

ORDINANCE NO. 2996

AN ORDINANCE OF THE CITY OF SALISBURY AMENDING TITLE 17 OF THE SALISBURY CITY CODE TO ADD A DEFINITION OF A “LARGE FAMILY CHILD CARE HOME” AND TO DESIGNATE THE ZONING DISTRICTS IN WHICH THE VARIOUS TYPES OF CHILD CARE HOMES CAN BE ESTABLISHED.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code (the "Salisbury City Code") demonstrates a need for its periodic review, evaluation and amendment, in order to 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, in order to be consistent with updates to state law, the Department of Infrastructure and Development has determined that revisions to the definition of a “family day-care home” are warranted in order to distinguish between a “Family Child Care Home” and a “Large Family Child Care Home”;

WHEREAS, currently, Title 17 (Zoning) of the Salisbury City Code does not contain provisions permitting a Large Family Child Care Home in any district;

WHEREAS, permitting a Large Family Child Care Home as an accessory use by right certain residential districts and in the College and University District and the Hospital District will help address the City’s child care shortage by expanding opportunities for family child care providers;

WHEREAS, the Mayor and Council therefore find that the health, safety and general welfare of the citizens of the City will be furthered by amending Title 17 of the Salisbury City Code to add a definition of a “Large Family Child Care Home” and to designate the zoning districts in which the various types of child care homes can be established;

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

WHEREAS, a public hearing on the proposed amendment was held by the Planning Commission in accordance with the provisions of Section 17.228.020 of the Salisbury City Code on February 12, 2026;

WHEREAS, during its February 12, 2026 meeting, the Planning Commission was unable to reach a majority vote to forward either a favorable or unfavorable recommendation to the City Council;

WHEREAS, pursuant to Section 17.228.020 of the Salisbury City Code, in the event no recommendation is made, the Planning Commissions’ “indecision or failure to forward a recommendation within six months shall be considered on balance as favorable to the proposed amendment, and a favorable recommendation shall be forwarded to city council”; and

WHEREAS, the Mayor and Council have determined that the amendment to Chapter 17 of the Salisbury City Code set forth below shall be adopted as set forth herein.

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

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

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:

...

"Family day-care home" means ~~any dwelling unit either licensed or registered by the appropriate state and/or county health or welfare agency to provide care for no more than eight children separated from their parents or guardians during any part of the day and occupied by the family of the licensee, provided that written consent is obtained from the owner(s) of the unit and owner(s) of any attached dwelling units. Any such consent may be withdrawn after thirty (30) days' written notice by the owner of said unit to the day care home operator~~ **a family child care home as defined herein.**

"Family child care home" means a residence, either licensed or registered by the appropriate state and/or county health or welfare agency, in which family child care is provided for not more than eight children.

"Large family child care home" means a residence, either licensed or registered by the appropriate state and/or county health or welfare agency, in which family child care is provided for at least nine children, but not more than 12 children.

...

Section 2. Chapter 17.20 of the Salisbury City Code, entitled “COLLEGE AND UNIVERSITY DISTRICT” shall be amended as follows:

17.20.050 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. Gasoline pumps as accessory use to a convenience store, in accordance with Section 17.04.220;
- D. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- E. ~~Family day-care home~~ **Family child care home;**
- F. **Large family child care home;**
- ~~F.G.~~ Day-care services for employees or patrons of a permitted use.

Section 3. Chapter 17.68 of the Salisbury City Code, entitled “HOSPITAL DISTRICT” shall be amended as follows:

17.68.020 - Permitted uses.

Uses permitted shall be as follows:

- A. Apartment building or project in accordance with chapter 17.168;
- B. Boardinghouse/rooming house;
- C. Drugstore or pharmacy;
- D. Dwellings:
 - 1. Single-family,
 - 2. Two-family, in accordance with chapter 17.108;
- ~~E. Family day-care home;~~
- F. **E.** Florist;

- ~~G~~ F. Hairdresser shop;
- ~~H~~ G. Hospital and hospital accessory structures, with a maximum height of seventy-five (75) feet;
- ~~I~~ H. Medical-care facility;
- ~~J~~ I. Medical center;
- ~~K~~ J. Medical office;
- ~~L~~ K. Nursing or physician school;
- ~~M~~ L. Parking lot or parking structure;
- ~~N~~ M. Restaurant;
- ~~O~~ N. Specialty shop;
- ~~P~~ O. Group domiciliary care facility.

