



**SALISBURY CITY COUNCIL
WORK SESSION AGENDA**

NOVEMBER 6, 2023

Salisbury Headquarters at 115 S Division Street and Zoom Video Conferencing

- 4:30 p.m. Presentation- Wicomico County Health Dept yearly report- Matthew McConaughy, Health Officer, Wicomico County Health Department
- 4:45 p.m. Budget amendment to accept funds from the State of MD Grant for Infrastructure Improvements- City Administrator Andy Kitzrow
- 4:55 p.m. Budget amendment to appropriate fund for the Maryland Folk Festival- Arts, Business & Culture Director Allen Swiger
- 5:05 p.m. Cannabis- Zoning Code modification- City Planner Brian Soper
- 5:15 p.m. Public Comments on topics presented above
- 5:25 p.m. Administration and Council Comments
- 5:30 p.m. Adjournment / Motion to convene in Closed Session to consult with counsel to obtain legal advice on a legal matter and to consult with staff, consultants, or other individuals about pending or potential litigation as permitted under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b)(7)(8). The Council will receive an update on the PFAS lawsuit from counsel and City staff.

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

Join Zoom Meeting
<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2IHbnROQzZVUT09>
Meeting ID: 881 6325 3286
Passcode: 812389
Phone: 1.301.715.8592

Posted: 11/02/23



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

TO: City Council
FROM: Andy Kitzrow
DEPT: Mayor's Office
DATE: 11/1/23
SUBJECT: Budget Amendment – Accepting \$4,000,000 from State of Maryland

The City of Salisbury requested and received State funding for infrastructure improvements to Lot 10. Included in the packet is an award letter from the Department of General Services.

This funding will contribute to the redevelopment of site to include hotel and conference center (PHASE I), and multi-family, retail and parking garage (Phase II). The funding award is \$4,000,000 in FY24 and a preauthorization of \$2,000,000 in FY25 for a total amount of \$6,000,000.

The City entered into a Contract of Sale for Lot 10 via Resolution 3212 (2/6/23). Mentis Capital Partners LLC is the subrecipient of the funding and owner of the property. Originally the City declared the property surplus November 14, 2016.



Wes Moore, Governor · Aruna Miller, Lt. Governor · Atif Chaudhry, Secretary

October 11, 2023

Mr. Andy Kitzrow, City Administrator
Mayor's Office
City of Salisbury
125 North Division Street
Salisbury, MD 21801

Re: Confirmation of Funds in FY24 Budget

The Maryland Department of General Services confirms that the City of Salisbury has been awarded a total of \$4,000,000 in the Fiscal Year 2024 budget, through a combination of Maryland Consolidated Capital Bond Loan (MCCBL) funds and PAYGO funding, as outlined below. These two awards will be processed and administered by the department's Capital Grants & Loans office, following the requisite program guidelines.

Award 1

Description: A grant to the Mayor and City Council of the City of Salisbury for infrastructure improvements in the City of Salisbury (Wicomico County)

Amount: \$3,000,000

Reference: House Bill 200 (pg 273;line 32-34) <https://mgaleg.maryland.gov/2023RS/bills/hb/hb0200E.pdf>

Award 2

Description: H00H01.03 Miscellaneous Grants – Capital Appropriation In addition to the appropriation shown on page 41 of the printed bill (first reading file bill), to provide a grant to the Mayor and City Council of the City of Salisbury for infrastructure improvements in the City of Salisbury in Wicomico County.

Amount: \$1,000,000

Reference: Supplemental Budget

<https://dbm.maryland.gov/budget/Documents/operbudget/2024/proposed/FY2024-Supplemental-Budget-No2.pdf>

Please do not hesitate to reach out to me should you have any questions or wish to otherwise discuss further.

Sincerely,

Chichi Nyagah-Nash

Chichi Nyagah-Nash
Chief Operating Officer

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

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

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

58 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
59 Salisbury held on the ___ day of November, 2023 and thereafter, a statement of the substance of the Ordinance
60 having been published as required by law, and in the meantime, was passed by the Council of the City of Salisbury
61 on the ___ day of November, 2023.

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63 **ATTEST:**

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65 _____
66 **Kimberly R. Nichols, City Clerk**

_____ **April R. Jackson, City Council President**

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

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John R. Heath, Acting Mayor



To: City Council
From: Allen Swiger, Director of ABCD
Subject: Budget Amendment for Maryland Folk Festival
Date: 11/1/23

The Arts, Business and Culture Department (ABCD) is requesting consideration for an amendment to appropriate funds for the 2nd Annual Maryland Folk Festival that is scheduled for September 20-22, 2024. These funds will be utilized for all facets of festival operations including staffing, production fees, artist fees, equipment, staging, lighting, and more.

The City of Salisbury has determined that \$85,012 will be required for this program to be transferred from the General Fund in addition to the revenues estimated below.

ABCD has determined that \$589,700 in appropriations are required for the 2024 Maryland Folk Festival event, exclusive from grant funding as outlines below.

The current forecast for the MDFF FY24 Revenues is as follows:

Event Revenues (Beverage, Vendors)	55,000
Sponsorships and Donations	449,688
<u>Transfer – General Fund</u>	<u>85,012</u>
Total	\$589,700

In addition, there are \$125,000 in grant applications that are expected to be awarded. These funds will be utilized for contractual support and operating expenses.

The mission of the Maryland Folk Festival it to celebrate our community’s rich artistic vibrancy and diversity by offering unique experiences to express cultural traditions through music, dance, food, crafts and other folk arts.

Attachment: Budget Amendment Ordinance

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Section 3. The City of Salisbury’s Maryland Folk Festival Special Revenue Fund be and hereby is amended as set forth below:

Increase (decrease)	Account Type	Account	Description	Amount
Increase	Revenue	10125-469110	Transfers from General Fund	85,012
Increase	Revenue	Various	Anticipated revenues as set forth Exhibit A	504,688
Increase	Expenditure	Various	2024 MD Folk Festival	589,700

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

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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.

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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.

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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.

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

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ATTEST:

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Kimberly R. Nichols, City Clerk

April R. Jackson, City Council President

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

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John R. Heath, Acting Mayor

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Schedule A – 2024 MD Folk Festival

					2024 MD FF
	CT	PROJECT	ACCOUNT DESCRIPTION		Budget
0125	10125	456121	73045	Beverage Sales	35,000
0125	10125	456123	73045	Vendor Revenue	20,000
0125	10125	456124	73045	Sponsorships	374,188
0125	10125	456400	73045	Donations	75,500
0125	10125	469110	73045	Transfers from General	85,012
				Total Revenue	589,700
0125	10125	501001	73045	Salaries -Clerical	57,640
0125	10125	501002	73045	Salaries-Non-Clerical	57,235
0125	10125	501006	73045	Salaries-Part-Time	10,000
0125	10125	502010	73045	Fica	9,553
0125	10125	502020	73045	Health Insurance	28,004
0125	10125	502030	73045	Life Insurance	78
0125	10125	502040	73045	Retirement-Employees	12,779
0125	10125	502070	73045	Workers Comp Ins.	3,161
0125	10125	513000	73045	Professional Services	155,000
0125	10125	513100	73045	Artist Fees	134,500
0125	10125	546006	73045	Operating	51,000
0125	10125	546012	73045	Equipment & Maintenance	70,450
0125	10125	555402	73045	Cellular Phones	300
				Total Expense	589,700

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

To: Andy Kitzrow, Acting City Administrator
From: Richard D. Baldwin, Director of Infrastructure and Development 
Date: 10/31/2023
Re: Zoning Code Text Amendments to Sections 17.04.120, 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 and 17.80.060 for the Regulation of Adult Use Cannabis

Maryland voters approved a ballot referendum in the 2022 General Election to allow use of cannabis by adults 21+ (hence, "adult-use") starting July 1, 2023. During the 2023 legislative session, the General Assembly passed legislation that provided a framework for implementing legal adult-use sales, including a licensing and taxation framework (see House Bill 556/Senate 516). The Cannabis Reform Act, which took effect immediately upon Governor's signature on May 3, 2023, authorized existing licensed dispensaries to convert their licenses for dual medical and adult-use sales by July 1, thereby creating a legal adult-use marketplace as of July 1, 2023. The Act also authorized the Maryland Cannabis Administration to issue additional grower, processor, and dispensary licenses, and new incubator licenses over two licensing rounds.

Staff has prepared the proposed regulatory framework for the growing, processing and dispensing of adult use cannabis within the City. The proposed amendments for growing and processing in the Light Industrial and Industrial Park zoning districts are similar to the proposed County amendments. The Industrial zoning district was not included due to location and the existing uses.

Cannabis dispensaries are proposed in the General Commercial district as an ordinance permit. Staff finds cannabis dispensaries to be of a similar use as "liquor stores and dispensaries" already permitted with an ordinance permit. An ordinance permit is adopted by the City Council following a recommendation from the Planning Commission.

The proposed text amendments were reviewed by the City Attorney and received a favorable recommendation from the Planning Commission following a public hearing on October 19, 2023.

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

ATTACHMENTS (2):

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



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

Meeting of October 19, 2023

Public Hearing - Text Amendment

To amend Title 17, Zoning, Chapters 17.04.120 entitled "Definitions.", 17.160.040 entitled "Uses permitted by ordinance permit.", 17.36.045 entitled "Prohibited uses.", 17.36.060 entitled "Development standards.", 17.76.020 entitled "Permitted uses." , 17.76.025 entitled "Uses permitted by special exception.", 17.76.050 entitled "Development standards.", 17.80.040 entitled "General standards and requirements.", 17.80.060 entitled "Permitted uses."

