

**ORDINANCE NO. 2340
ORDINANCE PERMIT**

**AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND,
TO AUTHORIZE JOY BROMLEY /BUNDLES OF JOY DAY CARE TO
EXPAND AN EXISTING DAY CARE CENTER AT 1409 SOUTH
DIVISION STREET IN AN OFFICE AND SERVICE RESIDENTIAL
DISTRICT AS REQUIRED BY TITLE 17, SECTION 17.84.030A OF THE
SALISBURY MUNICIPAL CODE.**

WHEREAS, the City of Salisbury Municipal has received a request in accordance with the provisions of Section 17.84.030A of Title 17, Zoning, of the Salisbury Municipal Code, on behalf of Joy Bromley/Bundles of Joy Day Care to expand an existing day care center located at 1409 South Division Street in an Office and Service Residential District; and

WHEREAS, the Mayor and City Council may grant an Ordinance Permit for certain uses as specifically listed in Title 17, Zoning, of the Salisbury Municipal Code, particularly Section 17.84.030A, and City Council, Section 17.12.080D, and

WHEREAS, the Salisbury Planning and Zoning Commission held a Public Hearing on April 16, 2015, reviewed all information, and gave a favorable recommendation to the Mayor and City Council on the request to expand the day care center on this property; and,

WHEREAS, the City Council has determined that based upon a review of all testimony and evidence presented that the request should be granted pursuant to Section 17.84.030A of Title 17, Zoning, of the Salisbury Municipal Code,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance Permit authorizing Joy Bromley/Bundles of Joy Day Care to expand an existing day care center at 1409 South Division Street is hereby granted, subject to the following Conditions of Approval originally imposed in Ordinance #1683:

1. Name of Applicant.

This Ordinance Permit is in the name of Joy Bromley only and shall not be transferred without approval of the City Council.

2. Nature of Operation.

This Ordinance Permit specifically authorizes Joy Bromley to operate a duly licensed Day Care Center for the number of children and infants authorized by

State of Maryland Regulations at 1409 South Division Street seven days a week for 365 days a year as long as this Ordinance Permit is in effect.

3. Place of Operation.

The authority granted by the City Council in this Ordinance Permit shall pertain only to the premises known as 1409 South Division Street and shall not be relocated without compliance the Salisbury Municipal Code and approval of the City Council.

4. Rules of Operation/Conditions.

- a. This site shall be expanded in accordance with the approved Revised Site Plan dated April 2015.
- b. This Ordinance Permit shall be for children and infants subject to approval by the Office of Child Care Administration and Licensing and Regulations, Maryland Department of Human Resources.
- c. The day care center shall comply with all applicable State and local codes pertaining to licensing, health and safety, including building, fire, plumbing, and electrical codes whether or not shown on the Plans approved by the Planning Commission or City Council.
- d. A fence not less than six (6) feet in height shall be provided around the play area.

5. Crowd Control.

- a. The applicants shall be responsible for maintaining control of all users and visitors on site including any buildings and adjoining parking and play areas.
- b. In the event that company personnel feel there is an eminent danger to any enrollee or employee beyond their control, authorities are to be notified immediately.

6. Council Review.

- a. The Mayor and City Council hereby reserves the right to conduct a periodic review of the operation of the day care center in order to assure compliance with these conditions.
- b. The City Council shall be the sole determiner of compliance with these Conditions; and further reserves the right to revoke this permit upon its finding of non-compliance.

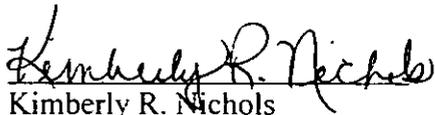
7. Change of Conditions.

No Conditions shall be altered or changed by any person other than by Ordinance, approved by the Mayor and City Council.

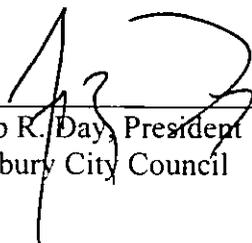
AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, and

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the 22 day of June, 2015, and thereafter, and having been published as required by law, in the meantime, was finally passed by the Council on the 13 day of July, 2015.

ATTEST:



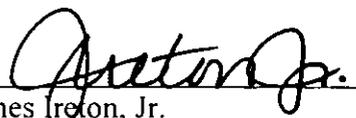
Kimberly R. Nichols
City Clerk



Jacob R. Day, President
Salisbury City Council

Approved by me this

day of 22nd July 2015.



