



JACK R. HEATH  
ACTING MAYOR  
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CITY ADMINISTRATOR

# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
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JULIE M. GIORDANO  
COUNTY EXECUTIVE  
BUNKY LUFFMAN  
DIRECTOR OF ADMINISTRATION

## SALISBURY-WICOMICO COUNTY PLANNING AND ZONING COMMISSION

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### AGENDA

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**REGULAR MEETING**

**June 15, 2023**

ROOM 301, THIRD FLOOR  
GOVERNMENT OFFICE BUILDING

**1:30 P.M.** Convene, Chip Dashiell, Chairman

**Minutes – Meeting of May 18, 2023**

**1:35 P.M. PUBLIC HEARING – TEXT AMENDMENT** – City of Salisbury Zoning Code – Amending Chapter 17.04.120 – Definitions and Chapter 17.160 – R-5A, R-8A and R-10A Residential Districts – To include a community clinic. (B. Soper)

**REVISED COMPREHENSIVE DEVELOPMENT PLAN AND PALEOCHANNEL PROTECTION SITE PLAN APPROVAL – CENTRE AT SALISBURY** – Cross Architects for Caliber Collision/Salisbury Mall Realty Holding, LLC – 2306 N. Salisbury Blvd. (SW Corner of N. Mall Drive & East Naylor Mill Road – General Commercial Zoning District – M-0119, G-0015, P-0237 - Case #202300548 (H. Eure)

**REVISED FINAL COMPREHENSIVE DEVELOPMENT PLAN WELLHEAD PROTECTION SITE PLAN APPROVAL – THE CROSSING AT SUMMIT POINTE** – Parker and Associates for Attar Enterprises, LLC – Parker Road, Old Ocean City Road, and Beaglin Park Drive – R-10A Residential Zoning District – M-0038, G-0012, P-0110, 295, & 429 - Case #202300605 (H. Eure)

**COMPREHENSIVE SITE PLAN APPROVAL – CELTIC INSURANCE** – 542 Snow Hill, LLC – 526 - 542 Snow Hill Road – General Commercial Zoning District – M-0112, G-0016, P-1901 & 1902 - Case #202300606 (H. Eure)



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## MINUTES

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The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on May 18, 2023 in Room 301, Council Chambers, Government Office Building with the following persons participating:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
Muir Boda  
Joe Holloway  
Mandel Copeland  
Kevin Shertz

### PLANNING STAFF:

Brian Soper, City of Salisbury, Department of Infrastructure and Development ("DID")  
Henry Eure, DID  
Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")  
Gary Pusey, Planning Services Manager  
Ben Zito, PZCD  
Clark Meadows, PZCD  
Janae Merchant, PZCD

Laura Hay, City of Salisbury, Department of Law  
Paul Wilber, County Attorney

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The meeting was called to order at 1:30 p.m. by Chairman Dashiell.

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**MINUTES:** The minutes from April 20, 2023 were brought forward for approval. Mr. Joe Holloway abstained from approving the minutes. Mr. Muir Boda submitted a motion to approve, seconded by Mr. Mandel Copeland and duly carried. The minutes from April 20, 2023 meeting were **APPROVED** as submitted.

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**PUBLIC HEARING – TEXT AMENDMENT – Jerry and Joan Matyiko, represented by Michael E. Crowson, Esq. – To Amend Section 225-12, Lots Divided by Zoning District Boundary Lines – To allow uses in a**

**Zoning District that covers the majority of the land area of a parcel to extend over the entire parcel – WP-2304 (G. Pusey, B. Zito)**

Mr. Paul Wilber read the advertisement for the Public Hearing.

Mr. Henry Eure administered the oath to Mr. Gary Pusey, Mr. Ben Zito, Mr. Clark Meadows, Mr. Michael Crowson, from The Law Firm of Shaw and Crowson, P.A., and Mr. Jerry Matyiko.

Mr. Pusey presented the Staff Report.

Michael E. Crowson, Esq., on behalf of Jerry and Joan Matyiko, has submitted a request to amend the text of Section 225-12 of the Zoning Ordinance that addresses how zoning is applied to lots that are divided by zoning district boundary lines. The Applicants propose to eliminate the two-acre distinction, and to allow the zoning district that covers the majority of the lot to apply to the entire parcel, but only if a Site and Landscaping Plan for the proposed use is approved by the Planning Commission. These Plan approvals would not be necessary if the proposed use is residential.

The current text reads as follows:

1. For lots two (2) acres in size or less, the zoning district that covers the most land area applies to the entire parcel; and
2. For lots greater than two (2) acres in size, the zoning that covers each portion of the lot applies, so that essentially the lot is subject to two (2) zoning districts.

The Applicants proposed the text be amended to read as follows:

**§ 225-12 Lots divided by zoning boundary lines.**

Whenever a single lot is located within two or more different zones, the zoning regulations applicable to the zone which constitutes the larger portion of the lot **AS DETERMINED BY THE DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT MAY** apply to the entire lot.

The Staff analyzed the zoning map and determined there were fifty-eight (58) parcels this amendment could affect. For example, twenty-five (25) of the parcels involve the A-1, Agriculture-Rural District in combination with either Town Transition, the Rural Village, or the Light Business and Institutional District. Another twenty-three (23) have either Light or Heavy Industrial zoning combined with commercial or residential zoning, and the remaining split zoning parcels primarily have two (2) different residential zoning districts.

After consulting the County Attorney's Office, the Staff generally supported the revision of this Section of the Code, as it is not good zoning practice to have parcels split into different zoning districts. Staff believes the Zoning Code's current regulations are satisfactory without requiring site and landscaping plans to come before the Planning Commission for approval. Instead, the plan would be reviewed administratively by the Planning Department to ensure all Code requirements were met as it related to setbacks and landscaping.

The Planning Staff recommended for the Commission to forward a favorable recommendation to the Wicomico County Council for the amendment proposed.

Also recommended by the Staff was to include wording giving the Planning Department the

authority to determine which zoning district covers a majority of a lot when there was more than one zoning district.

Mr. Crowson reiterated the purpose of the Text Amendment and added it would leave the decision up to the property owner to decide whether to leave the multiple-zoned parcels as is or request one (1) zone for all parcels. This change applies to non-residential uses only.

Chairman Dashiell inquired if Mr. Crowson and his client agreed with the recommended changes to the wording of the amendment as stated. Mr. Crowson said they agreed. Chairman Dashiell added these changes would simplify the process going forward.

Mr. Kevin Shertz asked if there was a count for the number of parcels that are under two (2) acres. Mr. Pusey said they did not have a count. Mr. Shertz raised the point that this amendment takes the under two (2) acres situation and turns it into a **“MAY”** from a **“SHALL.”**

As there were no additional comments, Chairman Dashiell said they would entertain a motion to forward a favorable recommendation to the Wicomico County Council for the amendment as proposed in the Staff Report by the County Staff. Mr. Joe Holloway entered a motion to approve then it was seconded by Mr. Kevin Shertz and duly carried, the Commission approved the Text Amendment.

Chairman Dashiell stated the motion was **APPROVED**.

Chairman Dashiell closed the Public Hearing at 1:47 p.m.

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**REVISED SIGN PLAN – COLLEGE SQUARE SHOPPING CENTER – BioLife Plasma Services, rep. by H and M Signs – 125 W. College Avenue – General Commercial Zoning District – M-0115, G-0015, P-2949 - #202300304 (H. Eure)**

Mr. Henry Eure presented the Staff Report.

The applicant submitted a Revised Sign Plan to install a new “BioLife Plasma Services” wall sign on the primary building at College Square shopping center.

In March 1998, the Planning Commission approved the construction of College Square shopping center; a Sign Plan was approved in July 1998; and the most recent amendment came in December 2015. The proposed sign for “BioLife” will be 180 sq. ft., with a maximum letter height of 7 ft.; the height is twice the height allowed for non-anchor tenants. The current approved standards for non-anchor tenants is as follows:

- A. Wall signage a maximum of 42 inches in height, with a length not exceeding 75% of the tenant space storefront.
- B. Wall signs shall be individual channel letters on a raceway, with exceptions granted by the Planning Commission. The approved colors are black, white, red, green, blue, yellow, orange and fuchsia.

Planning Staff indicated the large sign proposed is unnecessary and recommended denial of the Revised Sign Plan for BioLife Plasma Services wall sign as submitted. A sign that complied with current approved non-anchor tenant standards was sufficient for identification, as evidenced by existing signage.

Mr. Holloway added the applicant was not present to plead their case. Chairman Dashiell believed the proposed sign was excessive.

As there were no additional comments, Chairman Dashiell said they would entertain a motion to deny the Revised Sign Plan for BioLife Plasma Services wall sign as submitted. Mr. Holloway entered a motion to deny then it was seconded by Mr. Mandel Copeland. Chairman Dashiell, Mr. Shertz, Mr. Copeland and Mr. Holloway voted aye and Mr. Muir Boda voted nay.

Chairman Dashiell stated the motion was **APPROVED**.

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**REVISED SIGN PLAN – THE CENTRE AT SALISBURY SHOPPING CENTER – Banfield Pet Hospital, rep. by MRC Signs – 2320 N. Salisbury Blvd. – General Commercial Zoning District – M-0119, G-0015, P-0237 - #202300357 (H. Eure)**

Mr. Eure presented the Staff Report.

The applicant proposed to install two (2) new "Banfield Pet Hospital" wall signs on the existing freestanding building formerly occupied by Pier 1 Imports on outparcel #3 at The Centre at Salisbury.

In December 1992, the Planning Commission granted approval for the Pier 1 Imports retail store, which included three (3) Pier 1 signs. In July 2021, the Planning Commission forwarded a favorable recommendation to the City Council to amend the City's Zoning Code to allow an animal hospital as a permitted use within shopping centers with the anticipation Banfield would occupy this specific location. The applicant submitted a revised plan for Banfield with wall signs on the front and west facing Rt. 13, and orange will be introduced as a new color. The applicants are not proposing a third sign on the east elevation as previously existed for Pier 1.

Planning Staff recommended approval of the Revised Sign Plan for Banfield Pet Hospital as submitted.

As there were no comments, Chairman Dashiell said they would entertain a motion to approve the Revised Sign Plan for Banfield Pet Hospital as submitted. Mr. Boda entered a motion to approve then it was seconded by Mr. Holloway and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

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**PRELIMINARY/FINAL SUBDIVISION PLAT APPROVAL – HERITAGE – Heritage Revival Holdings LLC, rep. by Parker and Associates – Pemberton Dr. and Culver Rd. – R-8A Residential Zoning District – M-0037, G-0018, P-0144 - #21-046 (H. Eure)**

Mr. Brock Parker, from Parker and Associates, joined Mr. Eure at the discussion table.

Mr. Eure presented the Staff Report.

The applicant requested final subdivision approval of approximately 55-acre parcel into 308 lots consisting of 133 single family lots and 175 townhouse lots. All lots will have frontage on interior streets,

and meet minimum width and area standards as required by the Zoning Code. A Final Comprehensive Development Plan was approved for the project in April 2023.

Planning Staff recommended granting approval of Final Plat for Heritage, subject to the five (5) conditions listed below.

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The Final Plat shall comply with all requirement of the Forest Conservation Program.
4. A Homeowner's Association shall be created to maintain the open space, recreation, and stormwater management facilities, drainage and maintenance easements and forest conservation easements.
5. This approval is subject to further review and approval by the Salisbury DID.

Mr. Parker added there have been several times this development has come to the City but he believes they are far enough along to seek final approval.

Mr. Holloway inquired about the Homeowners Association (HOA) voting themselves out of existence and how would that be handled in this case or others where we have indicated an HOA should be created. Ms. Laura Hay responded saying there are a couple different situations that could occur but it depends on the cause of the Association being discontinued. Mr. Boda added he has experienced situations with HOA's while on the City Council. One of them did not maintain their stormwater area so the City stepped in to create the HOA.

Chairman Dashiell stated this is a major subdivision and it will have a positive impact on the community.

As there were no additional comments, Chairman Dashiell said they would entertain a motion to grant Final Plat Approval for Heritage subject to the five (5) conditions mentioned in the Staff Report. Mr. Holloway entered a motion to approve then it was seconded by Mr. Boda and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

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**PRELIMINARY COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – MILL POND VILLAGE PHASE III – Salisbury 77 LLC, rep. by Parker and Associates – Jasmine Dr. and Mill Pond Ln. – General Commercial Zoning District – M-0101, G-0018, P-5489, Lot – 4A - #23-007 (B. Soper)**

Mr. Parker was joined by Mr. Brian Soper. Mr. Soper presented the Staff Report.

Parker and Associates, on behalf of the owner, submitted a narrative and a Preliminary Comprehensive Development Plan for a four-story, 80-unit apartment building adjacent to the existing Mill Pond Village development. Mr. Soper added, there have been no approvals for this Parcel but there have been for Mill Pond adjacent.

Staff presented the Comprehensive Development Plan Review. These included the Site Plan, Building Elevations, Landscaping Plan, Development Schedule, Community Impact Statement, Statement of Intent to Proceed and Financial Capability, Forest Conservation Program and Transportation, Streets, and Pedestrians.

Planning Staff recommended granting approval of the Preliminary Comprehensive Development Plan for Mill Pond Village Phase 3, subject to the five (5) conditions listed below.

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan.
2. Provide a Development Schedule and number of students to the Board of Education.
3. Obtain a special exception for the density increase from the Salisbury Board of Appeals.
4. Waive the Statements of Intent to Proceed, Financial Capability, and Community Impact Statement requirements based upon the staff report.
5. This approval is subject to further review and approval by the Salisbury DID, the Salisbury Fire Department, and other agencies as appropriate.

This is the first project Mr. Parker worked on when he started at Parker and Associates. They are seeking a special exception for this phase to boost it to 13.72 units on an acre. They chose the identical building used for Addison; four-story product with 80 units per floor. Like Addison, this will have a conditioned hallway, which is like a hotel with the halls air-conditioned. The unit doors will open to a conditioned hallway and it will be an elevator-served building. All residents will have access to two pools, all the community amenities, and open spaces in both sections. Mr. Parker understands the Fire Department may have concerns with the long dead-end roads/parking courts so he believes there will be an outlet onto Jasmine Drive to assist the Fire Department in getting in and out.

Chairman Dashiell added the landscaping plan is in line with what has been previously done. Mr. Parker said they will clear up the plan and also tie it into the first section.

Mr. Shertz inquired about the stormwater draining into the existing pond. He used to live in the first building next to the stormwater in 2018 and they had problems with stormwater and rain events would flood that area. Mr. Parker said DID commented on it as well, they are enlarging the pond and resetting the control structure to lower the flood elevations. Also providing the pinprick infiltrators which will take off the top of the storms.

As there were no additional comments, Chairman Dashiell said they would entertain a motion to approve the Preliminary Comprehensive Development Plan for Mill Pond Village Phase III subject to the five (5) conditions mentioned in the Staff Report. Mr. Holloway entered a motion to approve then it was seconded by Mr. Shertz and duly carried.

Chairman Dashiell stated the motion was **APPROVED**.

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## **DISCUSSION – Community Clinic in R-5A Text Amendment – (B. Soper)**

Mr. Mark Cropper, attorney for TidalHealth, and Mr. Kevin Parsons, from Becker Morgan, joined Mr. Soper at the discussion table.

Mr. Soper read the memorandum.

TidalHealth has requested a text amendment to Chapter 17.160 R-5A Residential District to allow

for a community clinic as a special exception in the R-5A district. TidalHealth has purchased the property known as Hotel Esther on East Church Street as a location for the community clinic.

Mr. Soper said Staff and Becker Morgan had discussed this Text Amendment and Staff did some research on the request. They believe they will be seeing this pattern across the country in the future as they try to drive healthcare towards the people who need it. The Clinic will include outpatient diagnostic examinations, behavioral and mental health counseling, in-house bloodwork services, and a community group wellness education center.

Mr. Soper added everything has been resolved with Maryland Historical Trust. He believes it is a prominent investment in this community and it could be a cornerstone for some revitalization.

Mr. Cropper reminded the Planning Commission this request is enabling legislation, it simply would allow TidalHealth to make an application with the Board of Appeals and make a case before the Board that is site specific. The Board would then determine, based on the characteristics of the site for the use, and if there would be any impact on the neighboring property owners.

Mr. Holloway suggested, due to the climate of the neighborhood, landscaping should be kept to a minimum. Doctors, nurses, and staff will be entering and exiting at all times of the day so landscaping should not allow for people to hide.

Mr. Boda asked about maintaining the historical aspects of the building. Mr. Parsons added they are looking to architecturally fit into the neighborhood but the name would not be kept. Mr. Cropper said it was early on in the project so TidalHealth has not gotten to this point of the project. Mr. Boda suggested they reach out to the community for input on the project. Chairman Dashiell said historical preservation is important and change does happen. He believes it would be good for the clinic to maintain some historical information on the hotel. He is intrigued by medical care being available within the community to alleviate the burden in hospitals and emergency rooms, for instance, if there was another pandemic.

Mr. Shertz inquired about the terminology of "community-based medical clinic" and it being a trend in the future. He wanted to know if a definition had been created for this type of clinic. Mr. Soper responded stating the task ahead, with Mr. Cropper, is to define community clinics and define the services that could be provided then adding it to the Code. He was not aware of any licensing and that would be the responsibility of TidalHealth.

Chairman Dashiell added that it should be a welcoming facility and they should be glad to be in the community. He looks forward to adding more input as the project continues.

A Public Hearing is scheduled for the next Planning Commission meeting on June 15, 2023.

The Discussion ended at 2:37 p.m.

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## **STAFF ANNOUNCEMENTS**

Mr. Soper thanked the Commission for their input on the Text Amendment and he believes he received good information for consideration. Also, the Comp Plan RFP bid period has closed, they received three (3) bids that are currently being evaluated. Due to the fact the bids are very large, they



hope to have the evaluations done by the first full week of June; they hope to announce the City has a consultant at the next Planning Commission meeting. All three (3) firms have Maryland experience and two (2) have experience with completing projects on the shore.

Ms. Carter thanked everyone for their time and commitment to service. She announced we are losing Mr. Ben Zito to Dorchester County as of May 26<sup>th</sup> and we will search for a new Preservation Planner. Chairman Dashiell said Mr. Zito will be missed and his involvement with the Commission was appreciated; best wishes were extended.

We were visited by our friend and colleague, Mayor Heath.

Chairman Dashiell welcomed Mr. Holloway back and added Mrs. Holloway was doing better.

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Upon a motion by Mr. Boda, seconded by Mr. Copeland, and carried unanimously, the Commission meeting was adjourned at 2:40 p.m.

The next regular Commission meeting will be on June 15, 2023.

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This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Wicomico County Department of Planning and Zoning, and Community Development Office.

