

ORDINANCE NO. 2949

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING THE SALISBURY CITY CODE TO CREATE A NEW SALISBURY PLANNING COMMISSION, INDEPENDENT FROM THAT OF WICOMICO COUNTY.

WHEREAS, the ongoing application, administration and enforcement of the City Code of the City of Salisbury (the "**Salisbury City Code**") demonstrates a need for its periodic review, evaluation and amendment, in order to keep the provisions of the code 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, pursuant to Resolution No. 162 (adopted on October 24, 1972), the City's planning commission functions have been performed by the Salisbury-Wicomico County Planning and Zoning Commission, which is composed of members appointed by the City and other members appointed by Wicomico County and handles matters involving property and land use matters in the City and elsewhere in the County;

WHEREAS, after review and discussion the Mayor and City Council have concluded, based upon the substantial size and urban nature of the City, that to more efficiently serve the public interest the City should have a separate planning commission that is not part of the Salisbury-Wicomico County Planning and Zoning Commission;

WHEREAS, the Mayor and Council further find that the health, safety and general welfare of the citizens of the City will be furthered by amending the Salisbury City Code to create a Salisbury Planning Commission, which will allow the City to operate its own planning commission, apart from that of Wicomico County;

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

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

Section 1. By amending the Salisbury City Code as follows:

Chapter 2.28 PLANNING AND ZONING COMMISSION

1 **2.28.010 Commission created.**

2 **Effective September 1, 2025, a** ~~A~~ municipal planning ~~and zoning~~ commission is created pursuant
3 to the provisions of **the Land Use Article of the Annotated Code of Maryland** ~~Article 66B of~~
4 ~~the Annotated Code of Maryland~~ and all amendments thereto, said ~~Article~~ entitled "**Planning**
5 **Commission Zoning and Planning,**" and said commission to hereafter be known as the "Salisbury
6 Planning ~~and Zoning~~ Commission."

7 **2.28.020 Membership—~~Term.~~**

8 **A.** The Salisbury planning ~~and zoning~~ commission shall consist of seven members, who shall
9 be appointed by the mayor and confirmed by **a majority of** the council. All members shall

serve terms of five years or until a successor is appointed, and all members shall be eligible for reappointment. At least three members of the planning commission shall reside in the municipal boundaries of the City of Salisbury. The remaining members of the planning commission shall reside in the greater Salisbury area, which shall be any address containing a 21801 or 21804 zip code. Any member sitting on the Salisbury-Wicomico County Planning and Zoning Commission at the time of its dissolution shall be eligible for membership on the Salisbury planning commission.

B. The Salisbury City Council may remove a member of the Salisbury planning commission in accordance with Md. Code Ann., Land Use § 2-102.

2.28.030 Powers and duties.

The Salisbury planning and zoning commission shall have all the powers and duties to conduct planning, zoning and other activities as authorized and delegated by the provisions of the Land Use Article 66B of the Annotated Code of Maryland as amended. The Planning Commission shall adopt rules to assist the Commission in carrying out its duties under this Code.

~~2.28.040 Participation in countywide planning program.~~

~~The Salisbury planning and zoning commission is authorized, after agreement between the mayor and city council and the Wicomico County Council, to participate in a countywide planning program under the applicable provisions of Article 66B of the Annotated Code of Maryland.~~

~~2.28.050 Continuation of powers.~~

~~The newly established Salisbury planning and zoning commission created by this chapter shall have all the powers granted heretofore to any former planning and zoning commission of the city.~~

~~2.28.060 Transfer of powers and records.~~

~~From and after the creation of the Salisbury planning and zoning commission described in this chapter, all powers and records of any the former planning and zoning commission, where applicable, shall be transferred to and become a part of the official files of the newly established Salisbury planning and zoning commission.~~

~~2.28.070 Provisions of former commission to apply.~~

~~All provisions relating in any way to the former Salisbury planning and zoning commission contained in any code or ordinance of the city of Salisbury, Maryland, not inconsistent Article 66B of the Annotated Code of Maryland, shall apply to the newly established Salisbury planning and zoning commission.~~