James Ireton, Jr.
Mayor of the City of Salisbury



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

P.O. BOX 870

125 NORTH DIVISION STREET, ROOMS 203 & 201

SALISBURY, MARYLAND 21803-4860

410-548-4860

FAX: 410-548-4955



JAMES IRETON, JR.
MAYOR

BOB CULVER
COUNTY EXECUTIVE

TOM STEVENSON
CITY ADMINISTRATOR

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

June 12, 2015

TO: Tom Stevenson, City Administrator
FROM: Gloria Smith, Planner, Salisbury/Wicomico Planning & Zoning
SUBJECT: **PUBLIC HEARING – ORDINANCE PERMIT – Day Care Center Expansion – Bundles of Joy – 1409 South Division Street - Planning Commission Recommendation**

The Salisbury Planning Commission held a public hearing on a request by Joy Bromley, Bundles of Joy, Inc. to expand a Day Care Center approved by Ordinance #1683 in 1998. The request has been advertised for a public hearing before the Mayor and City Council on June 22, 2015.

The Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of the draft Ordinance allowing for expansion of the existing day care center.

Copies of the Planning Staff report, the Commission's approval letter and the draft Ordinance were forwarded for the Council briefing package. The Planning Staff supports the Planning Commission's recommendation on this matter.



City of Salisbury – Wicomico County
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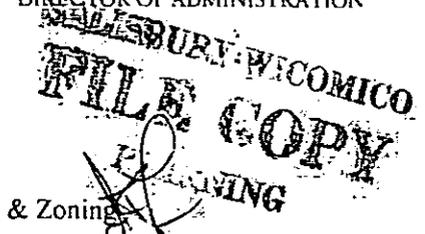
JAMES IRETON, JR.
 MAYOR

TOM STEVENSON
 CITY ADMINISTRATOR

BOB CULVER
 COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
 DIRECTOR OF ADMINISTRATION

April 20, 2015



TO: Tom Stevenson, City Administrator
FROM: John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning
SUBJECT: PUBLIC HEARING – ORDINANCE PERMIT – Day Care Center Expansion – Bundles of Joy – 1409 South Division Street - Planning Commission Recommendation

I. INTRODUCTION.

On April 16, 2015, the Salisbury Planning Commission held a public hearing on a request by Joy Bromley, Bundles of Joy, Inc. to expand a Day Care Center approved by Ordinance #1683 in 1998. (See Attachment A.)

II. RECOMMENDATION.

After considering the staff report and following discussion by the Commission on the proposed amendments, the Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of the draft Ordinance. (See Attachment B.)

Unless you or the Mayor has further questions, please forward this memo and its attachments to the City Council.

III. BACKGROUND.

The Commission noted that the Day Care Center was approved in 1996 under Ordinance #1640 and approved for expansion in 1998 under Ordinance #1683.

The proposed expansion is 432 sq. ft. and the Site Plan provides for the number of parking spaces required for the Code for 100 children and 18 employees. The play areas and landscaping are in place.

The adopted Ordinance requires Mayor and Council approval for transfer or relocation of the center and limited the size to the Site Plan approved in 1998.

Attachments

cc: Mayor James Ireton, Jr.
 William Holland, Director, Building, Housing and Zoning Dept.
 Mark Tilghman, City Solicitor



City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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JAMES IRETON, JR.
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CITY ADMINISTRATOR

BOB CULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

STAFF REPORT

MEETING OF APRIL 16, 2015

CASE NO. SP-9602-15B

APPLICANT: Joy Bromley/Bundles of Joy, Inc.

PROPERTY OWNERS: Same

LOCATION: Easterly side of South Division Street, 1409 South Division Street
Tax Map: #117; Parcel #3272;
Grid #23

ZONING: Office and Service Residential District

REQUEST: **Public Hearing – Ordinance Permit – Expansion of approved Day Care Center.**

I. SUMMARY OF REQUEST:

A. Introduction.

The applicant proposes a 432 sq. ft. expansion to the approved Bundles of Joy Day Care Center. Section 17.84.030A of the Salisbury Municipal Code requires an Ordinance Permit to operate a day care center in this district. The Planning Commission is required to review the request and made a recommendation to the City Council. The Council will also hold a public hearing to review the request. Only the City Council can grant approval of an Ordinance Permit.