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Charles "Chip" Dashiell, Chairman

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Lori A. Carter, MBA, Secretary

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Janae Merchant, Recording Secretary



**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.

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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%;

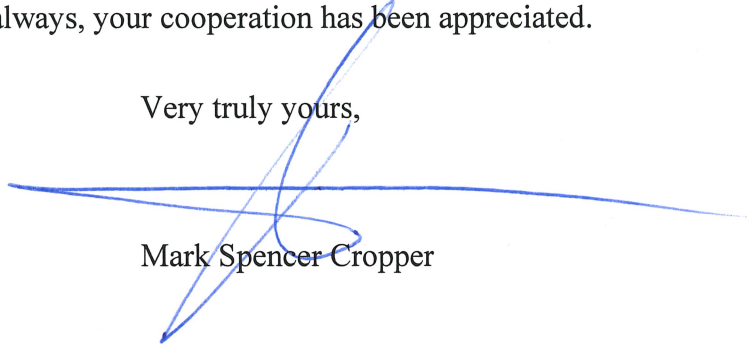
E. Parking shall only be permitted on two sides of the building where determined by the Planning Commission;

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,

A handwritten signature in blue ink, appearing to read "Mark Spencer Cropper", is written over the typed name. The signature is stylized and somewhat illegible due to the ink bleed-through and overlapping lines.

Mark Spencer Cropper

cc: Tom Anderson  
Jeff Harman

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### 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.

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"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;

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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



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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.

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"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.

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"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

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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.

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"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.

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"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.

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"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.



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"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.

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"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,

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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.

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"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.

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"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)

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### **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;

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(Supp. No. 21)

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- 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)

## Infrastructure and Development Staff Report

June 15, 2023

### I. BACKGROUND INFORMATION:

Project Name: Caliber Collision

Applicant/Owner: Cross Architects for Caliber Collision/Salisbury Mall Realty Holding, LLC  
Infrastructure and Development Case No.: 202300548

Nature of Request: Revised Comprehensive Development Plan and Paleochannel Protection  
Site Plan Approval

Location of Property: 2306 N. Salisbury Blvd. (SW corner of N. Mall Dr. & E. Naylor Mill Rd.)  
Existing Zoning: General Commercial

### II. SUMMARY OF REQUEST:

A Revised Comprehensive Development Plan has been submitted for renovations to the former Sears Automotive store, located on the south side of North Mall Drive, between Centre Drive and East Naylor Mill Road (Parcel 5). A narrative, owner approval and various plans were submitted as part of the request. **(Attachments 1 & 2)**

### III. DISCUSSION:

The applicants propose to convert the former Sears Automotive store into an automobile repair facility. **(Attachment 3)** The approximate 16,700 sq. ft. of the building will be renovated, with four repair bays and a paint booth. An enclosed outdoor storage area is also proposed.

### IV. APPROVAL HISTORY:

The Centre at Salisbury Shopping Center and adjoining outparcels has an extensive history, beginning in 1987, when the Salisbury Board of Zoning Appeals granted the original Special Exception for the mall's construction, which was completed in 1990, and included the Sears Auto Center. A number of approvals for the mall and outparcels have been granted by the Planning Commission since that time, most recently in May of 2023 for a revised sign plan for Banfield Pet Hospital. However, the subject building and outparcel have remained unchanged since the original approvals.

## V. COMPREHENSIVE DEVELOPMENT PLAN REVIEW:

The Shopping Center standards of the Zoning Code require a Comprehensive Development Plan for shopping center development and/or modification. Staff notes the following with regard to Zoning Code requirements:

### A. Parking

The originally approved parking plan included 83 spaces on the site. The proposed site plan reduces that number to 42 available spaces. The eliminated spaces will be repurposed for vehicle and equipment storage. As the parking standards for shopping centers has been reduced significantly since the time of the original approval, the proposed revised plan will be compliant with current requirements. A minimum of five (5) bicycle parking/storage spaces are required, but none are shown on the plan. The City will expect these spaces to be provided. **(Attachment 4)**

### B. Building Elevations/Plans

The building elevations will remain essentially unchanged. There will be minor color changes to the building, but no architectural changes or additions are proposed. **(Attachment 5)**

### C. Sign Plan

None submitted. Building elevations and renderings indicate that a new "Caliber Collision" wall sign will be installed on the west elevation over the front entrance, but sign specifics were not provided. The renderings also identified a secondary wall sign on the north elevation, but building plans did not show this sign. A Sign Plan will need to be approved by the Planning Commission prior to the installation of any signs.

### D. Landscaping/Screening Plan

The landscaping plan indicate that the existing landscaping will be retained. (The existing landscaping consists of 6 trees planted along Centre Drive, and 28 bushes/shrubs along N. Mall Drive. Ancillary landscaping will also be retained at the North Mall Drive entrance, as well as on one (1) parking island in front of the building. Existing foundation plantings will also be retained.) The City's Zoning Code requires trees to be located at the ends of all parking rows, and currently none are provided. Trees should now be provided as required. The site plan and renderings indicate that a new 6 ft. tall steel fence with masonry columns spaced at 40 ft. intervals will be provided on the north side of the building to create an approximate 8,400 sq. ft. (approximately 440 linear feet) outdoor storage area for vehicles



awaiting repair. Fabric screening will be provided to help obscure the vehicles from view. In addition, an existing chain link fence enclosure that occupies eleven (11) parking spaces on the south side of the building will be refurbished, and new black inserts will be installed to closely match the new enclosure. **(Attachments 5 - 8)** The Zoning Code indicates that additional landscaping be provided around the outdoor storage areas in order to further screen the area from view. However, no other landscaping is proposed. Additional landscaping is expected to accompany the all screening/fencing.

**E. Fire Service**

Subject to further review by the Salisbury Fire Department.

**F. Stormwater Management**

Subject to further review by the Salisbury Department of Infrastructure and Development.

**VI. PALEOCHANNEL PROTECTION ZONE**

The site is located within the City's Paleochannel Protection Zone. Although the use of hazardous materials, such as paint supplies and solvents are anticipated, the products are typically kept and used in an encapsulated booth that retains overflow chemicals. Additionally, the proposed construction will be compliant with the City's stormwater management regulations, and should not pose a threat to the environment.

**VII. PLANNING CONCERNS**

Staff has concerns that there is not adequate screening around the vehicle storage area. The proposed screening does not meet Zoning Code requirements, and there appears to be the potential for visibility inside this area. As East Naylor Mill Road serves a mixture of residential and commercial uses and is highly traveled, it is imperative that the site remain attractive. Providing additional landscaping and screening that is compliant with code standards will help to further screen the storage yard, and increase the attractiveness of the site.



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

## **VIII. RECOMMENDATION**

Staff recommends approval for the Revised Final Comprehensive Development Plan and Final Paleochannel Protection Site Plan approval for Caliber Collision, with the following conditions:

1. The site shall be developed in accordance with the Final Comprehensive Development Plan. Minor plan adjustments may be approved by the Salisbury Department of Infrastructure and Development.
2. Provide bicycle parking/storage for at least five (5) bicycles.
3. A Sign Plan shall be submitted and approved by the Planning Commission prior to the installation of any signs.
4. Provide a revised landscaping plan that is compliant with Zoning Code standards. Landscaping shall include providing trees at the ends of parking rows that are not within the vehicle storage area, and around the perimeter of the storage yard. The revised plan shall be approved by staff prior to the issuance of any building permits.
5. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development, the Salisbury Fire Department, and any other appropriate agencies.



TO: City of Salisbury  
Department of Infrastructure & Development  
125 N. Division Street, Room 202  
Salisbury, MD 21801  
(410) 548-3130

RE: Proposed Caliber Collision at 2323 Centre Drive Salisbury, MD 21801

DATE: May 1, 2023

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This letter serves to accompany the application for minor Site Plan Review and provides a description of this proposed project and Caliber Collision.

**1. PROJECT NARRATIVE:**

Site consists of platted 2.2+/- acres of developed land, which is located in GC (General Commercial District) and is part of a shopping Center. The building is currently used as Sear's Automotive Center similar to the proposed use Caliber Collision Auto body paint and repair shop (B and S1 occupancy). Site is accessible from E Naylor Mill Rd and will be utilizing existing water, sanitary sewer and electric service in order to support its use. It is the intent of the owner and all consultants to construct a quality project within the standards set by the City of Salisbury for Building and Engineering Design.

**b. Details about the type of proposed operation (including hours of operation)**

All repair activities will be conducted in-doors and completely screened from public view. Public parking will be located in the front and side. All vehicles received for repair will remain behind the fenced area to screen from public view. Vehicles that are taken in for repairs are typically admitted by tow truck which limits our customers coming to this location.

**c. Facility Information:**

- Lot Size: 2.2 Acres +/-
- Bldg SF: 16,704 SF +/-
- Hours of Operation. 7:30 a.m. – 5:30 p.m. Monday through Friday
- Total Full-Time Employees on-site: approximately 18-22
- Yearly Salary Ranges:
  - Site Manager = \$90K Base (+ incentive bonuses/commissions)
  - Support/Office Admin Staff: 4-5 Count @ \$25K average = \$100K to \$125K
  - Junior Shop Techs = 10-12 Count @ \$50K average = \$500K to \$600K
  - Senior Shop Painters = 4 Count @ \$110K average = \$440K
  - Anticipated Employee Base Payout = \$1,220,000 to \$1,445,000

**d. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.**

• **Noise** – The type of facility proposed shall be limited to vehicle body “prep”, parts replacement and finishing work room. Typical repairs include hood replacement, fender repair, hail damage, light interior, molding and windshield replacement. Inherently, these types of repairs are not loud enough to project recognizable sound beyond the proposed property lines. Furthermore, this

facility shall operate with all exterior doors closed. The shop contains a full HVAC System that shall provide climate control year-round. With all doors closed, there should be no nuisance to neighboring properties in the way of noise.

- **Dust** – Within the facility, light dust is to be expected. The amount of dust is akin to a classroom chalkboard. Regularly scheduled cleaning ensures control. All sanding is performed with a filtered vacuum assist sanding machine.
  - Exterior – the only dust that would be on this facility would be that which blew in from adjacent properties. This facility has adequate paving, perimeter landscaping and screening walls. Nothing that occurs within the premises this site generates dust. Any dust that enters the site would likely attach to perimeter landscaping and not pass through to the adjacent properties.

#### **e. Project Compatibility with the Comprehensive Plan and Zoning District**

- The project is in support to the City's growth, community service, and thriving economy. No proposed changes to the exterior of the building that will create major deviation from the overall design features of the surrounding neighborhood. It will promote further success to existing businesses, provide expanded job growth and assurance of good custodial care. Caliber Collision brings surrounding communities for all of their locations listed in item #3 of this narrative.
- It is the intent of the owner and all consultants to construct a quality project within the standards set by the City of Salisbury Planning, Building & Engineering design. The project will have no negative impact to surrounding areas. The project will perform a function, and provide a service that is essential and beneficial to the community.
- The parcel is zoned GC (General Commercial District) which allows the proposed use, Auto Body, Paint & Repair shop.
- All services shall be performed within an enclosed building. All repair activities will be conducted in-doors and completely screened from public view.
- All parts, materials and equipment shall be stored within an enclosed building. There will be no visible equipment, parts and materials outside the building.
- All vehicles received for repair will remain behind a fenced area. Vehicles that are taken in for repairs are typically admitted by tow truck which limits customers coming to this location.
- No vehicle awaiting repair shall be located on any portion of the site so as to be visible from any public street, and shall be limited to locations designated on the approved site plan.
- Outdoor vehicle storage shall be enclosed with a 6'-0" tall decorative steel picket fence with the black mesh on the back side and masonry columns to screen vehicles that are accepted for repair.
- As a multi-state/multi-operator of Body Shops, Caliber Collision is well versed in the procedures and requirements to divert any operational hazards. Prior to opening for business, Caliber Collision will secure a Business License to operate said facility. Any hazardous material shall be documented, handled and/or stored per local, state and federal requirements. The proposed facility (site and building) will be designed by licensed Architects/Engineers who are thoroughly versed in Body Shop Designs. Final interior designs shall be designed by same Architects/Engineers. Interior Lighting, HVAC Ventilation, and Storm Sewer oil/sand interceptors shall be properly placed to facility safe conditions within and outside the entire property. These designs shall receive City of Salisbury a Plans Review/Permit Approval to ensure structural, life safety, ADA and



Building Code compliance for the proposed operations. Furthermore, the operator implements specific operational and safety guidelines that secure on-going daily assurance of employee, customer, property and surrounding area safety. Refer to Section 2 of the narrative.

## **2. Operator and Safety Guidelines:**

The operator implements specific operational and safety guidelines that secure on-going daily assurance of employee, customer, property and surrounding area safety. These include:

- a. **Drug Testing** – Applicants are required to pass drug screening. Once employed, Caliber reserves the right to perform both random and/or employee-specific testing. Any failure results in immediate loss of employment.
- b. **Authorized Employment** – Applicants are required to provide proof of citizenship and/or verification that they are authorized to be lawfully employment in the US.
- c. **Background Checks** – Applicants are required to pass a background check. This includes but is not limited to any incidents involving sexual crime, child endangerment, and other acts of violent nature.
- d. **Facility Management** – Each facility is managed with adequate and competent staff to oversee and monitor the repair services and customer interface.
- e. **Safety Training** – Given the nature of using automated machinery and restoration supplies, each employee is required to complete and continue ongoing safety training. All equipment used is state of the art and properly maintained. This instruction safeguards the employees, the environment, the clients, their vehicles and all neighboring facilities.
  - e.1 All training guidelines ensure prevention of the following:
    - i. Loud noise, fumes, odors, dust, vibration, illumination
    - ii. Fire, explosions, flooding,
    - iii. Contamination of persons, property or nearby equipment
- f. **Environmental Protection Agency and other Governmental Regulations** – All products used, services rendered, and disposals of waste are highly regulated to prevent unwanted affects. All products and equipment are designed to ensure compliance. Laws and limitations are monitored and enforced so that any employee, clientele and passerby may be assured of a safe environment.

## **3. COMMUNITY SERVICES**

Caliber Collision brings surrounding communities for all of their locations. Among their traditions of charity and community enrichment programs (<http://calibercollision.com/about-us/community-involvement/>), Caliber Collision actively supports:

- American Heart Association Heart Walk, American Heart Association Cotes Du Coeur, and Children's Advocacy Center of Collin County
- Assisted military service members transition out of active duty and into a collision/auto body industry career through Changing Lanes Program.
- Supplied local food banks with more than 275,000 meals for needy families in 2013
- Gifted 13 fully-refurbished vehicles to needy families through the Caliber Collision Recycled Rides program in 2012. Plan on gifting 25 in 2013

- Gifted more than 500 vehicles to veterans, active-duty service members and others in need of reliable transportation through the Caliber Collision Recycled Rides program since 2012.

This year, as part of their Restoring You program, they are focusing on helping the medical workers, medical support staff and first responders battling COVID-19 who are doing so much to help all of our communities

Finally, to further endorse their commitment to excellence, USAA has identified Caliber Collision as having "an exceptionally high standard when it comes to service delivery.

Respectfully,

Bret Flory

[bflory@crossarchitects.com](mailto:bflory@crossarchitects.com)

972.467.9749

Enclosure :

Hazardous Material Inventory Statement



**PROPERTY OWNER AUTHORIZATION LETTER**

I, We, Salisbury Mall Realty Holding LLC, hereby authorize Bret Flory,  
(Property Owner(s) – Please Print) (Applicant's Name)

Representative for Bret Flory Architects, to submit a Minor Site Plan Review  
(Company, Firm, Organization)

application for the proposed Caliber Collision Auto Body Paint and Repair Shop at

2323 Centre Dr. Salisbury, MD 21801  
(Property Location)

Salisbury Mall Realty Holding LLC

By: 

Property Owner's Signature

04-24-2023

Date

Address: 2300 N Salisbury Blvd, Salisbury, MD 21801

Phone: (410) 548-1694 Email: freznick@4d-properties.com





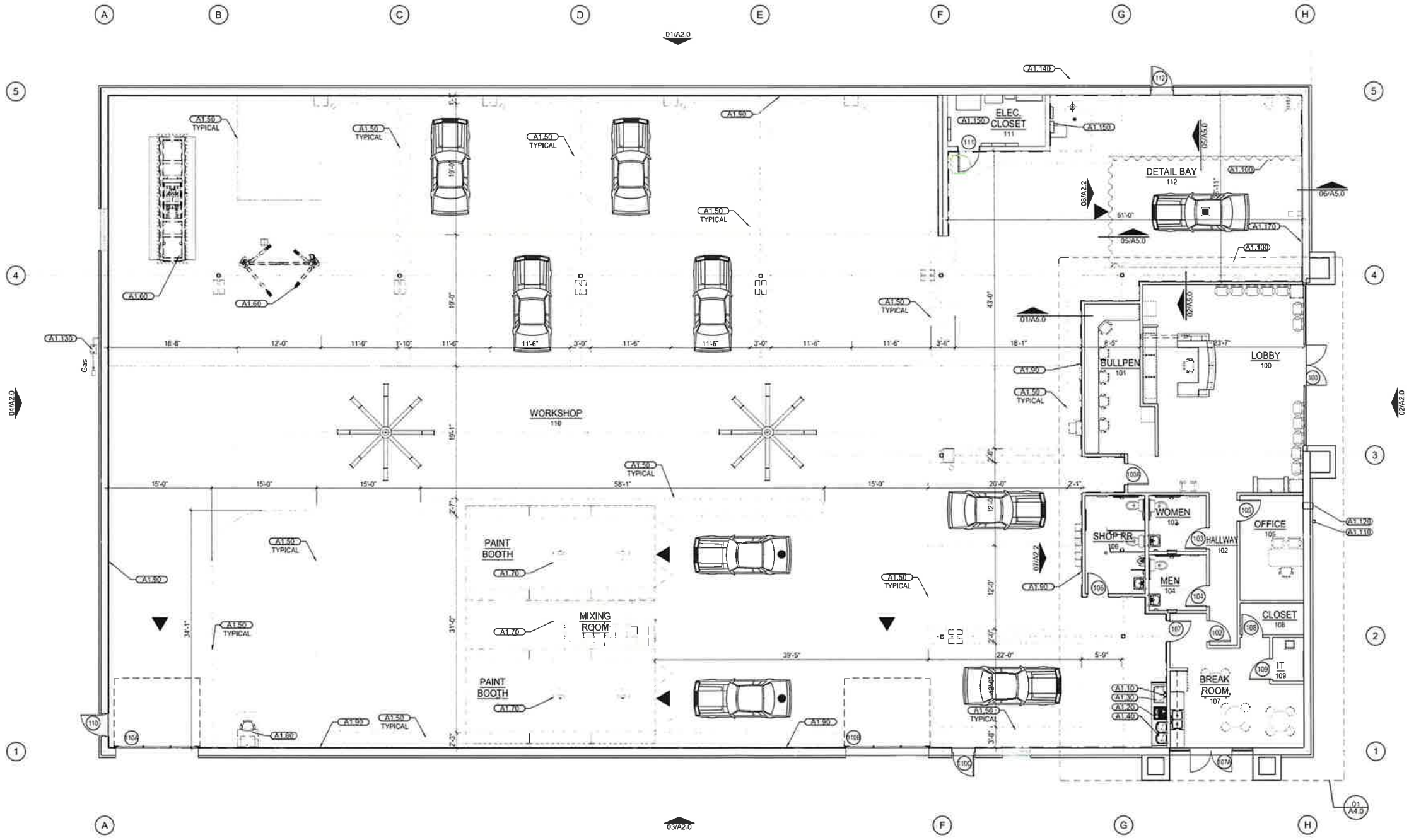


- GENERAL NOTES:**
- ALL DIMENSIONS NOTED OR SHOWN ARE TAKEN FROM FACE OF STUD/ CMU UNLESS NOTED OTHERWISE. DIMENSIONS TO EXISTING WALLS ARE APPROXIMATE. FIELD VERIFY.
  - ALL EQUIPMENT IS NOT SHOWN FOR CLARITY (REFER SHEET A1.4 FOR ALL EQUIPMENT).
  - GC TO INSTALL FIRE EXTINGUISHERS PER THE FIRE MARSHAL RECOMMENDATIONS AND CODE REQUIRED LOCATIONS.
  - REFER SHEET A3.0 FOR PARTITION TYPE, CONTROL JOINT, AND METAL STUD INFORMATION.
  - ANY ITEMS NOT NOTED OR KEYED ARE ASSUMED TO BE EXISTING TO REMAIN.
  - REFER TO DEMOLITION PLAN FOR THE REPAIR AND SURFACE PREPARATION OF THE EXISTING CONCRETE SLAB.
  - REFER TO ENLARGED PLANS, SHEET A4.0 FOR ADDITIONAL INFORMATION.
  - REFER TO ENLARGED PLANS FOR THE CONTINUATION OF THE PERIMETER OFFICE TO SHOP WALLS THAT EXTEND TO DECK, WITH SOUND BATT INSULATION.
  - COORDINATE COMPLETE REMOVAL OF EXISTING FINISHES WITH FINISH SCHEDULE. ALL CONCRETE FLOORS IN WORKSHOP AREAS TO BE SCRUBBED AND BUFFED. FLOOR PREP TO PROVIDE A SMOOTH AND FLAT SURFACE BY COMPLETE REMOVAL OF FINISHES, GLUE, ADHESIVES, GROUT, GRIND HIGH POINTS AND FILL LOW AREAS AS REQUIRED.