17.68.030 - Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Helicopter landing facilities for hospital use;
- B. Other accessory uses and structures clearly incidental, customary to and associated with the permitted use;
- C. Day-care services for employees or patrons of a permitted use;
- D. Family child care home;**
- E. Large family child care home.**

Section 4. Chapter 17.84 of the Salisbury City Code, entitled “OFFICE AND SERVICE RESIDENTIAL DISTRICT” shall be amended as follows:

17.84.040 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing on the same property with a church or other place of worship;
- ~~B. Family day care home~~ **Family child care home;**
- C. **Large family child care home;**
- ~~C~~ D. Home occupation;
- ~~D~~ E. Private garages and other accessory uses normally associated with residential use, such as, but not limited to, detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;
- ~~E~~ F. Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line where such recreational vehicles and boats are for the use and enjoyment by the residents thereon;
- ~~F~~ G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- ~~G~~ H. Day-care services for employees or patrons of an office or service use.

Section 5. Chapter 17.156 of the Salisbury City Code, entitled “R-5, R-8, AND R-10 RESIDENTIAL DISTRICTS” shall be amended as follows:

17.156.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing on the same lot with a church or other place of worship, meeting lot area and/or standards required for each individual use;
- B. Home occupation;
- C. Home office;
- ~~D. Family day care home~~ **Family child care home;**
- E. Large family child care home;**
- ~~E~~ F. Private garages and other accessory uses normally associated with a residential use, such as but not limited to detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;

- ~~F.G.~~ Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line, where such recreation vehicles and boats are for the use and enjoyment of the resident thereon;
- ~~G.H.~~ Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.

Section 6. Chapter 17.160 of the Salisbury City Code, entitled “R-5A, R-8A, AND R-10A RESIDENTIAL DISTRICTS” shall be amended as follows:

17.160.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing on the same lot with a church or other place of worship, meeting lot area and/or standards required for each individual use;
- B. Home occupation;
- C. Home office;
- D. ~~Family day care home~~ **Family child care home;**
- E. **Large family child care home;**
- ~~E.F.~~ Office within an apartment or townhouse project solely for the purpose of ongoing management and rental or a temporary sales office in conjunction with model units until all units in the project have been sold;
- ~~F.G.~~ Private garages and other accessory uses normally associated with residential use, such as but not limited to detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;
- ~~G.H.~~ Rental of guest rooms to not more than two roomers in a single-family detached dwelling on a minimum lot of five thousand (5,000) square feet which is occupied by a family related by blood, marriage or adoption, provided that one (1) additional parking space for each roomer shall be provided in the rear yard;
- ~~H.I.~~ Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line, where such recreation vehicles and boats are for the use and enjoyment of the resident thereon;
- ~~I.~~ Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.

Section 7. Chapter 17.164 of the Salisbury City Code, entitled “R-5S, R-8S, AND R-10S RESIDENTIAL DISTRICTS” shall be amended as follows:

17.164.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing in the same lot with a church or other place of worship, meeting lot area and/or standards required for each individual use;
- B. Home occupation;
- C. Home office;
- D. ~~Family day care home~~ **Family child care home;**
- E. **Large family child care home;**
- ~~E. F.~~ Private garages and other accessory uses normally associated with a residential use, such as but not limited to detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;
- ~~F.G.~~ Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line, where such recreation vehicles and boats are for the use and enjoyment of the resident thereon;
- ~~G.H.~~ Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.

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

Section 8. 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 9. 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 10. 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 10.

Section 11. This Ordinance shall take effect from and after the date of its final passage.

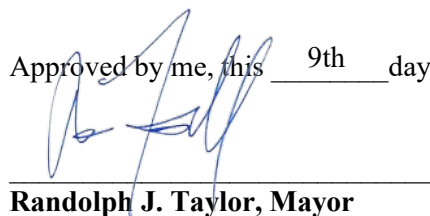
THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 11 day of May, 2026 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 8 day of June, 2026.

ATTEST:


Julie A. English, City Clerk


April R. Jackson, City Council President

Approved by me, this 9th day of June, 2026.


Randolph J. Taylor, Mayor