



## CITY OF SALISBURY

115 S. Division Street, Salisbury, MD, 21801

### WORK SESSION

Government Office Building

125 N Division Street, Room 301, Salisbury, MD, 21801

Monday, December 2, 2024, 4:30 p.m.

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D'SHAWN M. DOUGHTY  
Council President

ANGELA M. BLAKE  
Council Vice President

APRIL R. JACKSON  
Councilwoman

MICHELE R. GREGORY  
Councilwoman

SHARON C. DASHIELL  
Councilwoman

**Ordinance Permit** – to authorize the operation of a utility substation on a property located on the southerly side of Calloway Street (Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1) in the R-5A Residential Zoning District as required by Section 17.160040B. of the Salisbury Municipal Code

**Ordinance** – amending Title 12 of the Salisbury City Code, entitled “Streets, Sidewalks, and Public Places”, by eliminating Sections 12.04.010, 12.04.020 and 12.24.020, and adding new Chapter 12.25 to include all litter violations under one chapter entitled “Littering,” and further amending Title 2 of the Salisbury City Code to confirm the penalties imposed for municipal infractions and misdemeanors

**Ordinance Permit** – to authorize the operation of a day-care center at 224 Phillip Morris Drive in the light business and institutional district by the Night Watch Childcare Center, LLC as required by Section 17.28.040B of the Salisbury Municipal Code

**Ordinance** – to amend Sections 15.04.010, 15.04.020, 15.04.030 and 15.04.040 of Chapter 15.04 of the Salisbury City Code (Building Code) and to add Sections 15.04.025 and 15.04.035 to Chapter 15.04 in order to update and amend the city’s standard building codes

PUBLIC COMMENT (AGENDA ITEMS ONLY)

ADMINISTRATION COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

Join Zoom Meeting

<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2IHbnROQzZVUT09>

Meeting ID: 881 6325 3286

Passcode: 812389

Phone: 1.301.715.8592

City Council Meetings are conducted in Open Session unless otherwise indicated. All or part of the Council's meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b) by vote of the City Council.

*Posted 11/27/24*



# City of Salisbury

To: Andy Kitzrow, City Administrator  
From: Amanda Rodriguez, City Planner *AR*  
Date: November 22, 2024  
Re: Ordinance to Permit the Operation of a Utility Substation by Eastern Shore Natural Gas

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Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc. has submitted an application for an Ordinance Permit for the operation of a Utility Substation as defined in Ch 17.220 to be located at the property on Calloway Street identified as Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1. The property is currently zoned R-5A, and is currently unimproved. A Utility Substation is an allowable use in the R-5A district with the granting of an Ordinance Permit, per Ch 17.160.040.B.

The purpose of this facility is to serve as an integral element to improving safety of the existing natural gas pipeline. This above ground facility contains a rupture mitigation valve and is monitored remotely by Eastern Shore's Gas Control Facility in Dover, DE. There is minimal traffic to and from the site, as it is unmanned and will see approximately 1 visit to the site per month for inspection and maintenance.

On November 21, 2024, the Salisbury-Wicomico Planning and Zoning Commission reviewed the request, and forwarded a favorable recommendation to City Council.

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



## Infrastructure and Development Staff Report November 21, 2024

### I. BACKGROUND INFORMATION:

Project Name: Chesapeake Utilities Substation  
Applicant/Owner: Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc.  
Nature of Request: Ordinance Permit  
Location of Property: Calloway Street, Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1  
Existing Zoning: R-5A Residential Zoning District

### II. SUMMARY OF REQUEST:

#### A. Introduction:

Eastern Shore Natural Gas/Morris & Ritchie Associates, Inc. has submitted an application for an Ordinance Permit for the operation of a Utility Substation as defined in Ch 17.220 to be located at the property listed above. The property is currently zoned R-5A, and is currently unimproved. A Utility Substation is an allowable use in the R-5A district with the granting of an Ordinance Permit, per Ch 17.160.040.B.

The purpose of this facility is to serve as an integral element to improving safety of the existing natural gas pipeline. This above ground facility contains a rupture mitigation valve and is monitored remotely by Eastern Shore's Gas Control Facility in Dover, DE.

Ch 17.12.060 states the Planning Commission has the authority to hear and review applications for Ordinance Permits and forward on a recommendation to City Council for final approval.

#### B. Surrounding Area Development:

The R-5A district is located in areas which are presently served or which can be served by existing municipal public utilities of water, sanitary sewer and storm drains and which contain the services and amenities necessary for concentrations of population and traffic normally associated with apartment and townhouse development.

Surrounding properties include residential apartments to the east, a forest conservation easement to the south, and the railroad to the west. Per the application, the forest conservation easement will not be disturbed by the construction of this utility substation.

### III. R-5A DISTRICT DEVELOPMENT STANDARDS:

Staff notes the following with regard to Zoning Code requirements:

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Department of Infrastructure & Development  
125 N. Division St., #202 Salisbury, MD 21801  
410-548-3170 (fax) 410-548-3107  
[www.salisbury.md](http://www.salisbury.md)

**A. Site Plan Review:**

- 1. Minimum Lot Requirements:** No changes to the size or dimensions of the existing lot are proposed for this project. The lot currently meets all minimum lot size requirements as set forth in Ch.17.160.060.
- 2. Building Setbacks/Spacing/Height:** Structures as shown on the proposed plan meet the setback, spacing, and height requirements as stated in Chapter 17.160.060.
- 3. Parking/Loading:** The site includes a gravel driveway to the substation area. This area is not accessible by the public and will not require additional parking, as there is no building structure.
- 4. Access:** The site currently has sole access from Calloway Street, which is not a through street. There is little expected traffic to and from the site as the site is unmanned. Occasional inspections and repairs by Eastern Shore Natural Gas employees are expected to occur.
- 5. Sign Plan:** While additional signage is not expected, any proposed signs will be subject to Planning Commission review before approval.
- 6. Landscaping and Screening:** Additional landscaped buffer is proposed along Calloway Street and along the residential uses to the east. The facility will be enclosed in a 45' x 45' area by chain link security fencing.

