioral and mental health counseling, community wellness outreach and education may also be provided. Medication Assisted Treatment ("MAT") for addiction is not permitted.

"Club," "lodge" and "fraternal organization" mean a nonprofit organization whose premises are restricted to members or guests, excluding a fraternity or sorority house.

"Cluster development" means a residential development constructed in accordance with a comprehensive development plan, permitting reduction and modification of lot area and size, provided that any reduction in area is retained as open space. Cluster development provides for the grouping of lots and open space in predetermined areas on the tract as an alternative to traditional zoning, while maintaining the established density of development for the district in which the cluster development is located.

"Commercial auction" means the sale of any article or property, excluding animals and farm produce, by auction, conducted entirely within the confines of a building so that noise from within the building does not pass beyond the lot lines, and provided that there is no outside storage of inventory or property to be sold at said auction on the same or contiguous lots.

"Common open space" means open space within the boundaries of a development, designed and set aside for use by all residents or a designated portion of residents of the development under the bylaws of an association.

"Community impact statement" includes the following:

- A. A marketing study related to the type of development proposed; e.g. retail marketing, housing market, transient housing, etc. This study shall include an estimate of existing need and reasonable forecast of future demand for the kind of development proposed. It will be used to determine that extent of

existing facilities of a type similar to that proposed and used to estimate when development may be needed in the community;

- B. An impact study related to the quantity and kind of improvement and service to be provided by the community for the proposed development. This study should include an estimate of revenue to the community from proposed development and an estimate of the cost of improvements and services required to serve the development. The cost of improvements shall include those immediately needed to serve the development and those that may be needed in the future. The impact study related to services and improvements should include, where applicable, but not be limited to services and improvements, such as schools, utilities, including sewage, water mains, and storm drains, streets, traffic signals, police and fire protection, refuse collection and disposal, recreation facilities and any other service to be provided by the city;
- C. An environmental impact statement related to the effect of proposed development on natural drainage channels and streams, natural growth, soils, air and water quality, etc., and a statement related to the effect of the proposed development on the use and development of adjoining property and the general neighborhood. This statement should include such considerations as the effects of noise, dust, odor, traffic, lighting, smoke, erosion, sediment control, flooding, change in natural ground cover, etc.

"Community shopping center" means a shopping center containing between one hundred thousand one (100,001) and three hundred thousand (300,000) square feet in gross floor area.

"Compact concrete dispenser" means a concrete dispenser that does not exceed a mix of twenty-five (25) cubic yards of concrete per hour, and a height of thirty (30) feet.

"Comprehensive development plan" means a comprehensive set of plans, specifications and measures for either private or public development, such as but not limited to townhouse development, apartment project, shopping center or other such development permitted in this code. The development plan shall include:

- A. A preliminary comprehensive development plan, at the option of the applicant, showing the design of the development or project in sketch form drawn to scale prior to preparation of the final comprehensive development plan;
- B. A site plan showing the location of all streets, pedestrian ways, rail lines, utility systems and buildings;
- C. Any restrictions to be included in the sale or lease of land for parking, building locations, property maintenance, sign control and any other protective measures;
- D. A schedule, timetable or proposed phasing for the development of streets, grading, utility installation, rail facilities, docking facilities or other improvements to be provided for the project area and occupants thereof;
- E. A statement of intent to proceed and financial capability of the developer or sponsor;
- F. A community impact statement as defined in this section.

"Comprehensive site plan" means a plan, drawn to scale, which shows the proposed location and dimensions of all roads, vehicular and pedestrian accessways, buildings, building footprints, parking areas, including the type and size of all spaces, open spaces, landscaping, recreation facilities, natural features, drainage ways, fire-fighting facilities, existing zoning, abutting property owners, stormwater management areas, setbacks from all property lines, on-site loading and unloading spaces and recreational facilities, as well as any on-site refuse disposal or recycling areas and facilities or both as may be required by the city together with measures necessary to provide screening in accordance with the requirements of chapter 17.220.

"Construction contractor's equipment, supplies, plant or storage yard" means the storage or keeping of construction equipment, machinery or supplies which are for use by a construction contractor.

"Construction contractor's establishment" means an establishment where a construction contractor conducts his business, including the indoor storage of materials used in the conduct of business.

"Convenience store" means a neighborhood-serving retail sales establishment wherein groceries and other miscellaneous convenience items may be purchased by residents of the neighborhood which it serves.

"Cultivation of land" means the use of land for agricultural purposes limited to raising field crops, horticulture and accessory uses, but excluding animal husbandry.

"Custom repair and service shop" means a shop for the repair and servicing of small appliances, televisions or other household goods, excluding repair and servicing of any type requiring other than pickup trucks and vans for delivery, and excluding repair and servicing of any type of vehicle.

"Day-care center" means any place, however designated, licensed by the appropriate state or county health or welfare agency that, for part or all of a day, or on a twenty-four-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation.

"Day-care facilities for the elderly and handicapped" means any place, however designated, providing training, guidance, counseling and care for the elderly and handicapped during any part of the day, but not to include rest and nursing homes, convalescent homes, or domiciliary care for chronically ill or convalescents.

"Day-care service" means any type of child care, provided on a full-time, part-time or temporary basis, including a day-care center, which is approved, endorsed or licensed by the appropriate state or county agency.

"Density" means the maximum number of dwelling units which are permitted in a given area.

"Developed open space" means that portion of common open space within the boundaries of a development improved for recreational purposes, such improvements to include but not be limited to areas for passive recreation, parks, bridle paths, play lots and playgrounds and sports facilities, such as tennis and shuffleboard courts, golf courses, boating docks and community buildings.