**PARTITION LEGEND**

	NEW METAL STUD WALL
	EXISTING WALL TO REMAIN

- KEY NOTES:**
- AT.10** WALL MOUNTED WASH/ MOP SINK.
  - AT.20** EMERGENCY PORTABLE EYE WASH. ATTACH TO STUD FRAMING PER MANUF. RECOMMENDATIONS. (AT COLUMN GRIDS C-8)
  - AT.30** NEW WATER HEATER (REF. MEP).
  - AT.40** NEW HI/LOW DRINKING FOUNTAIN, REF. MEP.
  - AT.50** 4" WIDE STRIPING PAINTED TRAFFIC YELLOW (4" WIDE DIAGONAL STRIPING PATTERN AT 18" O.C. AT EMERGENCY EGRESS PATHS ONLY IF REQUIRED BY AHJ).
  - AT.60** FRAME RACK AND 2-POST LIFT, REF. STRUCTURE FOR SLAB MODIFICATIONS.
  - AT.70** NEW PAINT BOOTH AND MIXING ROOM. REFER TO BOOTH DWGS. AND BOOTH INSTALLER TO COORDINATE ANY PIT INFILL LOCATIONS AND REQUIREMENTS.
  - AT.80** NEW PARTS DESK
  - AT.90** FIRE RETARDANT PLYWOOD
  - AT.100** CONCRETE CURB. (REF. STRUC.)
  - AT.110** KNOX BOX
  - AT.120** KEYKEEPER WITHSTAND 5"W x 12"D x 39"H
  - AT.130** EXISTING GAS METER
  - AT.140** EXISTING ELEC. METER
  - AT.150** EXISTING ELECTRICAL PANELS
  - AT.160** EXISTING CONDENSER UNITS
  - AT.170** FRP TO 96" A.F.F.



ARCHITECT:  
BRET FLORY  
879 JUNCTION DR  
P: 972.398.6644

**CALIBER COLLISION  
(BUILDING RENOVATION)  
2323 CENTRE DR.  
SALISBURY, MD. 21804**

DOCUMENT DATE:

PROJECT NUMBER:  
23514

REVISIONS  
NO DATE

DRAWINGS ISSUED FOR:  
PERMIT  
SHEET NUMBER

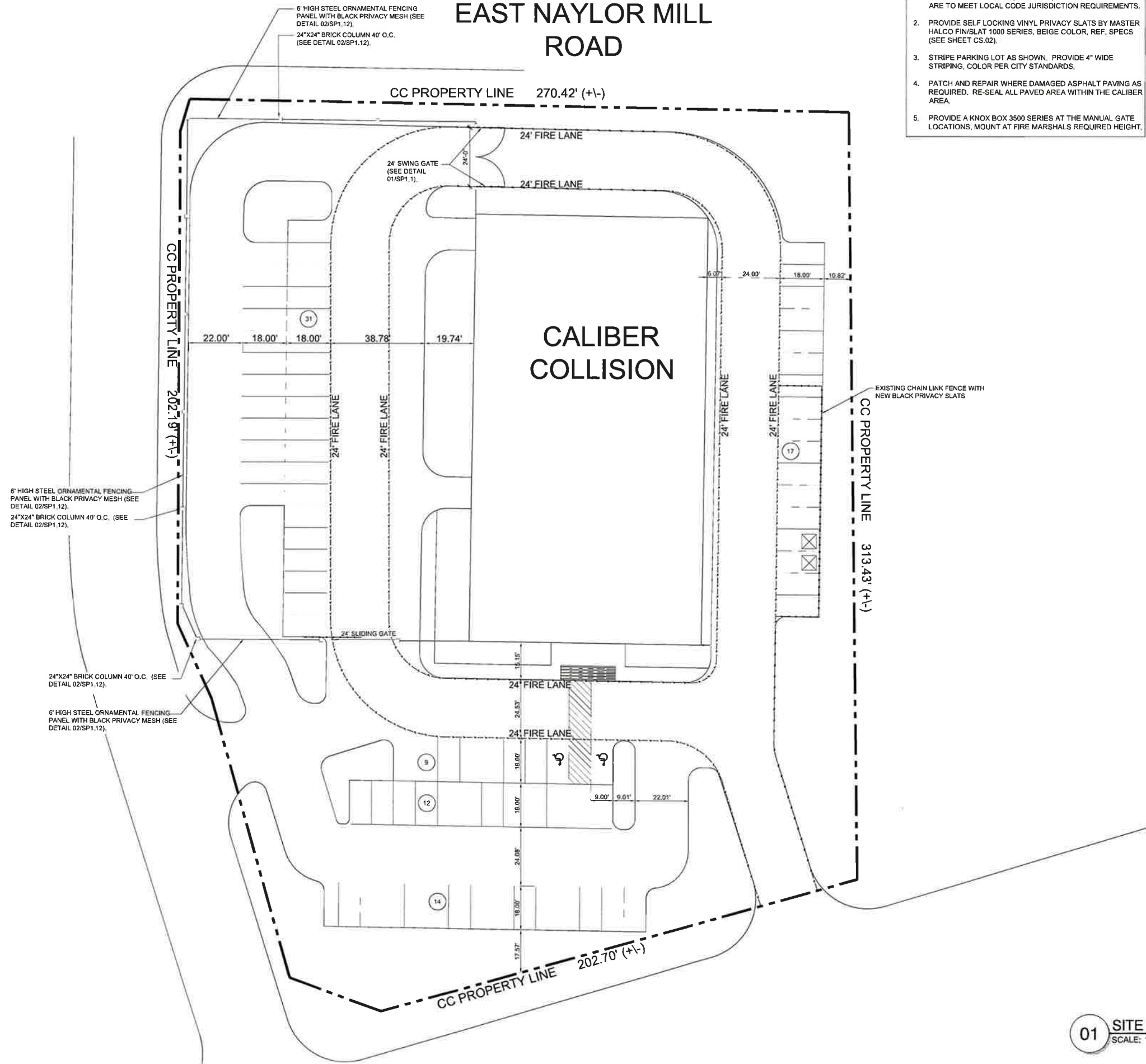
**A1.0**

FLOOR PLAN

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# EAST NAYLOR MILL ROAD



- SITE GENERAL NOTES:**
1. ALL ACCESSIBLE SIGNS, SYMBOLS, AND RAMP SURFACES ARE TO MEET LOCAL CODE JURISDICTION REQUIREMENTS.
  2. PROVIDE SELF LOCKING VINYL PRIVACY SLATS BY MASTER HALCO FIN/SLAT 1000 SERIES, BEIGE COLOR, REF. SPECS (SEE SHEET CS.02).
  3. STRIPE PARKING LOT AS SHOWN. PROVIDE 4" WIDE STRIPING, COLOR PER CITY STANDARDS.
  4. PATCH AND REPAIR WHERE DAMAGED ASPHALT PAVING AS REQUIRED. RE-SEAL ALL PAVED AREA WITHIN THE CALIBER AREA.
  5. PROVIDE A KNOX BOX 3500 SERIES AT THE MANUAL GATE LOCATIONS, MOUNT AT FIRE MARSHALS REQUIRED HEIGHT.

**SITE DATA**

ACRES.....	±2.1 ACRES
TOTAL BUILDING.....	16,759 SQ. FT
<b>PARKING:</b>	
SHORT TERM VEHICLE STORAGE.....	31 SPACES
EMPLOYEE/ CUSTOMER SPACES.....	52 SPACES
TOTAL PARKING PROVIDED.....	83 SPACES (INCLUDING ACCESSIBLE SPACES)



ARCHITECT:  
BRETT FLORY  
879 JUNCTION DR  
P: 972.398.6644

**CALIBER COLLISION  
(BUILDING RENOVATION)**  
2323 CENTRE DR.  
SALISBURY, MD. 21804

DOCUMENT DATE:

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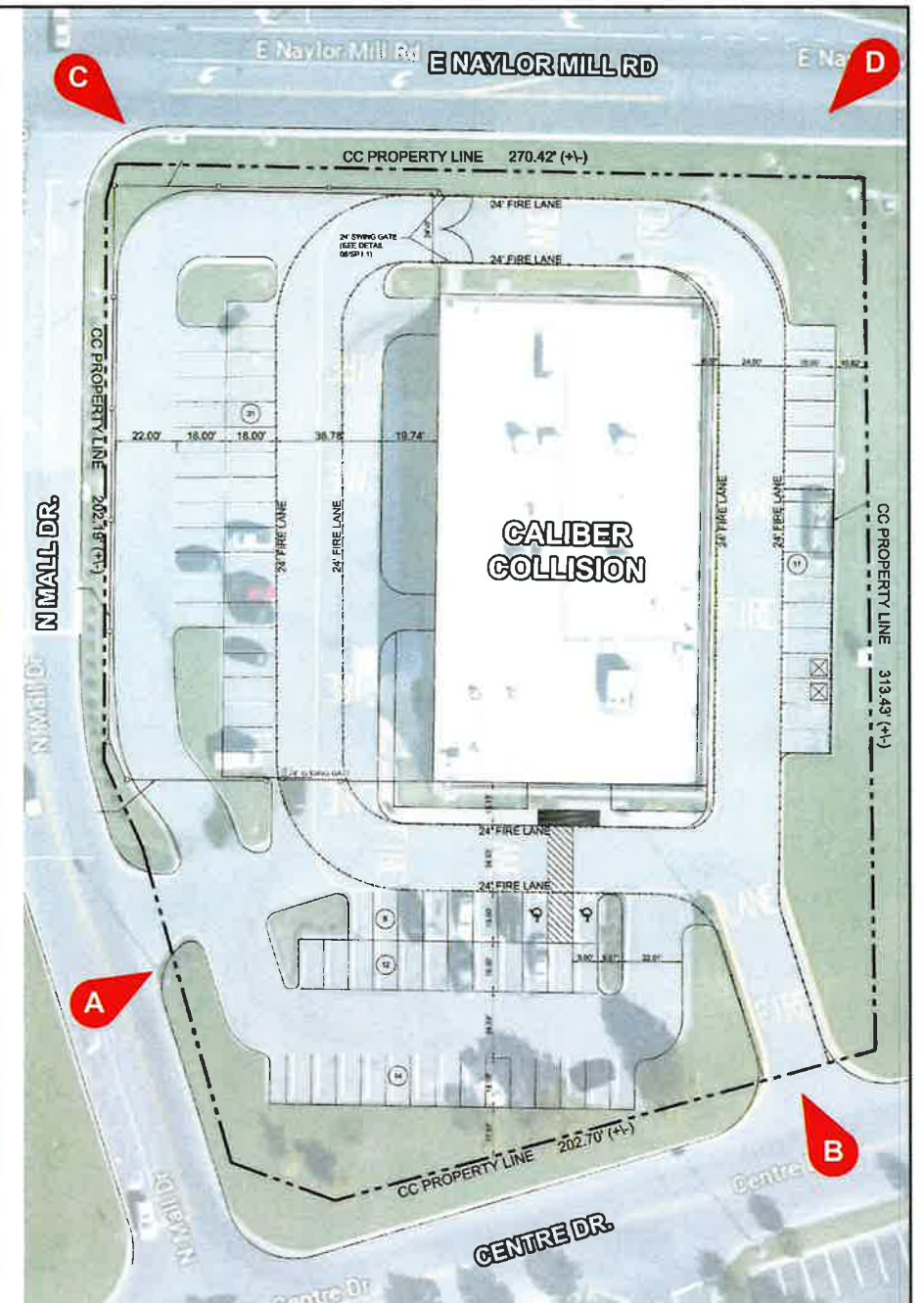
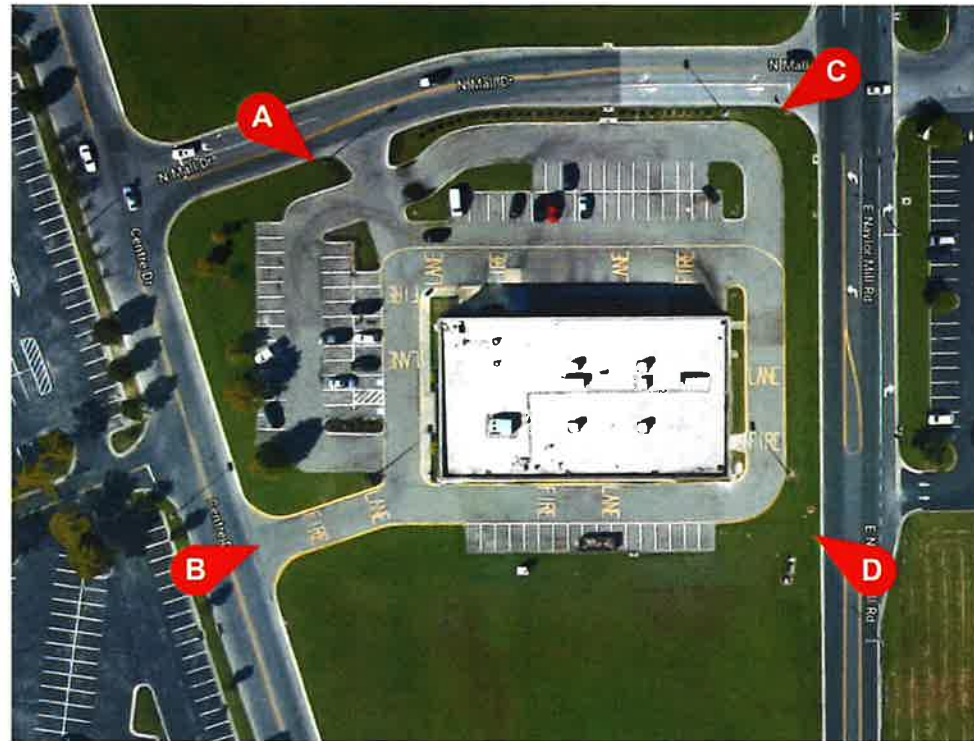
REVISIONS	
NO	DATE

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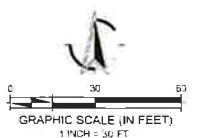
SHEET NUMBER  
**SP1.0**  
SITE PLAN

01 SITE PLAN  
SCALE: 1"=20'-0"





1 SITE PLAN  
1" = 30'-0"



**Bret**  
FLORY

ARCHITECT  
BRET FLORY  
1913 GARDENGROVE COURT  
PLANO, TEXAS 75075  
PH. 972.467.9749  
bflory@crossarchitects.com

**CALIBER COLLISION**

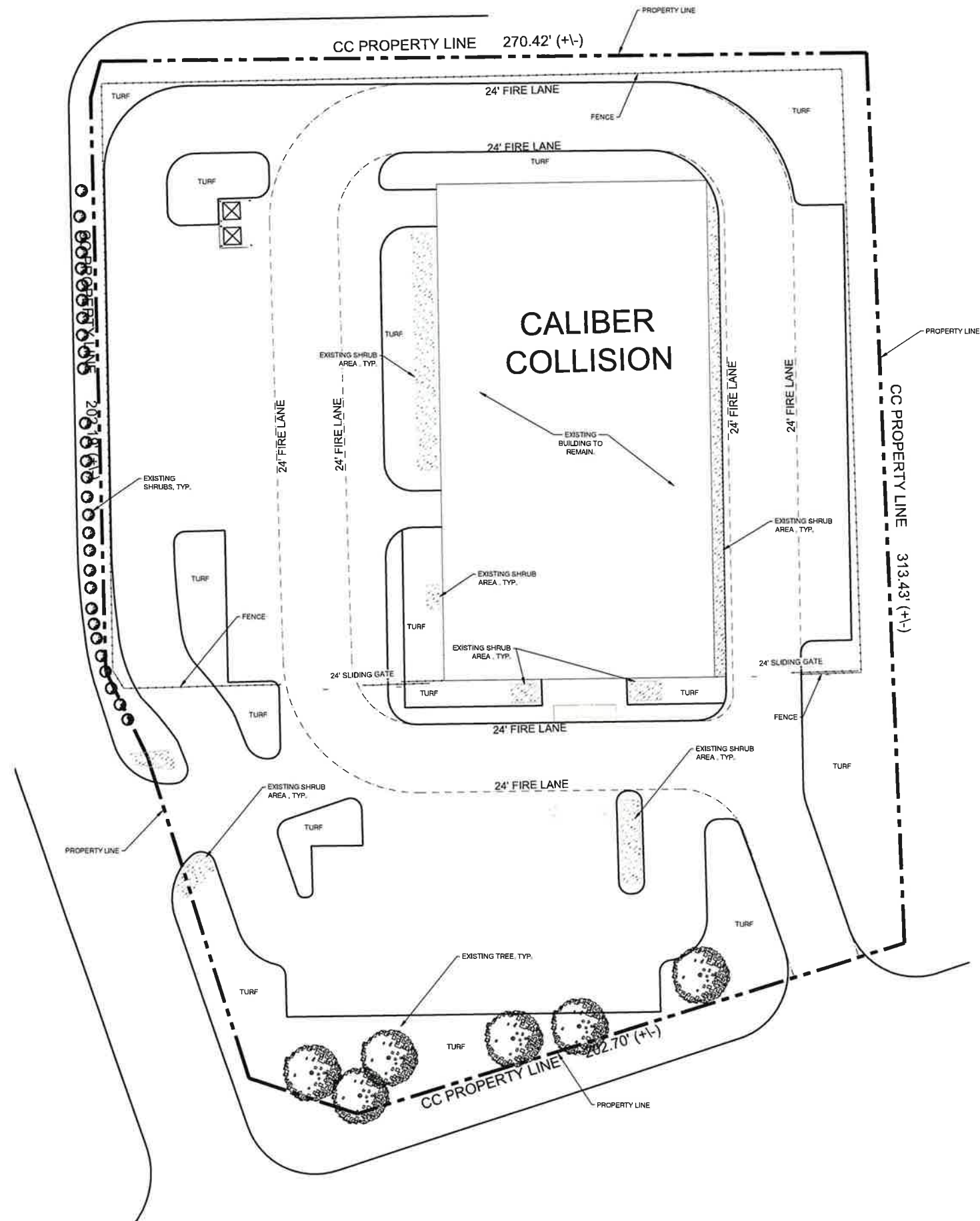
SIGHT LINE STUDY

SALISBURY, MD




DRAWN	DATE	PROJECT NO.	CITY PROJECT NO.	SHEET NO.
-	23.05.01	23514	-	-



# EAST NAYLOR MILL ROAD



## EXISTING PLANT SCHEDULE

-  EX. TREE TO REMAIN
-  EX. SHRUB
-  EX. SHRUB HEDGE

## LANDSCAPE CALCULATIONS

SITE AREA	93,009 SF
LANDSCAPE AREA REQUIRED	9,300 SF (10%)
LANDSCAPE AREA PROVIDED	24,460 SF (26%)
ZONING	GENERAL COMMERCIAL SHOPPING CENTER STANDARDS

ALL EXISTING VEGETATION TO REMAIN AND IS BELIEVED MEET THE INTENT OF THE CODE REQUIREMENTS.