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:

Maryland voters approved a ballot referendum in the 2022 General Election to allow use of cannabis by adults 21+ (hence, "adult-use") starting July 1, 2023. During the 2023 legislative session, the General Assembly passed legislation that provided a framework for implementing legal adult-use sales, including a licensing and taxation framework (see House Bill 556/Senate 516). The Cannabis Reform Act, which took effect immediately upon Governor's signature on May 3, 2023, authorized existing licensed dispensaries to convert their licenses for dual medical and adult-use sales by July 1, thereby creating a legal adult-use marketplace as of July 1, 2023. The Act also authorized the Maryland Cannabis Administration to issue additional grower, processor, and dispensary licenses, and new incubator licenses over two licensing rounds.



City of Salisbury

John "Jack" R. Heath, Mayor

Drafts of 17.04.120, 17.36, 17.76, and 17.80 are shown in Attachments 2-5 with the proposed amendments bolded and underlined.

III. PLANNING AND ZONING:

The Planning Commission held a meeting on October 5, 2023 to discuss the proposed amendments prior to a public hearing. This was in addition to three previous meetings held over recent months as part of the County's efforts to draft amendments pertaining to adult use cannabis and cannabis businesses.

Growing and processing was determined to be an industrial process and should be limited to the Light Industrial and Industrial Park Districts. The Industrial District ("ID") was not included due to the current uses and locations of this district. City uses in the ID are the wastewater treatment plant and the Department of Field Operations. Other uses are the Perdue processing facility and the old Dresser Wayne property now owned by Salisbury University.

Cannabis dispensaries would be permitted by ordinance in the General Commercial District subject to the development standards. Staff finds this use to be of the same nature as liquor dispensaries which are also permitted by an ordinance permit in this district. The development standards include regulations as established by the State.

Cannabis on-site consumption establishments are prohibited throughout the City.

The draft ordinance (Attachment 6) 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 6, based on the findings in the staff report.

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

In accordance with the provisions of Section 17.228, Amendments and Rezonings, of the Salisbury Municipal Code, the City of Salisbury proposes amendments to the text of Title 17, Zoning, Chapter 17.04.120., entitled “Definitions”, Chapter 17.36., entitled “General Commercial District”, Chapter 17.76., entitled “Light Industrial District”, and Chapter 17.80., entitled “Industrial Park District”, to regulate the cannabis business to include the growing, processing, dispensing, and on-site consumption establishments.

A PUBLIC HEARING WILL BE HELD ON

Thursday, October 19, 2023, at 1:30 P.M. in the Council Chambers, Room 301, of the Government Office Building, 125 North Division Street, Salisbury, Maryland to hear opponents and proponents, if there be any.

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

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

(FOR FURTHER INFORMATION CALL 410-548-3170)

Charles “Chip” Dashiell, Chairman

Publication Dates: October 5, 2023
 October 12, 2023

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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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.

"Cannabis" means the plant Cannabis Sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis. Cannabis includes cannabis products. Cannabis does not include hemp or hemp products, as defined in § 14-101 of the Agriculture Article of the Annotated Code of Maryland.

"Cannabis Administration" means the Maryland Cannabis Administration established under Title 36 of the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland.

"Cannabis Business" means a business licensed or registered by the Cannabis Administration to operate in the cannabis industry. This includes, but is not limited to, a grower, processor, or dispensary, to include an on-site consumption establishment, licensed under Title 36 of the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland. A cannabis business not enumerated as a use, permitted or otherwise, in this Title is prohibited within the City of Salisbury.

"Cannabis Delivery Service" means a cannabis licensee authorized to deliver cannabis in accordance with a cannabis micro license to operate a cannabis dispensary.

"Cannabis Dispensary" means an entity licensed under Title 36 of the Alcoholic Beverages and Cannabis Article of the Annotated Code of the Maryland that acquires, possesses, repackages, transfers, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products including tinctures, aerosols, oils, and ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers through a storefront or through a delivery service, based on license type.

"Cannabis Grower" means an entity licensed under Title 36 of the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland that cultivates, or packages, cannabis and is authorized by the Cannabis Administration to provide cannabis to other cannabis licensees and registered independent testing laboratories.

"Cannabis Micro License" means a micro license issued in accordance with § 36-401(c)(2) of the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland.

"Cannabis On-site Consumption Establishment" means an entity licensed under § 36-401(c)(4) of the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland to distribute cannabis or cannabis products for on-site consumption other than consumption by smoking indoors. A Cannabis On-Site Consumption Establishment is prohibited within the City of Salisbury.

"Cannabis Processor" means a licensed entity that:

(1) transforms cannabis into another product or an extract and packages and labels the cannabis product;
and

(2) is authorized by the Administration to provide cannabis to licensed dispensaries and registered independent testing laboratories.

"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.

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

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

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

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

"Community impact statement" includes the following:

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

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.

"Recreation Center" includes both recreational establishment, indoor and recreational establishment, outdoor as defined in this Chapter.

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

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

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

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

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

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

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

"Restaurant, fast-food carry-out" means any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can readily be

Chapter 17.36 GENERAL COMMERCIAL DISTRICT

17.36.010 Purpose.

The purpose of the general commercial district is to provide a wide range of functional and attractive regional retail, office, service, wholesale, storage, distributing and light manufacturing activities.

To alleviate problems with traffic congestion and unnecessary turning movements, unified access and consolidation of businesses are encouraged. Because of the potential impact of these types of activities, special landscaping and screening requirements are established for certain use.

The following uses, standards and area regulations have been established consistent with this purpose.

(Ord. 1599 § 1 (part), 1995: prior code § 150-65)

17.36.020 Permitted uses.

A. Permitted uses shall be as follows:

1. Apartment units, in accordance with chapter 17.168;
2. Bank;
3. Bakery;
4. Boardinghouse/rooming house;
5. Business center in accordance with the requirements of chapter 17.172, provided that each individual lot shall have a minimum of six thousand (6,000) square feet of land area;
6. Carpenter, sheet metal, sign, blacksmith and welding shop, provided that all activities are confined within a building;
7. Church and other place of worship;
8. Club, lodge and fraternal organization;
9. Cultivation of land;
10. Cultural uses, such as museum, library or art gallery;
11. Dry-cleaning plant;
12. Eating and drinking establishments, including tavern, dance hall, nightclub and restaurants, all types;
13. Firehouse;
14. Equipment sales, rental, service, repair or maintenance facility for industrial, automotive, marine, office, construction, household, business or farm equipment;
15. Greenhouse, florist and nursery;
16. Hotel, motel or motor hotel;
17. Laboratory and establishment for production, sale, fitting or repair of eyeglasses, hearing aids and prosthetic appliances;

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18. Light industrial uses, as listed in the light industrial district, completely confined within a building with no outside storage of raw materials or finished products;
 19. Lumber and building supplies;
 20. Marina;
 21. Medical-care facility;
 22. Medical and dental office and clinic;
 23. Police station or substation;
 24. Parking garage, public or private;
 25. Mixed use building as defined in section 17.04.120 in this chapter in accordance with a comprehensive site plan, as approved by the planning commission, with a mandatory five-foot-wide landscaping area abutting all property lines and parking lots. Signage shall be the same as required for a shopping center;
 26. Neighborhood shopping center not exceeding thirty thousand (30,000) gross square feet of building area in accordance with the requirements of chapter 17.212;
 27. Office or office building for more than one office;
 28. Radio or television broadcasting station or studio;
 29. Retail sales;
 30. School of special instruction;
 31. Service, rental or repair establishment, such as laundry or laundromat, automobile rental, gasoline and service station, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, hairdresser shop, pet-grooming shop, excluding outdoor runs, upholstery shop, funeral home, tailor and other uses of similar nature;
 32. Taxi and limousine service;
 33. Theater, excluding drive-in theater;
 34. Wholesale business, warehouse, moving, storage and distribution establishment, including wholesale sales;
 35. Group domiciliary care facility;
 36. Townhouse development, in accordance with chapter 17.224.

(Ord. 1786 § 6, 2000; Ord. 1599 § 1 (part), 1995; prior code § 150-66)

(Ord. No. 2734 , 9-12-2022)

17.36.030 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Animal hospital or kennel or any other facility for the treatment of animals with outside pens or runs;
- B. Bus terminal;
- C. Shopping centers, neighborhood, over thirty thousand (30,000) gross square feet of floor area, commercial and regional shopping centers in accordance with chapter 17.212;

-
- D. Trucking and freight stations, terminals, and storage yards, excluding the above ground storage of flammable liquids, except for servicing vehicles owned or used in the conduct of the business;
 - E. Recreational establishment, indoor;
 - F. Day care facilities for the elderly and handicapped.