**IV. PLANNING COMMENTS**

The applicant seeks to use this site in a manner that is consistent with the intent of providing infrastructure and utilities to residential development. The operation of a utility substation is an allowable use in the R-5A district after the granting of an Ordinance Permit. Formal plans will be submitted for review and approval to the Department of Infrastructure and Development, City of Salisbury Fire Department, and other applicable agencies prior to the issuance of any building permits.

**V. RECOMMENDATION**

Staff recommends a favorable recommendation be made to forward this Ordinance Permit application onto City Council.



# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



Date: October 2, 2024

City of Salisbury Infrastructure & Development Department  
125 N. Division Street, Suite 304  
Salisbury, MD 21801  
Attention: Mr. Henry Eure

Subject: Calloway Street Valve Facility  
submission for the Salisbury Loop  
Project

Dear Mr. Eure

On behalf of our client, Eastern Shore Natural Gas (ESNG) Company, we hereby request approval to construct a utility infrastructure facility on the vacant parcel known as tax parcel 014-0012-2594, located on the south side of Calloway Street in the City of Salisbury. The facility will consist of a 45-foot by 45-foot fenced area along with a gravel driveway. The facility will consist of a chain-link security fence to protect the proposed federally required valve facility. The unmanned facility will be visited by ESNG employees for routine maintenance and inspections. Trees will be planted along the street and as a buffer against the neighboring residentially zoned property.

The aboveground facility will contain a rupture mitigation valve (RMV) and an inline inspection (ILI) receiver. The RMV is part of a system of valves on the natural gas transmission pipeline that protects against catastrophic events. These valves are part regulations established and enforced by the Pipeline and Hazardous Materials Safety Administration (PHMSA). If any of these valves sense a 10% pressure loss on the pipeline, they automatically close, isolating the section of pipeline that is suffering the pressure loss. Once isolated, the pressure decreases and the amount of potential gas loss is halted. In addition, the entire pipeline system, including all RMV's, are monitored from Eastern Shore's Gas Control Facility in Dover, DE. This facility provides 24-hour, seven (7)-day a week monitoring for all Eastern Shore facilities. The ILI receiver allows for the acceptance of an inspection tool that would be sent through the pipeline at a point further north in the pipeline network. Based on current federal regulations the ILI receiver would be used approximately every seven (7)-years. These inspections provide critical data related to the long-term maintenance and protection of welded steel, gas transmission pipelines.

The subject parcel is approximately 0.54 acres and is zoned R-5A. The parcel was subdivided as "Lot 1" in a Plan titled, "Resubdivision of Lots 38-40 & 44-48 of the William F. Calloway Estate and Minor Subdivision of the Lands of Go-Getters Foundation, Inc.," dated May 5, 2003. The parcel is adjoined by "Lot 2" of the same plan to the east – an approximately 1.27-acre parcel also Zoned R-5A and currently used as residential apartments. The subject parcel is bordered to the west by the railroad. There is an existing Forest Conservation Easement along the western and southern lot lines which will not be impacted as part of the proposed improvements.

To help visualize what the facility will look like, we have attached two photographs of another ESNG facility. While not exactly the same mechanical appurtenances, the facility shown in these photographs is of a similar size.

111 Ruthar Drive, Newark, DE 19711 (302) 326-2200 [www.mragta.com](http://www.mragta.com)

We understand that the Code requires an Ordinance Permit be issued for the construction of this utility facility within the R-5A zone, and we request approval for that permit from the City Planning Commission. Should you require additional information please contact us at (302) 326-2200. Thank you for your time and consideration for this project.