CONTRACTOR TO CONFIRM EXISTING PLANTINGS ARE IN GOOD CONDITION. ANY PLANTINGS FOUND IN POOR CONDITION TP BE REPLACED WITH LIKE SIZE AND KIND.



05-01-2023

ARCHITECT:  
BRET FLORY  
879 JUNCTION DR  
P: 972.398.6644

**CALIBER COLLISION  
(BUILDING RENOVATION)**  
2323 CENTRE DRIVE  
SALISBURY, MD 21804

DOCUMENT DATE:

PROJECT NUMBER  
23514

REVISIONS  
NO. DATE



Scale 1" = 20'



120123.F  
T  
www.e

DRAWINGS ISSUED FOR  
PERMIT  
SHEET NUMBER  
LANDSCAPE PLANTING

ERIC SHEPLEY, P.L.A. PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 4071. EXPIRATION DATE 11/28/24.

**Attachment 6**



ARCHITECT:  
BRETT FLORY  
879 JUNCTION DR  
P: 972.398.6644

**CALIBER COLLISION  
(BUILDING RENOVATION)  
2323 CENTRE DR.  
SALISBURY, MD. 21804**

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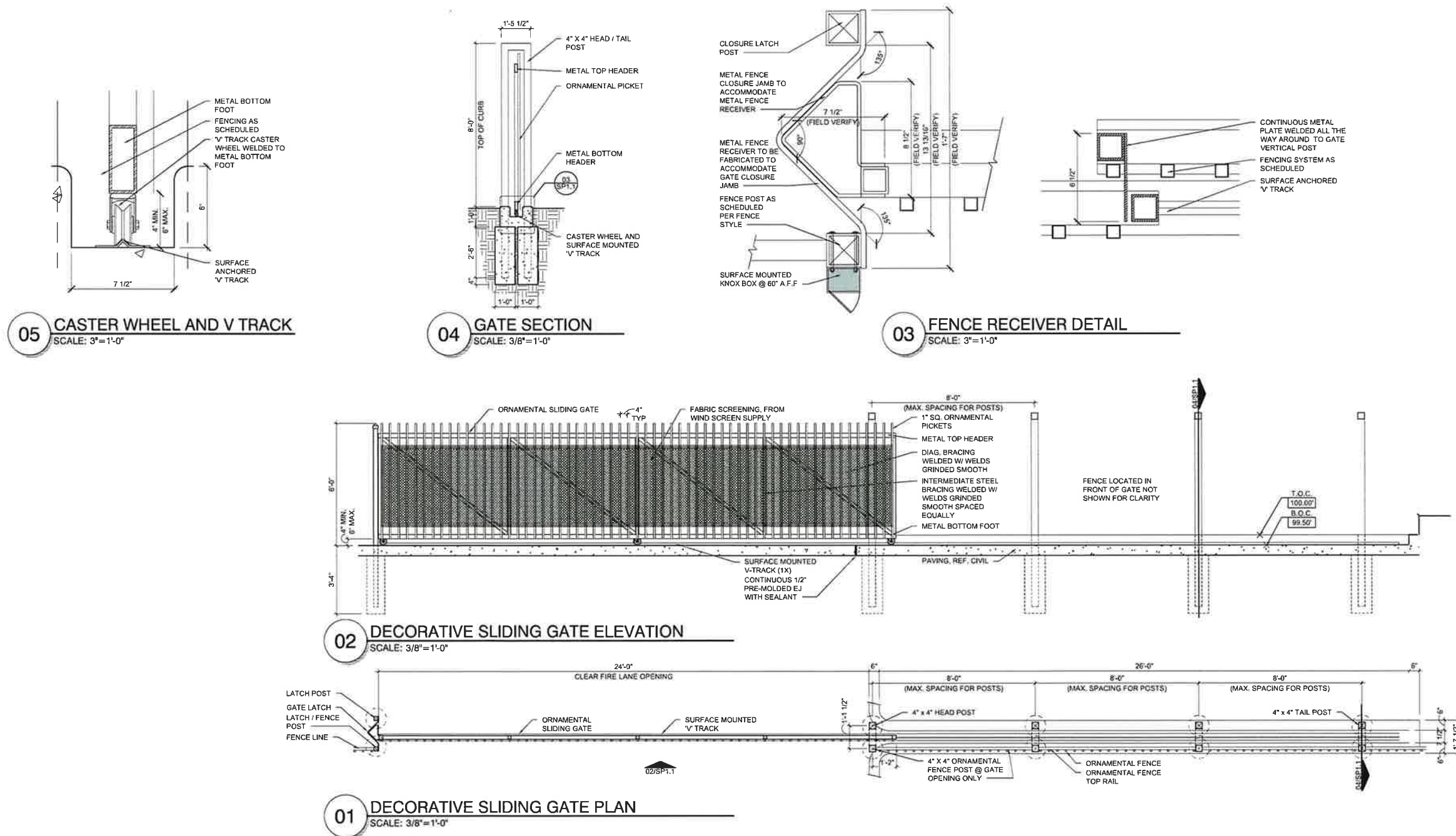
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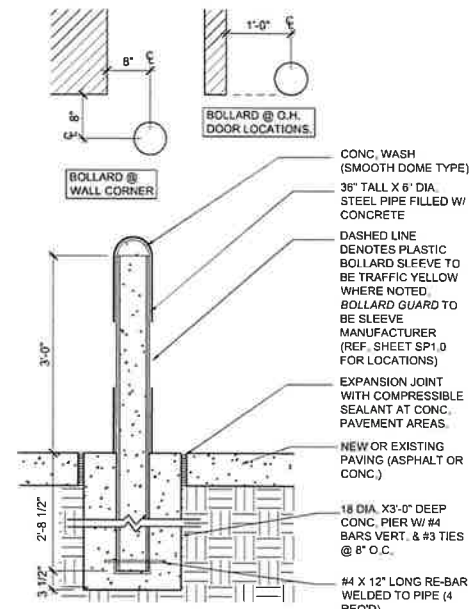
**SP1.1**

SITE DETAILS

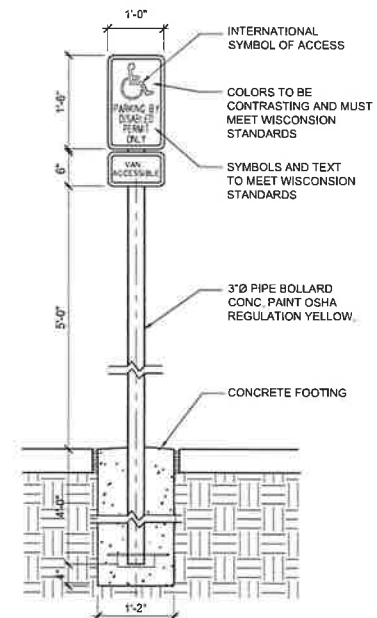
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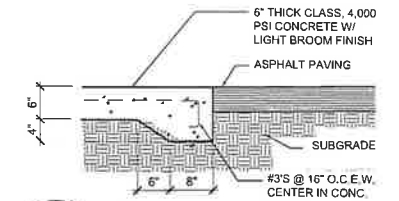




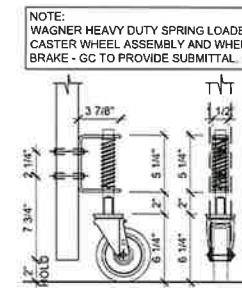
**08 BOLLARD DETAIL**  
SCALE: 3/4"=1'-0"



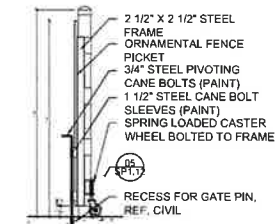
**07 ACCESSIBLE SIGN DETAIL**  
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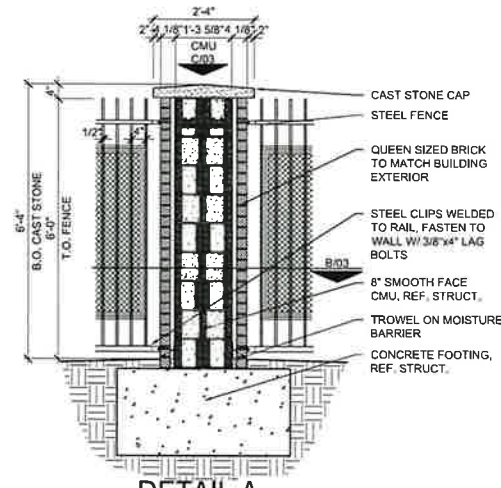
**06 PAVING SECTION**  
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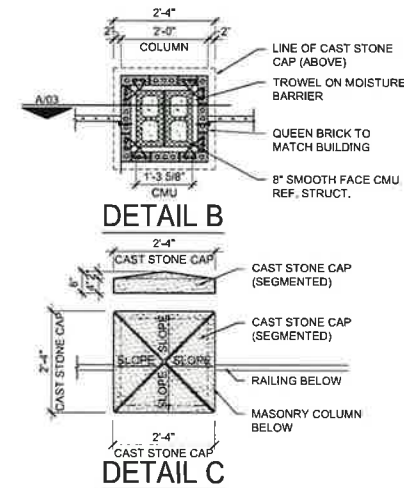
**05 CASTER WHEEL**  
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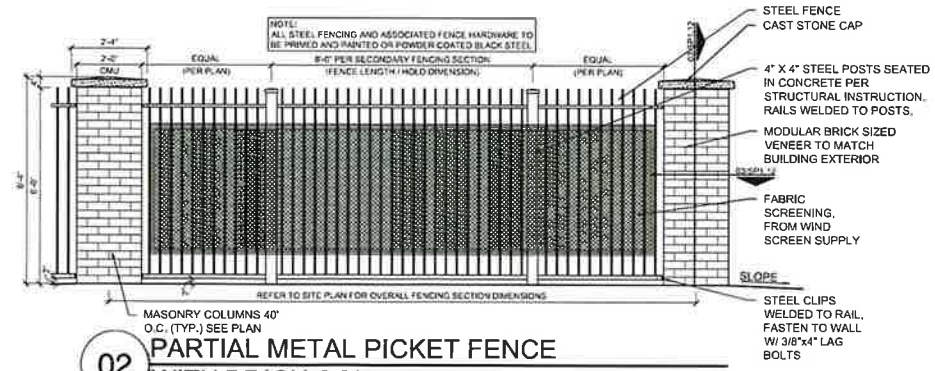
**04 SWING METAL GATE DETAIL**  
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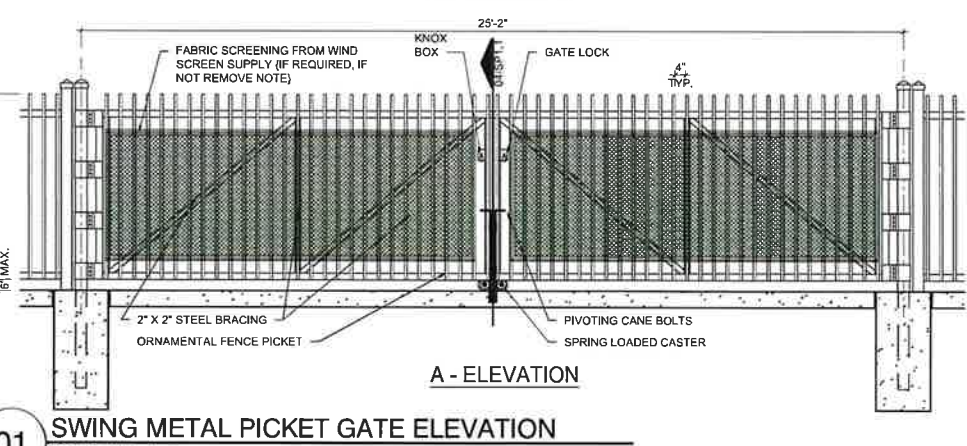
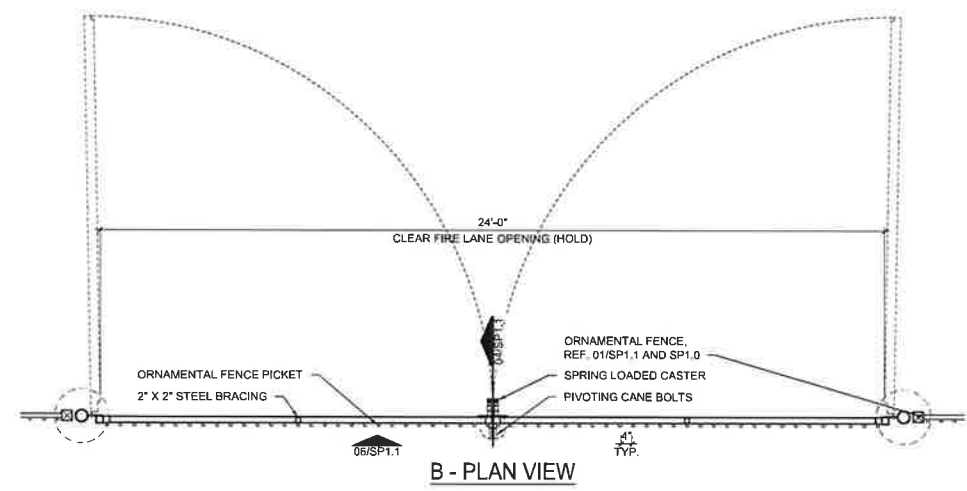
**03 DETAIL A FENCE COLUMN DETAILS**  
SCALE: 1/2"=1'-0"



**DETAIL B**  
**DETAIL C**



**02 PARTIAL METAL PICKET FENCE WITH BRICK COLUMN ELEVATION**  
SCALE: 3/8"=1'-0"



**01 SWING METAL PICKET GATE ELEVATION**  
SCALE: 3/8"=1'-0"



ARCHITECT:  
BRET FLORY  
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P. 972.398.6644

**CALIBER COLLISION  
(BUILDING RENOVATION)**  
2323 CENTRE DR.  
SALISBURY, MD. 21804

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SHEET NUMBER

**SP1.12**

## Infrastructure and Development Staff Report

June 15, 2023

### I. BACKGROUND INFORMATION:

Project Name: The Crossing at Summit Pointe

Applicant: Parker & Associates for Attar Enterprises, LLC

Infrastructure and Development Case No.: 202300605

Nature of Request: Revised Final Comprehensive Development Plan and Wellhead Protection Site Plan

Location of Property: Parker & Old Ocean City Roads and Beaglin Park Drive; Map #0038; Grid #12; Parcels #110, 295 & 429

Zoning District: R-10A Residential

### II. SUMMARY OF REQUEST:

#### A. Introduction:

The applicant, on behalf of the owners, have submitted a Revised Comprehensive Development Plan to develop the site with a 266 unit, townhouse-style apartment project on properties located along Beaglin Park Drive, Old Ocean City Road and Parker Road. **(Attachments 1 & 2)**

#### B. Development Scheme:

The site plan indicates 37 two-story townhouse-style apartments are proposed for the project, for a total of 266 units. Construction will consist of 4 through 8 unit buildings. A community building and pool are also proposed. Remaining areas will consist of recreational areas, stormwater management ponds, forest conservation and landscaped areas. **(Attachments 3 - 6)**

#### C. Access to the Site:

The site has frontage along Beaglin Park Drive, Old Ocean City Road and Parker Road, with proposed access on Beaglin Park Drive and Parker Road. **(Attachment 3)**

#### D. Site Description:

The site currently consists of three (3) parcels that totals 34.49 acres in area, and has been cleared. **(Attachment 2)**



**E. Surrounding Area Development:**

The site is located within the City's R-10A Zoning District. Adjoining properties include single-family dwellings located within the County's R-8 Residential District. Nearby city developments include Ocean Aisle Apartments and The Village at Aydelotte Farms Planned Residential District #7.

**F. History**

A Final Comprehensive Development Plan was approved for a 209 townhouse development in July of 2022. The approved plan was very similar to the currently proposed plan. In February of this year, the Planning Commission approved a subdivision for the townhouse project, but was never recorded.

**III. COMPREHENSIVE DEVELOPMENT PLAN REVIEW:**

**A. Site Plan Review:**

The use of this site for an apartment project is consistent with uses permitted in the R-10A Residential Zoning District. The Salisbury Municipal Code requires approval of a Comprehensive Development Plan for apartment projects in all districts.