"Dormitory housing" means a building or group of buildings containing rooms forming habitable units which are used or intended to be used for living and sleeping by persons enrolled or participating in an academic or other institution, but not for cooking or eating purposes.

"Dwelling" means a building or portion thereof used for residential occupancy, including single-family, two-family and three-family, but not including hotel, motel or other accommodations used for transient occupancy.

"Dwelling, duplex" means the same as semidetached dwelling.

Dwelling, Multifamily. See "apartment" and "townhouse" definitions.

"Dwelling, patio" means one building arranged or designed as one dwelling unit to either abut one side lot line, hereinafter called the zero lot line, or be within three feet of a lot line, but no portion of which is to encroach upon any adjoining lot other than provided for in section 17.200.020(A), Note b, and separated from any other building or structure by space on all sides.

"Dwelling, semidetached" means a building arranged or designed to contain two abutting single-family dwelling units, separated from each other by a vertical party wall, and separated from any other building or structure by space on all sides.

"Dwelling, single-family" means a dwelling containing one dwelling unit.

"Dwelling, single-family attached" means a dwelling which is joined to another dwelling at one or more sides by an approved party wall or walls.

"Dwelling, single-family detached" means a dwelling arranged or designed for occupancy for only one family which is not attached to any other dwelling.

"Dwelling, three-family" means a dwelling containing three dwelling units.

"Dwelling, two-family" means a dwelling containing two dwelling units.

"Dwelling unit" means a single unit providing complete independent facilities for occupancy by one family and containing permanent provisions for living, sleeping, eating, cooking and sanitation (bathroom).

"Environmental deficiencies" means those deficiencies which affect the living standards of the persons occupying the premises, and shall include the following:

- A. Overcrowding or improper location of structures on the land which are evidenced through violation of setbacks and/or yard restrictions;
- B. Excessive dwelling density or density that exceeds that permitted in the district;
- C. Obsolete building types (i.e., large residential buildings or other buildings which, through lack of maintenance, have a blighting influence);
- D. Detrimental land use or conditions such as incompatible uses, structures in mixed use not permitted by this chapter or adverse influence from noise, smoke, fumes or traffic;
- E. Unsafe, congested, poorly designed or otherwise deficient streets (i.e., streets not in conformance with current city standards);
- F. Inadequate public utilities or community facilities contributing to unsafe living conditions or economic decline.

"Family" means and includes, subject to the exceptions stated below:

- I. A core consisting of one person living alone or one of the following groups living as a single housekeeping unit:
 - A. Two or more persons who are related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, such as foster children, placed by an agency licensed to operate in Maryland;
 - B. Up to a maximum of four persons who are not so related, hereinafter referred to as "unrelated persons" provided, however, that:
 - 1. a. Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment, in an R-5, R-8 or R-10 district or in Spring Chase PRD No. 1, the maximum shall be two unrelated persons, not including the children of either of them, after December 16, 2002, subject to the occupancy permitted by subsections (I)(B)(1)(b) and (c) of this section.
 - b. Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the maximum shall be three unrelated persons, not including the children of either of them, if the dwelling or dwelling unit was occupied by three unrelated persons, during the one year period prior to December 16, 2002. The occupancy may continue as a nonconforming use. In an apartment, the maximum occupancy shall not exceed the number of unrelated persons set forth in subsection (I)(B)(1)(c) of this section.
 - c. Any existing lawful occupancy, in any dwelling or dwelling unit, including an apartment in an R-5, R-8 or R-10 district, or Spring Chase PRD No. 1, the maximum shall be four unrelated persons, not including the children of either of them, if the dwelling or dwelling unit was occupied by four unrelated persons, during the one year period prior to December 16, 2002, and meets the requirements of section 15.24.1600. The occupancy may continue as a

nonconforming use. In an apartment, the maximum occupancy shall not exceed the number of unrelated persons set forth in subsection (l)(B)(2) of this section.

- d. The following lots are exempt from the occupancy restriction set forth in subsection (l)(B)(1)(a) of this section: all dwelling units shown on an approved final comprehensive development plan; and where the total land area shown thereon is subject to a special exception granted by the board of zoning appeals prior to December 23, 2002; and for which the director of building, housing and zoning has determined that the units were proposed and constructed primarily for student housing.

2. In any district other than an R-5, R-8 or R-10 district, in an apartment or any attached dwelling unit, except a townhouse or duplex dwelling, the maximum shall be the following number of unrelated persons not including the children of any of them:

Two - in an efficiency or one bedroom unit;

Three - in a unit having two or more bedrooms; or

Four - in any unit constructed after November 25, 2002 (effective date of Ordinance No. 1864) having two or more bedrooms, if the entire parcel or tract of land on which it is located complies with the off-street parking requirement in effect when it was completed.

All dwelling units shall comply with parking code requirements.

- C. 1. A group of not more than four persons who are approved by the Department of Neighborhood Services and Code Compliance pursuant to section 15.24.1620(1) as a "functional family," and
 2. A group of four or more disabled persons (as defined by the Americans with Disability Act), who are approved by the Department of Neighborhood Services and Code Compliance pursuant to section 15.24.1620(2).
- II. In addition to its core member(s) a family may include:
 - A. One or more persons who provide health care or assisted living services to any core member of the family that are essential to the health, safety or general well-being of such core member, by performing such services at least eight hours each day.
 - B. One or more domestic servants who perform personal or household services at the dwelling or dwelling unit at least eight hours each day.
 - C. In the case of an owner-occupied dwelling unit in an R-5, R-8 or R-10 district, one person who is not a core member of the family, provided that no more than two unrelated persons, not including any permitted provider of health care or assisted living services, may reside in the dwelling.
- III. A "family" may not include or consist in whole or in part of:
 - A. Any society, club, fraternity, sorority, association, lodge, federation, or like organization.
 - B. Occupants of a rooming house or boarding house.
 - C. Persons whose association as a group is temporary or seasonal in nature.
 - D. Persons living in a group arrangement as a result of criminal conduct.
- IV. The "family" definition shall be applied to occupancy in accordance with the requirements of state and federal law.