B. Development Scheme.

The Site Plan indicates the location of the building expansions at the front corners and the parking modifications. The play areas and landscaping are in place. (See **Attachment #3.**)

The plan proposes a 216 sq. ft. addition to each of the front corners of the building. A total of 19 parking spaces including one handicapped space and a loading/unloading area are shown on the Plan. A stormwater management facility is existing at the rear of the site and shared with the north adjoining property.

C. Access to the site area:

The site has a single access on the easterly side of South Division Street.

D. Site Description:

The property totals 0.765 acres and was developed in 1997 as Bundles of Joy Day Care center. In 1998, the Commission and Council approved a 1,750 sq. ft. expansion to the center. (See Attachment #1.)

E. Surrounding Area Development:

The surrounding area is a mixture of City and County properties and zoning districts. This property is part of a Conditional Rezoning under Ordinance #1431 which was approved by the City Council on April 11, 1988.

The adjoining properties to the north are zoned Neighborhood Business and developed with a doctor's office and the Royal Farm Store. Eireann Mhor subdivision to the east is in the City and zoned R-10 Residential. The property to the south is also zoned Office and Service Residential and developed with a doctor's office.

The residentially developed areas to the southeast, south, and southwest are in the County and zoned R-8 and R-15 Residential.

Other County properties farther north (north of Dykes Road) and zoned Light Business and Institutional. Other nearby City properties are zoned College University District. (See Attachments #2.)

F. Background:

The existing Bundles of Joy Day Care Center was approved under Ordinance#1640 on September 9, 1996 by the Salisbury City Council.

In November 1997, the Commission reviewed a proposed 1,750 sq. ft. expansion to the rear of the day care center. Ordinance #1683 was approved for the expansion in March 1998 by the City Council.

The proposed expansions will allow for better utilization of space on the northerly side of the building and a conference room and small storage area on the southerly side of the building. The potential number of enrollees will increase to 100. The parking area has been reconfigured to provide the minimum parking spaces required as well as a loading/unloading space.

II. COMPREHENSIVE DEVELOPMENT PLAN REVIEW:

A. Zoning Code Requirements Analysis:

Section 17.84.030A of the Salisbury Municipal Code requires Planning Commission review of an Ordinance Permit. A reduced copy of the Site Plan has been included as Attachment #3.

The Plan meets Code requirements with regard to setbacks, landscaping, and parking. The Planning Staff notes the following with regard to Code requirements:

1. **Refuse Disposal.** None is shown. If a dumpster is provided, screening is required on three sides.
2. **Parking.** The Code requires one parking space per 10 children and one parking space per two employees. The expansions will allow this center to have 100 children requiring 10 parking spaces and will have 18 employees requiring 9 spaces. One handicapped space is required, which is shown. However, the space does not meet the required width.
3. **Loading Space.** The Code requires a loading/unloading space for a day care center for drop-off and pick-up of children. The parking has been reconfigured to provide this space near the entrance.
4. **Fencing.** The Code requires the play area to be screened with a four (4) foot solid fence or a four (4) foot chain link fence with slats. The play area is enclosed with 6 ft. tall chain link fencing.
5. **Landscaping/Screening.** The Code requires a 10 ft. landscaping/screening area along adjacent lot lines. There is an existing wood fence along a portion of the rear property line. There are mature trees along the remainder of the rear property lines, however they appear to be on adjoining properties.

B. Stormwater Management:

This property shares a stormwater management pond with the north adjoining property.

C. Forest Conservation Program:

Forest Conservation Plan #9621 was approved on November 12, 1996 in which a fee was paid in lieu of plantings for both Lots 15A and 15B.