**1. Density:**

In the R-10A district, apartments are permitted at a maximum rate of 8 units per acre. With 266 units, the development is at a rate of 7.7 units per acre. **(Attachment 3)**

**2. Setbacks:**

The apartment buildings meet or exceed the minimum setback and spacing requirements. **(Attachments 3 - 6)**

**3. Open Space:**

Approximately 4.5 acres of the site has been devoted to open space for leisure activities for the residents of the community. In addition, a 5,000 sq. ft. community center and pool are being provided for additional recreation. **(Attachment 3)**

**4. Parking:**

Parking is compliant with Zoning Code standards. **(Attachments 1 & 3)**

**5. Landscaping:**

A total of 90 deciduous and flowering trees are proposed along all streets between buildings, and complies with the City's street tree policy. Stormwater management and open areas will be provided with a variety of grasses. Typical landscaping for individual lots has not been provided. Shade trees are not provided at the ends of parking rows in the community center parking lot, as is





# City of Salisbury

John "Jack" R. Heath, Mayor

required by the Zoning Code. Trees will need to be installed in these locations.  
**(Attachment 6)**

**6. Refuse Disposal:**

Refuse disposal will be private.

**7. Lighting:**

Street lighting is proposed to be of City approved lighting. **(Attachment 6)**

**B. Development Schedule:**

Phasing has not been provided for the project, so it is assumed that the entire project will be built in one (1) phase. However, the previously approved project was proposed for three (3) phases, beginning at the west end of the site near Beaglin Park Drive, working east toward Parker Road.

**C. Community Impact Statement and Statement of Intent to Proceed and Financial Capability:**

A Community Impact Statement and Statement of Intent to Proceed and Financial Capability were all approved by the Planning Commission with the previous Final Comprehensive Development Plan Approval.

**D. Stormwater Management:**

The project will be subject to extensive stormwater management review by the Department of Infrastructure and Development prior to permits being issued.

**E. Fire Service:**

The project is subject to review by the Salisbury Fire Department.

**F. Building Elevations:**

All models will have vinyl siding, while options include various rooflines and also a stone veneer watertable at the first floor level. The community building will also utilize the same materials in a complimentary fashion. **(Attachments 7 - 12)**

**G. Forest Conservation:**

A forest conservation plan has been submitted and is under review.

**H. Wellhead Protection District**

Portions of the site are located within the Wellhead Protection District. Planning Commission granted Wellhead Site Plan approval as part of the Preliminary Comprehensive Development Plan, which was approved in July of 2020. The increased units and addition of a community building should not have any increased impact on the district.



# City of Salisbury

John "Jack" R. Heath, Mayor

## **I. Wicomico County Board of Education**

Plans have been submitted to the Board of Education to evaluate the potentially revised capacity.

## **J. Traffic Study**

A traffic study was prepared for this project in July of 2020. Due to the age of the study, a revised, updated study was completed by The Traffic Group, Inc. The findings indicate that intersections have the capacity to support the additional traffic during peak hours. The City supports the study's findings. Additional details will have to be coordinated between the City and Wicomico County as both access points are located on county roads.

## **K. Sign Plan**

A Sign Plan has not been submitted for the project. Any proposed signage will have to be approved by the Planning Commission as part of a Comprehensive Sign Plan prior to the signs being erected.

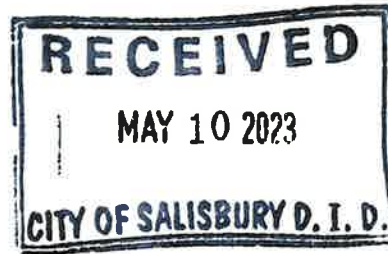
## **IV. PLANNING COMMENTS:**

Staff finds that the project is compliant with the City's Zoning Code standards for townhouse development. However, additional landscaping is required in the community building parking lot. Staff would also like to see a typical Landscaping Plan for individual lots.

## **V. RECOMMENDATION:**

Staff recommends Revised Final Comprehensive Development Plan and Revised Wellhead Protection Site Plan approval for The Crossing at Summit Pointe, subject to the following conditions:

1. Provide community building parking lot landscaping as required by the City's Zoning Code.
2. Provide a typical Landscaping Plan for individual lots for review and approval by the Salisbury Department of Infrastructure and Development.
3. Obtain Sign Plan approval from the Salisbury/Wicomico Planning Commission prior to the installation of any signs.
4. Subject to further review and approval by the Salisbury Fire Department.
5. Subject to further review and approval by the Salisbury Department of Infrastructure and Development.



528 RIVERSIDE DRIVE  
SALISBURY, MD 21801  
PHONE: 410-749-1023  
FAX: 410-749-1012  
WWW.PARKERANDASSOCIATES.ORG

---

LAND SURVEYING      CIVIL ENGINEERING      •      LAND PLANNING      FORESTRY SERVICES

---

City of Salisbury, Infrastructure and Development  
Brian Soper, City Planner  
125 N Division St  
Salisbury, MD 21801

05/09/23

Ref: The Crossing at Summit Pointe, Revised Comprehensive Development Plan

Dear Brian,

Attached hereto, please find our submittal for hopeful inclusion onto June's Planning Commission agenda. The intent of this request is to seek and hopefully receive a revised Final Comprehensive Development Plan approval to permit this project to implement a few changes as described in this letter.

As you know, this project was recently approved to contain 209 fee simple townhouses on several existing parcels of land. This project, as approved, has 209 individual lots on public streets, served with public water and sewer mains.

Since the project was approved, it has now been contracted for sale to a new developer. The new developer and contract purchaser, Attar Enterprises, LLC has a business model of providing market rate rental units as opposed to a for-sale product. Therefore, we are proposing to remove all proposed lots and convert the project from fee simple townhouses to, technically, an apartment project, wherein all units are essentially on one property, owned and maintained by single entity. Granted, the project still provides the same style of unit (townhouse) throughout the project, but pursuant to the code, they will now technically be townhouse style apartments with garages.

As part of the conversion of the project from fee simple townhouses to a for rent "townhouse style apartment" project, this does apply a different density requirement. The technical change in zoning designation has provided for an increase the project's density from six units per acre to eight units per acre. We now propose 266 units on this tract of land, as opposed to the approved 209. With the additional units, this has also provided some additional capital to the developers to enhance the project rather considerably. Upon first glance, it was immediately recognized that the project was, respectfully, deficient in community open space provisions. Therefore, discussion ensued project as to how to make the project more community friendly.

In response to that objective, we have prepared the attached plans that reflect our proposed modification. Essentially, by converting this project to apartments, we no longer had fee simple property lines to maneuver in and around. We are now afforded the opportunity to tighten up the

**Attachment 1**



residential components of the project so that we can provide considerably more substantially sized open space areas that are now usable by the community. This current plan essentially proposes considerable open space throughout the project, as delineated below:

- A community center has been provided with a pool, tot lot, and a community area with grills and picnic areas.
- Without property lines and lines of possession, the spaces between and behind the units now become community areas, usable by all of the residents within the project (where the units are back-to-back, there is approximately 120 feet between these buildings).
- Most notably, the central open space in the project is now nearly 2 acres in size free and clear of impediments, with over three quarters of an acre located directly on the road. This substantially sized designated open space area suitable for any number of active recreational activities.
- Adjacent to this area, across the street, is a substantially sized dog park, with a community area in front with grills and picnic tables.
- We also have provided pedestrian connectivity across the entire middle portion of the project, connecting these open space areas together with a walking path, and joining same in a direct route to the community building.
- Two tot lots are provided in the project
  - one by the community center
  - a second by the gravel wetlands near old Ocean City Rd.
    - Please note this area is also slated to provide a community area with picnic tables and a barbecue area in addition to the tot lot.
    - Further, this SGW also will be wrapped with a walking trail around this facility, providing a tertiary open space area for use of the residents (the community center being the primary, the central open space areas being the secondary, and this one being a tertiary),
- We have connected the sidewalks on both sides of all of the streets from the entrance of the project throughout the entire project. The original approval had sidewalks on but one side of the street in a few locations.
- Each townhouse is providing a single car garage, in addition to two parking spaces being provided in the front of each unit.

In order to effectuate these changes, we will be slightly increasing the volumes provided in the approved stormwater management design that is currently on file at city DID. The changes that we propose will not monumentally affect same and anticipate any changes to the stormwater to be nearly indiscernible from the layman's perspective. The road design and utility design under the roads, will remain unaltered, with only a few changes to the services to provide connections to the buildings. We have increased our unit count slightly, which does increase the traffic generated by the project we have engaged the traffic group to modify the previously submitted traffic study to include this increase in density. We do not anticipate these few additional units moving the traffic needle to greatly but we will provide proof to the city in the form of a revised traffic study shortly.

The roads throughout this project will no longer be publicly maintained. These roads will be private streets, maintained by the management company of the project. Sewer and trash collection will also be private. Water will be public due to the requirement to provide public fire hydrants throughout the community. These changes should significantly reduce the burden of maintenance on the city and place it on the developer. Street lighting will also remain as approved. Landscaping has been enhanced throughout the project to provide more landscaping between and in front of the units themselves.

If I may be of further service to you whatsoever, please do not hesitate to ask. Thank you for your help on this matter

Sincerely,

A handwritten signature in black ink, appearing to read 'BEP', with a long horizontal line extending to the right.

Brock E. Parker, PE, RLS, QP  
Vice President, Parker and Associates







# The Crossing at Summit Pointe

SALISBURY, MARYLAND  
COMPREHENSIVE DEVELOPMENT PLAN



VICINITY MAP - NOT TO SCALE

**GENERAL NOTES**

- THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY GULF STAR PROPERTIES LLC, 300 WESTON DRIVE, COOVER, DELAWARE 19904. IS TO BE ACQUIRED AND DEVELOPED BY ATTAR ENTERPRISES LLC, PO BOX 21542, BALTIMORE, MARYLAND 21282.
- DEED REFERENCE: 5031/64
- TOTAL NUMBER OF TOWNHOUSE UNITS - 266
- TOTAL AREA OF PROPERTY TO BE DEVELOPED - 34.92 +/- ACRES
- THE PRESENT ZONING OF THIS PROPERTY IS R-10A
- THIS PROPERTY IS LOCATED WITHIN THE CITY OF SALISBURY MANAGEMENT ZONE A
- NO PORTIONS OF THIS SITE ARE LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AND ANY DEVELOPMENT IS SUBJECT TO THE REQUIREMENTS SET FORTH IN CHAPTER 149 OF THE WOODCO COUNTY CODE ENTITLED "FLOOD PLAIN MANAGEMENT"
- THIS PROPERTY IS SHOWN ON F.I.R.M. COMMUNITY PANEL #2404500256E & #2404500118E DATED 8/17/2015 AS BEING IN FLOOD ZONE X AREA OF MINIMAL FLOODING
- NO METADOWS ARE LOCATED ON THIS SITE
- CITY OF SALISBURY UTILITY EASEMENTS SHALL BE RESERVED FOR FUTURE USE BY THE CITY AT NO COST TO THE CITY FOR UTILITY INSTALLATION, SIDEWALKS, DRAINAGE OR OTHER SUCH PUBLIC USE WHICH MAY BE DETERMINED BY THE DIRECTOR OF PUBLIC WORKS AND SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS OR THE OWNER'S ASSOCIATION. NO STRUCTURAL IMPROVEMENTS, TREE OR SHRUB PLANTING OR THE PLACEMENT OF ANY LANDSCAPING OTHER THAN GRASS CAN BE MADE IN OR ON THE CITY OF SALISBURY UTILITY EASEMENTS INCLUDING THE AIR RIGHTS OVER THE EASEMENTS WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF SALISBURY.
- ALL PROPOSED ROADS SHOWN ARE TO BE PRIVATE. SEWER AND TRASH COLLECTION SHALL BE PRIVATE. WATER SHALL BE PROVIDED BY THE CITY OF SALISBURY.
- ALL PROPOSED GRADING AND CONSTRUCTION SHOWN ON THESE PLANS SHALL BE INTO EXISTING GRADES WITHIN THE LIMIT OF DISTURBANCE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE IN GRADES ELEVATIONS AND SLOPES MATCH EXISTING CONDITIONS AND ARE ACCEPTABLE. IF CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLANS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY.
- CONTRACTOR IS TO VERIFY ALL ELEVATIONS LISTED ON THE PLAN WITH A MINIMUM OF THREE BENCHMARKS THAT ARE ON THIS PROJECT'S UTILIZED DATUM PRIOR TO COMMENCING ANY CONSTRUCTION. IF ANY LOCATIONS OR ELEVATIONS OF BENCHMARKS, EXISTING FACILITIES, OR STRUCTURES DIFFER FROM THAT SHOWN HEREON, CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER AT 410.749.1023.
- THE CONTRACTOR SHALL IMMEDIATELY STOP WORK AND NOTIFY THE ENGINEER IF ANY DISCREPANCIES ARE DISCOVERED BETWEEN THE DRAWINGS AND EXISTING CONDITIONS. ERRORS OR OMISSIONS IN DRAWINGS OR LAYOUT SHALL BE TREATED AS A DISCREPANCY. ALL DISCREPANCIES SHALL BE RESOLVED PRIOR TO CONTINUATION OF WORK.

**REQUIRED DENSITY / LAND AREA**

266 APARTMENT STYLE TOWNHOUSES @ 8 UNITS PER ACRE MAX DENSITY  
EXISTING LAND AREA - 34.92 ACRES

**LAND USE SUMMARY**

TOTAL AREA OF PROPERTY: 34.92 AC  
LEFT OF DISTURBANCE: 33.89 AC  
NUMBER OF UNITS: 266 TOWNHOUSE UNITS  
NUMBER OF UNITS ALLOWED: 279

DEVELOPMENT STANDARDS ARE IN ACCORDANCE WITH THE CITY OF SALISBURY ZONING FOR PLANNED RESIDENTIAL DISTRICT 10A, CHAPTER 27.150.050

**PARKING PROVIDED**

TOWNHOUSES:  
2 SPACE PER DRIVEWAY (18 MIN PROVIDED FROM BACK OF SIDEWALK TO FACE OF BUILDING)  
TOTAL TOWNHOUSES: 266  
TOTAL SPACES REQUIRED: 532 SPACES  
TOTAL SPACES PROVIDED: 532 SPACES

COMMUNITY BUILDING:  
TOTAL SPACES PROVIDED: 26 STANDARD SPACES  
2 VAN ACCESS HANDICAP SPACES

**ESTIMATED WATER & SEWER USAGE**  
(FROM CITY OF SALISBURY MUNICIPAL CODE AND 16 2022 CHAPTER 15.06.100 - CALCULATION OF IMPACT FEE (RESIDENTIAL))

266 TOWNHOUSE UNITS (3 bedroom + 1.37 EDU/S)  
= 37 x 266 = 364.42 EDU/S  
365 EDU/S (91 2505 GPD) Required for project

1 EDU (Equivalent Dwelling Unit) = 250 GPD (Gallons Per Day)

**OWNER/DEVELOPERS CERTIFICATION**

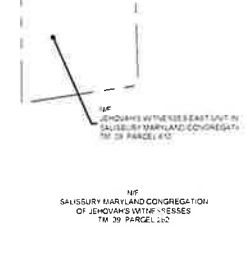
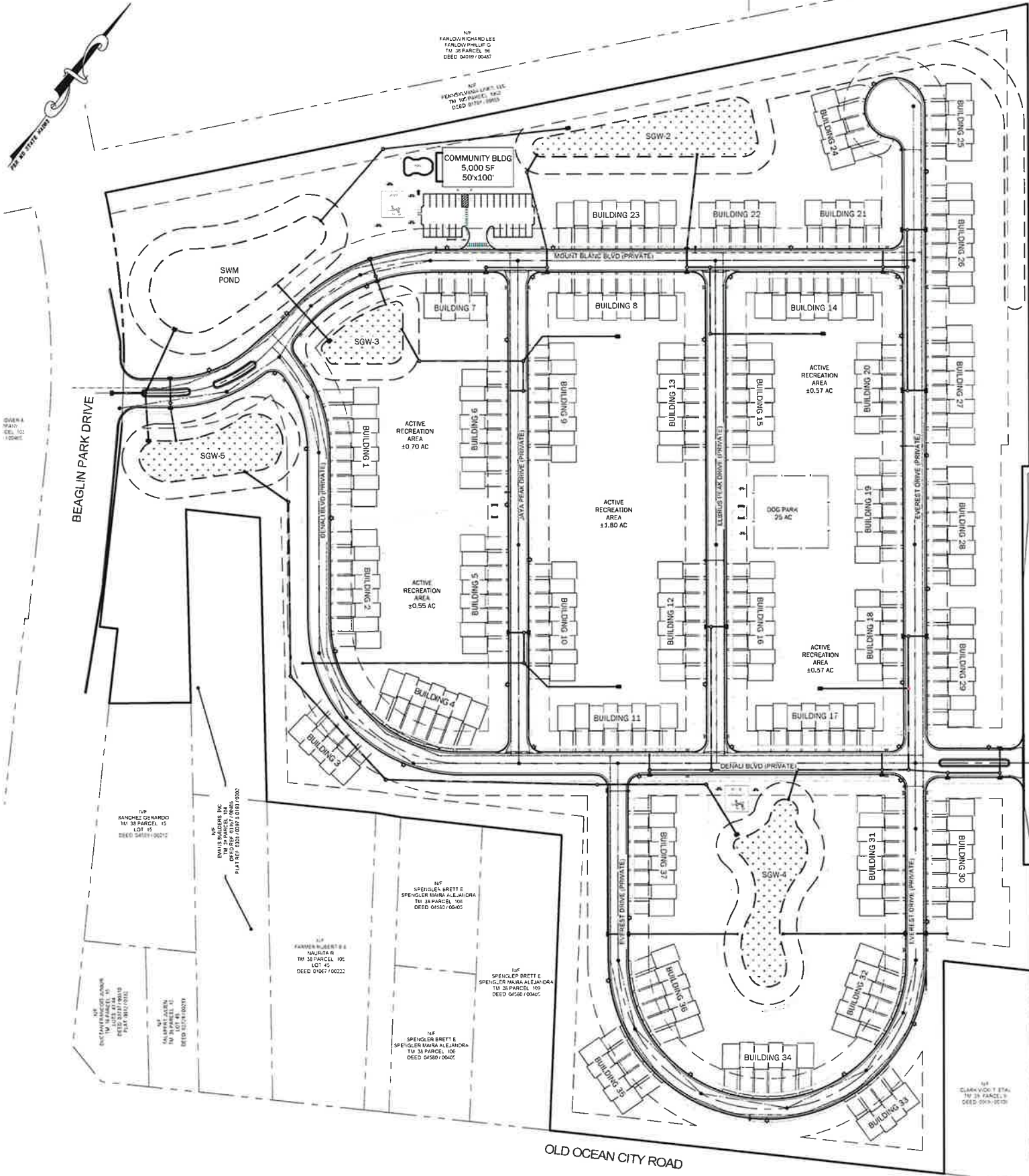
I HEREBY CERTIFY THAT THESE IMPROVEMENTS CONSTRUCTION PLAN IS BEING SUBMITTED WITH MY FULL KNOWLEDGE AND CONSENT AND IS IN ACCORDANCE WITH MY DESIRES AS AN OWNER OF THE SUBJECT PROPERTY ANY CLEARING, GRADING, CONSTRUCTION OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN AND THAT THE RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF TRAINING AT A DEPARTMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF SEDIMENT AND EROSION BEFORE BEGINNING THE PROJECT.