(Ord. 1690 § 2, 1998; Ord. 1599 § 1 (part), 1995; prior code § 150-67)

17.36.040 Uses permitted by ordinance permit.

Uses permitted by ordinance permit shall be as follows:

- A. Commercial auction;
- B. Communication tower, over seventy-five (75) feet in height or any other electronic communications facilities with more than one tower or more than one sending or receiving disk in accordance with chapter 17.220;
- C. Liquor stores and dispensaries (off-sale);
- D. Public or private utility building and uses;
- E. Recreational establishment, outdoor;
- F. Utility substation, in accordance with chapter 17.220;
- G. Compact concrete dispenser as an accessory use to a use listed in section 17.36.020, permitted uses, and/or section 17.36.030, uses permitted by special exception.
- H. Cannabis Dispensary, in accordance with section 17.36.060, Development Standards.**

(Ord. 1599 § 1 (part), 1995; prior code § 150-68)

17.36.045 Prohibited uses.

- A.** Adult entertainment businesses, as defined in this title, shall be prohibited.
- B.** **A Cannabis On-Site Consumption Establishment, as defined in this title, shall be prohibited.**

(Ord. 2048 § 2, 2008)

17.36.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Off-street parking lot or structure;
- B. Off-street loading and unloading facilities;
- C. Underground storage of flammable liquids for vehicles used in the conduct of the business of the principal use;
- D. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;
- E. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;

-
- F. Day-care services for employees or patrons of a permitted use.

(Prior code § 150-69)

17.36.060 Development standards.

Development standards for the general commercial district shall be as follows:

- A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: ten thousand (10,000) square feet;
 - 2. Interior lot width: eighty (80) feet;
 - 3. Corner lot width: one hundred (100) feet.
- B. Minimum yard and setback requirements shall be as follows:
 - 1. Front: twenty-five (25) feet;
 - 2. Rear: fifteen (15) feet;
 - 3. Side: two, not less than twenty (20) feet total in any combination.
- C. The height limitation shall be fifty (50) feet.
- D. Parking, loading and unloading areas shall be provided for all uses in accordance with chapter 17.196.
- E. Access. Direct access onto a street or major highway shall be reduced or eliminated wherever the city department of infrastructure and development determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion. Service drives and loading and unloading areas shall be located so that in the process of loading or unloading no truck will block the passage of other vehicles on the service drive or extend into any public street or private drive used for traffic circulation.
- F. Lighting. Lighting shall be designed so as not to throw glare onto surrounding properties. Flashing lights are prohibited.
- G. Signs. Signs shall be in accordance with chapter 17.216.
- H. Storage. All necessary outside storage of parts, materials, heavy equipment and inoperable vehicles accessory to uses permitted herein shall be in accordance with chapter 17.220. Open, unenclosed storage of parts, materials, heavy equipment and inoperable vehicles is prohibited.
- I. Landscaping and 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 devoted to building or required parking areas shall be landscaped as defined in section 17.220.080, provided that a landscaped area of at least three feet shall be required abutting all property lines where a zero setback is not provided.

J Cannabis Dispensary:

1. May not be located within 500 feet of:

- a. A pre-existing primary or secondary school in the State or a licensed child care center or registered family child care home; or**

b. A playground, recreation center, library, church or public park; or

c. 1,000 feet of another cannabis business.

- 2. The City Council may reduce the 500-foot setback by no more than 50% as part of the ordinance permit following a recommendation from the Planning Commission;**
- 3. Parking standards shall be established by the City Council in the ordinance permit following a recommendation from the Planning Commission;**
- 4. May not be located adjacent to a residential use;**
- 5. An ordinance permit approving a cannabis dispensary which shall remain idle and unused for a continuous period of more than one year shall be considered null and void.**

(Ord. 1599 § 1 (part), 1995; prior code § 150-70)

(Ord. No. 2459, 10-9-2017)

Chapter 17.76 LIGHT INDUSTRIAL DISTRICT

17.76.010 Purpose.

The purpose of the light industrial district is to foster the continuance of existing manufacturing and other light industrial uses and to encourage the location of new industries within the city to continually improve the economic base of the community. These uses require large sites served by highways, rail lines and utilities near enough to residential areas to provide employment with minimum travel time. To make these areas attractive to industries compatible with one another, maintain property values and protect residential areas adjoining or close by, uses are limited to those which do not create adverse external noise, vibration, smoke, dust, lint, odor, heat or glare. Uses which are explosive, toxic, or otherwise hazardous may be permitted by ordinance permit. In accordance with this purpose, which is in accord with findings and recommendations of the adopted land use element of the metro core comprehensive plan, the following uses, standards and area regulations have been established.

(Ord. 1839 (part), 2002: prior code § 150-77)

17.76.020 Permitted uses.

A. Permitted uses shall be as follows:

1. Garage for the repair, storage and maintenance of motor vehicles;
2. Beverage blending or bottling, manufacture of bakery products, candy, dairy products and ice cream; but not distilling of beverages or processing of or bulk storage of grain or feed for animals or poultry;
3. Carbon paper and inked ribbon manufacture;
4. Compounding of cosmetics, toiletries, drugs and pharmaceutical products;
5. Construction contractor's establishment;
6. Data processing and computer center;
7. Greenhouse, wholesale;
8. Ice manufacture, sales and distribution;
9. Industrial vocational training school;
10. Laboratory for research, experimenting and testing, but not for testing explosives or other hazardous materials;
11. Laundry and linen service;
12. Leather goods manufacture, but not including tanning operations;
13. Manufacture, assembly and repair of boxes, furniture, cabinets, baskets and other wood products of similar nature;
14. Manufacture and assembly of bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical appliances, tools, pumps, dies, machinery, hardware, wire and sheet-metal products;
15. Manufacture and assembly of heating, ventilating, cooking and refrigeration supplies and appliances;

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16. Manufacture and assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus;
 17. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, yarn, thread, cordage and fabrics, and printing and finishing of textiles and fibers into fabric goods;
 18. Manufacture and assembly of products from plastic;
 19. Manufacture and assembly of shipping containers (corrugated board, fiber- and wire-bound);
 20. Offices and office building;
 21. Photographic processing and blueprinting establishment;
 22. Plating, electrolytic process;
 23. Plumbing supplies, manufacture;
 24. Printing, bookbinding and publishing establishment;
 25. Radio and television broadcasting station and studio;
 26. Wholesale merchandising and warehousing;
 27. Fabrication and assembly of burial vaults, home steps, parking bumpers, walkway and patio blocks and other similar items from concrete, excluding the fabrication and assembly of blocks, bricks, culverts, cylinder pipe, columns, pilings, silos, storage tanks, prestressed panels, pods, modules or similar building materials from concrete, with no manufacture of concrete on the premises (must be delivered to the site);
 28. Animal hospital;
 29. Planned business center, in accordance with chapter 17.172;
 30. Indoor recreational facilities;
 31. Schools of special instruction;
 32. Multi-use facility;
 33. Church or other place of worship;
 34. Hairdresser shop.
 35. Service, rental or repair establishments, limited to laundry or laundromat, automobile rental, car wash, appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, pet-grooming shop, upholstery shop, tailor and tattoo parlor.

36. Cannabis Grower and/or Processor, in accordance with the following and 17.76.050:

a. A Cannabis On-Site Consumption Establishment is prohibited.

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

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

(Ord. 1901 (part), 2004; Ord. 1842 (part), 2002; Ord. 1690 § 3, 1998; Ord. 1566, 1993; prior code § 150-78)

(Ord. No. 2296, 7-14-2014; Ord. No. 2501, 9-10-2018 ; Ord. No. 2507, 11-13-2018 ; Ord. No. 2516, 1-14-2019)

17.76.025 Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- A. Group home.
- B. Restaurant;**
- C. Gasoline service facilities with convenience goods clearly incidental to the gas facility;**
- D. Day-care center or nursery school in accordance with chapter 17.220;**
- E. Day care facilities for the elderly and handicapped;**
- F. Outdoor storage yard, in accordance with section 17.220.040;**

(Ord. 1786 § 10, 2000)

17.76.030 Uses permitted by ordinance permit.

Uses permitted by ordinance permit shall be as follows:

- A. Communication tower, in accordance with chapter 17.220;
- B. Public or private utility building and uses, in accordance with chapter 17.220;
- C. Petroleum and propane storage and distribution on a minimum site of three acres.

(Ord. 1839 (part), 2002; prior code § 150-79)

17.76.040 Accessory uses.

Accessory uses shall be as follows:

- A. Living quarters for resident watchmen and caretakers employed on the premises;
- B. Cafeteria or other eating facilities, lecture halls, recreation facilities and day-care services for employees or students;
- C. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;
- D. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- E. Retail sales as an accessory use, for products produced or distributed by uses permitted inherently or by special exception, provided that additional parking is provided for the amount of space devoted to retail sales as required by section 17.196.030.

(Prior code § 150-80)

17.76.050 Development standards.

Development standards for the light industrial district shall be as follows:

-
- A. All uses shall be conducted within a completely enclosed building. Raw materials, in-process materials, supplies or waste material from manufacturing may be stored outside in open sheds if completely screened from view by landscaping or fencing in accordance with chapter 17.220. Finished or semifinished products manufactured or assembled on the premises may be stored outside in the side or rear yard if completely screened from view by landscaping or fencing in accordance with chapter 17.220.
 - B. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:
 - 1. Lot area: twenty thousand (20,000) square feet;
 - 2. Interior lot width: one hundred (100) feet;
 - 3. Corner lot width: one hundred twenty (120) feet.
 - C. Minimum yard requirements shall be as follows:
 - 1. Front: fifty (50) feet;
 - 2. Rear: thirty (30) feet; fifty (50) feet where adjoining a residential district;
 - 3. Side: twenty-five (25) feet; fifty (50) feet where adjoining a residential district;
 - 4. Corner, side: same as front yard.
 - D. Parking. Parking, loading and unloading areas shall be provided in accordance with chapter 17.196.
 - E. The height limitation shall be fifty (50) feet.
 - F. Access. Direct access onto a public street may be reduced or eliminated wherever the city department of infrastructure and development determines that alternate or unified points of access are available to a site resulting in better traffic flow and less traffic congestion. Service drives and loading and unloading areas shall be located so that in the process of loading or unloading no truck will block the passage of other vehicles on the service drive or extend into any public street or private drive used for traffic circulation.
 - G. Signs shall be in accordance with chapter 17.216.
 - H. Landscaping and Screening. In addition to the requirements of chapter 17.220, all areas not devoted to buildings and required parking shall be landscaped and maintained in accordance with section 17.220.080.