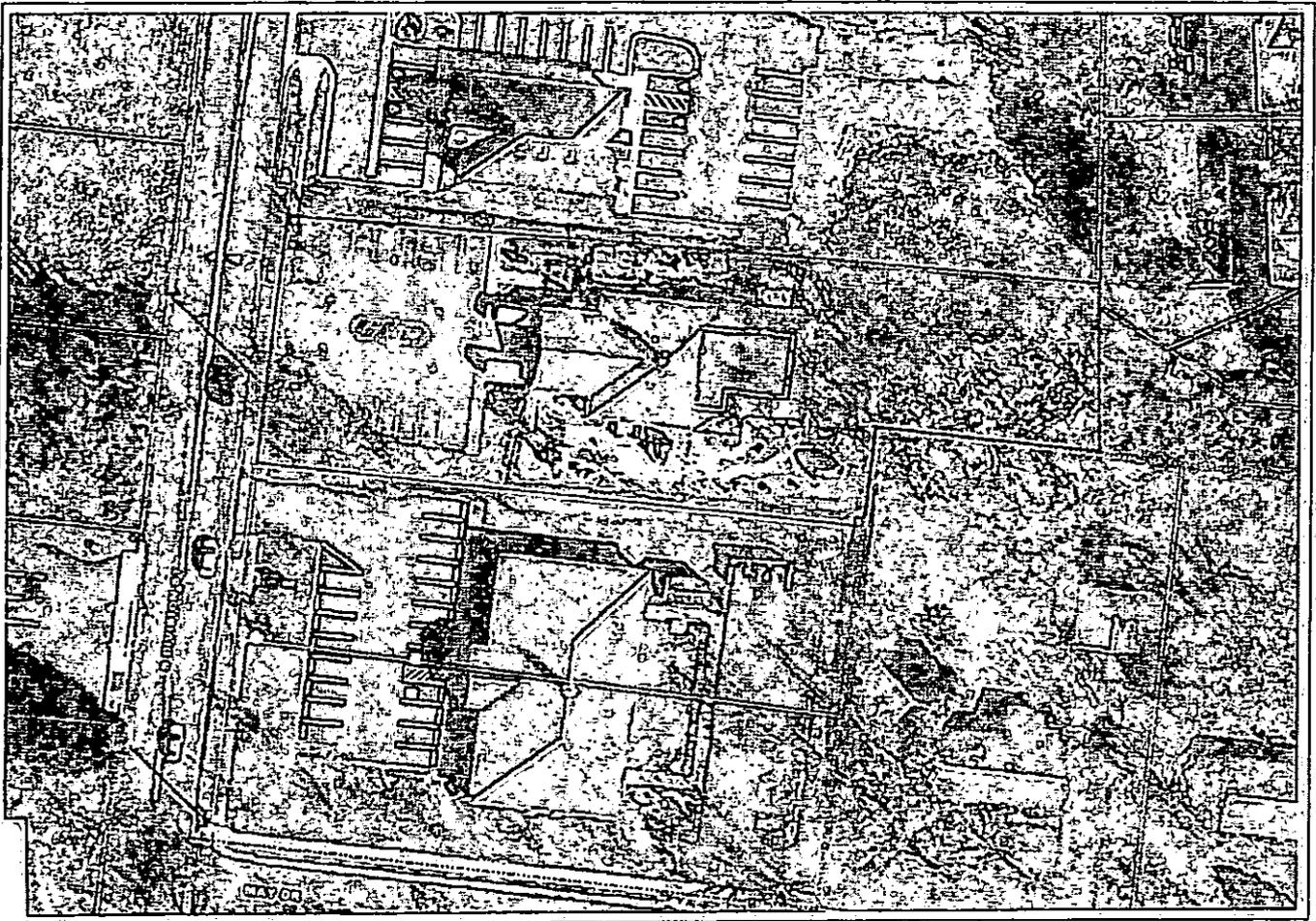
III. PLANNING STAFF COMMENTS/CONCERNS:

None. The applicant's engineer has met the minimum parking requirements for the proposed number of employees and children at this center.