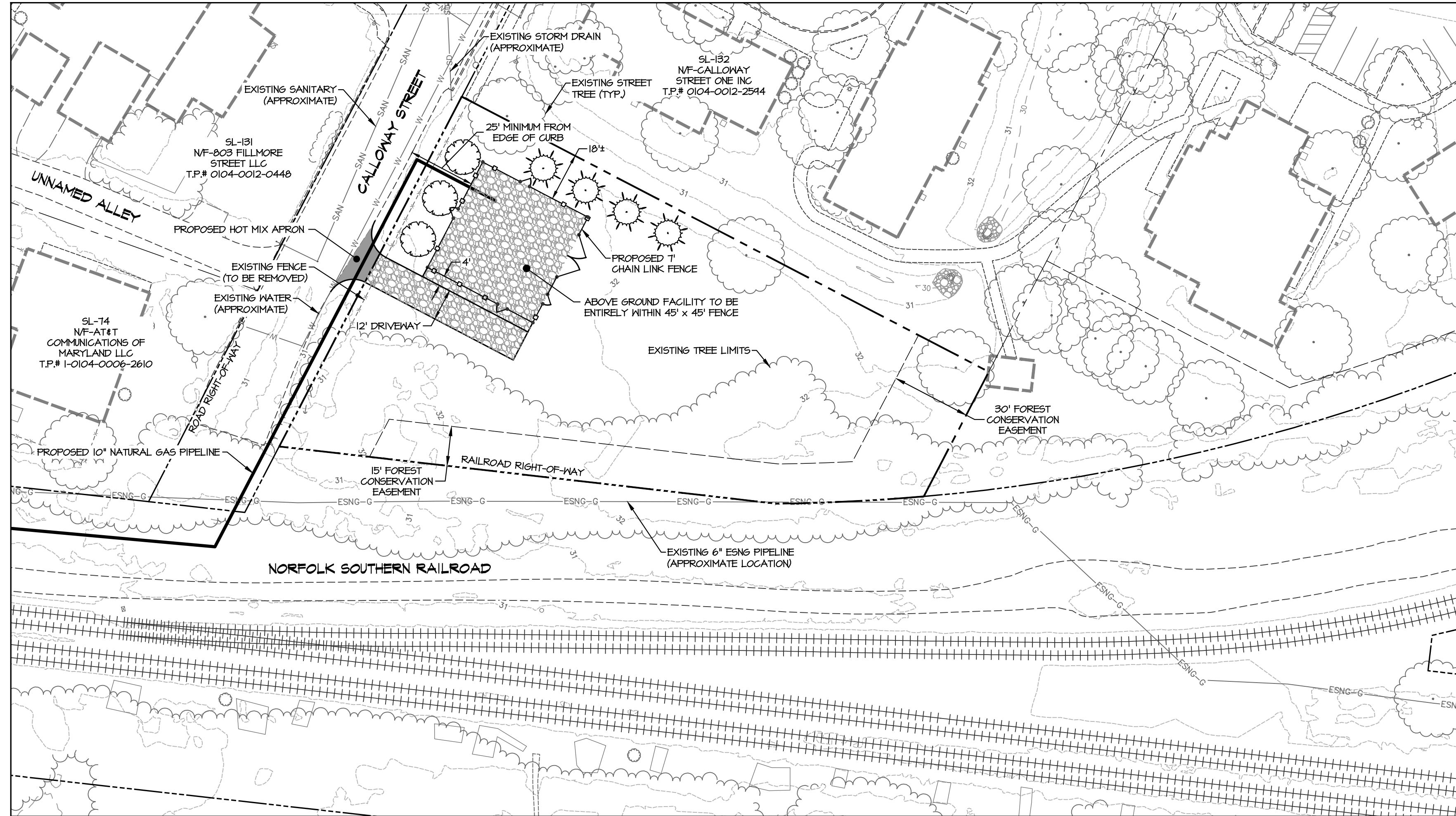
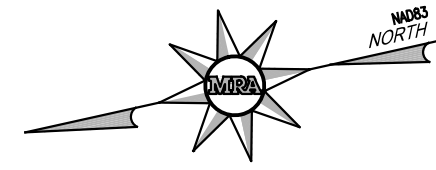
Very truly yours,  
Morris & Ritchie, Associates, Inc.



Charlie Barnett  
Principal

Encl.            Ordinance Permit Plan  
                    Photographs  
cc:                Mark Parker, PE, ESNG  
                    Nick Hammond, ESNG  
                    File (22394)



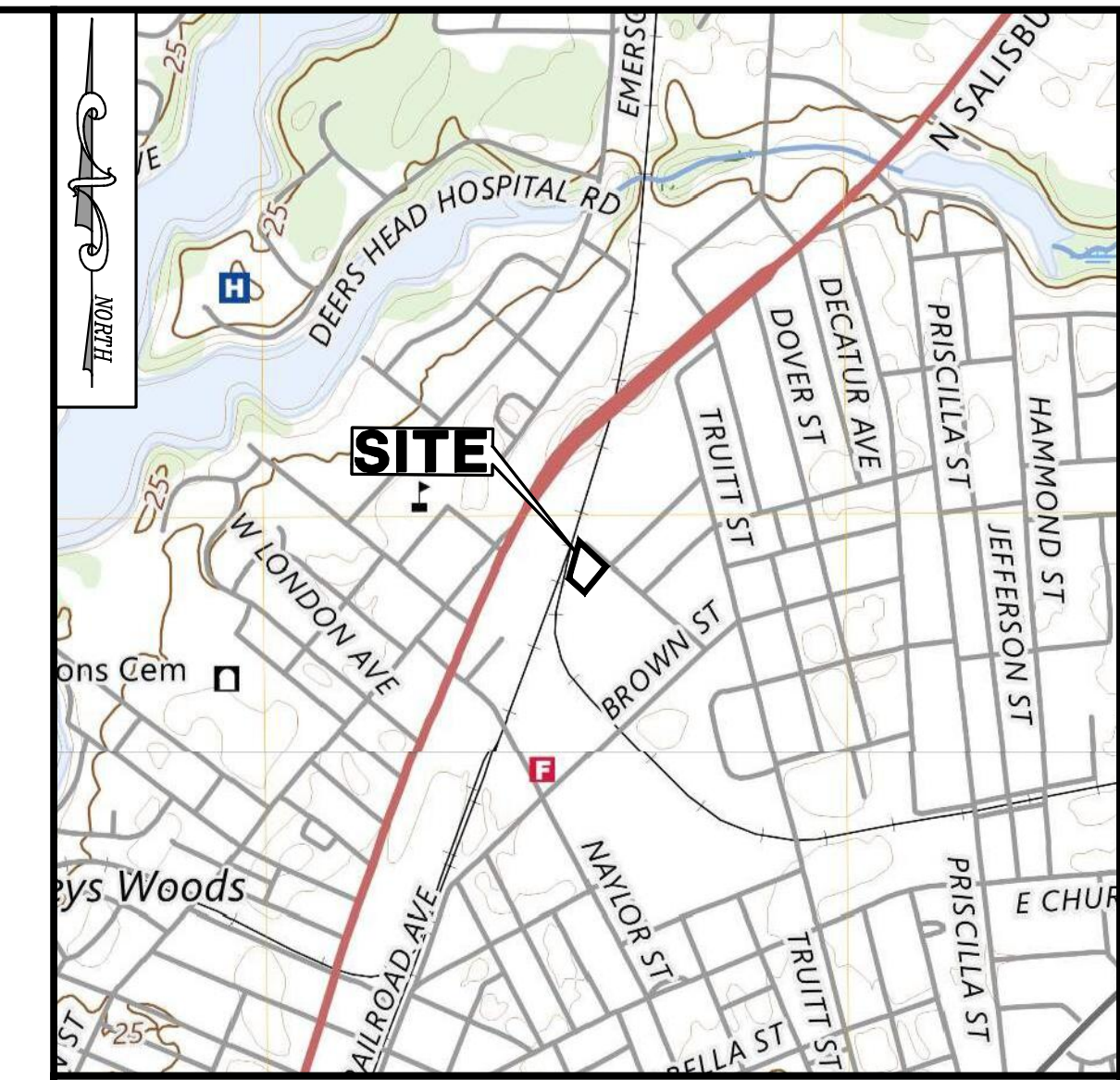
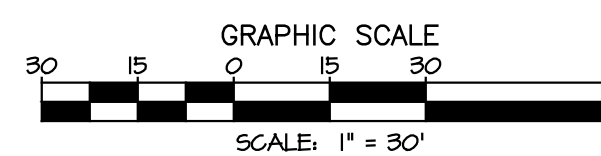


