

# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
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DIRECTOR OF ADMINISTRATION

## SALISBURY-WICOMICO COUNTY PLANNING AND ZONING COMMISSION

### SPECIAL MEETING

October 5, 2023

ROOM 301, THIRD FLOOR GOVERNMENT OFFICE BUILDING

The meeting was called to order at 1:30 pm by Chip Dashiell, Chairman

#### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
Mandel Copeland  
Joe Holloway  
Kevin Shertz  
Matt Drew

#### PLANNING STAFF:

Lori A. Carter, MBA, Wicomico County Department of Planning, Zoning, and Community Development ("PZCD")  
Frank McKenzie ("PZCD")  
Colin Harrison ("PZCD")  
Danielle Rogers ("PZCD")  
Brian Soper City of Salisbury, Department of Infrastructure and Development ("DID")  
Mr. Henry Eure City of Salisbury, Department of Infrastructure and Development ("DID")

Laura Ryan, City of Salisbury, Department of Law  
Andrew Illuminati, Wicomico County, Department of Law

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#### Announcement: Chairman Dashiell

Chairman Dashiell welcomed everyone to the meeting of the Salisbury Wicomico Planning and Zoning Commission. Today is a special meeting, not one of our regular meetings, but we have a couple of items on our agenda to consider and both are around the issue of Cannabis. We will begin with the Planning Director's Report on the Wicomico County Zoning Code around the topic of Cannabis and Cannabis use so thank you for your attendance today.

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**WICOMICO COUNTY ZONING CODE – Planning Director's Report – Cannabis and Cannabis Businesses Use (L. Carter)**

Ms. Carter asked everyone to turn their attention to the Planning Director's Report in regards to Cannabis Reform Act HB556/SB516. Over the last several months the Commission has had the opportunity to look at this Bill and work with the Staff on creating recommendations for this Act.

Ms. Carter gave details of the following definitions and standards that are proposed to apply to all new Cannabis Businesses located in the unincorporated portions of Wicomico County:

- **Definitions:**

- A. Create ten (10) new definitions based on the Cannabis Reform Act: Cannabis, Cannabis Administration, Cannabis Business, Cannabis Delivery Service, Cannabis Dispensary, Cannabis Grower, Cannabis Micro License, Cannabis On-Site Consumption Establishment, Cannabis Processor, and Recreation Center.

Chairman Dashiell asked the Commissioners if there was a consensus on the Definitions; all agreed.

- **Permitted Uses:**

- A. Cannabis, Grower, and Cannabis, Processor may be permitted in I-1 (Light Industrial) and I-2 (Heavy Industrial) Zoning Districts;
- B. Cannabis, Dispensary may be permitted in I-1 (Light Industrial) and I-2 Zoning Districts (Heavy Industrial), subject to Special Exception approval by the Wicomico County Board of Appeals.
- C. Cannabis, On-Site Consumption Establishment, is prohibited within Wicomico County.

Chairman Dashiell asked the Commissioners if there was a consensus on the Permitted Use; all agreed.

- **Setbacks:**

- A. A Cannabis Business may not be located within 500 feet of a pre-existing primary or secondary school in the State, or a licensed child care center or registered family child care home; or a playground, recreation center, library, place of assembly, or public park. A Cannabis Business may not be located 1,000 feet from another Cannabis Business.

Mr. Joe Holloway inquired about individuals wanting an alcohol license there have been questions about the distance from a church and school is it 500 ft from the property line, or 500 ft from the front door. Is there a definition of what that will be? Mr. Andrew Illuminati stated it is typically 500 feet from the boundary line.

Mr. Kevin Shertz asked if the prohibition of "on-site consumption establishment" creates an undue burden on the license holder. Mr. Illuminati stated the law provides the County the ability to decide whether or not to allow onsite consumption. He added the alcohol beverage 36-407 A3 reads "an on-site consumption establishment may operate only if the County, if applicable the municipality where the business is located, have issued a permit or license that expressly allows the operation of the on-site consumption establishment."

Mr. Holloway believes we are protecting other cannabis businesses with the thousand feet distance from another cannabis business more than we are protecting the children because it

states 500-foot setback from a school. Mr. Illuminati stated it comes from State Law; the adoption is the state regulations with Place of Assembly added and defining Recreation Center.

Mr. Matt Drew asked about the previous analysis completed by Mr. Frank McKenzie, if we take the setback definition to be defined as the property boundary does his analysis change. Mr. McKenzie said the analysis was done from the property lines.

Chairman Dashiell asked the Commissioners if there was a consensus on the Setbacks; all agreed.

Ms. Carter highlighted in the report there were regular meetings, special meetings and a public hearing were held. The public hearing was on September 21<sup>st</sup> and there was a 15-day public review and comment period from September 7, 2023 through September 20, 2023. No public comments were received during this time. At the public hearing, we had two (2) citizens make comments on the proposed Text Amendment. Ms. Carter added the Commission has looked at and reviewed everything in regards to Cannabis Reform Act HB556/SB516. The proposed Text Amendments are consistent with the goals and objectives of the adopted 2017 Wicomico County Comprehensive Plan. These proposed Text Amendments are consistent with the general purposes and intent of the Zoning Code and specifically with the intent to provide for orderly growth and development in a matter that will protect, conserve, and stabilize the value of land structure and neighborhoods as well as minimize conflicts with surrounding areas.

Chairman Dashiell thanked Ms. Carter for the Planning Director's Report.