I Cannabis grower and/or processor;

- 1. May not be located within 500 feet of:**
 - a. A pre-existing primary or secondary school in the State or a licensed child care center or registered family child care home; or**
 - b. A playground, recreation center, library, church or public park; or**
 - c. 1,000 feet of another cannabis business.**
- 2. May not be located adjacent to a residential use.**

(Prior code § 150-81)

(Ord. No. 2459, 10-9-2017)

(Supp. No. 21)

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Chapter 17.80 INDUSTRIAL PARK DISTRICT

17.80.010 Purpose.

- A. The purpose of the industrial park district is to provide for the development of lands that have convenient access to transportation facilities such as rail, highways, air and shipping, existing or planned availability of utilities such as water, power and waste disposal systems; reasonable proximity to labor supply, raw material source and markets; and adequate room for expansion, with exclusive modern industrial facilities under a unified site development plan.
- B. Industrial park districts shall provide attractive and well-designed sites, streets and access and areas which are separated and protected from incompatible uses by berms, fencing, landscaping and setbacks.
- C. The following regulations have been developed based upon these purposes which are in accord with the findings and recommendations of the city's adopted land use element of the metro core comprehensive plan.

(Prior code § 150-166)

17.80.020 Development plan required.

A development plan reviewed and approved in accordance with chapter 17.108, shall be required for all industrial park districts.

(Prior code § 150-167)

17.80.030 Establishment of boundaries.

Boundaries for an industrial park district shall be approved by the city council and shown on the official zoning map after approval of the preliminary development plan.

(Prior code § 150-168)

17.80.040 General standards and requirements.

In preparing the overall plan for development of the industrial park, the developer shall take into consideration the following, which shall be taken into consideration by the approving agencies:

- A. The layout of the site should be that overall systems for sewer, water and drainage may be provided to adequately serve the proposed industrial uses.
- B. Natural Growth and Screening.
 - 1. Natural growth should be maintained in such a manner as to screen residential areas adjacent to or development near the boundaries of the park.
 - 2. Existing foliage should be used for the screening of open storage yards and unsightly areas within the industrial park.

-
3. Other methods of screening should also be used as recommended for screening in chapter 17.220 where there is no natural growth or to supplement existing natural growth to provide adequate screening.
 4. Perimeter screening areas shall be shown on the overall development plan.
 - C. Provisions should be made for docking facilities if adjacent to navigable waters and for the extension of rails to those facilities and sites within the park where possible.
 - D. The layout of the site should provide a maximum flexibility for sites of various sizes, shapes and locations for industries that may desire to locate there.
 - E. The layout should lend itself to an orderly series of stages of development to ensure that access and utilities can be provided to each site at a minimum of expense and effort.
 - F. All setbacks and side and rear yard and height requirements shall be established in a manner which will provide maximum flexibility within the park and, at the same time, adequately protect surrounding development and development within the park.
 - G. Outdoor storage of finished or semifinished products manufactured or assembled on the premises shall not be located within the front yard and shall be screened in a manner which will be compatible with the architecture of the main building and adequately contain the material stored.
 - H. The approved development plan shall contain whatever additional use restrictions are deemed necessary to promote the health, safety and general welfare of surrounding residents and properties.

I Cannabis grower and/or processor;

1. May not be located within 500 feet of:

a. A pre-existing primary or secondary school in the State or a licensed child care center or registered family child care home; or

b. A playground, recreation center, library, church or public park; or

c. 1,000 feet of another cannabis business.

2. May not be located adjacent to a residential use;

3. A Cannabis On-Site Consumption Establishment is prohibited.

(Prior code § 150-169)

17.80.050 Minimum size.

The minimum size of an industrial park district shall be ten acres.

(Prior code § 150-170)

17.80.060 Permitted uses.

All buildings, structures or land shall be used for manufacturing or for the fabrication, assembly, processing, warehousing, wholesaling or distribution of manufactured goods or for research or for office and related facilities attendant to these uses. **Cannabis grower and/or processor shall also be permitted.** Government buildings and public structures are permitted, as well as eating facilities, day-care facilities, motel facilities, schools of special instruction, including dance, cheerleading, karate, and aerobics schools/studios, indoor recreational establishments and commercial establishments which serve the industrial park and its occupants.

(Ord. 1901 (part), 2004: prior code § 150-171)

17.80.070 Individual site plan review.

- A. The site plan, including landscaping and lighting, for each individual industry or related use proposed for locating within the park must be reviewed by the planning director, director of infrastructure and development; and
 - 1. If such plan is not in compliance with an overall plan approved by the planning commission, it must be referred to the planning commission for review and approval;
 - 2. If the proposed site plan conforms in all respects to the requirements of this chapter and a plan previously approved by the planning commission, a building permit shall be issued.
- B. No building permit shall be issued which is in conflict with the plan approved by the planning commission.

(Ord. 1976 (part), 2005; prior code § 150-172)

(Ord. No. 2459, 10-9-2017)

17.80.080 Minimum lot area and lot width.

Minimum lot area shall be twenty thousand (20,000) square feet. Minimum lot width shall be one hundred (100) feet for an interior lot and one hundred twenty (120) feet for a corner lot.

(Prior code § 150-173)

17.80.090 Signs.

- A. Signs shall contain only the name of the business, its slogan or trademark(s), if any, and listing of products or services.
- B. Signs shall not project above the principal roof of the building, except that a sign may be attached flat against or painted on a parapet wall not exceeding five feet above such roofline. Such signs shall not exceed three hundred (300) square feet in aggregate area.
- C. One permanent entrance sign identifying the park, not exceeding twenty (20) square feet in surface area per face, limited to two faces and set back fifteen (15) feet from the curblines, may be permitted.
- D. One directory sign listing the occupants of the park, fifteen (15) square feet in surface area per face, limited to two faces, six feet in height and set back fifteen (15) feet from the curblines, may be permitted.
- E. Illumination of outdoor signs shall be nonpulsating, diffused and confined to the face of the sign.

(Prior code § 150-174)

17.80.100 Parking and loading.

Off-street parking, loading, unloading and solid waste disposal areas shall be provided in accordance with chapter 17.196 and landscaped in accordance with chapter 17.220.

(Prior code § 150-175)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 17.04.120 OF THE SALISBURY CITY CODE TO INCLUDE DEFINITIONS FOR ADULT USE CANNABIS BUSINESSES AND AMENDING SECTIONS 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 AND 17.80.060 OF THE SALISBURY CITY CODE TO REGULATE CANNABIS BUSINESSES TO INCLUDE GROWING, PROCESSING AND DISPENSING, AND TO PROHIBIT ON-SITE CONSUMPTION ESTABLISHMENTS.

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, Maryland voters approved a ballot referendum in the 2022 General Election to allow use of cannabis by adults 21+ (hence, "adult-use") starting July 1, 2023. During the 2023 legislative session, the General Assembly passed legislation that provided a framework for implementing legal adult-use sales, including a licensing and taxation framework (see House Bill 556/Senate 516). The Cannabis Reform Act, which took effect immediately upon Governor's signature on May 3, 2023, authorized existing licensed dispensaries to convert their licenses for dual medical and adult-use sales by July 1, thereby creating a legal adult-use marketplace as of July 1, 2023. The Act also authorized the Maryland Cannabis Administration to issue additional grower, processor and dispensary licenses, and new incubator licenses over two licensing rounds;

WHEREAS, in accordance with the Cannabis Reform Act and to assure the good government of the municipality, the Mayor and Council find it necessary and reasonable to amend Title 17 of the Salisbury City Code to regulate cannabis businesses in the General Commercial, Light Industrial and Industrial Park Zoning Districts;

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 Sections 17.04.120, 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 and 17.80.060;

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 October 19, 2023;

WHEREAS, at the conclusion of its October 19, 2023 meeting, the Planning Commission recommended, by a vote of **X-X**, that the amendments to Sections 17.04.120, 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 and 17.80.060 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, 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 and 17.80.060 of the Salisbury City Code shall be adopted as set forth herein.