IV. RECOMMENDATION:

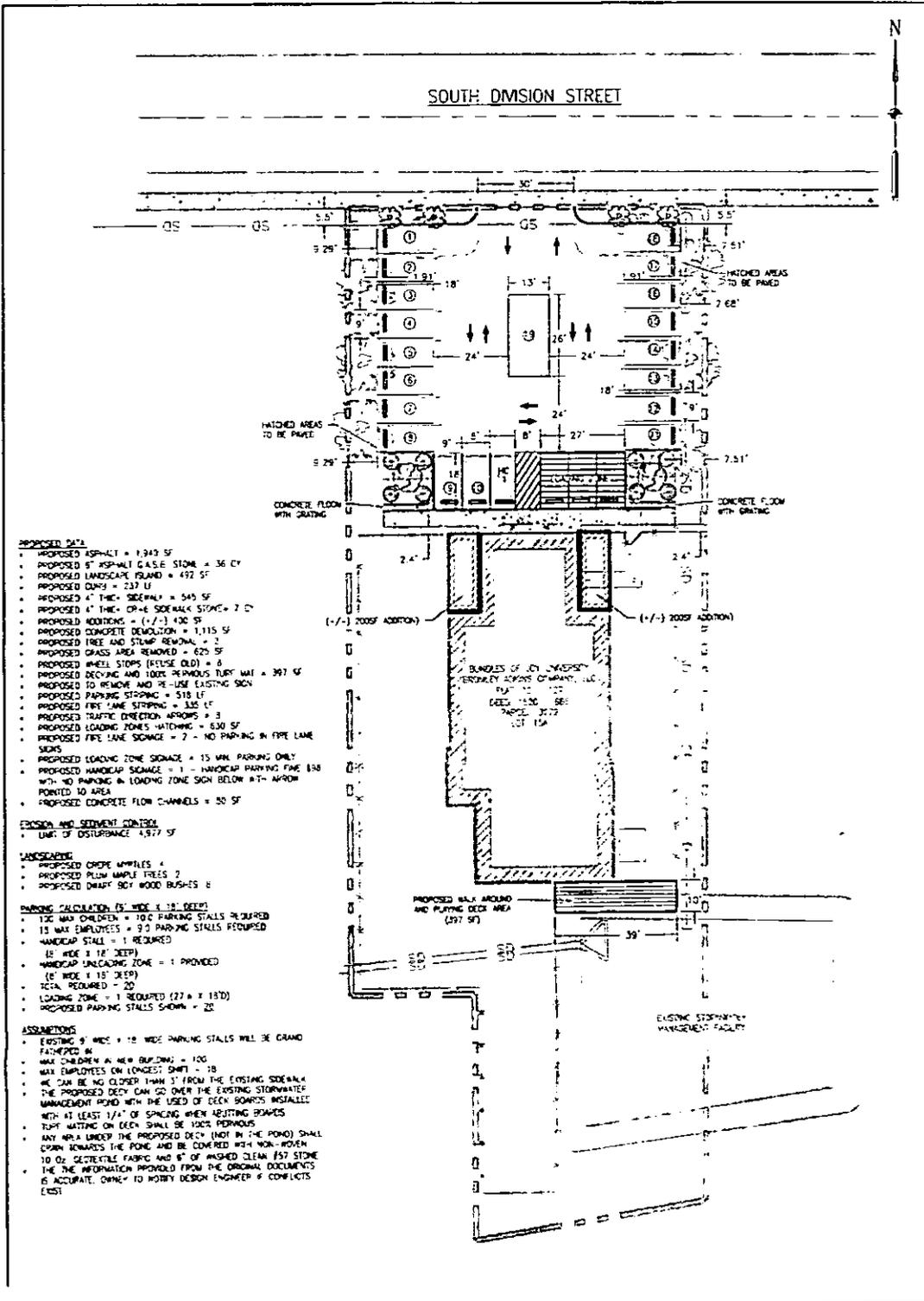
Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for approval of the requested Ordinance Permit, subject to the following Conditions:

1. The site shall be developed in accordance with the approved Site Plan.
2. Subject to further review and approval by the Salisbury Public Works Department, if required.