16.08.010 General.

A. The following words and phrases shall have, for the purpose of these regulations, the meanings as stated.

B. For the purpose of these regulations, words and terms used herein shall be interpreted as follows:

1. Words used in the present tense shall include the future tense;
2. The singular includes the plural;
3. The word "person" includes a corporation, institution, partnership and association as well as the individual;
4. The word "lot" includes the word "plot" or "parcel";

- 51 5. The word "commission" and the words "planning ~~and zoning~~ commission" always
52 means the Salisbury planning ~~and zoning~~ commission;
- 53 6. The words "planning director" always mean the City Planner in the Department of
54 Infrastructure and Development or a duly designated representative;
- 55 7. The word "city" always means the city of Salisbury, Maryland.
- 56 8. The word "city engineer" means the director of infrastructure and development or
57 his duly designated representative.
- 58 C. Any word or term not defined herein shall be used with a meaning of standard usage as
59 found in Title 17, Zoning, of this code or Webster's Collegiate Dictionary.

60 **16.08.030 Subdivision control.**

61 It shall be unlawful for the owner of any land within the corporate limits of Salisbury, or any other
62 person, firm or corporation, to subdivide any lot, tract or parcel of land, or layout, construct, open
63 or dedicate for public use or travel, any street, road, sanitary sewer, storm sewer, drainage facilities,
64 or other facilities in connection therewith, or for the common use of occupants of buildings within
65 the subdivision, unless and until:

- 66 A. A plat of such subdivision is caused to be made in accordance with the regulations set forth
67 herein;
- 68 B. Approval is secured thereof from the city planning ~~and zoning~~ commission or director of
69 infrastructure and development as provided herein; and
- 70 C. The commission or director has caused copies of the plat to be recorded in the land records
71 of Wicomico County.

72 **16.08.040 Plat approval required.**

73 No plat of any major subdivision shall be recorded until it has been submitted to and approved by
74 the planning ~~and zoning~~ commission or director of infrastructure and development as provided
75 herein. The commission shall not approve the plat unless it is satisfied that the requirements of
76 these regulations have been complied with.

77 **16.36.010 Time limits for preliminary plats and final plats.**

- 78 A. The approval of the preliminary plat shall become null and void after one year from the
79 date of such approval by the commission unless a final plat based thereon is submitted
80 within that time or an extension of time is applied for by the subdivider and granted by the
81 planning commission.
- 82 B. If a final plat is submitted for only a portion of the area approved on the preliminary plat,
83 the subdivider shall have five years from the date of preliminary plat approval by the
84 commission within which to present a final plat or plats including the entire area as shown
85 on the preliminary plat. All such plats shall be in substantial conformance with the
86 approved preliminary plat, covering that area or areas on the preliminary plat not already
87 recorded.
- 88 C. All final subdivision plats approved by the Salisbury planning ~~and zoning~~ commission as
89 hereinbefore provided must be recorded within three years of the planning ~~and zoning~~
90 commission's final approval. If the subdivision plat is not recorded within three years from
91 the date of its final approval by the planning commission, it shall become null and void and
92 it must be resubmitted for reconsideration as a preliminary plat.

D. Extension Requests. All requests for an extension of time for a preliminary plat or final plat shall be made to the planning commission in writing, prior to the expiration of the period prescribed. An extension of time may be granted by the commission, but not exceeding a total of two years unless approval has been delayed by governmental approval.

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

Section 2. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 3. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.


Section 4. 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 4.

Section 5. This Ordinance shall take effect on September 1, 2025.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 28 day of July, 2025 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 11 day of August, 2025.

ATTEST:


Julie A. English, City Clerk


D'Shawn M. Doughty, President
Salisbury City Council

APPROVED BY ME THIS 25 DAY OF August, 2025:


Randolph J. Taylor, Mayor