"Family day-care home" means any dwelling unit either licensed or registered by the appropriate state and/or county health or welfare agency to provide care for no more than eight children separated from their parents or guardians during any part of the day and occupied by the family of the licensee, provided that written consent is obtained from the owner(s) of the unit and owner(s) of any attached dwelling units. Any such consent may be withdrawn after thirty (30) days' written notice by the owner of said unit to the day-care home operator.

"Floodplain" means a relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation, or any area subject to the unusual and rapid accumulation of runoff of surface waters or from tidal action or from any source, and specifically including those areas subject to the United States Department of Housing and Urban Development, Federal Insurance Administration, Flood Hazard Rate Maps (Flood Hazard Boundary Maps) for the city of Salisbury.

"Floor area, gross" means the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

"Fraternity" or "sorority" means a private club maintained exclusively for members affiliated with an academic or professional college or university or other recognized institution of higher learning, wherein members may reside and conduct social activities.

"Gross leasable area" means the total floor area of a building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet and measured from the center line of joining partitions and from outside wall faces. It is all that area on which tenants pay rent.

"Gross tract area" means the area of land within the boundaries or property lines of a proposed development.

"Group domiciliary care facility" means a facility which does not constitute a group home and which provides lodging and residence services in a single dwelling which is occupied by ten or fewer unrelated persons, including support personnel and that provides service and supervision by licensed operators in accordance with federal, state and local laws, regulations and requirements. Residents shall be the elderly or persons protected by reason of handicap or familial status under the Federal Fair Housing Act, as amended, or Maryland housing discrimination statutes. As permitted by 32 U.S.G.S. section 3604(f)(9), the residents of a group domiciliary care facility shall not include any person who, during his term of residence at such facility, commits a violent act or causes substantial physical damage to the property of others, and any such person must be removed from such facility.

"Group home" means a facility providing housing facilities and/or rehabilitation in a single dwelling for not more than ten persons, including support personnel, for persons who need specialized housing, treatment and/or counseling service because of delinquency or criminal rehabilitation, such as a criminal half-way house, current addiction to or illegal use of a controlled substance, or a type of mental illness that involves or has involved behavior related to violent felony crime. Residents are provided service and supervision by licensed operators in accordance with federal, state and local laws, regulations and requirements. Treatment and counseling shall be limited to the residents of the dwelling. The residents of a group home shall not include any person who, during his term of residence at such facility, commits a violent act or causes substantial physical damage to the property of others, and any such person must be removed from such home.

"Hairdresser shop" means a barbershop or beauty shop, or combination thereof.

"Home occupation" means an accessory use conducted entirely within a detached single-family dwelling or its residential accessory building, which is clearly incidental and secondary to the use of the property for residential purposes and which does not change the character thereof, and provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation;

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- B. There shall be no change in the outside residential appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the exterior of the building;
 - C. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling or which creates noise not normally associated with residential uses shall be prohibited;
 - D. No vehicle or pedestrian traffic shall be generated by the home occupation greater than normal for the district in which it is located;
 - E. To the extent that there is any sale of any item related to a home occupation, no delivery of that item to the buyer shall occur on or adjacent to the premises;
 - F. No storage or display of materials, goods, supplies or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the premises.

"Home office" means an accessory use conducted entirely within a room(s) located in a detached single-family dwelling, provided that:

- A. The dwelling is the bona fide residence of the principal practitioner;
- B. There is no more than one employee or person engaged in or serving the business other than the principal practitioner;
- C. There shall be no change in the outside residential appearance of the dwelling or premises or other visible conduct of such office other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the exterior of the dwelling;
- D. There shall be no mechanical or electrical equipment used that will interfere with use of adjoining properties;
- E. There is no outside storage or display of any material visible outside the dwelling;
- F. Parking is provided only between the front building line and the rear lot line;
- G. There is no outside storage of trucks or vans used in conduct of the business.

"Hotel," "motel" or "motor hotel" means an establishment where sleeping accommodations for transient customers are provided.

"Housing for the elderly and handicapped" means a dwelling specifically designed for the needs of the elderly and/or handicapped person or persons and conforming to the requirements of state and/or federal programs providing for housing for the elderly and/or handicapped.

"Housing inspector" means the department of neighborhood services and code compliance and the duly designated housing official.

"Industrial auction" means the sale of animals, farm produce or any article or property by auction, conducted on a lot without regard to whether there may be outside storage of inventory or property to be sold or whether the auction is conducted within a building or in the open.

"Industrial vocational training school" means a public or private school which trains students in industrial skills.

"Junkyard" means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or unregistered, inoperable motor vehicles, marine equipment and/or vessels or other type of junk.

"Kennel" means any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with the boarding, care or breeding, for which any fee is charged.

"Landscaping" means a combination of grass and shrubs and/or trees and other decorative plantings, materials, statues, fountains and other special features as may be approved by the planning commission.

"Liquor store" or "liquor dispensary" means any establishment or business which keeps for sale or sells liquor in any quantity and delivers the same in a sealed package or container which is not to be opened nor its content consumed on the premises where sold.