**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED NATURAL GAS FACILITY WITHIN THE SUBJECT PROPERTY CONSISTING OF ABOVE-GROUND PIPING AND RELATED FACILITIES, ALL OF WHICH WILL BE CONTAINED WITHIN A 7-FOOT HIGH CHAIN LINK FENCE.
2. THIS SITE IS NOT WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO FEMA FIRM MAP #24045C0114E, DATED 08/11/2015.
3. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. LANDSCAPING PLANTING DETAILS:  
 THREE (3) GRAPE MYRTLE TREES: *Lagotis indica* Muskogee, 5' - 6' HEIGHT, BALL & BURLAP ROOT  
 FOUR (4) HOLLY TREES: *Ilex Nellore R. Stevens*, 5' - 6' HEIGHT, BALL & BURLAP ROOT

**LEGEND**

EXISTING RIGHT-OF-WAY	-----
EXISTING 1' CONTOUR	-----
EXISTING 5' CONTOUR	-----
EXISTING EDGE OF CURB	-----
EXISTING EASEMENT	-----
EXISTING BUILDING	-----
PROPOSED UNDERGROUND PIPELINE	-----
PROPOSED GRAVEL	-----
PROPOSED PAVEMENT	-----
PROPOSED FENCE	-----
PROPOSED GRAPE MYRTLE (3)	-----
PROPOSED HOLLY (4)	-----



**VICINITY MAP**  
 SCALE: 1" = 1,000 FT  
 USGS TOPO QUAD DELMAR, MD & SALISBURY, MD, 2023.

**SITE DATA**

TAX MAP & PARCEL:	0104-0012-2544 BLOCK B, LOT 1
CURRENT OWNER:	60-GETTERS FOUNDATION P.O. BOX 37318 CHARLOTTE, NC 28237
FUTURE OWNER:	EASTERN SHORE NATURAL GAS 500 ENERGY LANE, SUITE 200 DOVER, DE 19901 MARK PARKER (302) 213-1210
SITE ADDRESS:	CALLOWAY STREET SALISBURY 21801
TOTAL AREA OF SITE:	0.54 ACRES
PROPOSED IMPERVIOUS AREA:	3,110 S.F. (0.07 ACRES)
PROPOSED FENCE AREA:	2,025 S.F. (0.05 ACRES)
DRAINAGE BASIN (12-DIGIT)	021303040566



**Know what's below.  
Call before you dig.**

PROTECT YOURSELF. GIVE THREE WORKING DAYS NOTICE.  
 THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

EXCAVATE WITH CAUTION!!! EXACT LOCATION OF EXISTING UNDERGROUND PIPES AND UTILITIES IS UNKNOWN.

**ORDINANCE PERMIT PLAN**

**SALISBURY LOOP  
CITY OF SALISBURY  
WICOMICO COUNTY, MD**

ESNG PROJECT CODE:	22394	DATE:	9/19/2024
MRA PROJECT NO:	JTH/CWB	SCALE:	1" = 30'
DESIGN/CHECK BY:	JTH/CWB	SHEET:	1 OF 1



**MORRIS & RITCHIE ASSOCIATES, INC.**  
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
 111 RUTHAR DRIVE  
 NEWARK, DE 19711  
 (302) 326-2200



500 ENERGY LANE, SUITE 200 DOVER, DE 19901  
 TELEPHONE (302) 734-6710 - FAX (302) 734-6745

MRA@GTA.COM  
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# City of Salisbury

November 22, 2024

Charlie Barnett  
Morris & Ritchie  
111 Ruthar Drive  
Newark, DE 19711

**RE: PUBLIC HEARING– ORDINANCE PERMIT- UTILITY SUBSTATION – Eastern Shore Natural Gas/  
Morris & Ritchie Associates, Inc.– Calloway Street – R-5A Residential Zoning District – M-0104, G-  
0012, P-2594 B-B, L-1**

Dear Mr. Barnett,

The Salisbury Planning Commission, at its November 21, 2024 meeting, forwarded a **FAVORABLE** recommendation to City Council for the Ordinance to Permit a Utility Substation at Calloway Street, Map 0104, Grid 0012, Parcel 2594, Block B, Lot 1 based on the findings in the Staff Report.