Chairman Dashiell indicated he would entertain a motion to approve the advancement of the proposed legislation contained in the Planning Director's Report as has been reviewed with us by Ms. Carter and presented to the Commission to the Wicomico County Council. Mr. Shertz entered a motion to approve, which was seconded by Mr. Drew. The motion was duly carried.

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

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Chairman Dashiell thanked Ms. Carter, Mr. Illuminati and the Staff for handling this process and moving this legislation forward to our County Council for their consideration. He also thanked Mr. McKenzie for the PowerPoint presentation concerning zoning.

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**DISCUSSION – Proposed text amendments to Sections 17.04.120, 17.36, 17.76 and 17.80 – Cannabis and Cannabis Businesses use – (B. Soper)**

Mr. Brian Soper approached the table to provide a briefing on the Commission and how we could assist the City in regards to this legislation. He mentioned the definitions and permitted uses for growing and processing is exactly the same as the County. In his memo, he stated the City is permitting it in their light Industrial District and Industrial Park but it will not be permitted in their Industrial Zoning because this area consists of the wastewater treatment plant, the Recycling Center and where the City has the Field Operations Department Center; there is another area where the old Dresser Wayne facility was located, which is now owned by Salisbury University.

Mr. Soper indicated the City used a lot of the data provided by Mr. McKenzie concerning setbacks and they started pulling out gyms in the Industrial Park, in the light Industrial District.

Mr. Soper also added, the Zoning Code permits liquor dispensaries and stores as an ordinance permit. Since cannabis dispensary is very similar to liquor dispensaries, the City is proposing to permit them as an ordinance permit as well. An ordinance permit requires an action of the City Council for each use. The City is anticipating two to three licenses so that would mean that there be two to three ordinances per site per use that would have to be voted on and reviewed by the Planning Commission with a recommendation just like any Text Amendment and then it would go to the City Council for their review and approval.

Mr. Soper indicated the City will permit a cannabis dispensary to be in the General Commercial District under an ordinance permit. They have given these areas the ability to reduce the setback by no more than 50%, but this would require a recommendation by the Planning Commission. For instance, an adult-use gym could reduce the setback to 250 feet but for school or kid's gymnastics the setback would remain at 500 feet.

Mr. Soper added the parking standard will be based on the available parking area of the site when an ordinance permit is requested. Additionally, if an ordinance is approved and it remains idle and unused for more than a year, it will be become null and void.

The City adopted many of the County's definitions but had to modify the following:

- Cannabis Business: The City's Code is structured differently so they added a cannabis business not enumerated as a use, permitted or otherwise, this Title is prohibited within the City of Salisbury. This essentially restricts the uses to the Industrial Park Light Industrial and General Commercial Districts;
- Recreation Center: This includes both recreational establishment, indoor and recreational establishment, outdoor as defined in this Chapter.

At this point, Mr. Soper requested a consensus to move to a Public Hearing that would be held on October 19, 2023.

Chairman Dashiell asked where would these businesses be allowed within the City. Mr. Soper responded stating anywhere in the General Commercial District along route 13. There is overlapping with the 500-foot setback. In order to reduce to less than 250-feet, a case would need to be made with the Staff and then a recommendation from Staff to the Planning Commission. At which time, the Planning Commission would make a recommendation to the City Council.

Chairman Dashiell requested a summary from where we are today to where we need to be in order to comply with timelines. Mr. Soper said the objective is to have a Public Hearing on October 19<sup>th</sup> for this draft language, take into consideration any amendments the Commissioners may have then move forward to the City Council for their review during a work session. Then it would require another Public Hearing with the City Council. Mr. Soper anticipates passage of legislation some time in December by the City Council.

Mr. Drew requested clarification on the use of sites within the Industrial Zone. Mr. Soper proceeded to mention all the businesses located within the City Industrial Zones. Mr. Soper said the dispensaries would be allowed in the General Commercial Districts then growing and processing would be allowed in the Light Industrial and Industrial Park Districts. He added a site within Light Industrial Zoning could be allowed.

Mr. Holloway asked if a Cannabis Drive-Thru would be allowed. Ms. Laura Ryan said it is not addressed in the Cannabis Legislation; there are other facilities in different states that have a drive-thru.

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Ms. Carter introduced a new employee, Colin Harrison. He is from Parsonsburg and is our new Environmental Planner. She and Mr. Soper thanked the Commissioners, Mr. Illuminati and Mr. McKenzie for their assistance during this process.

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As there were no additional comments, Mr. Holloway entered a motion to end the meeting, which was seconded by Mr. Shertz. The motion was duly carried.

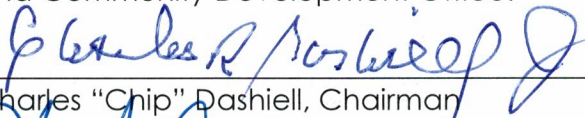
Chairman Dashiell stated the motion was **APPROVED**. The meeting adjourned at 2:20 p.m.

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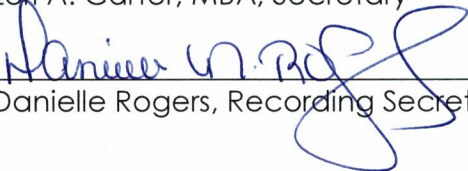
The next regular Commission meeting will be on October 19, 2023.

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

  
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Charles "Chip" Dashiell, Chairman

  
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Lori A. Carter, MBA, Secretary

  
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Danielle Rogers, Recording Secretary