"Lot" means land occupied or to be occupied by a building and any building accessory thereto or by a building group and any buildings accessory thereto, with open space and land area required by this chapter, and having its principal frontage on a public street or public way or on a private right-of-way or easement as approved by the planning commission and/or council.

"Lot area" means the total horizontal area included within lot lines.

"Lot, corner" means a lot at the junction of and abutting on two or more intersecting streets.

"Lot coverage" means the percentage of land permitted by this chapter to be covered by a building or buildings.

"Lot depth" means the average horizontal distance between the front lot line and rear lot line for an interior lot. In the case of a corner lot, the lot depth is the greater of the average horizontal distances between the front lot lines and the respective side lot line opposite each.

"Lot frontage" means the side(s) of a lot abutting a street(s); on a corner lot, the shortest side that abuts a street; where sides are of equal length, the side fronting on the street having the longest frontages within the same block.

"Lot, interior" means any lot other than a corner lot.

"Lot lines" means lines bounding a lot as hereinafter described:

- A. "Front" means the line running along the front of a lot and separating it from the street. In a through lot, both lines abutting streets are deemed front lot lines.
- B. "Rear" means the line generally opposite or parallel to the front lot line, except in a through lot. If 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 be deemed to be a line at least ten feet long, lying wholly within the lot parallel to the front lot line, or if the front lot line is curved, parallel to the chord of the arc of said front lot line.
- C. "Side" means any lot line other than a front or a rear lot line.

"Lot of record" means land designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed filed in the land records of Wicomico County.

"Lot, through" means an interior lot fronting on two streets.

"Lot width" means the mean horizontal distance between the side lot lines of a lot measured at the setback/building line.

"Marina" means a facility for the docking, storage, servicing and sale of recreational boats.

"Medical-care facility" means a facility, however designated, providing medical treatment and short-term inpatient care, other than a hospital or medical clinic.

"Mixed-use building" means a building or structure of less than fifteen thousand (15,000) square feet containing two or more different uses.

"Mobile home" means a detached residential unit containing not less than five hundred (500) square feet of gross livable floor area in the original manufactured unit, designed and intended for repeated or periodic transportation in one or more sections on the highway, on a chassis which is permanent or designed to be permanent, and arriving at the site where it is to be occupied, complete and ready for occupancy except for minor and incidental unpacking and assembly of sections, location of jacks or other foundations, connection to utilities and the like. Units commonly known as "double-wides" and any unit classified by an applicable financing or construction standard, including without limitation, the United States Department of Housing and Urban Development Regulations, State of Maryland Department of Economic and Community Development Regulations or state or federal law, as such laws or regulations are in effect as of the date of passage hereof, as a mobile home shall be considered mobile homes. The placing of a mobile home on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such mobile home. Recreational trailers and vehicles and modular homes are not considered as mobile homes.

"Mobile home park" means any lot, parcel or tract of land planned, developed and improved for the placement of three or more mobile homes on a permanent or semi-permanent basis.

"Modular home" means a detached residential unit built to a recognized building code, containing not less than five hundred (500) square feet of gross livable floor area in the original manufactured unit, designed and intended for delivery by transportation on the highway for permanent assembly on a permanent and separately constructed foundation. A modular home may be considered a single-family dwelling. A modular home must meet the requirements and definitions of the Maryland Industrialized Buildings and Mobile Homes Act as in effect as of the date of passage hereof.

"Multi-use facility" means two or more similar or different uses on a lot or parcel that are conducted in physically separate areas and permitted inherently or otherwise in the district in which located, provided that the lot or parcel and improvements thereon satisfy the total parking, lot area and other requirements of the uses; the facility shall not be deemed to be a shopping center if the total floor area of the uses in which the principal activity is on-site retail sales does not exceed one-third of the gross floor area of the entire facility.

"Neighborhood shopping center" means a shopping center not exceeding one hundred thousand (100,000) square feet in gross floor area.

"Net tract area" means the gross project area less the area of land devoted to streets.

"Nonconforming use, structure, lot and dwelling." See chapter 17.16.

"Nudity" or "state of nudity" means the visibility or exposure of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

"Nursery school" means a licensed establishment providing care and an educational program under the jurisdiction of and accredited by the state Board of Education to up through second grade aged children.

"Open space" means the portion of a tract of land within the boundaries of a development not covered by principal and accessory buildings, parking lots, streets and utility structures, except buildings and structures for recreational use.

"Outdoor advertising structure" means any structure which contains a sign, poster, panel, billboard, painted bulletin or any other structure, device, surface or display which advertises or displays any other message related to a business, profession, commodity, service or entertainment or event conducted, sold or offered elsewhere than on the premises where the advertising structure is located.

"Outdoor storage yard" means the keeping or storing, other than in a wholly enclosed building, of goods, items, materials or merchandise, except for scrap materials, debris, or a junkyard.

"Parks" and "playgrounds, public and private" means recreation facilities, such as picnic areas, ballfields, basketball and tennis courts, etc., not operated for profit.

"Pet-grooming shop" means an establishment wherein pets may be bathed, clipped or otherwise groomed, but not to include facilities for overnight care, boarding, breeding or medical treatment.

"Plat" means a sketch, map or survey of a lot(s), tract or parcel of land, indicating lot lines, street rights-of-way and easements, with the dimensions of these features inscribed thereon.

"Principal use" means the principal purpose for which a lot or the main building or structure thereon is used, occupied or maintained.

"Private club" means an association for civic, social, cultural, religious, literary, fraternal, political, recreational, or like activities, which is operated for the benefit of its members and not open to the general public.