Attachment #1

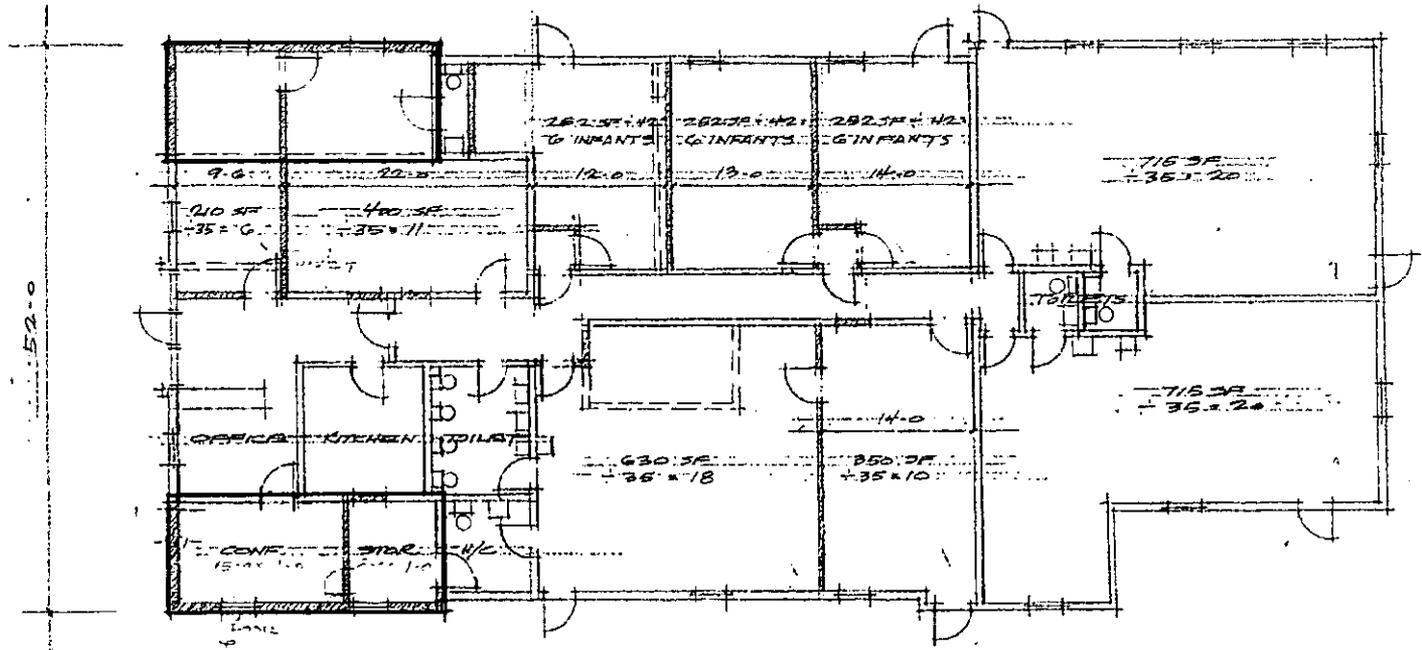
Bundles of Joy



- PROPOSED DATA**
- PROPOSED ASPHALT = 1,342 SF
 - PROPOSED 6" ASPHALT G.A.S.E. STONE = 36 CY
 - PROPOSED LANDSCAPE ISLAND = 492 SF
 - PROPOSED CURB = 232 LF
 - PROPOSED 4" THICK CR&E SIDEWALK = 540 SF
 - PROPOSED 4" THICK CR&E SIDEWALK STONE = 2 CY
 - PROPOSED ADDITIONS = (1/-) 400 SF
 - PROPOSED CONCRETE DEMOLITION = 1,115 SF
 - PROPOSED TREE AND STUMP REMOVAL = 2
 - PROPOSED GRASS AREA REMOVED = 620 SF
 - PROPOSED WHEEL STOPS (REUSE OLD) = 8
 - PROPOSED DECKING AND 100% PERVIOUS TURF MAT = 397 SF
 - PROPOSED TO REMOVE AND RE-USE EXISTING SIGN
 - PROPOSED PARKING STOPPING = 518 LF
 - PROPOSED FIRE LANE STOPPING = 330 LF
 - PROPOSED TRAFFIC DIRECTION ARROWS = 3
 - PROPOSED LOADING ZONES - HATCHING = 630 SF
 - PROPOSED FIRE LANE STORAGE = 2 - NO PARKING IN FIRE LANE SIGNS
 - PROPOSED LOADING ZONE STORAGE = 15 MIN. PARKING ONLY
 - PROPOSED HANDICAP STORAGE = 1 - HANDICAP PARKING FINE 150 WITH NO PARKING IN LOADING ZONE SIGN BELOW WITH ARROW POINTED TO AREA
 - PROPOSED CONCRETE FLOW CHANNELS = 50 SF
- EROSION AND SEDIMENT CONTROL**
- LIMIT OF DISTURBANCE 4,977 SF
- LANDSCAPE**
- PROPOSED CROPE WHIPLES 4
 - PROPOSED PLUM MAPLE TREES 2
 - PROPOSED DWARF BOX WOOD BUSHES 8
- PARKING CALCULATION (BY 15' X 18' DEEP)**
- 120 MAX CHILDREN = 100 PARKING STALLS REQUIRED
 - 15 MAX EMPLOYEES = 90 PARKING STALLS REQUIRED
 - HANDICAP STALL = 1 REQUIRED
 - 15' WIDE X 18' DEEP
 - HANDICAP UNLOADING ZONE = 1 PROVIDED (6' WIDE X 15' DEEP)
 - TCA, REQUIRED = 20
 - LOADING ZONE = 1 REQUIRED (27' X 150')
 - PROPOSED PARKING STALLS SHOWN = 22
- ASSUMPTIONS**
- EXISTING 9' WIDE X 18' WIDE PARKING STALLS WILL BE GRASS PATCHED IN
 - MAX CHILDREN AT NEW BUILDING = 100
 - MAX EMPLOYEES ON LONGEST SHIFT = 15
 - WE CAN BE NO CLOSER THAN 3' FROM THE EXISTING SIDEWALK
 - THE PROPOSED DECK CAN GO OVER THE EXISTING STORMWATER MANAGEMENT POND WITH THE USE OF DECK BOARDS INSTALLED WITH AT LEAST 1/4" OF SPACING WHEN ABUTTING BRIMS
 - TURF MATTING ON DECK SHALL BE 100% PERVIOUS
 - ANY AREA UNDER THE PROPOSED DECK (NOT IN THE POND) SHALL DRAIN TOWARDS THE POND AND BE COVERED WITH NON-POROUS 10 OZ. SYNTHETIC FABRIC AND 6" OF WASHED CLEAN #57 STONE
 - THE INFORMATION PROVIDED FROM THE ORIGINAL DOCUMENTS IS ACCURATE, OWNED TO NOTED DESIGN ENGINEER IF CONFLICTS EXIST