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

47 **Section 1.** Section 17.04.120 of the Salisbury City Code, entitled “Definitions” shall be amended as follows,
48 with the added definitions to be inserted in alphabetical order with the terms already defined:

49 **“Cannabis” means the plant Cannabis Sativa L. and any part of the plant, including all derivatives, extracts,**
50 **cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-**
51 **tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis. Cannabis includes cannabis**
52 **products. Cannabis does not include hemp or hemp products, as defined in § 14-101 of the Agriculture Article**
53 **of the Annotated Code of Maryland.**

54 **”Cannabis Administration” means the Maryland Cannabis Administration established under Title 36 of the**
55 **Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland.**

56 **“Cannabis Business” means a business licensed or registered by the Cannabis Administration to operate in**
57 **the cannabis industry. This includes, but is not limited to, a grower, processor, or dispensary, to include an**
58 **on-site consumption establishment, licensed under Title 36 of the Alcoholic Beverages and Cannabis Article**
59 **of the Annotated Code of Maryland. A cannabis business not enumerated as a use, permitted or otherwise, in**
60 **this Title is prohibited within the City of Salisbury.**

61 **“Cannabis Delivery Service” means a cannabis licensee authorized to deliver cannabis in accordance with a**
62 **cannabis micro license to operate a cannabis dispensary.**

63 **“Cannabis Dispensary” means an entity licensed under Title 36 of the Alcoholic Beverages and Cannabis**
64 **Article of the Annotated Code of the Maryland that acquires, possesses, repackages, transfers, repackages,**
65 **transports, sells, distributes, or dispenses cannabis or cannabis products including tinctures, aerosols, oils, and**
66 **ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers**
67 **through a storefront or through a delivery service, based on license type.**

68 **“Cannabis Grower” means an entity licensed under Title 36 of the Alcoholic Beverages and Cannabis Article**
69 **of the Annotated Code of Maryland that cultivates, or packages, cannabis and is authorized by the Cannabis**
70 **Administration to provide cannabis to other cannabis licensees and registered independent testing**
71 **laboratories.**

72 **“Cannabis Micro License” means a micro license issued in accordance with § 36-401(c)(2) of the Alcoholic**
73 **Beverages and Cannabis Article of the Annotated Code of Maryland.**

74 **“Cannabis On-site Consumption Establishment” means an entity licensed under § 36-401(c)(4) of the Alcoholic**
75 **Beverages and Cannabis Article of the Annotated Code of Maryland to distribute cannabis or cannabis**
76 **products for on-site consumption other than consumption by smoking indoors. A Cannabis On-Site**
77 **Consumption Establishment is prohibited within the City of Salisbury.**

78 **“Cannabis Processor” means a licensed entity that:**

79 **(1) transforms cannabis into another product or an extract and packages and labels the cannabis product;**
80 **and**

81 **(2) is authorized by the Administration to provide cannabis to licensed dispensaries and registered**
82 **independent testing laboratories.**

83 **“Recreation Center” includes both recreational establishment, indoor and recreational establishment, outdoor**
84 **as defined in this Chapter.**

85 **Section 2.** Section 17.36.040 of the Salisbury City Code, entitled “Uses permitted by ordinance permit” shall
86 be amended as follows:

87 **Chapter 17.36 GENERAL COMMERCIAL DISTRICT**

88 **17.36.040 Uses permitted by ordinance permit.**

89 Uses permitted by ordinance permit shall be as follows:

- 90 A. Commercial auction;
- 91 B. Communication tower, over seventy-five (75) feet in height or any other electronic communications
92 facilities with more than one tower or more than one sending or receiving disk in accordance with
93 chapter 17.220;
- 94 C. Liquor stores and dispensaries (off-sale);
- 95 D. Public or private utility building and uses;
- 96 E. Recreational establishment, outdoor;
- 97 F. Utility substation, in accordance with chapter 17.220;
- 98 G. Compact concrete dispenser as an accessory use to a use listed in section 17.36.020, permitted uses,
99 and/or section 17.36.030, uses permitted by special exception.

100 **H. Cannabis Dispensary, in accordance with the following and section 17.36.060, Development**
101 **Standards:**

102 **1. A Cannabis On-Site Consumption Establishment is prohibited.**

103 **Section 3.** Section 17.36.045 of the Salisbury City Code, entitled “Prohibited uses” shall be amended as
104 follows:

105 **Chapter 17.36 GENERAL COMMERCIAL DISTRICT**

106 **17.36.045 Prohibited uses.**

- 107 **A.** Adult entertainment businesses, as defined in this title, shall be prohibited.
- 108 **B.** **A Cannabis On-Site Consumption Establishment, as defined in this title, shall be prohibited.**

109 **Section 4.** Section 17.36.060 of the Salisbury City Code, entitled “Development standards” shall be amended
110 as follows:

111 **Chapter 17.36 GENERAL COMMERCIAL DISTRICT**

112 **17.36.060 Development standards.**

113 Development standards for the general commercial district shall be as follows:

- 114 A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum
115 requirements:
 - 116 1. Lot area: ten thousand (10,000) square feet;
 - 117 2. Interior lot width: eighty (80) feet;
 - 118 3. Corner lot width: one hundred (100) feet.
- 119 B. Minimum yard and setback requirements shall be as follows:

- 120 1. Front: twenty-five (25) feet;
- 121 2. Rear: fifteen (15) feet;
- 122 3. Side: two, not less than twenty (20) feet total in any combination.
- 123 C. The height limitation shall be fifty (50) feet.
- 124 D. Parking, loading and unloading areas shall be provided for all uses in accordance with chapter 17.196.
- 125 E. Access. Direct access onto a street or major highway shall be reduced or eliminated wherever the city
- 126 department of infrastructure and development determines that alternate or unified points of access are
- 127 available to a site resulting in better traffic flow and less traffic congestion. Service drives and loading
- 128 and unloading areas shall be located so that in the process of loading or unloading no truck will block the
- 129 passage of other vehicles on the service drive or extend into any public street or private drive used for
- 130 traffic circulation.
- 131 F. Lighting. Lighting shall be designed so as not to throw glare onto surrounding properties. Flashing lights
- 132 are prohibited.
- 133 G. Signs. Signs shall be in accordance with chapter 17.216.
- 134 H. Storage. All necessary outside storage of parts, materials, heavy equipment and inoperable vehicles
- 135 accessory to uses permitted herein shall be in accordance with chapter 17.220. Open, unenclosed storage
- 136 of parts, materials, heavy equipment and inoperable vehicles is prohibited.
- 137 I. Landscaping and Screening.
- 138 1. Either landscaping or screening shall be provided for all uses in accordance with the provisions of
- 139 chapter 17.220;
- 140 2. In addition to the requirements of chapter 17.220, all areas devoted to building or required parking
- 141 areas shall be landscaped as defined in section 17.220.080, provided that a landscaped area of at
- 142 least three feet shall be required abutting all property lines where a zero setback is not provided.

143 **J Cannabis Dispensary:**

144 **1. May not be located within 500 feet of:**

145 **a. A pre-existing primary or secondary school in the State or a licensed child care center or**

146 **registered family child care home; or**

147 **b. A playground, recreation center, library, church or public park; or**

148 **c. 1,000 feet of another cannabis business.**

149 **2. The City Council may reduce the 500-foot setback by no more than 50% as part of the**

150 **ordinance permit following a recommendation from the Planning Commission;**

151 **3. Parking standards shall be established by the City Council in the ordinance permit following**

152 **a recommendation from the Planning Commission;**

153 **4. May not be located adjacent to a residential use;**

154 **5. An ordinance permit approving a cannabis dispensary which shall remain idle and unused for**

155 **a continuous period of more than one year shall be considered null and void.**

156 **Section 5.** Section 17.76.020 of the Salisbury City Code, entitled “Permitted uses” shall be amended as

157 follows:

158 **Chapter 17.76 LIGHT INDUSTRIAL DISTRICT**

159 **17.76.020 Permitted uses.**

160 A. Permitted uses shall be as follows:

- 161 1. Garage for the repair, storage and maintenance of motor vehicles;
- 162 2. Beverage blending or bottling, manufacture of bakery products, candy, dairy products and ice cream; but
163 not distilling of beverages or processing of or bulk storage of grain or feed for animals or poultry;
- 164 3. Carbon paper and inked ribbon manufacture;
- 165 4. Compounding of cosmetics, toiletries, drugs and pharmaceutical products;
- 166 5. Construction contractor's establishment;
- 167 6. Data processing and computer center;
- 168 7. Greenhouse, wholesale;
- 169 8. Ice manufacture, sales and distribution;
- 170 9. Industrial vocational training school;
- 171 10. Laboratory for research, experimenting and testing, but not for testing explosives or other hazardous
172 materials;
- 173 11. Laundry and linen service;
- 174 12. Leather goods manufacture, but not including tanning operations;
- 175 13. Manufacture, assembly and repair of boxes, furniture, cabinets, baskets and other wood products of
176 similar nature;
- 177 14. Manufacture and assembly of bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical
178 appliances, tools, pumps, dies, machinery, hardware, wire and sheet-metal products;
- 179 15. Manufacture and assembly of heating, ventilating, cooking and refrigeration supplies and appliances;
- 180 16. Manufacture and assembly of medical and dental equipment, drafting, optical and musical instruments,
181 watches, clocks, toys, games and electrical or electronic apparatus;
- 182 17. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, yarn, thread, cordage and
183 fabrics, and printing and finishing of textiles and fibers into fabric goods;
- 184 18. Manufacture and assembly of products from plastic;
- 185 19. Manufacture and assembly of shipping containers (corrugated board, fiber- and wire-bound);
- 186 20. Offices and office building;
- 187 21. Photographic processing and blueprinting establishment;
- 188 22. Plating, electrolytic process;
- 189 23. Plumbing supplies, manufacture;
- 190 24. Printing, bookbinding and publishing establishment;
- 191 25. Radio and television broadcasting station and studio;
- 192 26. Wholesale merchandising and warehousing;

- 193 27. Fabrication and assembly of burial vaults, home steps, parking bumpers, walkway and patio blocks and
194 other similar items from concrete, excluding the fabrication and assembly of blocks, bricks, culverts,
195 cylinder pipe, columns, pilings, silos, storage tanks, prestressed panels, pods, modules or similar
196 building materials from concrete, with no manufacture of concrete on the premises (must be delivered to
197 the site);
- 198 28. Animal hospital;
- 199 29. Planned business center, in accordance with chapter 17.172;
- 200 30. Indoor recreational facilities;
- 201 31. Schools of special instruction;
- 202 32. Multi-use facility;
- 203 33. Church or other place of worship;
- 204 34. Hairdresser shop.
- 205 35. Service, rental or repair establishments, limited to laundry or laundromat, automobile rental, car wash,
206 appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, pet-grooming
207 shop, upholstery shop, tailor and tattoo parlor.