"Private performance" means the modeling, posing, or display or exposure of any specified anatomical area by an employee of an adult entertainment business to a person other than another employee, while the person is in an area not accessible during such display to all other persons in the establishment, or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of persons outside the area.

"Public" or "private utility buildings and uses" means facilities and structures owned or maintained by a government, a public or private agency or a public or private utility company for the purpose of and directly necessary for rendering or providing communication, electric, gas, sewer, water or comparable service of a public utility nature, and in fact used in the rendition of such service. Nothing in this title or amendment thereto is intended to limit or restrict the use of property in any zone for poles, mains, pipes, conduits or wires erected and maintained for the transmission and distribution of electric energy over wires for any lawful purpose or gas to customers for such energy or municipal water or sewer services or any equipment or device necessary or incident to such use or uses.

"Public utility operation center" means facilities, structures and any or all uses directly relating to the operation and maintenance of a public utility:

- A. Including, but not limited to:
 - 1. Operating utility system controls;
 - 2. Business offices and associated accessory uses;
 - 3. Indoor and outdoor repair, maintenance and/or storage of motor vehicles and utility construction and maintenance equipment; and associated storage of fuels, lubricants, coolants and fluids and substances, not for sale to the public;
 - 4. Indoor and outdoor assembly, repair, maintenance, testing and storage of utility system components, equipment, tools and supplies; and;
 - 5. Staging area for contractors constructing, repairing, and/or maintaining the utility system;
 - 6. And may include a solar farm.

"Recreational establishment, indoor" means billiard parlor, bowling alley, skating rink, tennis or racquetball center, automatic amusement device center, swimming pool, convention hall and other similar indoor recreational uses.

"Recreational establishment, outdoor" means miniature golf course, amusement park, private zoo, kiddieland ride, driving range, sports stadium, arena and other similar outdoor recreational uses.

"Recreational vehicle" means any type of vehicle, whether self-propelled, vehicle-mounted or vehicle-pulled, used for camping or recreational purposes, including but not limited to pickup campers, motor homes, tent campers and travel trailers.

"Regional shopping center" means a shopping center containing more than three hundred thousand (300,000) square feet in gross floor area.

"Restaurant" means any establishment of which the principal business is the sale of food and of which the principal method of operation is to serve food ordered from a menu to seated customers at a table, booth or counter inside the establishment. However a snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

"Restaurant, fast-food" means any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can readily be eaten outside the premises where it is sold and where facilities for on-premises consumption of food are insufficient for the volume of food sold.

"Restaurant, fast-food cafeteria" means any establishment where ready-to-eat food is available upon a short waiting time and served to customers on a tray through a cafeteria line for consumption at a table, booth or counter inside the establishment.

"Restaurant, fast-food carry-out" means any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can readily be eaten away from the premises where it is sold and where there are no facilities for on-premises consumption of food.

"Restaurant, fast-food drive-in" means any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can readily be eaten outside the premises and whose principal method of operation is to serve food to customers in motor vehicles.

"Resubdivision" means a subdivision which has been altered by changing of a line, bearing or other measurement and which is subsequently platted and recorded in a legal manner.

"Retail establishment" means a structure containing one retail use or several uses under one ownership in one structure or within one unit of a structure from which merchandise is sold to the general public including the rendering of services incidental to the sale of such merchandise.

"Satellite simulcast betting facility" includes any place where pari-mutuel betting occurs on any race that is simulcast from any type of sending track by either thoroughbred or harness racing or any other type of human, animal or vehicle racing; or on any other type of sporting event. This definition also includes any place known as an off-track betting (OTB) facility. No such facility shall be allowed in any city zoning district.

"School of general instruction" means a public, parochial or private school or college providing regular instruction at least five days a week (except for holidays) for a normal school year, but not including a school of special instruction, a nursery school, unless conducted as part of a school of general instruction, or a riding school.

"School of special instruction" means a school primarily devoted to giving instruction in vocational, professional, commercial, musical, dramatic, artistic, linguistic, scientific, religious or other special subjects, but not including a nursery school, or a riding school.

"Screening" means landscaping, berms or fencing, or any combination thereof, designed to obstruct view of a particular use.

"Self storage" means a facility used for the purpose of renting or leasing secure, interior, individual storage space. This may include rooms, compartments, and lockers in which individuals store and remove their own goods,

records, and personal property on a self-service basis. This definition does not preclude such self storage from inclusion within other use categories (i.e. warehousing).

"Setback/building line" means a line parallel to the front lot line beyond which no principal building or structure is permitted to extend.

"Sexual conduct" means any and all acts or conduct which include, involve, or which display, exhibit, or simulate the following:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
2. The touching, caressing, and/or fondling of the breast, buttocks, anus, or genitals; or
3. The displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals.

"Sexual encounter center" means a commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between persons of the opposite sex and/or persons of the same sex when one or more of the persons is in a state of nudity.

"Shopping center" means two or more commercial establishments either in one structure or in two or more separate structures built on one parcel of land that is planned and developed as an operating unit related in location, size and type of shops to the trade area that the center is designed to serve; it provides common on-site parking access and other amenities in definite relationship to the type and total size of the center.

- A. "Neighborhood" means a shopping center not exceeding thirty thousand (30,000) square feet in gross floor area.
- B. "Community" or "Regional" means a shopping center exceeding thirty thousand (30,000) square feet in gross floor area.

Sign. See chapter 17.216.

"Significant amount" means the following:

1. At least fifteen (15) percent of the stock in the establishment or on display consists of adult entertainment or material;
2. At least fifteen (15) percent of the area used for the display or storage of merchandise on the floor, walls, or vertical display area of the cabinets, shelves or racks which rise from the floor (or any combination thereof which is at least fifteen (15) percent of the area used for display or storage) is used for the display or storage of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
3. At least fifteen (15) percent of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material.