Attachment #3

<p>GRAPHIC SCALE IN FEET</p>		<p>BUNDLES OF JOY UNIVERSITY LEARNING CENTER SALISBURY, MARYLAND</p>		<p>PROPOSED SITE PLAN</p>	
<p>DESIGNED BY JOY</p>	<p>DRAWN BY NWH</p>	<p>CHECKED BY</p>	<p>PROJECT NO.</p>	<p>DATE APRIL 2015</p>	<p>PROJECT NO.</p>
			<p>ISSUANCE NO. 2 OF 3</p>	<p>FORM F-2</p>	



FLOOR PLAN 1/8" = 1'-0"

Charles W. Bowen, A.I.A.
 Architect
 513 Pine Bluff Road
 Salisbury, Maryland 21801
 410-749-6948

CWB 1501 3-2-75

D R A F T

ORDINANCE NO. ____

ORDINANCE PERMIT

AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, TO AUTHORIZE JOY BROMLEY/BUNDLES OF JOY, INC. TO EXPAND AN EXISTING DAY CARE CENTER AT 1409 SOUTH DIVISION STREET IN AN OFFICE AND SERVICE RESIDENTIAL DISTRICT AS REQUIRED BY TITLE 17, SECTION 17.84.030A OF THE SALISBURY MUNICIPAL CODE.

WHEREAS, the City of Salisbury has received a request in accordance with the provisions of Section 17.84.030A of Title 17, Zoning, of the Salisbury Municipal Code, on behalf of Joy Bromley/Bundles of Joy Day Care to expand an existing day care center located at 1409 South Division Street in an Office and Service Residential District; and

WHEREAS, the Mayor and City Council may grant an Ordinance Permit for certain uses as specifically listed in Title 17, Zoning, of the Salisbury Municipal Code, particularly Section 17.84.030A, and City Council, Section 17.12.080D, and

WHEREAS, the Salisbury Planning and Zoning Commission held a Public Hearing on April 16, 2015, reviewed all information, and gave a favorable recommendation to the Mayor and City Council on the request to expand the day care center on this property; and,

WHEREAS, the City Council has determined that based upon a review of all testimony and evidence presented that the request should be granted pursuant to Section 17.84.030A of Title 17, Zoning, of the Salisbury Municipal Code,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance Permit authorizing Joy Bromley/Bundles of Joy, Inc. to expand an existing day care center at 1409 South Division Street is hereby granted, subject to the following Conditions of Approval originally imposed in Ordinance #1683:

1. Name of Applicant.

This Ordinance Permit is in the name of Joy Bromley only and shall not be transferred without approval of the City Council.

