

ORDINANCE NO. 2821

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

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

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

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

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

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

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

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

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

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

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

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

17.160.120 – Definitions.

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

...

“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.

...

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

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

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. The requirements for “Medical and dental clinic and office” in 17.196.030 shall be used to determine parking space requirements;**
- 2. Screening from adjoining residential uses consisting 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.**

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

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

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

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


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

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 28th day of August, 2023 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 25th day of September, 2023.

ATTEST:

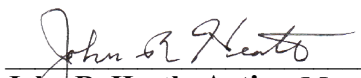


Kimberly R. Nichols, City Clerk



April R. Jackson, City Council President

Approved by me, this 2nd day of October, 2023.



John R. Heath, Acting Mayor