JAY ATTAR  
ATTAR ENTERPRISES LLC  
PO BOX 21542  
BALTIMORE, MARYLAND 21282  
PHONE: 443.992.1931  
JAYATTAR@ENTERPRISESLLC.NET

**PROFESSIONAL CERTIFICATION**

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED CIVIL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21729, EXPIRATION DATE: JULY 31, 2024 AND A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21183, EXPIRATION DATE: JANUARY 25, 2024.

BROCK E. PARKER, P.E. & S.  
128 RIVERSIDE DRIVE  
SALISBURY, MARYLAND 21801  
PHONE: (410) 749-1023 FAX: (410) 749-1012  
EMAIL: BRP@PARKERASSOCIATES.PA.COM



**SHEET INDEX**

SHEET 1	TITLE SHEET
SHEET 2	SITE SHEET
SHEET 3	SITE PLAN
SHEET 4	LANDSCAPING LIGHTING & SPILL SPACE PLAN
SHEET 5	BUILDING ELEVATIONS
SHEET 6	BUILDING ELEVATIONS
SHEET 7	BUILDING ELEVATIONS
SHEET 8	INTERIOR UNIT FLOOR PLANS
SHEET 9	END UNIT FLOOR PLANS
SHEET 10	CLUBHOUSE ELEVATION & FLOOR PLAN



SHEET 1 OF 10



**REVISIONS**

NO.	DATE	DESCRIPTION

**COMPREHENSIVE DEVELOPMENT PLAN**

**TITLE SHEET**

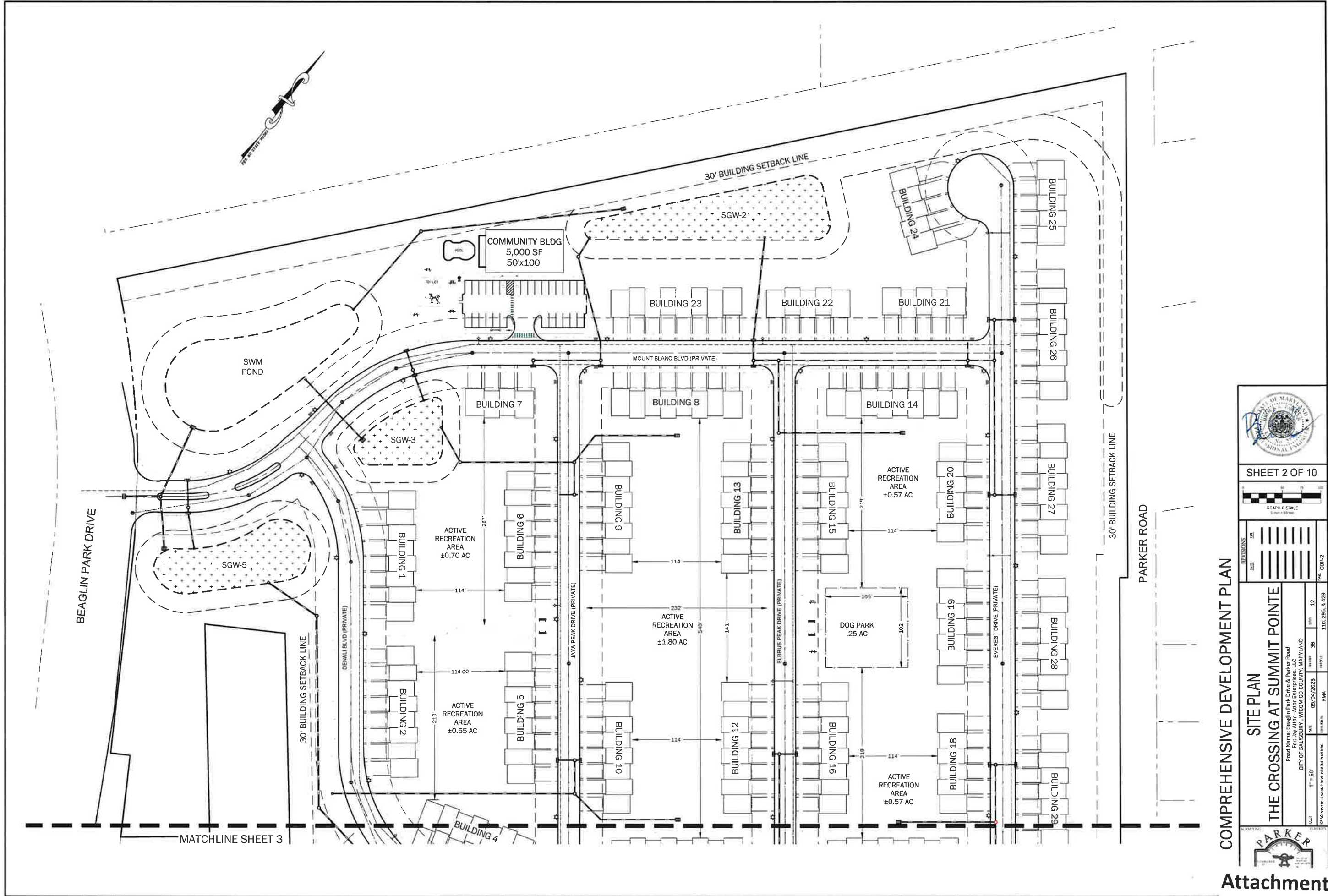
**THE CROSSING AT SUMMIT POINTE**

Road Name: Beaglin Park Drive & Parker Road  
Parcel No: 2404500256E, 2404500118E  
CITY OF SALISBURY, WICOMICS COUNTY, MARYLAND

DATE: 05/04/2023  
SCALE: 1" = 80'  
PROJECT NO: 110,295, & 429  
SHEET NO: 1 OF 10  
DRAWN BY: HMA  
CHECKED BY: HMA  
DATE: 05/04/2023

**PARKER ASSOCIATES**





**COMPREHENSIVE DEVELOPMENT PLAN**

**SITE PLAN**

**THE CROSSING AT SUMMIT POINTE**

Road Name: Beaglin Park Drive & Parker Road  
 CITY OF SALISBURY, WICOMICO COUNTY, MARYLAND

DATE	SCALE	PROJECT	DATE	PROJECT	DATE	PROJECT
05/04/2023	1" = 50'	110-295 & 429	05/04/2023	110-295 & 429	05/04/2023	110-295 & 429
DATE	SCALE	PROJECT	DATE	PROJECT	DATE	PROJECT
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GRAPHIC SCALE  
 1" = 50'

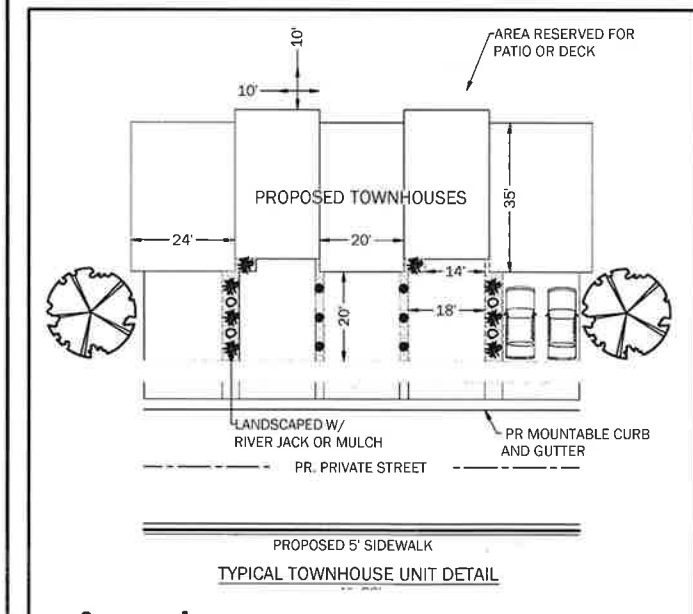
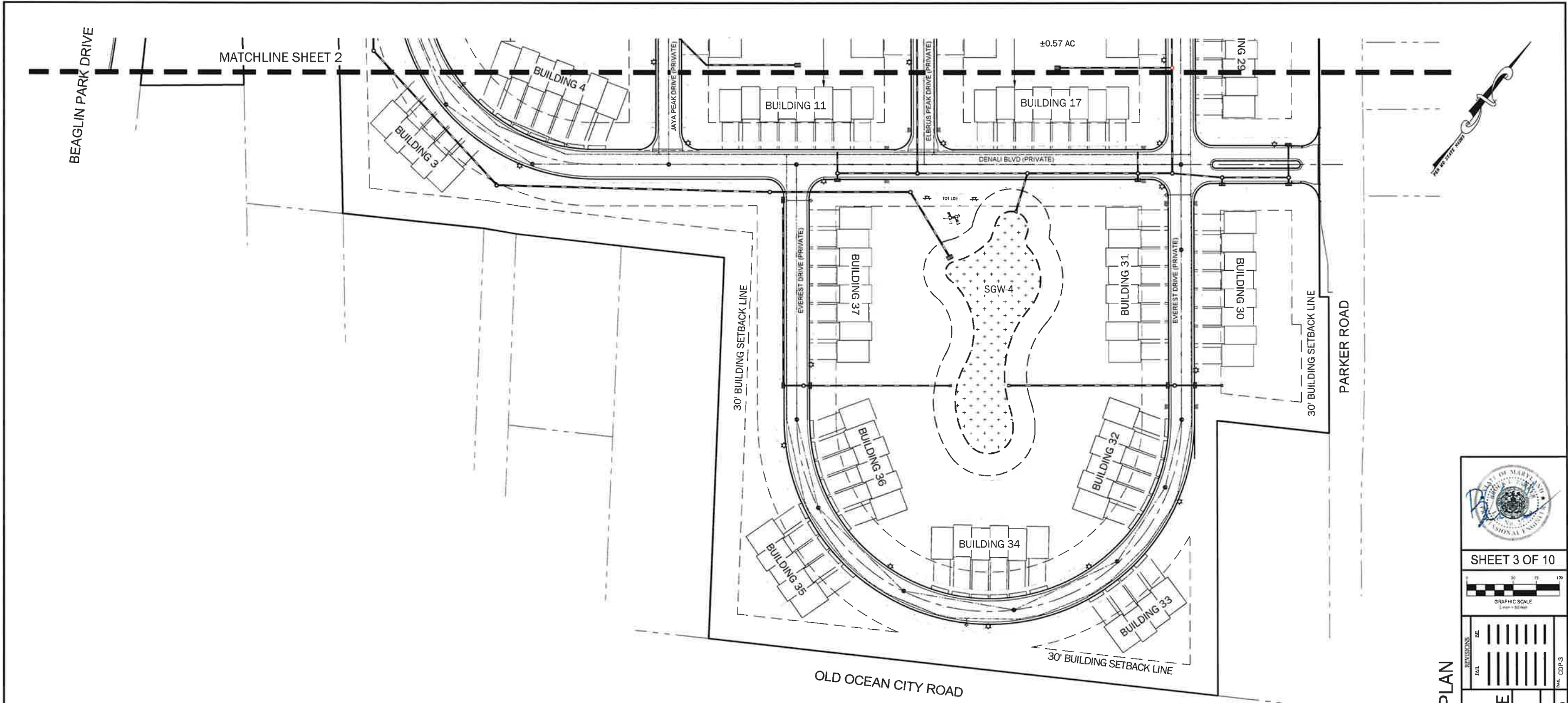
REVISIONS

NO.	DATE	DESCRIPTION
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12		

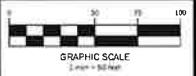
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 SCALE: 1" = 50'  
 PROJECT: 110-295 & 429

DATE: 05/04/2023  
 SCALE: 1" = 50'  
 PROJECT: 110-295 & 429

DATE: 05/04/2023  
 SCALE: 1" = 50'  
 PROJECT: 110-295 & 429



SHEET 3 OF 10



REV	DATE	DESCRIPTION	BY	CHK

COMPREHENSIVE DEVELOPMENT PLAN

SITE PLAN

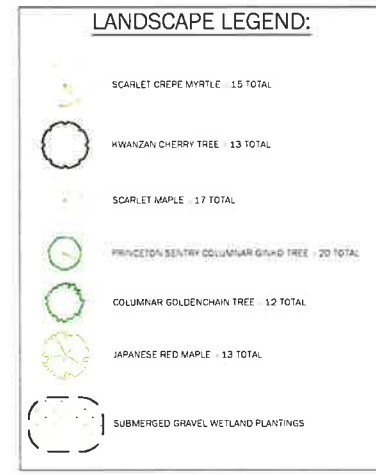
THE CROSSING AT SUMMIT POINTE

Road Name: Beaglin Park Drive & Parker Road  
 For: Altier Enterprises, LLC  
 CITY OF SALISBURY, WICOMICO COUNTY, MARYLAND

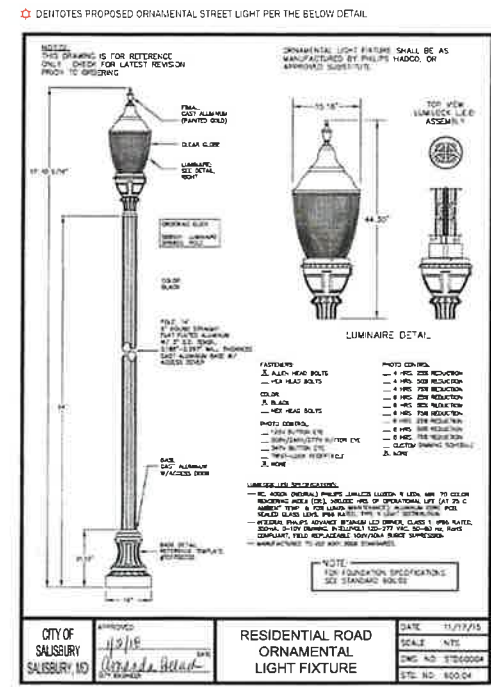
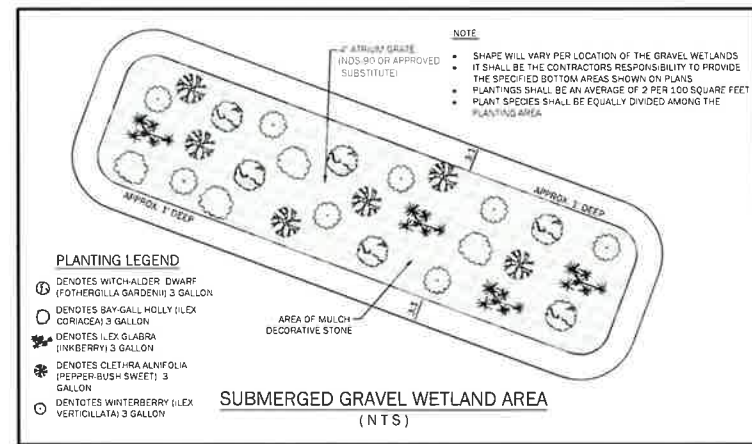
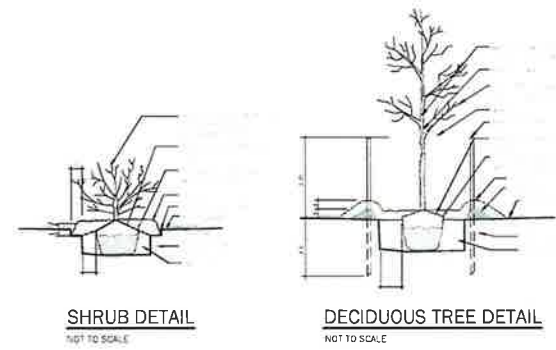
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DATE	05/04/2023	SCALE	1" = 38'
DATE	12/12/22	SCALE	1" = 25.5 & 42.9'



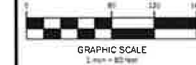




- ALL PLANT MATERIALS SHALL BE NURSERY GROWN AND SHALL COMPLY WITH THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1), LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
- CONTRACTOR SHALL CONTACT MISS UTILITY AND SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES WITHIN THE PROJECT AREA PRIOR TO INSTALLATION OF PLANT MATERIAL.
- ALL AREAS DISTURBED BY PLANTING OPERATIONS SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
- THE ROOT BALL OF ANY TREE SHALL NOT BE PLANTED WITHIN 18" OF ANY WATER OR SEWER LINE. NO PLANTINGS SHALL BE PLANTED DIRECTLY ON TOP OF ANY UTILITY.



