

ORDINANCE NO. 2814

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 17.76.020A. OF THE SALISBURY CITY CODE TO ADD SERVICE, RENTAL AND REPAIR ESTABLISHMENTS TO THE CATEGORY OF USES PERMITTED IN THE LIGHT INDUSTRIAL 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 in the Light Industrial zoning district currently includes a myriad of uses, including manufacturing, laboratory, warehousing, services and offices. The inclusion of service, rental and repair establishments would provide additional, but still substantially similar, uses in the Light Industrial zoning 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 17.76.020A. of the Salisbury City Code to permit service, rental and repair establishments in the Light Industrial 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 17.76;

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 March 16, 2023;

WHEREAS, at the conclusion of its March 16, 2023 meeting, the Planning Commission recommended, by a vote of 5-0, that the amendments to Section 17.76.020A of the Salisbury City Code set forth herein be approved by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that the amendments to Section 17.76.020A 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 17.76.020A of the Salisbury City Code, entitled “Permitted Uses” shall be amended as follows:

Chapter 17.76 LIGHT INDUSTRIAL DISTRICT

17.76.020 - Permitted uses.

A. Permitted uses shall be as follows:

1. Garage for the repair, storage and maintenance of motor vehicles;
2. Beverage blending or bottling, manufacture of bakery products, candy, dairy products and ice cream; but not distilling of beverages or processing of or bulk storage of grain or feed for animals or poultry;
3. Carbon paper and inked ribbon manufacture;
4. Compounding of cosmetics, toiletries, drugs and pharmaceutical products;
5. Construction contractor's establishment;
6. Data processing and computer center;
7. Greenhouse, wholesale;
8. Ice manufacture, sales and distribution;
9. Industrial vocational training school;
10. Laboratory for research, experimenting and testing, but not for testing explosives or other hazardous materials;
11. Laundry and linen service;
12. Leather goods manufacture, but not including tanning operations;
13. Manufacture, assembly and repair of boxes, furniture, cabinets, baskets and other wood products of similar nature;
14. Manufacture and assembly of bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical appliances, tools, pumps, dies, machinery, hardware, wire and sheet-metal products;
15. Manufacture and assembly of heating, ventilating, cooking and refrigeration supplies and appliances;
16. Manufacture and assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus;
17. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, yarn, thread, cordage and fabrics, and printing and finishing of textiles and fibers into fabric goods;
18. Manufacture and assembly of products from plastic;
19. Manufacture and assembly of shipping containers (corrugated board, fiber- and wire-bound);
20. Offices and office building;
21. Photographic processing and blueprinting establishment;
22. Plating, electrolytic process;

23. Plumbing supplies, manufacture;
24. Printing, bookbinding and publishing establishment;
25. Radio and television broadcasting station and studio;
26. Wholesale merchandising and warehousing;
27. Fabrication and assembly of burial vaults, home steps, parking bumpers, walkway and patio blocks and other similar items from concrete, excluding the fabrication and assembly of blocks, bricks, culverts, cylinder pipe, columns, pilings, silos, storage tanks, prestressed panels, pods, modules or similar building materials from concrete, with no manufacture of concrete on the premises (must be delivered to the site);
28. Animal hospital;
29. Planned business center, in accordance with chapter 17.172;
30. Indoor recreational facilities;
31. Schools of special instruction;
32. Multi-use facility;
33. Church or other place of worship;
34. Hairdresser shop;
- 35. Service, rental or repair establishments, limited to laundry or laundromat, automobile rental, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, pet-grooming shop, upholstery shop, tailor and tattoo parlor.**

B. Uses permitted by special exception shall be as follows:

1. Restaurant;
2. Gasoline service facilities with convenience goods clearly incidental to the gas facility;
3. Day-care center or nursery school in accordance with chapter 17.220;
4. Day care facilities for the elderly and handicapped;
5. Outdoor storage yard, in accordance with section 17.220.040.

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 10th day of July, 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 14th day of August, 2023.

ATTEST:

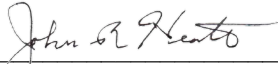


Kimberly R. Nichols, City Clerk



Muir W. Boda, City Council President


Approved by me, this 17th day of August, 2023.



John R. Heath, Acting Mayor



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

To: Andy Kitzrow, City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development 
Date: May 31, 2023
Re: Zoning Code Text Amendment Amending Section 17.76.020

Laws, Insley & Benson, P.A. applied for a text amendment to permit service, rental or repair establishments in the Light Industrial zoning district.