If you have any questions or concerns regarding this matter, please call our office at 410-548-3170.

Sincerely,

Amanda Rodriguez  
City Planner

Department of Infrastructure & Development  
125 N. Division St., #202 Salisbury, MD 21801  
410-548-3170 (fax) 410-548-3107  
[www.salisbury.md](http://www.salisbury.md)



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

**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the \_\_ day of \_\_, 2024 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the \_\_ day of \_\_, 2024.

**ATTEST:**

\_\_\_\_\_  
**Julie A. English, City Clerk**

\_\_\_\_\_  
**D'Shawn M. Doughty, City Council President**

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**Randolph J. Taylor, Mayor**



# City of Salisbury

## Memorandum

**To: Salisbury City Council**

**From: Muir Boda, Director HCDD**

**Subject: Litter Enforcement and Fines**

**Date: 11/6/2024**

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### **Council,**

We have been working with the Litter Committee this year on addressing litter within the city and the county. One of the items brought up was increasing fines and working to be more in line with the county. During the course of reviewing the existing code, we found some inconsistencies within the code and state law in regard to fines, the language of the code, and items in different chapters. So, we worked to achieve the following goals:

- Increased the maximum fine allowed for municipal infractions and civil zoning violations from \$500 to \$1000.
  - Creates consistency throughout code.
  - Updated to reflect state law, which caps fines at \$1,000.
- Move all littering violations into its chapter.
- Specify the fine amount sentencing in the code of each violation.
- Expand the violation for littering in the Wicomico River and its tributaries.

If you have any questions, feel free to reach out.

Muir Boda  
Director HCDD



Housing & Community Development Department  
207 W. Main St, Suite 102 Salisbury, MD 21801



45 **1.16.020 - Declaration as infraction or civil zoning violation—Violations and penalties.**

46 The council declares the violation of which ordinance or ordinances shall be infractions or civil  
47 zoning violations, and for each such violation, a fine shall be set. The fine shall not exceed **one**  
48 **thousand dollars (\$1,000)** ~~five hundred dollars (\$500.00)~~ for any single, initial infraction and shall  
49 not exceed **one thousand dollars (\$1,000)** ~~five hundred dollars (\$500.00)~~ for any single civil  
50 zoning violation. Each day the violation continues shall constitute a separate offense. The authority  
51 to declare infractions and civil zoning violations, and set fines shall not be delegated by the council  
52 to any other administrative or legislative body.

53  
54 **1.16.021 - Misdemeanors—Violations and penalties.**

55 The council declares the violation of which ordinance or ordinances shall be misdemeanors, and  
56 for each such violation, a penalty shall be set. Every act or admission designated as  
57 a misdemeanor shall be punishable by a fine not exceeding **one thousand dollars (\$1,000)** ~~five~~  
58 ~~hundred dollars (\$500.00)~~ or imprisonment for not more than ninety (90) days, or both. The party  
59 aggrieved shall have the right of appeal as is provided under the general laws of the state. Where  
60 the act or admission is of a continuing nature, conviction for one offense shall not be a bar to a  
61 conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

62  
63 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**  
64 **SALISBURY, MARYLAND,** as follows:

65 **Section 2.** Title 12 of the Salisbury City Code is hereby amended by eliminating the language that  
66 is marked with a strikethrough and adding the bolded and underlined language as follows:

67 ~~Section 12.04.010 Throwing Litter into streets and sidewalks.~~

68 ~~It is unlawful for any person to cast, throw or sweep into any of the streets, public alleys or~~  
69 ~~sidewalks within the corporate limits of the city any trash, refuse, leaves or sweepings.~~

70 ~~Section 12.04.020 Throwing or discharging from vehicles.~~

71 ~~Any person who shall suffer or permit any garbage and refuse materials, including liquids derived~~  
72 ~~therefrom, or any other odoriferous or unsanitary material to escape, fall or to be discharged from~~  
73 ~~any vehicle upon any public street or way in the city shall be deemed guilty of a misdemeanor.~~

74 ~~Section 12.24.020 Throwing litter into river prohibited.~~

75 ~~No person shall throw into, deposit in or place where the same may fall or be washed into the~~  
76 ~~Wicomico River or its tributaries within the corporate limits of the city any material, refuse or other~~  
77 ~~matter of any kind detrimental to navigation or health.~~

78 **Chapter 12.25 – Littering**

79 **Section 12.25.010 - Prohibition of Littering on Streets and Sidewalks**

80 **Any individual who disposes of, casts, throws or sweeps trash, refuse, leaves or debris onto**  
81 **the streets, public alleys or sidewalks within the city limits shall be guilty of a municipal**  
82 **infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000) per**  
83 **violation. Each day the violation continues shall constitute a separate violation subject to an**  
84 **additional citation and fine.**

85  
86 **Section 12.25.020 – Prohibition of Littering from Vehicles**

87 **Any individual who allows or causes any garbage, refuse materials, including liquids, or other**  
88 **foul or unsanitary substances to be released, spilled or discharged from a vehicle onto any**  
89 **public street or right-of-way within the city shall be guilty of a municipal infraction and shall**  
90 **be subject to a fine not to exceed one thousand dollars (\$1,000) per violation. Each day the**



91 violation continues shall constitute a separate violation subject to an additional citation and  
92 fine.