SHEET 4 OF 10



**COMPREHENSIVE DEVELOPMENT PLAN**

**LANDSCAPING, LIGHTING, & OPEN SPACE PLAN**

**THE CROSSING AT SUMMIT POINTE**

Prepared by: **PARKER**

Client: **City of Salisbury, Maryland**

Project: **Residential Road Ornamental Light Fixture**

Scale: **1/2" = 1'-0"**

Date: **05/04/2023**

Drawn by: **KWA**

Checked by: **12**

Project No: **110,295 & 429**

File No: **ML CDP-4**





Attachment 7



SHEET 5 OF 10

NOT TO SCALE

REV.	DATE	DESCRIPTION

COMPREHENSIVE DEVELOPMENT PLAN

BUILDING ELEVATIONS  
THE CROSSING AT SUMMIT POINTE

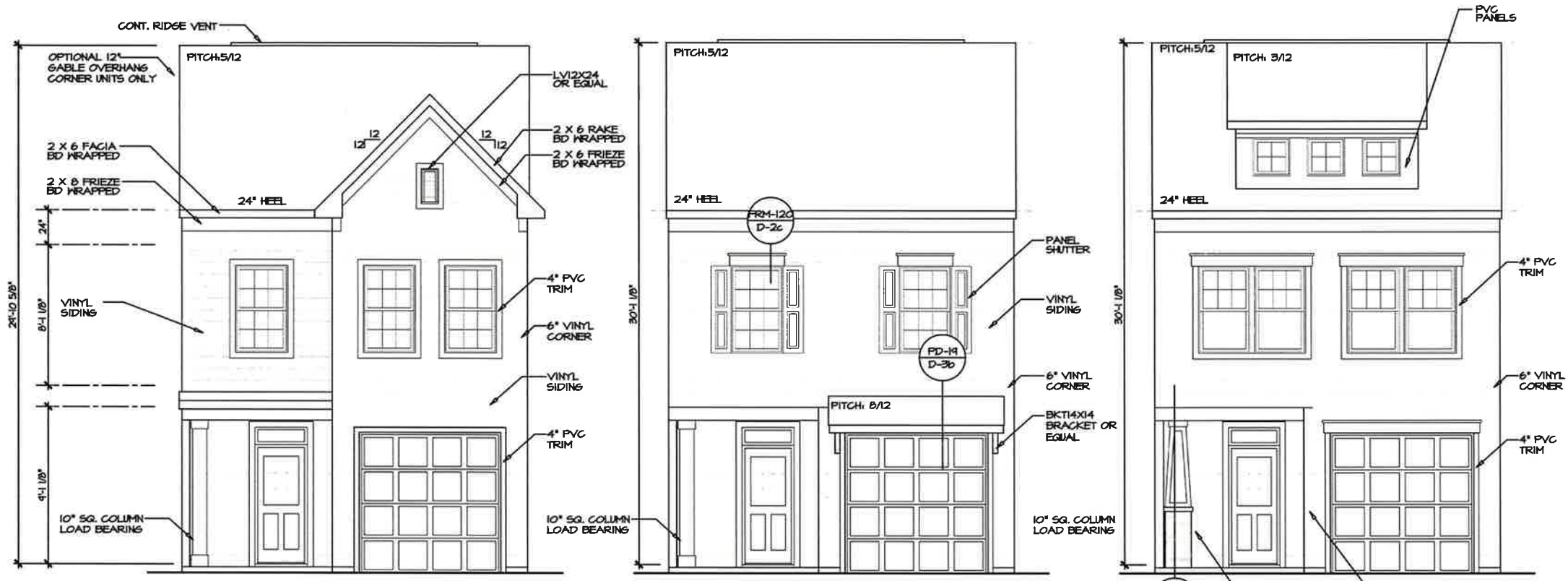
Road Name: Beggin Park Drive & Parker Road  
For: Jay Alar - Alar Enterprises, LLC  
CITY OF SALISBURY - WICOMICO COUNTY, MARYLAND

DATE	NTS	SCALE	SHEET	TOTAL SHEETS	PROJECT
05/04/2023	NTS	110, 295, & 429	38	12	CDP-5



May 09, 2023 4:08pm

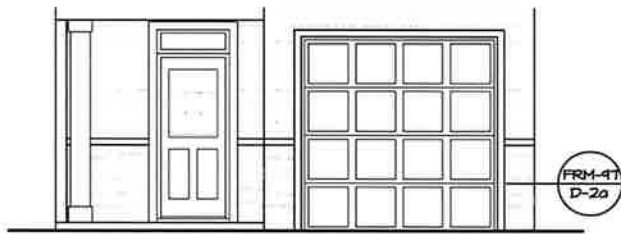




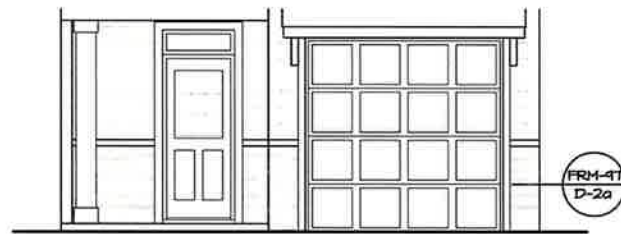
1 FRONT ELEVATION 1

2 FRONT ELEVATION 2

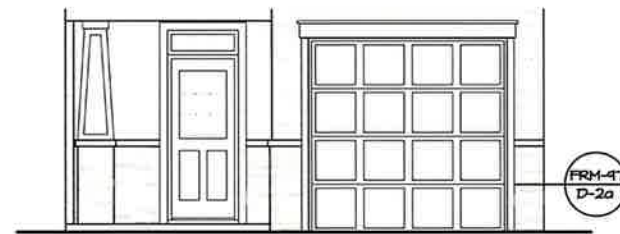
3 FRONT ELEVATION 3



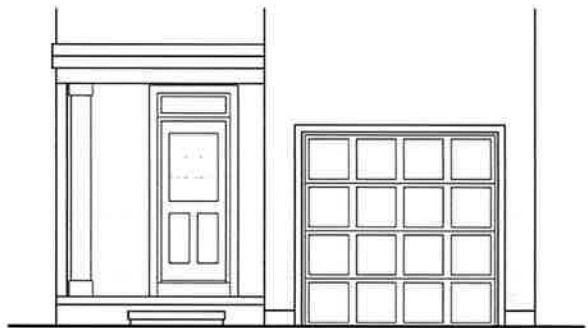
4 FRONT ELEVATION 1  
W/ OPT. STONE WATER TABLE



5 FRONT ELEVATION 2  
W/ OPT. STONE WATER TABLE



6 FRONT ELEVATION 3  
W/ OPT. STONE WATER TABLE



7 FRONT ELEVATION 1  
W/ BASEMENT CONDITION



8 FRONT ELEVATION 2  
W/ BASEMENT CONDITION



9 FRONT ELEVATION 3  
W/ BASEMENT CONDITION



SHEET 6 OF 10

NOT TO SCALE

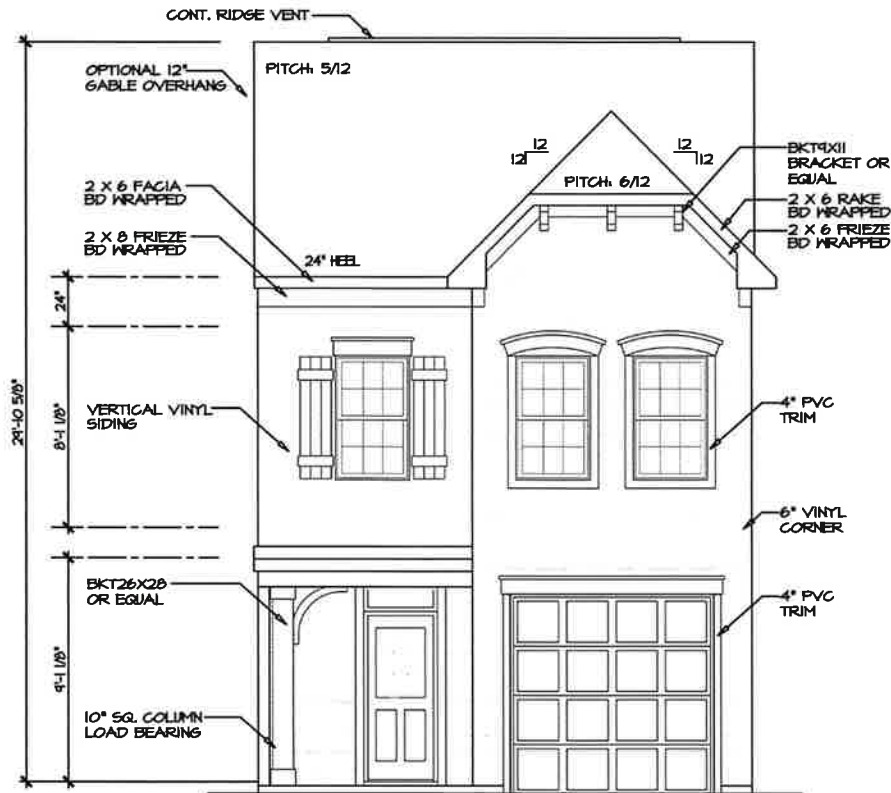
COMPREHENSIVE DEVELOPMENT PLAN

**BUILDING ELEVATIONS  
THE CROSSING AT SUMMIT POINTE**

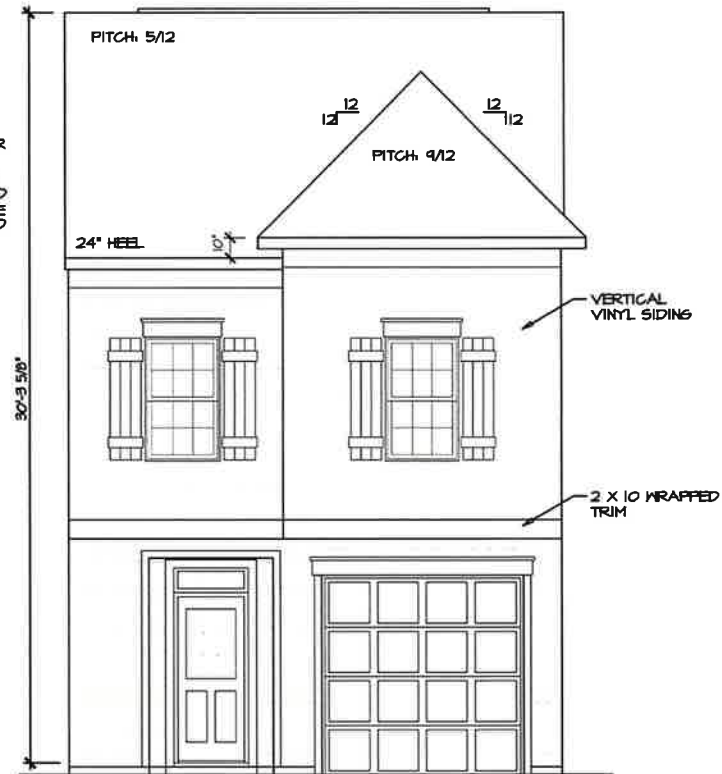
Road Name: Beaglin Park Drive & Parker Road  
CITY OF SALISBURY - WICOMICO COUNTY, MARYLAND

NO.	DATE	BY	CHKD.	DESCRIPTION
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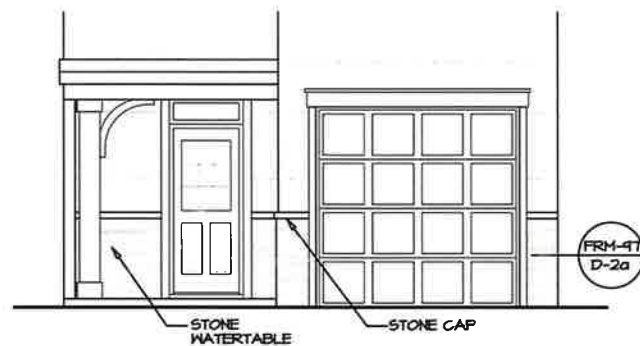




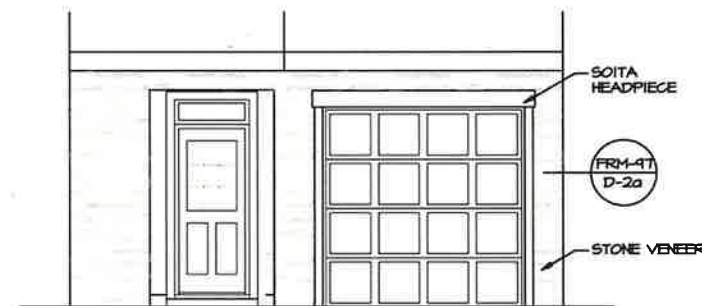
1 FRONT ELEVATION 4



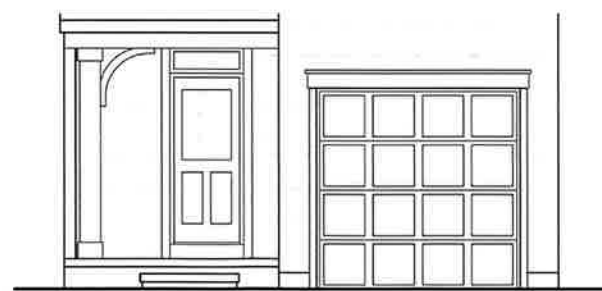
2 FRONT ELEVATION 5



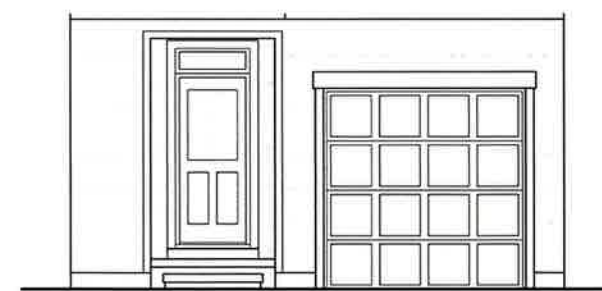
3 FRONT ELEVATION 4  
W/ OPT. STONE WATERTABLE



4 FRONT ELEVATION 5  
W/ OPT. STONE WATERTABLE



5 FRONT ELEVATION 4  
W/ BASEMENT CONDITION



6 FRONT ELEVATION 5  
W/ BASEMENT CONDITION



SHEET 7 OF 10

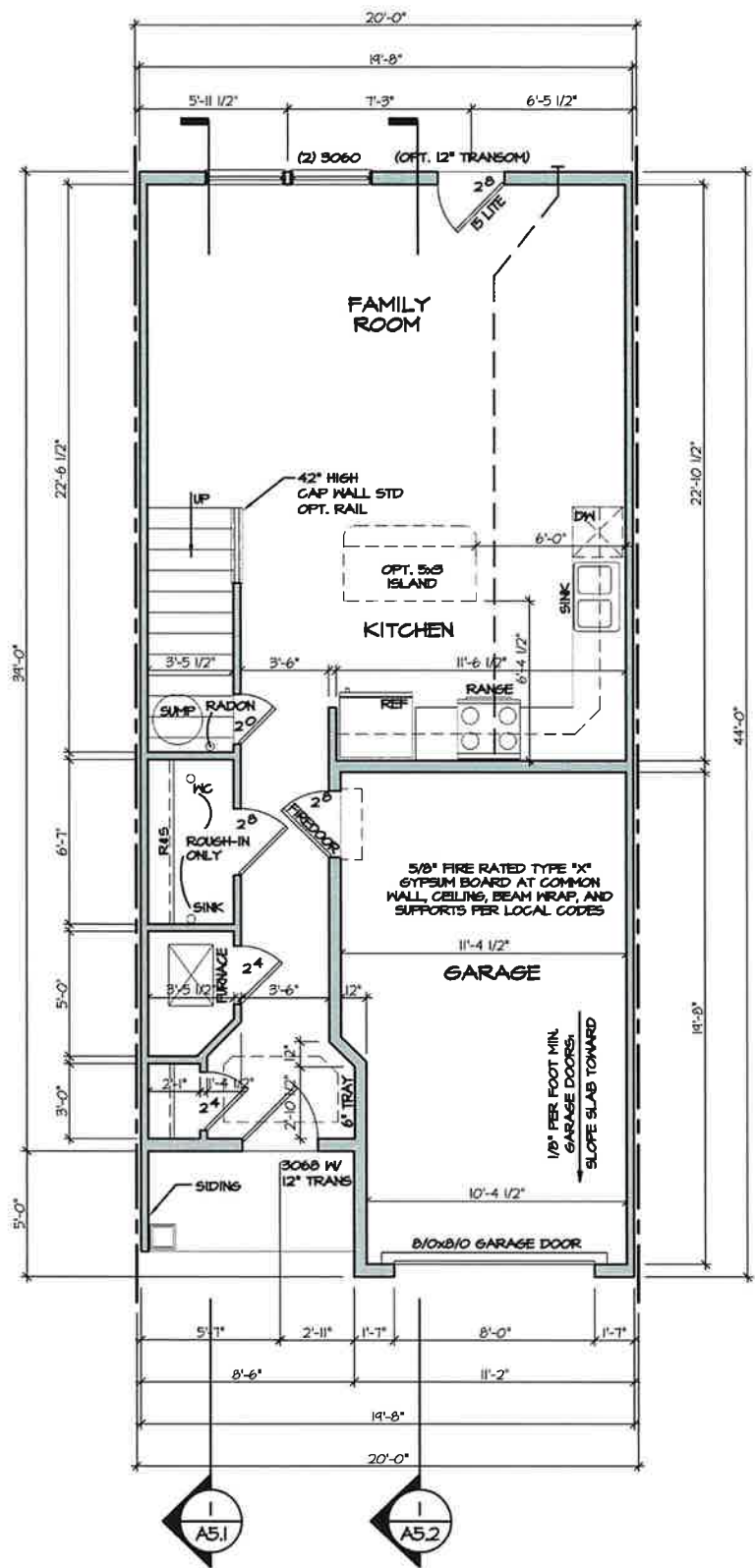
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NO.	DATE	BY	CHKD.	DESCRIPTION

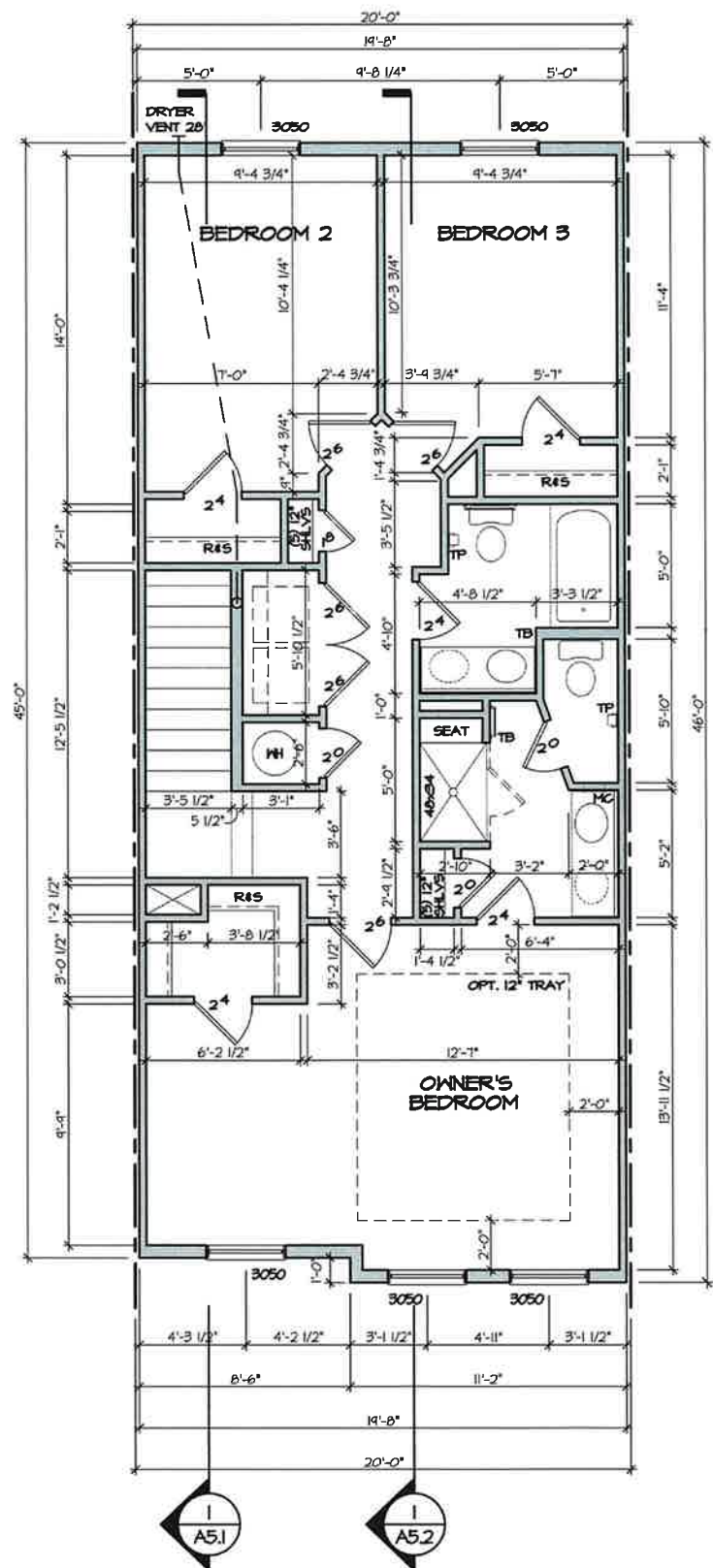
COMPREHENSIVE DEVELOPMENT PLAN

**BUILDING ELEVATIONS**  
**THE CROSSING AT SUMMIT POINTE**  
 Road Name: Baggett Park Drive & Parker Road  
 Project: 2410 Baggett Park Drive, Annapolis, MD 21403  
 City of Salisbury, Wicomico County, Maryland  
 Date: 05/04/2023  
 Scale: NTS  
 Project No: 110,295, & 429  
 Drawing No: CDP-7