208 **36. Cannabis Grower and/or Processor, in accordance with the following and 17.76.050:**

209 **a. A Cannabis On-Site Consumption Establishment is prohibited.**

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

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

216 **Section 6.** Section 17.76.025 of the Salisbury City Code, entitled “Uses permitted by special exception”
217 shall be amended as follows:

218 **Chapter 17.76 LIGHT INDUSTRIAL DISTRICT**

219 **17.76.025 Uses permitted by special exception.**

220 Uses permitted by special exception shall be as follows:

- 221 A. Group home.
- 222 **B. Restaurant;**
- 223 **C. Gasoline service facilities with convenience goods clearly incidental to the gas facility;**
- 224 **D. Day-care center or nursery school in accordance with chapter 17.220;**
- 225 **E. Day care facilities for the elderly and handicapped;**
- 226 **F. Outdoor storage yard, in accordance with section 17.220.040.**

227 **Section 7.** Section 17.76.050 of the Salisbury City Code, entitled “Development standards” shall be
228 amended as follows:

229 **Chapter 17.76 LIGHT INDUSTRIAL DISTRICT**

230 **17.76.050 Development standards.**

231 Development standards for the light industrial district shall be as follows:

- 232 A. All uses shall be conducted within a completely enclosed building. Raw materials, in-process materials,
233 supplies or waste material from manufacturing may be stored outside in open sheds if completely
234 screened from view by landscaping or fencing in accordance with chapter 17.220. Finished or
235 semifinished products manufactured or assembled on the premises may be stored outside in the side or
236 rear yard if completely screened from view by landscaping or fencing in accordance with chapter 17.220.
- 237 B. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum
238 requirements:
- 239 1. Lot area: twenty thousand (20,000) square feet;
 - 240 2. Interior lot width: one hundred (100) feet;
 - 241 3. Corner lot width: one hundred twenty (120) feet.
- 242 C. Minimum yard requirements shall be as follows:
- 243 1. Front: fifty (50) feet;
 - 244 2. Rear: thirty (30) feet; fifty (50) feet where adjoining a residential district;
 - 245 3. Side: twenty-five (25) feet; fifty (50) feet where adjoining a residential district;
 - 246 4. Corner, side: same as front yard.
- 247 D. Parking. Parking, loading and unloading areas shall be provided in accordance with chapter 17.196.
- 248 E. The height limitation shall be fifty (50) feet.
- 249 F. Access. Direct access onto a public street may be reduced or eliminated wherever the city department of
250 infrastructure and development determines that alternate or unified points of access are available to a site
251 resulting in better traffic flow and less traffic congestion. Service drives and loading and unloading areas
252 shall be located so that in the process of loading or unloading no truck will block the passage of other
253 vehicles on the service drive or extend into any public street or private drive used for traffic circulation.
- 254 G. Signs shall be in accordance with chapter 17.216.
- 255 H. Landscaping and Screening. In addition to the requirements of chapter 17.220, all areas not devoted to
256 buildings and required parking shall be landscaped and maintained in accordance with section
257 17.220.080.

258 **I Cannabis grower and/or processor;**

259 **1. May not be located within 500 feet of:**

260 **a. A pre-existing primary or secondary school in the State or a licensed child care center or**
261 **registered family child care home; or**

262 **b. A playground, recreation center, library, church or public park; or**

263 **c. 1,000 feet of another cannabis business.**

264 **2. May not be located adjacent to a residential use.**

265 **Section 8.** Section 17.80.040 of the Salisbury City Code, entitled “General standards and requirements”
266 shall be amended as follows:

267 **Chapter 17.80 INDUSTRIAL PARK DISTRICT**

268 **17.80.040 General standards and requirements.**

269 In preparing the overall plan for development of the industrial park, the developer shall take into consideration
270 the following, which shall be taken into consideration by the approving agencies:

- 271 A. The layout of the site should be that overall systems for sewer, water and drainage may be provided to
272 adequately serve the proposed industrial uses.
- 273 B. Natural Growth and Screening.
- 274 1. Natural growth should be maintained in such a manner as to screen residential areas adjacent to or
275 development near the boundaries of the park.
- 276 2. Existing foliage should be used for the screening of open storage yards and unsightly areas within
277 the industrial park.
- 278 3. Other methods of screening should also be used as recommended for screening in chapter 17.220
279 where there is no natural growth or to supplement existing natural growth to provide adequate
280 screening.
- 281 4. Perimeter screening areas shall be shown on the overall development plan.
- 282 C. Provisions should be made for docking facilities if adjacent to navigable waters and for the extension of
283 rails to those facilities and sites within the park where possible.
- 284 D. The layout of the site should provide a maximum flexibility for sites of various sizes, shapes and
285 locations for industries that may desire to locate there.
- 286 E. The layout should lend itself to an orderly series of stages of development to ensure that access and
287 utilities can be provided to each site at a minimum of expense and effort.
- 288 F. All setbacks and side and rear yard and height requirements shall be established in a manner which will
289 provide maximum flexibility within the park and, at the same time, adequately protect surrounding
290 development and development within the park.
- 291 G. Outdoor storage of finished or semifinished products manufactured or assembled on the premises shall
292 not be located within the front yard and shall be screened in a manner which will be compatible with the
293 architecture of the main building and adequately contain the material stored.
- 294 H. The approved development plan shall contain whatever additional use restrictions are deemed necessary
295 to promote the health, safety and general welfare of surrounding residents and properties.

296 **I Cannabis grower and/or processor;**

297 **1. May not be located within 500 feet of:**

298 **a. A pre-existing primary or secondary school in the State or a licensed child care center or**
299 **registered family child care home; or**

300 **b. A playground, recreation center, library, church or public park; or**

301 **c. 1,000 feet of another cannabis business.**

302 **2. May not be located adjacent to a residential use;**

303 **3. A Cannabis On-Site Consumption Establishment is prohibited.**

304 Section 9. Section 17.80.060 of the Salisbury City Code, entitled “Permitted uses” shall be amended as
305 follows:

306 **Chapter 17.80 INDUSTRIAL PARK DISTRICT**

307 **17.80.060 Permitted uses.**

308 All buildings, structures or land shall be used for manufacturing or for the fabrication, assembly, processing,
309 warehousing, wholesaling or distribution of manufactured goods or for research or for office and related facilities
310 attendant to these uses. **Cannabis grower and/or processor shall also be permitted.** Government buildings and
311 public structures are permitted, as well as eating facilities, day-care facilities, motel facilities, schools of special
312 instruction, including dance, cheerleading, karate, and aerobics schools/studios, indoor recreational establishments
313 and commercial establishments which serve the industrial park and its occupants.

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

316 Section 10. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this
317 Ordinance shall be deemed independent of all other provisions herein.

318 Section 11. It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
319 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise
320 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph,
321 subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be
322 deemed valid and enforceable.

323 Section 12. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
324 recitals were specifically set forth at length in this Section 4.

325 Section 13. This Ordinance shall take effect from and after the date of its final passage.

326 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury
327 held on the _____ day of _____, 2023 and thereafter, a statement of the substance of the Ordinance having
328 been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the
329 _____ day of _____, 2023.
330

331
332 **ATTEST:**

333
334 _____
335 **Kimberly R. Nichols, City Clerk**

334 _____
335 **April R. Jackson, City Council President**

336
337
338 Approved by me, this _____ day of _____, 2023.

339
340
341 _____
342 **John R. Heath, Acting Mayor**

343
344

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING SECTION 17.04.120 OF THE SALISBURY CITY CODE TO INCLUDE DEFINITIONS FOR ADULT USE CANNABIS BUSINESSES AND AMENDING SECTIONS 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 AND 17.80.060 OF THE SALISBURY CITY CODE TO REGULATE CANNABIS BUSINESSES TO INCLUDE GROWING, PROCESSING AND DISPENSING, AND TO PROHIBIT ON-SITE CONSUMPTION ESTABLISHMENTS.

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, Maryland voters approved a ballot referendum in the 2022 General Election to allow use of cannabis by adults 21+ (hence, "adult-use") starting July 1, 2023. During the 2023 legislative session, the General Assembly passed legislation that provided a framework for implementing legal adult-use sales, including a licensing and taxation framework (see House Bill 556/Senate 516). The Cannabis Reform Act, which took effect immediately upon Governor's signature on May 3, 2023, authorized existing licensed dispensaries to convert their licenses for dual medical and adult-use sales by July 1, thereby creating a legal adult-use marketplace as of July 1, 2023. The Act also authorized the Maryland Cannabis Administration to issue additional grower, processor and dispensary licenses, and new incubator licenses over two licensing rounds;

WHEREAS, in accordance with the Cannabis Reform Act and to assure the good government of the municipality, the Mayor and Council find it necessary and reasonable to amend Title 17 of the Salisbury City Code to regulate cannabis businesses in the General Commercial, Light Industrial and Industrial Park Zoning Districts;

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 Sections 17.04.120, 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 and 17.80.060;

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 October 19, 2023;

WHEREAS, at the conclusion of its October 19, 2023 meeting, the Planning Commission recommended, by a vote of 6-0, that the amendments to Sections 17.04.120, 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 and 17.80.060 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, 17.36.040, 17.36.045, 17.36.060, 17.76.020, 17.76.025, 17.76.050, 17.80.040 and 17.80.060 of the Salisbury City Code shall be adopted as set forth herein.