93  
94 **Section 12.25.030 - Prohibition of Littering in the Wicomico River**

95 Any individual or entity who throws, deposits or places any materials, refuse, or substances  
96 into the Wicomico River or its tributaries within the city limits that may harm navigation,  
97 restrict stormwater flow or negatively impact public health shall be guilty of a municipal  
98 infraction and shall be subject to a fine not to exceed one thousand dollars (\$1,000) per  
99 violation. Each day the violation continues shall constitute a separate violation subject to an  
100 additional citation and fine.

101  
102 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**  
103 **SALISBURY, MARYLAND,** as follows:

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

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

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

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

114 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City  
115 of Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and thereafter, a statement of the substance of  
116 the Ordinance having been published as required by law, in the meantime, was finally passed by the Council  
117 of the City of Salisbury on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

118 **ATTEST:**

119  
120 \_\_\_\_\_  
121 Julie A. English  
122 City Clerk

120 \_\_\_\_\_  
121 D'Shawn M. Doughty  
122 City Council President

123  
124 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

125  
126 \_\_\_\_\_  
127 Randolph J. Taylor  
128 Mayor



## **Infrastructure and Development Staff Report September 19, 2024**

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

Project Name: The Night Watch Childcare Center  
Applicant/Owner: Dr. Amy Stewart, on behalf of The Night Watch Childcare Center, LLC  
Nature of Request: Ordinance Permit  
Location of Property: 224 Phillip Morris Drive  
Existing Zoning: Light Business and Institutional Zoning District

### **II. SUMMARY OF REQUEST:**

#### **A. Introduction:**

The Night Watch Childcare Center LLC has submitted an application for an Ordinance Permit for the operation of a Day-care center as defined in Ch 17.220 to be located at 224 Phillip Morris Drive. The property is currently zoned Light Business and Institutional, and is improved with a 36,807 sf building divided into multiple units. This request is for the occupancy of Unit 2. A day-care center is an allowable use in the Light Business and Institutional Zoning district with the granting of an Ordinance Permit, per Ch 17.28.040.

Ch 17.12.060 states the Planning Commission has the authority to hear and review applications for Ordinance Permits and forward on a recommendation to City Council for final approval.

#### **B. Surrounding Area Development:**

The purpose of the Light Business and Institutional (LBI) district is to recognize that lands located along major limited access highways running through Salisbury are exposed to large volumes of traffic and high degrees of visibility and to provide for their development while protecting adjoining residential areas. These lands are generally located between the major highways and parallel streets which border adjoining residential areas.

Prior uses of this property include various office spaces, including educational, financial, and medical offices. Surrounding properties include a banking establishment to the east, residential uses to the north, and Emmanuel Wesleyan Church to the west. The proposed use is consistent with surrounding uses and meets the purpose and intent of the LBI district.

### **III. LIGHT BUSINESS AND INSTITUTIONAL DISTRICT DEVELOPMENT STANDARDS:**

Staff notes the following with regard to Zoning Code requirements:



# City of Salisbury

## A. Site Plan Review:

- 1. Minimum Lot Requirements:** The existing structure is expected to remain, with no changes to the size or dimensions of the existing building lot. The lot currently meets all minimum lot size requirements as set forth in Ch.17.28.060.
- 2. Building Setbacks/Spacing/Height:** Structures as shown meet the setback, spacing, and height requirements as stated in Chapter 17.28.060. The applicant is not seeking to alter the placement or footprint of this existing building.
- 3. Parking/Loading:** The plan shows a loading zone to be located at the rear of the building, and meets all requirements set forth in Ch 17.196.020. Existing parking spaces will be sufficient for this use.
- 4. Access:** The site currently has frontage along Dallas Drive. Access to Dallas Drive from Phillip Morris Drive serves all units within this building.
- 5. Sign Plan:** A formal sign plan has not been submitted at this time. Signs will be subject to review before approval.
- 6. Landscaping and Screening:** While there is existing landscaping on site, a formal landscaping plan has not been submitted at this time.

## IV. PLANNING COMMENTS

The applicant seeks to use this site in a manner that is consistent with the surrounding properties in intensity. The operation of a daycare center is an allowable use in the LBI district after the granting of an Ordinance Permit. Formal plans will be submitted for review and approval to the Department of Infrastructure and Development, City of Salisbury Fire Department, and other applicable agencies prior to the issuance of any building permits.

## V. RECOMMENDATION

Staff recommends a favorable recommendation be made to forward this Ordinance Permit application onto City Council.



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

**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the \_\_ day of \_\_, 2024 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the \_\_ day of \_\_, 2024.

ATTEST:

\_\_\_\_\_  
Julie A. English, City Clerk

\_\_\_\_\_  
D'Shawn M. Doughty, City Council President

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Randolph J. Taylor, Mayor



**MEMORANDUM**

**TO:** City Council

**FROM:** Chad Goblinger, Building Official

**SUBJECT:** Ordinance to adopt 2021 State Building Codes

**DATE:** November 26, 2024

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The State (The Department of Labor) has adopted codes the 2021 edition of IBC, IRC, IECC, IgCC & IEBC for

- (I) COMAR 09.12.50 Model Performance Code & COMAR 09.12.51 Maryland Building Performance Standards
- (II) COMAR 09.12.57 International Green Construction Code
- (III) COMAR 09.12.58 Maryland Building Rehabilitation Code Regulations

The effective date is May 29, 2023. State law requires local jurisdiction to start implementing & enforcing the new requirements as of May 29, 2024.