"Site plan" means a detailed plan of development showing the arrangement of any building(s) in relation to parking, streets, entrances, exits, open space and adjoining properties, with all information relevant to size of area, number of parking spaces and square footage of buildings, etc., inscribed thereon in addition to any other pertinent information as may be required by a specific section of this code.

"Solar farm" means a utility-scale energy generation facility, principally used to convert solar energy to electricity for the primary purpose of use by the owner and/or wholesale and/or retail sales of said electricity.

"Special exception" means a land use authorized by the board of zoning appeals pursuant to the provisions of this title and subject to standards and conditions set forth for such use. It is a use which has been legislatively predetermined to be conditionally compatible with uses permitted as of right in a particular zoning district, the conditions being that the board of zoning appeals must, in each case, decide under the standards set forth in chapter 17.232 whether the presumptive compatibility in fact exists.

"Specialty shop" means a shop for the sale of antiques/collectibles or handicraft and supplies, including artwork, leatherwork, pottery, needlework or similar items which may be made on the premises.

"Specified anatomical areas" means the following:

1. Less than completely or opaquely covered:
 - a. Human genitals or pubic region;
 - b. Entire cleft of the male or female buttocks. Attire which is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, and thongs;
 - c. That portion of the human female breast below a point immediately above the top of the areola; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means the following:

1. Human genitals in a state of sexual stimulation or arousal or tumescence;
2. Acts of anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zoerasty;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast; or
4. Excretory functions as part of, or in connection with, any of the activities set forth in subsections (1) through (3) of this definition.

"Straddle dance" means the following:

1. The use by an employee of an adult entertainment business of any part of his or her body to directly or indirectly touch the genital or pubic area of a person, excluding another employee, while at the adult entertainment business, in exchange for a tip, donation, gratuity, or other thing of value, regardless of whether the employee is displaying or exposing any specified anatomical area; or
2. The straddling of the legs of an employee of an adult entertainment business over any part of the body of a person, excluding another employee, regardless of whether there is any touching.

A straddle dance is also known as a "lap dance," "table dance," or "face dance."

"Street" means a public thoroughfare, however designated, maintained by the city of Salisbury, state of Maryland or Wicomico County, which affords the principal means of access to abutting property and which is hereafter developed according to the regulations for the city of Salisbury, or a public way, private right-of-way or easement as approved by either the planning commission or city council.

"Structure" means that which is built or constructed.

"Studio" means an establishment wherein music, photography, dancing, sculpting or other artistic instructions may be given.

"Subdivision" means a lot, parcel or tract of land which has been legally subdivided, platted and recorded in the land records of Wicomico County.

"Townhouse" means a single-family dwelling forming one of no fewer than three attached single-family dwellings with property lines and party walls separating such units and which are separated from any other building or structure by space on all other sides.

"Transient" means on a one-day or a day-to-day basis.

"Travel trailer" means a portable vehicular structure not over eight feet wide or thirty-five (35) feet in length, designed as a temporary living unit for travel, recreational and vacation uses. It is designed solely for short-term occupancy and for travel purposes.

"Truck terminal" means a building or area where trucks, including tractors or trailer units, are parked, stored or serviced, which may also include areas, buildings or structures for the transfer, loading or unloading or storage of a wide array of goods and materials of various types and sizes.

"Utility substation" means a station subordinate to a public or private utility building or use for the provision of services through areas which cannot be serviced by the facilities of the main building or use.

"Variance" means a modification only of the required density, bulk or area requirements set forth in this title where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of any action taken by the applicant, a literal enforcement of the title would result in unnecessary hardship.

"Warehouse" means a building or structure used for the inside storage of goods and materials.

"Warehousing" means facilities or structures operated for the storage of prefinished goods and materials, with not more than two bays to be used for maintenance within the same building where goods or materials are stored.

"Width of street" means the mean of the distance between the right-of-way lines of a street between two intersecting streets.

"Yard" means an open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and specific minor uses or structures allowed in such open space under the provisions of the zoning ordinance.

"Yard, front" means a yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

"Yard, interior side" means a side yard located immediately adjacent to another lot or to an alley separating such side from another lot.

"Yard, rear" means a yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

"Yard, side" means a yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through the nearest point of a building and extending from the front yard to the rear.

(Ord. 2048 § 1, 2008; Ord. 1976 (part) 2005; Ord. 1957, 2005; Ord. 1953, 2005; Ord. 1941, 2005; Ord. 1895, 2004; Ord. 1881, 2003; Ord. 1868, 2002; Ord. 1864, 2002; Ord. 1809 § 1, 2001; Ord. 1786 § 1, 2000; Ord. 1752 § 1, 2000; Ord. 1660, 1997; Ord. 1612 (part), 1995; Ord. 1599 §§ 4 (part), 12 (part), 1995; Ord. 1567, 1993; prior code § 150-17)

(Ord. No. 2089, 10-26-2009; Ord. No. 2296, 7-14-2014; Ord. No. 2310, 1-26-2015; Ord. No. 2320, 4-27-2015; Ord. No. 2339, 7-13-2015; Ord. No. 2379, 3-14-2016; Ord. No. 2410, 1-9-2017; Ord. No. 2433, §§ 1, 2, 9-25-2017; Ord. No. 2501, 9-10-2018)

Chapter 17.160 R-5A, R-8A AND R-10A RESIDENTIAL DISTRICTS

17.160.010 Purpose.

- A. The purpose of the R-5A, R-8A and R-10A residential districts is to recognize those areas of the city that have developed or are suitable for development with apartments or townhouses and to provide additional areas where they may be developed at densities compatible to existing or future residential development within or adjoining the districts.