Following staff review the text amendment to section 17.76.020 was prepared by the City Attorney. The Planning Commission held a public hearing and forwarded a favorable recommendation to the City Council on March 16, 2023.

1. Ordinance for a text amendment to Zoning Code in Title 17 Zoning.
 - a. Amending Section 17.76.020A. of the Salisbury City Code, entitled "Permitted uses," to add service, rental or repair establishments as a permitted use in the light industrial zoning district.

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

Attachments:

1. – Draft Ordinance
2. – Planning Commission Staff Report



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

Meeting of March 16, 2023

I. BACKGROUND INFORMATION:

Applicant: Laws, Insley & Benson, P.A.

Infrastructure and Development Project No.: 202300047

Nature of Request: Public Hearing - Text Amendment - To amend Title 17, Zoning Section 17.72.020A. – Permitted Uses

II. REQUEST:

Laws, Insley & Benson, P.A., on behalf of Artistic Creations, Inc., has submitted a request to amend the text of Title 17, Zoning to include the following language (**Attachment 1**):

In Section 17.76.020 A. 35.: Service, rental or repair establishment.

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

III. DISCUSSION:

The proposed amendment to allow a service or repair establishment within the Light Industrial Zoning District would be similar in nature to other uses already permitted either inherently or by special exception within the district. Currently, “service-type” uses, such as restaurants, daycare centers, hairdressers, repair shops, and automotive services, to name a few are permitted in the Light Industrial Zoning District. Adding “service or repair establishment” as an inherently permitted use would be a natural progression in

amending the Zoning Code to include more services in the Light Industrial zoning district. As the majority of the Light Industrial district is located in the Northwood Drive area, the proposed amendment to provide additional service-type uses will help cater to employees who work not only in this district but also in nearby General Commercial and Industrial Park zoning districts.

IV. PLANNING AND ZONING:

Since the current edition of the Salisbury Zoning Code was written in 1983, there have been changes in the perception of tattoos, both on a national and local level. The industry has made a dynamic shift to cultural acceptance of tattoos, which includes cosmetic and medical tattoos; a service which will be offered at the applicant's establishment. At the time the Zoning Code was written, a service such as a tattoo parlor was never considered, and was not listed as a specific permitted use anywhere in the City, although similar types of services are allowed in various zoning districts. Despite the fact that several services are permitted in the Light Industrial district, other appropriate service uses are currently not listed as a permitted use. The proposed amendment will help to correct this oversight.

V. 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 amendment that would inherently permit a **Service, rental or repair establishment** in the Light Industrial zoning district, as follows:

AMEND SECTION 17.76.020 A. Permitted Uses, by adding the following item:

35. Service, rental or repair establishments, limited to laundry or laundromat, automobile rental, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, pet-grooming shop, upholstery shop, tailor, and tattoo parlor.

LAW OFFICES

LAWS, INSLEY & BENSON, P.A.

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RICHARD E. CULLEN
(1914-1993)

VICTOR H. LAWS
(1919-2017)

Writer's E-Mail Address:
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Via Hand Delivery
January 19, 2023

Mr. Henry Eure
Project Manager, Department of Infrastructure and Development
City of Salisbury
125 North Division Street, Room 202
Salisbury, Maryland 21801

Dear Henry:

Following up our telephone conversation, this office represents Artistic Creations, Inc., a Maryland corporation engaged in tattoo artwork and related services. The corporation has leased premises located at 620-B Naylor Mill Road in Salisbury located in the Light Industrial zoning district. The Light Industrial district makes no provision for tattoo studios as a permitted use, use by special exception or use by ordinance permit. None of the City of Salisbury zoning districts deal with tattoo artistry and related services specifically, even though a number of such businesses are located in the city and tattooing practices have become much more prevalent in recent years.

For these reasons, our client asks the city to adopt a text amendment to permit such uses in the Light Industrial district. One way forward would be to add to the list of permitted uses in the Light Industrial district a provision for "service or repair establishments" similar to the use allowed in the general commercial district found at 17.36.20.A(31) of the zoning code.

I am enclosing a check for \$200.00 which I understand is the application fee to seek a text amendment. If you need other or further information to move this application forward, please let me know. Please also advise as to the date that this will go to the planning commission; I understand March 16 is a likely date.

Attachment 1

Mr. Henry Eure
Project Manager, Department of Infrastructure and Development
City of Salisbury
January 19, 2003
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Thanks for your courtesy and cooperation.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "VHLIII", with a long horizontal flourish extending to the right.

Victor H. Laws, III

VHLIII/cms
Enclosure
File No. 44,157

cc: Artistic Creations, Inc.