This ordinance will adopt these State required codes with local amendments and codify them. The Department of Infrastructure and Development will now be able to start enforcing these updated State codes with the passage of this ordinance.

Should there be no objections, please forward a copy of the Draft Ordinance onto City Council for readings and adoption per City Code.

Chad Goblinger  
Building Official  
Department of Infrastructure & Development



- 41 A. Chapter 1 ~~delete~~ **amend** Section 101.2.1 Appendices, and replace with the following: Paragraph  
42 101.2.1 Appendix provisions on Appendix B. ~~Building~~ Board of Appeals and Appendix I. Patio  
43 Covers are adopted as part of the IBC.
- 44 B. Chapter 1 delete [A] 101.4.4 Property Maintenance.
- 45 C. Chapter 1 amend [A] 102.6 Existing Structures. The legal occupancy of any structure existing  
46 on the date of adoption of this code shall be permitted to continue without change, except as  
47 otherwise specifically provided for in this code, the International Existing Building Code, City  
48 of Salisbury Property Maintenance Code, or the NFPA Life Safety Code 101 **(2021)** ~~(2018)~~.
- 49 D. Chapter 1 delete [A] 105.2 Work exempt from permit: 2. Fences not over 7 feet (2134 mm) high  
50 and replace with the following:
- 51 [A] 105.2 Work exempt from permit.
- 52 2. Fences less than fifty (50) lineal feet.
- 53 E. Chapter 1 add [A] 105.2.14 Work exempt from permit: 14. to read as follows: "Replacement  
54 windows, doors, vinyl/aluminum siding and custom trim."
- 55 F. Chapter 1 amend [A] 109.4 Work commencing before issuance of a permit issuance. Any person  
56 who commences any work on a building, structure, electrical, gas, mechanical or plumbing  
57 system before obtaining the necessary permits may be subject to a permit fee two times the  
58 amount of the original fee.
- 59 G. Chapter 1 add Section [A] 111.1.1, Change of Use Group, Owner or Tenant. No change in use,  
60 group, owner or tenant of a building or structure shall be permitted, wholly or in part, until a  
61 new Certificate of Occupancy has been issued by the Building Official certifying compliance  
62 with applicable parts of this chapter and other applicable State or local laws, ordinances, and  
63 regulations. This provision shall not apply to a change of tenant for R-2, change of owner or  
64 tenant for R-3, or change of tenant for R-4 structures. For purposes of this section, "R-2", "R-3"  
65 and "R-4" shall be defined in accordance with the International Building Code (2018). Further,  
66 this provision shall not apply to any property used for a residential purpose, which shall be  
67 defined as a property designed to be lived in or otherwise providing living accommodations.
- 68 H. Add Section [A] 104.1.1. Fire Safety Provisions. The Fire Marshal or the Fire Marshal's  
69 authorized representative shall enforce all fire safety provisions of this code. Where references  
70 to fire safety provisions in this code indicate the term "Building Official or Code Official," they  
71 shall be construed to refer to the Fire Marshal or the Fire Marshal's authorized representative.  
72 In any conflict of opinion concerning fire safety of a structure, the decision of the Fire Marshal  
73 shall control. In all other matters relating to structures, the decision of the Building Code Official  
74 shall control. The Fire Marshal shall be responsible for the final technical interpretation of all  
75 fire safety provisions within this code.

76 **I. Chapter 1 Amend: [A] 110.5. Inspection requests. ADD: The permit holder or their**  
77 **authorized agent shall be present for all required inspections.**

78 **Section 3.** Chapter 15.04, Building Code the of the Salisbury City Code is hereby amended by the  
79 addition of 15.04.025 entitled "Amendments to the International Residential Code" as follows:

80 **15.04.025 Amendments to the International Residential Code**

81 **The following additions and deletions are made to the International Residential Code (2021), as**  
82 **incorporated in the Maryland Building Performance Standards:**

- 83 **A. Chapter 1 amend [A] 102.7 Existing Structures. The legal occupancy of any structure**  
84 **existing on the date of adoption of this code shall be permitted to continue without change,**



85 except as otherwise specifically provided for in this code, the International Existing  
86 Building Code, City of Salisbury Property Maintenance Code, or the NFPA Life Safety  
87 Code 101 (2021).

88 B. Chapter 1 delete 105.2 Work exempt from permit: 2. Fences not over 7 feet (2134 mm) high  
89 and replace with the following:

90 105.2 Work exempt from permit.

91 2. Fences less than fifty (50) lineal feet.

92 C. Chapter 1 add to 105.2 Work exempt from permit: 11. to read as follows: "Replacement  
93 windows, doors, providing the rough opening framing is not altered. Exception: All newly  
94 created sleeping rooms or existing sleeping rooms where window rough opening framing  
95 is altered, shall require at least one code compliant Emergency Egress Rescue Opening  
96 (EERO)."

97 D Chapter 1 add 105.2 Work exempt from permit: 12. to read as follows: "vinyl/aluminum  
98 siding and custom trim provided no structural elements are compromised or need to be  
99 replaced."