These districts are located in areas which are presently served or which can be served by existing municipal public utilities of water, sanitary sewer and storm drains and which contain the services and amenities necessary for concentrations of population and traffic normally associated with apartment and townhouse development.

- B. Uses permitted in these districts include the uses in the R-5, R-8 and R-10 districts while providing for additional housing uses to meet the varied housing needs of the community. In accordance with this purpose, the following uses, standards and area regulations are established.

(Prior code § 150-27)

17.160.020 Permitted uses.

Permitted uses shall be as follows:

- A. Apartment building or project, in accordance with chapter 17.168;
- B. Cluster development, in accordance with chapter 17.176;
- C. Cultivation of land;
- D. Dwellings.
1. Patio dwelling, in accordance with chapter 17.200,
 2. Semidetached, in accordance with chapter 17.208,
 3. Single-family detached,
 4. Two-family dwelling on a lot with a minimum of nine thousand (9,000) square feet of land area in an R-5A district; eleven thousand seven hundred (11,700) square feet of land in an R-8A district; and fifteen thousand (15,000) square feet of land in an R-10A district. All parking required for any two-family dwelling shall be in the rear yard three feet from all adjoining property lines;
- E. Firehouse;
- F. Park and playground, public and private, in accordance with chapter 17.220;
- G. School of general instruction, in accordance with chapter 17.220;
- H. Townhouse, in accordance with chapter 17.224;
- I. Group domiciliary care facilities.

(Ord. 1786 § 13 (part), 2000; Prior code § 150-28)

17.160.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Care home, in accordance with chapter 17.220;
- B. Church and other place of worship on a lot size of less than five acres, in accordance with chapter 17.220, excluding bus storage and maintenance, cemetery, day-care center, school of general instruction and gymnasium as accessory uses;
- C. Church and other place of worship on a minimum lot of five (5) acres, in accordance with chapter 17.220, including an activity building with offices and meeting rooms, cemetery, day-care center, school of general instruction and gymnasium as accessory uses;
- D. Day-care facilities for the elderly and handicapped.
- E. Solar Farm.
- F. Clinic – Residential in the R-5A district on a minimum lot of one (1) acre, in accordance with a comprehensive site plan, as approved by the Planning Commission, with the following:**
 - 1. Medical and dental clinic and office in 17.196.030 shall be used to determine parking space requirements,**
 - 2. Screening from adjoining residential uses shall consist of a fence six feet in height and a twenty-foot-wide landscaped area shall be included on the comprehensive site plan approved by the Planning Commission, and**
 - 3. A sign plan shall be approved by the Planning Commission, in accordance with 17.216.120.**

(Ord. 1786 § 13 (part), 2000; Prior code § 150-29)

(Ord. No. 2410, 1-9-2017)

17.160.040 Uses permitted by ordinance permit.

Uses permitted by ordinance permit by the city council shall be as follows:

- A. Day-care center or nursery school, in accordance with chapter 17.220;
- B. Utility substation, in accordance with chapter 17.220.

(Prior code § 150-30)

17.160.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing on the same lot with a church or other place of worship, meeting lot area and/or standards required for each individual use;
- B. Home occupation;
- C. Home office;
- D. Family day-care home;

- E. Office within an apartment or townhouse project solely for the purpose of ongoing management and rental or a temporary sales office in conjunction with model units until all units in the project have been sold;
- F. Private garages and other accessory uses normally associated with residential use, such as but not limited to detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;
- G. Rental of guest rooms to not more than two roomers in a single-family detached dwelling on a minimum lot of five thousand (5,000) square feet which is occupied by a family related by blood, marriage or adoption, provided that one (1) additional parking space for each roomer shall be provided in the rear yard;
- H. Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line, where such recreation vehicles and boats are for the use and enjoyment of the resident thereon;
- I. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.

(Prior code § 150-31)

17.160.060 Development standards.

Development standards for the R-5A, R-8A and R-10A residential districts shall be as follows:

- A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:

- 1. All lots except for two-family dwellings:

District	Lot Area (square feet)	Interior Lot Width (feet)	Corner Lot Width (feet)
R-5A	5,000	50	65
R-8A	8,000	60	75
R-10A	10,000	70	85

- 2. Lots for two-family dwellings:

District	Lot Area (square feet)	Interior Lot Width (feet)	Corner Lot Width (feet)
R-5A	9,000	60	75
R-8A	11,700	70	85
R-10A	15,000	80	95

- B. Minimum yard and setback requirements shall be as follows:

- 1. Front: twenty-five (25) feet;
- 2. Rear: thirty (30) feet;
- 3. Side: ten feet each; two required.

- C. Height Limitations.