1 FIRST FLOOR PLAN  
ELEV. #1, #4



1 SECOND FLOOR PLAN  
ELEV. #1, #4

COMPREHENSIVE DEVELOPMENT PLAN

INTERIOR UNIT FLOOR PLANS  
THE CROSSING AT SUMMIT POINTE

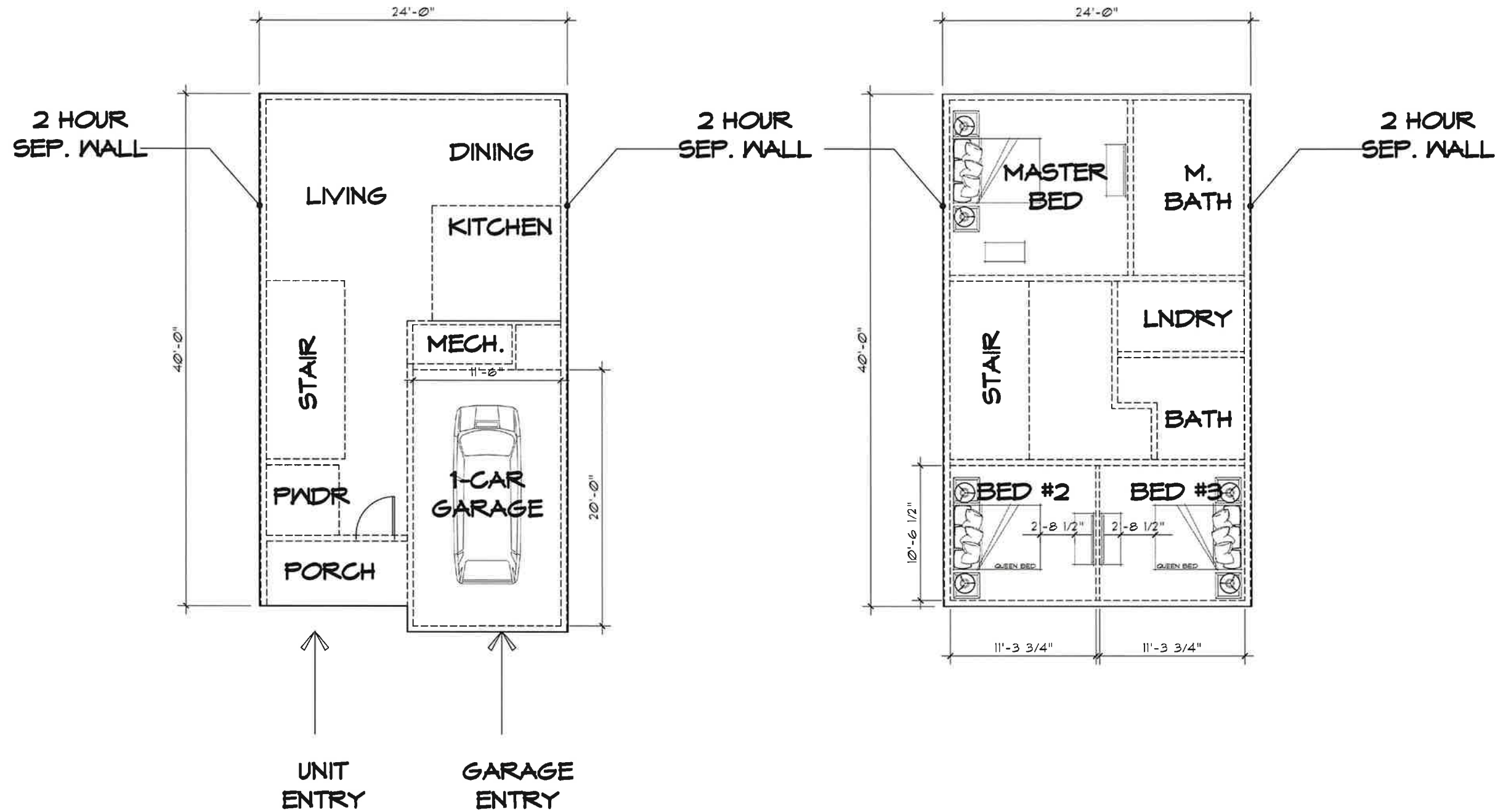
Road Name: Beaglin Park Drive & Parker Road  
CITY OF SALESBURY - WICOMED COUNTY, MARYLAND



SHEET 8 OF 10  
NOT TO SCALE

NO.	DATE	BY	CHKD.	APP.	DESCRIPTION
1	05/04/2023	NTS	38	12	REVISED PLANS FOR DEVELOPMENT PLAN
2					
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10					





COMPREHENSIVE DEVELOPMENT PLAN

END UNIT FLOOR PLANS  
 THE CROSSING AT SUMMIT POINTE



PROJECT: THE CROSSING AT SUMMIT POINTE  
 ROAD NAME: BEAUFORT PARK DRIVE & PARKER ROAD  
 ADDRESS: 110, 295, & 429  
 CITY OF SALISBURY, WICOMICO COUNTY, MARYLAND

DATE: 05/04/2023  
 TIME: 12:00 PM  
 SHEET: 9 OF 10  
 SCALE: NTS  
 PROJECT NO.: 110, 295, & 429  
 FILE: CDP-9

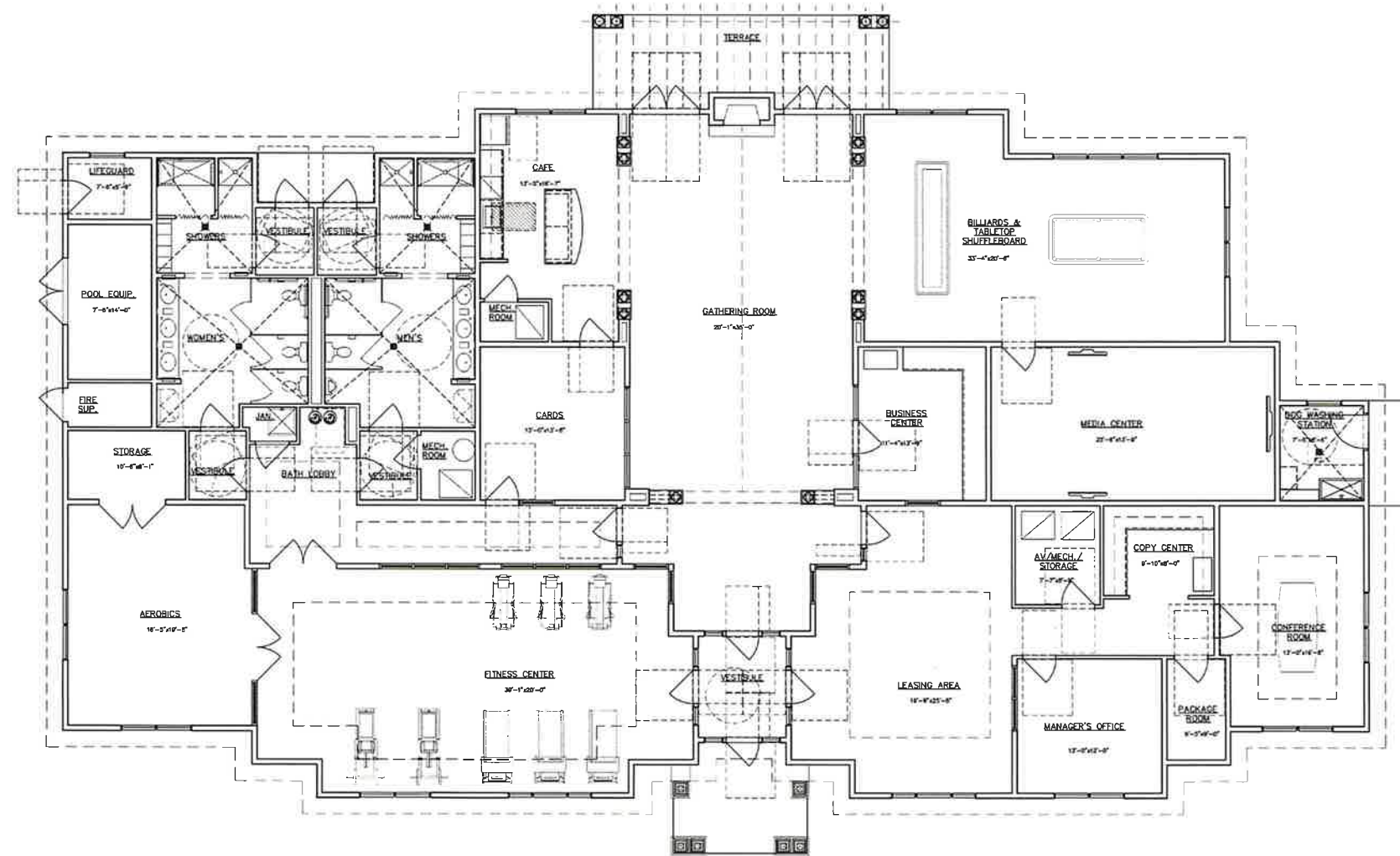
NOT TO SCALE

SHEET 9 OF 10





**CLUBHOUSE ELEVATION**



**CLUBHOUSE FLOOR PLAN**



SHEET 10 OF 10

NOT TO SCALE

REV.	DATE	DESCRIPTION

COMPREHENSIVE DEVELOPMENT PLAN

**CLUBHOUSE ELEVATION & FLOOR PLAN**  
**THE CROSSING AT SUMMIT POINTE**

Right to Redeem, Park Pointe & Parker Road  
 For: Jai Alar - Alum Enterprises, LLC  
 CITY OF SALISBURY, WICOMICO COUNTY, MARYLAND

DATE: NTS  
 DATE: 05/04/2023  
 DRAWN BY: KWA  
 PROJECT: 110.295 & 429  
 SHEET: 12  
 TITLE: CDP-10





## **Infrastructure and Development Staff Report**

**June 15, 2023**

### **I. BACKGROUND INFORMATION:**

Project Name: Celtic Insurance

Applicant/Owner: Brian & Susan McGinty/542 Snow Hill Road, LLC

Infrastructure and Development Project No.: 202300606

Nature of Request: Comprehensive Site Plan Approval

Location of Property: 526 – 542 Snow Hill Road, Map 112, Parcels 1901 & 1902, Grid 16

Existing Zoning: General Commercial

### **II. DISCUSSION:**

The applicants are proposing to convert the existing 6,040 sq. ft. building into a multi-use building, with first floor office space, and residential apartments on the second floor.

### **III. PLANNING AND ZONING:**

#### **A. History**

The building, which was built in 1962, and site, has a very limited history, with only a sign setback variance being granted by the Salisbury Board of Zoning Appeals in 1988. The sign still exists today.

#### **B. Site Description**

The triangular-shaped site consists of two (2) lots with a total area of 21,218 sq. ft., and is located at the northwest corner of Snow Hill Road and Washington Street. The property has access from both streets. **(Attachments 1 & 2)**

#### **C. Surrounding Area Development**

The site is located near a mixture of business and commercial uses along Snow Hill Road, including a daycare center, Shore Up! Inc., E.D. Supply and Holloway Funeral Home. Properties to the west consist of single-family residential uses and Prince Street Elementary.

#### **IV. COMPREHENSIVE SITE PLAN REVIEW:**

##### **A. Parking**

The site has two (2) existing parking lots with a total of 17 spaces, including one (1) van accessible space. The parking has recently been resealed and restriped. **(Attachment 2)**

##### **B. Landscaping**

The Zoning Code indicates that a mixed-use building be provided with a "five-foot-wide landscaping area abutting all property lines and parking lots." As the proposed mixed use building is a conversion of a building and site that was developed over 60 years ago, prior to the adoption of the City's current Zoning Code, it is difficult for the applicant to provide the required landscaping around the property's perimeter. However, extensive landscaping has been provided throughout the site, as is evidenced by the attached before **(Attachment 1)** and after pictures. This includes installing 79 bushes and shrubs as foundation and site landscaping, 350 flowering plants, several trees, and new sod. A small community/client garden has also been provided along Washington Street near the rear entrance. **(Attachments 2, 4 – 7)**

#### **V. PLANNING CONCERNS:**

None. The applicant has made numerous improvements to make this an attractive site.

#### **VI. STAFF RECOMMENDATION:**

Staff recommends approval for the Site Plan as submitted.

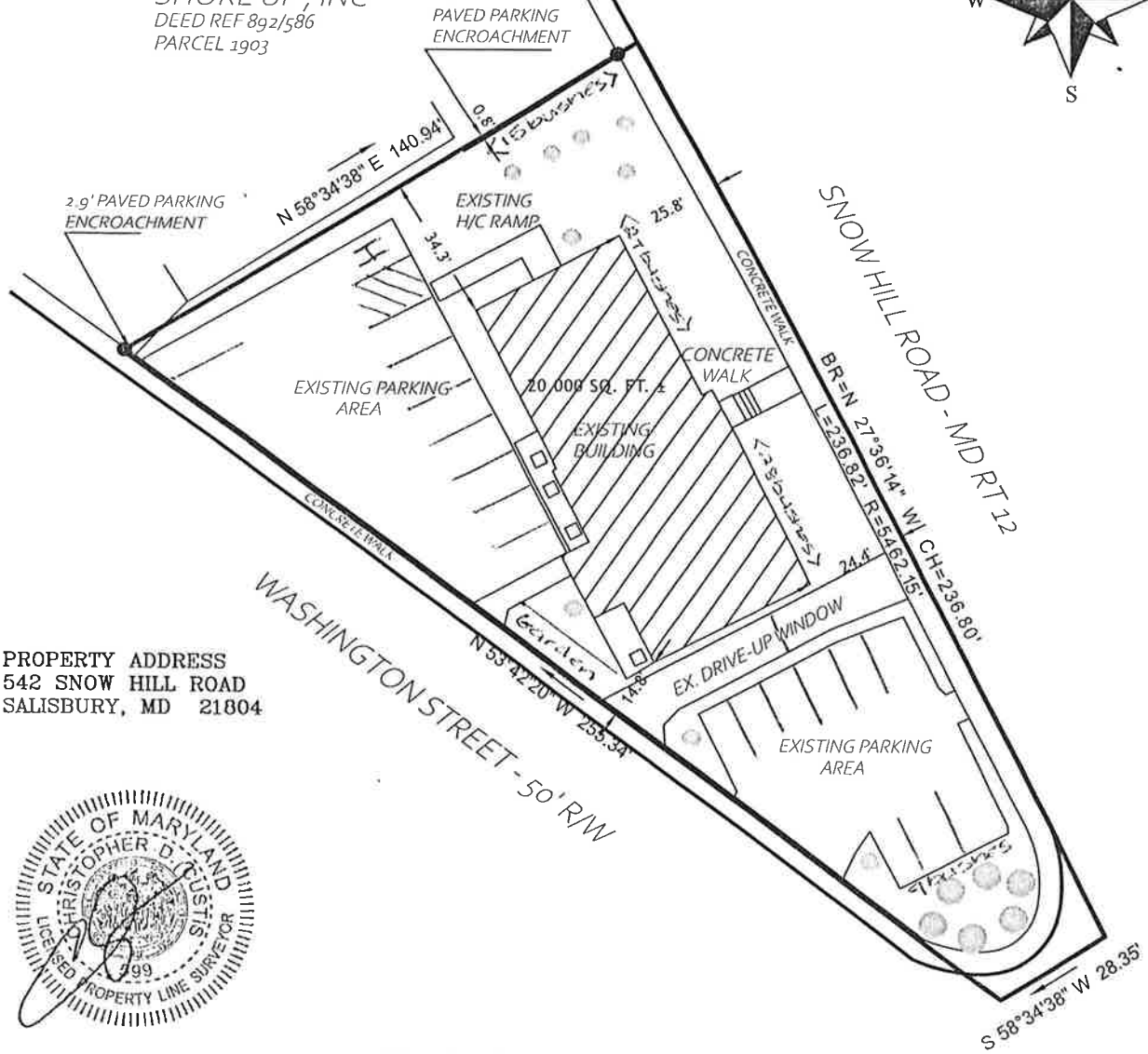
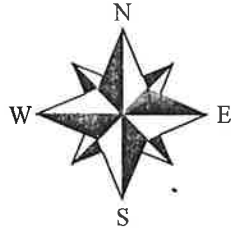




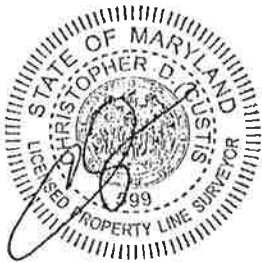
© All EagleView Technol



SHORE UP, INC  
DEED REF 892/586  
PARCEL 1903



PROPERTY ADDRESS  
542 SNOW HILL ROAD  
SALISBURY, MD 21804



THIS LOCATION DRAWING IS FOR THE BENEFIT OF THE NAMED CONSUMER ONLY INsofar AS IT IS REQUIRED BY A ZONING OFFICE. THIS LOCATION DRAWING IS TO BE USED FOR PERMITTING PURPOSES ONLY. THIS LOCATION DRAWING IS NOT TO BE USED FOR THE PURPOSE OF LEGAL DESCRIPTIONS AND DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF BOUNDARY LINES.

TITLE **LOCATION DRAWING FOR 542 SNOW HILL, LLC**

COUNTY	WICOMICO	STATE	MD
TAX DISTRICT	08		
TAX MAP	GRID	PARCEL	
112	16	192 & 1901	
DEED REF.	5151/464		
PLAT REF	263/21		
DATE	05/08/2023		

SCALE 1" = 40'

- IRON ROD FD
- IRON ROD SET
- CONC. MONU FD.
- CONC MONU TO BE SET
- △ UNMARKED POINT
- ===== DITCH

LICENSE EXPIRATION 05/25

**SURVEYING**  
410.726.3576  
P.O. BOX 786  
PRINCESS ANNE, MD 21853  
Surveying, Topography, Flood Elevations  
Construction Layout, Terrain Modelling, Consulting  
cdcsurveying@gmail.com

paved parking lots, added community veg. garden

Tree  
Boulder

added stone border around beds, planted 150 Black Eyed Susans, 100 Pachysandra 100 nansias

Attachment 3

Google Maps 540 MD-12

Salisbury, Maryland  
Google Street View  
Sep 2022 See more dates



Image capture: Sep 2022 © 2023 Google

Washington, Prince St  
5 Schumaker Dr  
HALO Bargain Center









**Attachment 5**





**Attachment 6**