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

47 **Section 1.** Section 17.04.120 of the Salisbury City Code, entitled “Definitions” shall be amended as follows,
48 with the added definitions to be inserted in alphabetical order with the terms already defined:

49 **“Cannabis” means the plant Cannabis Sativa L. and any part of the plant, including all derivatives, extracts,**
50 **cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-**
51 **tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis. Cannabis includes cannabis**
52 **products. Cannabis does not include hemp or hemp products, as defined in § 14-101 of the Agriculture Article**
53 **of the Annotated Code of Maryland.**

54 **”Cannabis Administration” means the Maryland Cannabis Administration established under Title 36 of the**
55 **Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland.**

56 **“Cannabis Business” means a business licensed or registered by the Cannabis Administration to operate in**
57 **the cannabis industry. This includes, but is not limited to, a grower, processor, or dispensary, to include an**
58 **on-site consumption establishment, licensed under Title 36 of the Alcoholic Beverages and Cannabis Article**
59 **of the Annotated Code of Maryland. A cannabis business not enumerated as a use, permitted or otherwise, in**
60 **this Title is prohibited within the City of Salisbury.**

61 **“Cannabis Delivery Service” means a cannabis licensee authorized to deliver cannabis in accordance with a**
62 **cannabis micro license to operate a cannabis dispensary.**

63 **“Cannabis Dispensary” means an entity licensed under Title 36 of the Alcoholic Beverages and Cannabis**
64 **Article of the Annotated Code of the Maryland that acquires, possesses, repackages, transfers, repackages,**
65 **transports, sells, distributes, or dispenses cannabis or cannabis products including tinctures, aerosols, oils, and**
66 **ointments, related supplies, and educational materials for use by qualifying patients, caregivers, or consumers**
67 **through a storefront or through a delivery service, based on license type.**

68 **“Cannabis Grower” means an entity licensed under Title 36 of the Alcoholic Beverages and Cannabis Article**
69 **of the Annotated Code of Maryland that cultivates, or packages, cannabis and is authorized by the Cannabis**
70 **Administration to provide cannabis to other cannabis licensees and registered independent testing**
71 **laboratories.**

72 **“Cannabis Micro License” means a micro license issued in accordance with § 36-401(c)(2) of the Alcoholic**
73 **Beverages and Cannabis Article of the Annotated Code of Maryland.**

74 **“Cannabis On-site Consumption Establishment” means an entity licensed under § 36-401(c)(4) of the Alcoholic**
75 **Beverages and Cannabis Article of the Annotated Code of Maryland to distribute cannabis or cannabis**
76 **products for on-site consumption other than consumption by smoking indoors. A Cannabis On-Site**
77 **Consumption Establishment is prohibited within the City of Salisbury.**

78 **“Cannabis Processor” means a licensed entity that:**

79 **(1) transforms cannabis into another product or an extract and packages and labels the cannabis product;**
80 **and**

81 **(2) is authorized by the Administration to provide cannabis to licensed dispensaries and registered**
82 **independent testing laboratories.**

83 **“Recreation Center” includes both recreational establishment, indoor and recreational establishment, outdoor**
84 **as defined in this Chapter.**

85 **Section 2.** Section 17.36.040 of the Salisbury City Code, entitled “Uses permitted by ordinance permit” shall
86 be amended as follows:

87 **Chapter 17.36 GENERAL COMMERCIAL DISTRICT**

88 **17.36.040 Uses permitted by ordinance permit.**

89 Uses permitted by ordinance permit shall be as follows:

- 90 A. Commercial auction;
- 91 B. Communication tower, over seventy-five (75) feet in height or any other electronic communications
92 facilities with more than one tower or more than one sending or receiving disk in accordance with
93 chapter 17.220;
- 94 C. Liquor stores and dispensaries (off-sale);
- 95 D. Public or private utility building and uses;
- 96 E. Recreational establishment, outdoor;
- 97 F. Utility substation, in accordance with chapter 17.220;
- 98 G. Compact concrete dispenser as an accessory use to a use listed in section 17.36.020, permitted uses,
99 and/or section 17.36.030, uses permitted by special exception.

100 **H. Cannabis Dispensary, in accordance with the following and section 17.36.060, Development**
101 **Standards:**

102 **1. A Cannabis On-Site Consumption Establishment is prohibited.**

103 **Section 3.** Section 17.36.045 of the Salisbury City Code, entitled “Prohibited uses” shall be amended as
104 follows:

105 **Chapter 17.36 GENERAL COMMERCIAL DISTRICT**

106 **17.36.045 Prohibited uses.**

- 107 **A.** Adult entertainment businesses, as defined in this title, shall be prohibited.
- 108 **B.** **A Cannabis On-Site Consumption Establishment, as defined in this title, shall be prohibited.**

109 **Section 4.** Section 17.36.060 of the Salisbury City Code, entitled “Development standards” shall be amended
110 as follows:

111 **Chapter 17.36 GENERAL COMMERCIAL DISTRICT**

112 **17.36.060 Development standards.**

113 Development standards for the general commercial district shall be as follows:

- 114 A. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum
115 requirements:
 - 116 1. Lot area: ten thousand (10,000) square feet;
 - 117 2. Interior lot width: eighty (80) feet;
 - 118 3. Corner lot width: one hundred (100) feet.
- 119 B. Minimum yard and setback requirements shall be as follows:

- 120 1. Front: twenty-five (25) feet;
- 121 2. Rear: fifteen (15) feet;
- 122 3. Side: two, not less than twenty (20) feet total in any combination.
- 123 C. The height limitation shall be fifty (50) feet.
- 124 D. Parking, loading and unloading areas shall be provided for all uses in accordance with chapter 17.196.
- 125 E. Access. Direct access onto a street or major highway shall be reduced or eliminated wherever the city
- 126 department of infrastructure and development determines that alternate or unified points of access are
- 127 available to a site resulting in better traffic flow and less traffic congestion. Service drives and loading
- 128 and unloading areas shall be located so that in the process of loading or unloading no truck will block the
- 129 passage of other vehicles on the service drive or extend into any public street or private drive used for
- 130 traffic circulation.
- 131 F. Lighting. Lighting shall be designed so as not to throw glare onto surrounding properties. Flashing lights
- 132 are prohibited.
- 133 G. Signs. Signs shall be in accordance with chapter 17.216.
- 134 H. Storage. All necessary outside storage of parts, materials, heavy equipment and inoperable vehicles
- 135 accessory to uses permitted herein shall be in accordance with chapter 17.220. Open, unenclosed storage
- 136 of parts, materials, heavy equipment and inoperable vehicles is prohibited.
- 137 I. Landscaping and Screening.
- 138 1. Either landscaping or screening shall be provided for all uses in accordance with the provisions of
- 139 chapter 17.220;
- 140 2. In addition to the requirements of chapter 17.220, all areas devoted to building or required parking
- 141 areas shall be landscaped as defined in section 17.220.080, provided that a landscaped area of at
- 142 least three feet shall be required abutting all property lines where a zero setback is not provided.

143 **J Cannabis Dispensary:**

144 **1. May not be located within 500 feet of:**

145 **a. A pre-existing primary or secondary school in the State or a licensed child care center or**

146 **registered family child care home; or**

147 **b. A playground, recreation center, library, church or public park; or**

148 **c. 1,000 feet of another cannabis business.**

149 **2. The City Council may reduce the 500-foot setback by no more than 50% as part of the**

150 **ordinance permit following a recommendation from the Planning Commission;**

151 **3. Parking standards shall be established by the City Council in the ordinance permit following**

152 **a recommendation from the Planning Commission;**

153 **4. May not be located adjacent to a residential use;**

154 **5. An ordinance permit approving a cannabis dispensary which shall remain idle and unused for**

155 **a continuous period of more than one year shall be considered null and void.**

156 **Section 5.** Section 17.76.020 of the Salisbury City Code, entitled “Permitted uses” shall be amended as

157 follows:

158 **Chapter 17.76 LIGHT INDUSTRIAL DISTRICT**

159 **17.76.020 Permitted uses.**

160 A. Permitted uses shall be as follows:

- 161 1. Garage for the repair, storage and maintenance of motor vehicles;
- 162 2. Beverage blending or bottling, manufacture of bakery products, candy, dairy products and ice cream; but
163 not distilling of beverages or processing of or bulk storage of grain or feed for animals or poultry;
- 164 3. Carbon paper and inked ribbon manufacture;
- 165 4. Compounding of cosmetics, toiletries, drugs and pharmaceutical products;
- 166 5. Construction contractor's establishment;
- 167 6. Data processing and computer center;
- 168 7. Greenhouse, wholesale;
- 169 8. Ice manufacture, sales and distribution;
- 170 9. Industrial vocational training school;
- 171 10. Laboratory for research, experimenting and testing, but not for testing explosives or other hazardous
172 materials;
- 173 11. Laundry and linen service;
- 174 12. Leather goods manufacture, but not including tanning operations;
- 175 13. Manufacture, assembly and repair of boxes, furniture, cabinets, baskets and other wood products of
176 similar nature;
- 177 14. Manufacture and assembly of bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical
178 appliances, tools, pumps, dies, machinery, hardware, wire and sheet-metal products;
- 179 15. Manufacture and assembly of heating, ventilating, cooking and refrigeration supplies and appliances;
- 180 16. Manufacture and assembly of medical and dental equipment, drafting, optical and musical instruments,
181 watches, clocks, toys, games and electrical or electronic apparatus;
- 182 17. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, yarn, thread, cordage and
183 fabrics, and printing and finishing of textiles and fibers into fabric goods;
- 184 18. Manufacture and assembly of products from plastic;
- 185 19. Manufacture and assembly of shipping containers (corrugated board, fiber- and wire-bound);
- 186 20. Offices and office building;
- 187 21. Photographic processing and blueprinting establishment;
- 188 22. Plating, electrolytic process;
- 189 23. Plumbing supplies, manufacture;
- 190 24. Printing, bookbinding and publishing establishment;
- 191 25. Radio and television broadcasting station and studio;
- 192 26. Wholesale merchandising and warehousing;

- 193 27. Fabrication and assembly of burial vaults, home steps, parking bumpers, walkway and patio blocks and
194 other similar items from concrete, excluding the fabrication and assembly of blocks, bricks, culverts,
195 cylinder pipe, columns, pilings, silos, storage tanks, prestressed panels, pods, modules or similar
196 building materials from concrete, with no manufacture of concrete on the premises (must be delivered to
197 the site);
- 198 28. Animal hospital;
- 199 29. Planned business center, in accordance with chapter 17.172;
- 200 30. Indoor recreational facilities;
- 201 31. Schools of special instruction;
- 202 32. Multi-use facility;
- 203 33. Church or other place of worship;
- 204 34. Hairdresser shop.
- 205 35. Service, rental or repair establishments, limited to laundry or laundromat, automobile rental, car wash,
206 appliance repair, equipment or instrument repair or rental, dry-cleaning pickup station, pet-grooming
207 shop, upholstery shop, tailor and tattoo parlor.

208 **36. Cannabis Grower and/or Processor, in accordance with the following and 17.76.050:**

209 **a. A Cannabis On-Site Consumption Establishment is prohibited.**

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

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

216 **Section 6.** Section 17.76.025 of the Salisbury City Code, entitled “Uses permitted by special exception”
217 shall be amended as follows:

218 **Chapter 17.76 LIGHT INDUSTRIAL DISTRICT**

219 **17.76.025 Uses permitted by special exception.**

220 Uses permitted by special exception shall be as follows:

- 221 A. Group home.
- 222 **B. Restaurant;**
- 223 **C. Gasoline service facilities with convenience goods clearly incidental to the gas facility;**
- 224 **D. Day-care center or nursery school in accordance with chapter 17.220;**
- 225 **E. Day care facilities for the elderly and handicapped;**
- 226 **F. Outdoor storage yard, in accordance with section 17.220.040.**

227 **Section 7.** Section 17.76.050 of the Salisbury City Code, entitled “Development standards” shall be
228 amended as follows:

229 **Chapter 17.76 LIGHT INDUSTRIAL DISTRICT**

230 **17.76.050 Development standards.**

231 Development standards for the light industrial district shall be as follows:

- 232 A. All uses shall be conducted within a completely enclosed building. Raw materials, in-process materials,
233 supplies or waste material from manufacturing may be stored outside in open sheds if completely
234 screened from view by landscaping or fencing in accordance with chapter 17.220. Finished or
235 semifinished products manufactured or assembled on the premises may be stored outside in the side or
236 rear yard if completely screened from view by landscaping or fencing in accordance with chapter 17.220.
- 237 B. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum
238 requirements:
- 239 1. Lot area: twenty thousand (20,000) square feet;
 - 240 2. Interior lot width: one hundred (100) feet;
 - 241 3. Corner lot width: one hundred twenty (120) feet.
- 242 C. Minimum yard requirements shall be as follows:
- 243 1. Front: fifty (50) feet;
 - 244 2. Rear: thirty (30) feet; fifty (50) feet where adjoining a residential district;
 - 245 3. Side: twenty-five (25) feet; fifty (50) feet where adjoining a residential district;
 - 246 4. Corner, side: same as front yard.
- 247 D. Parking. Parking, loading and unloading areas shall be provided in accordance with chapter 17.196.
- 248 E. The height limitation shall be fifty (50) feet.
- 249 F. Access. Direct access onto a public street may be reduced or eliminated wherever the city department of
250 infrastructure and development determines that alternate or unified points of access are available to a site
251 resulting in better traffic flow and less traffic congestion. Service drives and loading and unloading areas
252 shall be located so that in the process of loading or unloading no truck will block the passage of other
253 vehicles on the service drive or extend into any public street or private drive used for traffic circulation.
- 254 G. Signs shall be in accordance with chapter 17.216.
- 255 H. Landscaping and Screening. In addition to the requirements of chapter 17.220, all areas not devoted to
256 buildings and required parking shall be landscaped and maintained in accordance with section
257 17.220.080.

258 **I Cannabis grower and/or processor;**

259 **1. May not be located within 500 feet of:**

260 **a. A pre-existing primary or secondary school in the State or a licensed child care center or**
261 **registered family child care home; or**

262 **b. A playground, recreation center, library, church or public park; or**

263 **c. 1,000 feet of another cannabis business.**

264 **2. May not be located adjacent to a residential use.**

265 **Section 8.** Section 17.80.040 of the Salisbury City Code, entitled “General standards and requirements”
266 shall be amended as follows:

267 **Chapter 17.80 INDUSTRIAL PARK DISTRICT**

268 **17.80.040 General standards and requirements.**

269 In preparing the overall plan for development of the industrial park, the developer shall take into consideration
270 the following, which shall be taken into consideration by the approving agencies:

- 271 A. The layout of the site should be that overall systems for sewer, water and drainage may be provided to
272 adequately serve the proposed industrial uses.
- 273 B. Natural Growth and Screening.
- 274 1. Natural growth should be maintained in such a manner as to screen residential areas adjacent to or
275 development near the boundaries of the park.
- 276 2. Existing foliage should be used for the screening of open storage yards and unsightly areas within
277 the industrial park.
- 278 3. Other methods of screening should also be used as recommended for screening in chapter 17.220
279 where there is no natural growth or to supplement existing natural growth to provide adequate
280 screening.
- 281 4. Perimeter screening areas shall be shown on the overall development plan.
- 282 C. Provisions should be made for docking facilities if adjacent to navigable waters and for the extension of
283 rails to those facilities and sites within the park where possible.
- 284 D. The layout of the site should provide a maximum flexibility for sites of various sizes, shapes and
285 locations for industries that may desire to locate there.
- 286 E. The layout should lend itself to an orderly series of stages of development to ensure that access and
287 utilities can be provided to each site at a minimum of expense and effort.
- 288 F. All setbacks and side and rear yard and height requirements shall be established in a manner which will
289 provide maximum flexibility within the park and, at the same time, adequately protect surrounding
290 development and development within the park.
- 291 G. Outdoor storage of finished or semifinished products manufactured or assembled on the premises shall
292 not be located within the front yard and shall be screened in a manner which will be compatible with the
293 architecture of the main building and adequately contain the material stored.
- 294 H. The approved development plan shall contain whatever additional use restrictions are deemed necessary
295 to promote the health, safety and general welfare of surrounding residents and properties.

296 **I Cannabis grower and/or processor;**

297 **1. May not be located within 500 feet of:**

298 **a. A pre-existing primary or secondary school in the State or a licensed child care center or**
299 **registered family child care home; or**

300 **b. A playground, recreation center, library, church or public park; or**

301 **c. 1,000 feet of another cannabis business.**

302 **2. May not be located adjacent to a residential use;**

303 **3. A Cannabis On-Site Consumption Establishment is prohibited.**

304 **Section 9.** Section 17.80.060 of the Salisbury City Code, entitled “Permitted uses” shall be amended as
305 follows:

306 **Chapter 17.80 INDUSTRIAL PARK DISTRICT**

307 **17.80.060 Permitted uses.**

308 All buildings, structures or land shall be used for manufacturing or for the fabrication, assembly, processing,
309 warehousing, wholesaling or distribution of manufactured goods or for research or for office and related facilities
310 attendant to these uses. **Cannabis grower and/or processor shall also be permitted.** Government buildings and
311 public structures are permitted, as well as eating facilities, day-care facilities, motel facilities, schools of special
312 instruction, including dance, cheerleading, karate, and aerobics schools/studios, indoor recreational establishments
313 and commercial establishments which serve the industrial park and its occupants.

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

316 **Section 10.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this
317 Ordinance shall be deemed independent of all other provisions herein.

318 **Section 11.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
319 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise
320 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph,
321 subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be
322 deemed valid and enforceable.

323 **Section 12.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
324 recitals were specifically set forth at length in this Section 4.

325 **Section 13.** This Ordinance shall take effect from and after the date of its final passage.

326
327 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury
328 held on the _____ day of _____, 2023 and thereafter, a statement of the substance of the Ordinance having
329 been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the
330 _____ day of _____, 2023.

331

332 **ATTEST:**

333

334

335 _____
336 **Kimberly R. Nichols, City Clerk**

337

338

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

340

341

342

343 _____
344 **John R. Heath, Acting Mayor**