2. Nature of Operation.

This Ordinance Permit specifically authorizes Joy Bromley to operate a duly licensed Day Care Center for the number of children and infants authorized by State of Maryland Regulations at 1409 South Division Street seven days a week for 365 days a year as long as this Ordinance Permit is in effect.

3. Place of Operation.

The authority granted by the City Council in this Ordinance Permit shall pertain only to the premises known as 1409 South Division Street and shall not be relocated without compliance the Salisbury Municipal Code and approval of the City Council.

4. Rules of Operation/Conditions.

- a. This site shall be expanded in accordance with the approved Revised Site Plan dated April 2015.
- b. This Ordinance Permit shall be for children and infants subject to approval by the Office of Child Care Administration and Licensing and Regulations, Maryland Department of Human Resources.
- c. The day care center shall comply with all applicable State and local codes pertaining to licensing, health and safety, including building, fire, plumbing, and electrical codes whether or not shown on the Plans approved by the Planning Commission or City Council.
- d. A fence not less than six (6) feet in height shall be provided around the play area.

5. Crowd Control.

- a. The applicants shall be responsible for maintaining control of all users and visitors on site including any buildings and adjoining parking and play areas.
- b. In the event that company personnel feel there is an eminent danger to any enrollee or employee beyond their control, authorities are to be notified immediately.

6. Council Review.

- a. The Mayor and City Council hereby reserves the right to conduct a periodic review of the operation of the day care center in order to assure compliance with these conditions.
- b. The City Council shall be the sole determiner of compliance with these Conditions; and further reserves the right to revoke this permit upon its finding of non-compliance.

7. Change of Conditions.

No Conditions shall be altered or changed by any person other than by Ordinance, approved by the Mayor and City Council.

AND BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, and

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ____ day of _____, 2015, and thereafter, and having been published as required by law, in the meantime, was finally passed by the Council on the ____ day of _____, 2015.

ATTEST:

Kim Nichols
City Clerk

Jacob R. Day, President
Salisbury City Council

Approved by me this
day of _____, 2015.

James Ireton, Jr.
Mayor of the City of Salisbury



City of Salisbury – Wicomico County

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JAMES IRETON, JR.
MAYOR

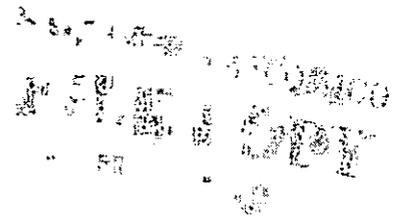
TOM STEVENSON
CITY ADMINISTRATOR

BOB GULVER
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG
DIRECTOR OF ADMINISTRATION

May 1, 2015

Joy Bromley
Bundles of Joy, Inc.
1409 S. Division Street
Salisbury, MD 21804



RE: #SP-9602-15B - PUBLIC HEARING - ORDINANCE PERMIT - Expansion of Bundles of Joy Day Care - 1409 S. Division Street - Office and Service Residential District - M-117; G-23; P-3272.

Dear Ms. Bromley:

The Salisbury Planning Commission at its April 16, 2015, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for approval of the requested Ordinance Permit, subject to the following revised Conditions of Approval:

CONDITIONS:

1. The site shall be developed in accordance with the approved Site Plan.
2. Subject to further review and approval by the Salisbury Public Works Department.

This request will now be forwarded to the City Council for scheduling. Additional advertising fees will be required. You will be notified of the scheduling of the request.

If you have any questions concerning this matter, please don't hesitate to contact Gloria Smith or myself at 410-548-4860.

Sincerely,

John F. Lenox, AICP
Director
Salisbury/Wicomico Planning & Zoning

cc: Mike Moulds, Director of City Public Works Department
Bill Holland, Director of Building, Permits, and Inspections Assessments



MARYLAND

ORDINANCE NO. _____

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THE ABOVE ORDINANCE was introduced at a meeting of the Council on the ___ day of _____, 2015, and thereafter, and having been published as required by law, in the meantime, was finally passed by the Council on the ___ day of _____, 2015.

ATTEST:

Kim Nichols
City Clerk

Jacob R. Day, President
Salisbury City Council

Approved by me this
day of _____, 2015.

James Ireton, Jr.
Mayor of the City of Salisbury