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1. The height limitation for principal buildings and structures shall be forty (40) feet.
 2. The height limitation for accessory buildings and structures shall not exceed twenty (20) feet in height.
- D. Parking shall be provided in accordance with chapter 17.196.
1. No motor vehicle, whether operable or inoperable, shall be parked in the front yard of any residence unless the same shall be positioned in a driveway or designated parking area with continuous access to a public street.
 2. No outside storage of trucks or vans used in the conduct of business shall be permitted.
- E. No more than one principal use shall be permitted on an individual lot.
- F. Accessory Buildings and Structures.
1. No part of any accessory building or structure shall be located closer than five feet to a front and side property line. On a corner lot, no accessory building shall be located closer than twenty-five (25) feet to a lot line of an abutting street.
 2. No accessory building or structure shall occupy more than fifty (50) percent of the required rear or side yard area.
 3. Swimming pools may be constructed in the rear yard or in a side or front yard on a corner lot, no closer than twenty-five (25) feet to any curblineline or property line if no curblineline exists; provided, that the combined total coverage of a swimming pool and all accessory buildings or structures, including those allowed to project into yards, shall not occupy more than seventy-five (75) percent of the required rear or side yard.
- G. Signs. All signs shall be in accordance with the provisions of chapter 17.216.
- H. Landscaping or Screening.
1. Either landscaping or screening shall be provided for all uses in accordance with the provisions of chapter 17.220;
 2. In addition to the requirements of chapter 17.220, all areas not devoted to building or required parking areas shall be landscaped as defined in section 17.04.120 and maintained in accordance with section 17.220.080.
- I. Related Requirements.
1. The provisions of chapter 17.04, Article IV, where applicable, shall apply to all uses and structures relative to vision at intersections, height exceptions, yard exceptions, fences and walls, airport height limitations and historic or religious monuments, markers or shrines.
 2. Projections into yards may be allowed in accordance with the provisions of chapter 17.04, section 17.04.230.

(Ord. 1952 (part), 2005; Ord. 1774 (part), 2000; Ord. 1720 (part), 1999; Ord. 1599 § 16 (part), 1995; prior code § 150-32)



City of
Salisbury
John "Jack" R. Heath, Mayor

To: Andy Kitzrow, City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development
Date: July 21, 2023
Re: Ordinance to convert Calvert St from US 13 Business to Poplar Hill Ave to one-way traffic

Salisbury Department of Infrastructure and Development requests consideration to convert a block of Calvert St to one-way westbound traffic from US 13 to a point 300' west.

This configuration will increase safety at US 13 Business by eliminating a common cause of crashes in the area, improve operations at the intersection and allow the City to convert underutilized space to new on-street parking. Although the left turn from Calvert St onto US 13 Business is currently prohibited, it is frequently conducted illicitly causing continued risk to travelers on US 13 Business. This further modification will allow the City to ensure that the movement is nearly impossible to make, increasing safety.

To accommodate parking lot access for both the State's Attorney Office and Lot 10, the City will continue to allow two-way traffic up to those accesses just east of Poplar Hill Ave, and signage, striping and concrete delineation will be utilized to ensure that this new pattern is respected and known.

The Department of Infrastructure and Development recommends approval of the attached ordinance to increase traffic safety..

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

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

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John R. Heath, Acting Mayor

INTER

OFFICE

MEMO

Finance Department

To: Andy Kitzrow, City Administrator
From: Keith Cordrey, Director of Finance
Subject: Budget Ordinance – Legal Services
Date: August 15, 2023

KAC

The City is anticipating requiring the services of a special counsel for labor training and negotiations connected with the adoption of the new labor code. Please find attached an ordinance that appropriates \$50,000 for these services.

Unless you or the Mayor has further questions, please forward this Ordinance to the Salisbury City Council.

48 of the Ordinance having been published as required by law, in the meantime, was finally passed by the
49 Council of the City of Salisbury on the _____ day of _____, 2023.

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51 **ATTEST:**

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56 **Kimberly R. Nichols, City Clerk**

_____ **Muir W. Boda, City Council President**

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

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John R. Heath, Acting Mayor

INTER

OFFICE

MEMO

Finance Department

To: Andy Kitzrow, City Administrator
From: Keith Cordrey, Director of Finance
Subject: Resolution to appoint Special Council
Date: August 17, 2023

KAC

The City is anticipating requiring the services of a special counsel for labor training and negotiations connected with the adoption of the new labor code. Please find attached a Resolution which, if passed by City Council, will appoint the law firm of Saul Ewing, LLP to serve as special counsel for the City, pursuant to Article IX of the City Charter.

Unless you or the Mayor has further questions, please forward this Ordinance to the Salisbury City Council.



City of
Salisbury
Jacob R. Day, Mayor

July 31, 2023

TO: Andy Kitzrow
FROM: Colonel David Meienschein
SUBJECT: Ordinance – Budget Amendment

Attached is an ordinance to accept funds from the Blue Heron Agility Association of Delaware in the amount of \$4,000 to be used for the purchase of a K-9 Vest.

I am requesting these funds to be put into our animal supplies account 21021-546010 which will be used to purchase the Police K-9 Bullet Proof Vest.

Unless you or the Mayor has further questions, please forward this Ordinance to the City Council.

David Meienschein
Acting Chief of Police

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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SALISBURY TO APPROVE A BUDGET AMENDMENT OF THE FY24 GENERAL FUND BUDGET TO APPROPRIATE FUNDS RECEIVED FROM THE BLUE HERON AGILITY ASSOCIATION OF DELAWARE.

WHEREAS, the Blue Heron Agility Association of Delaware wishes to donate \$4,000.00 to the Salisbury Police Department to be used for the purchase of police K-9 bullet proof vests; and

WHEREAS, this donation will provide a direct benefit to the Salisbury Police Department K-9 program and, accordingly, the Salisbury Police Department desires to accept this donation; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into an agreement that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury; and

WHEREAS, appropriations necessary to execute the purpose of this donation 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 2024 General Fund Budget be and hereby is amended as follows:

(a) Increase General Fund Revenue, Donations Other, Acct. No. 01000-456415, by \$4,000.00; and

(b) Increase Police Department, Animal Supplies, Acct. No. 21021-546010, by \$4,000.00.

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

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

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

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

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

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the ____ day of _____, 2023 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

Muir W. Boda, City Council President

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

John R. Heath, Acting Mayor