100 E Chapter 1 amend 105.2 Work exempt from permit: 1. Other than storm shelters, one-story  
101 detached accessory structures, provided that the floor area does not exceed 120 square feet.

102 F. Chapter 1 amend 105.2 Work exempt from permit: 10. Decks not exceeding 120 square  
103 feet in area, that are not more than 30 inches above grade at any point, are not attached to  
104 a dwelling, and do not serve the exit door required by Section R311.4.

105 G. Chapter 1 amend 108.6 Work commencing before issuance of a permit. Any person who  
106 commences any work on a building, structure, electrical, gas, mechanical or plumbing  
107 system before obtaining the necessary permits may be subject to a permit fee two times the  
108 amount of the original fee.

109 H. Chapter 1 amend 109.3 Inspection requests. ADD: The permit holder or their authorized  
110 agent shall be present for all required inspections.

111 Section 4. Section 15.04.030 of the Salisbury City Code, entitled "Amendments to the  
112 International Plumbing Code" shall be amended as follows:

113 **15.04.030 Amendments to the International Plumbing Code (~~2018~~2021).**

114 The following additions and deletions are made to the International Plumbing Code (~~2018~~2021):

115 A. Chapter 1 delete [A] 106.1 Where Required in its entirety and replace with the following:  
116 Any Master Plumber who desires to construct, enlarge, alter, repair, move, demolish or to  
117 erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the  
118 installation of which is regulated by this code, or to cause any such work to be performed,  
119 shall first make application to the Department of Infrastructure & Development. No work  
120 regulated by this chapter shall be commenced without a permit issued by the Department  
121 of Infrastructure & Development approved by the Plumbing Inspector or Building Official.  
122 Licenses and Permits or, in the case of septic installers, shall be issued by the Wicomico  
123 County Health Department. Only a Master Plumber shall be eligible to apply for permits  
124 authorized by this chapter.

125 B. Chapter 1 Amend [A] 112.2. Required inspections and testing. ADD: The permit holder or  
126 their authorized agent shall be present for all required inspections.

127 C. Chapter 10 delete Chapter 10 Traps, Interceptors and Separators in its entirety and replace with  
128 the following:

129 The 2019 Washington Suburban Sanitary Commission Fats, Oils and Grease  
130 Requirements.

131 **Section 5.** Chapter 15.04, Building Code the of the Salisbury City Code is hereby amended by the  
132 addition of 15.04.035 entitled “Amendments to the International Fuel Gas Code” as follows:

133 **15.04.035 Amendments to the International Fuel Gas Code 2021.**

134 **The following additions and deletions are made to the International Fuel Gas Code 2021:**

135 **A. Chapter 1 delete [A] 106.1 Where Required in its entirety and replace with the following:**  
136 **Any Master Plumber or Master Natural Gas Fitter who desires to erect, install, enlarge,**  
137 **alter, repair, remove, convert or replace an installation regulated by this code, or to cause**  
138 **such work to be performed, shall first make application to the Department of Infrastructure**  
139 **& Development. No work regulated by this chapter shall be commenced without a permit**  
140 **issued by the Department of Infrastructure & Development approved by the Plumbing**  
141 **Inspector or Building Official. Only a Master Plumber, Master Natural Gas Fitter, or on**  
142 **site utility contractor shall be eligible to apply for permits authorized by this chapter.**

143 **B. Chapter 1 amend [A] 112.2. Required inspections and testing. ADD: The permit holder or**  
144 **their authorized agent shall be present for all required inspections.**

145 **Section 6.** Section 15.04.040 of the Salisbury City Code, entitled “Reference Standards” shall be  
146 amended as follows:

147 **15.24.040 – Referenced standards.**

- 148 A. Where the following codes are referenced within this Code, they shall be considered part  
149 of the requirements of this Code to the prescribed extent of each such reference:
- 150 1. International Building Code (~~2018~~**2021**) (IBC);
  - 151 2. International Residential Code (~~2018~~**2021**) (IRC);
  - 152 3. International Energy Conservation Code (~~2018~~**2021**) (IECC);
  - 153 4. International Mechanical Code (~~2018~~**2021**) (IMC);
  - 154 5. International Plumbing Code (~~2018~~**2021**) (IPC);
  - 155 6. International Fuel Gas Code (~~2018~~**2021**) (IFGC);
  - 156 7. International Existing Building Code (~~2018~~**2021**) (IEBC);
  - 157 8. Maryland Accessibility Code;
  - 158 9. National Electrical Code (~~2014~~**2017**); and
  - 159 10. International Green Construction Code (~~2018~~**2021**) (IGCC).

160 **Section 7.** It is the intention of the Mayor and Council of the City of Salisbury that each provision  
161 of this Ordinance shall be deemed independent of all other provisions herein.

162 **Section 8.** It is further the intention of the Mayor and Council of the City of Salisbury that if any  
163 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,  
164 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication  
165 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other  
166 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

167 **Section 9.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as  
168 if such recitals were specifically set forth at length in this Section 9.

169 **Section 10.** This Ordinance become effective as of January 1, 2025

170 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City  
171 of Salisbury held on the \_\_ day of \_\_, 2024 and thereafter, a statement of the substance of the Ordinance  
172 having been published as required by law, in the meantime, was finally passed by the Council of the City  
173 of Salisbury on the \_\_ day of \_\_, 2024.

174 ATTEST:

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Julie A. English, City Clerk

\_\_\_\_\_   
D'Shawn M. Doughty, City Council President

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181 Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Randolph J. Taylor, Mayor