

# City of Salisbury



MARYLAND

## **SALISBURY CITY COUNCIL WORK SESSION AGENDA**

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**DECEMBER 7, 2015  
COUNCIL CHAMBERS  
GOVERNMENT OFFICE BUILDING**

- 4:45 p.m. ECD Pilot Project Review- Barbara Duncan
- 5:15 p.m. Highway Safety Grant - Resolution- Barbara Duncan
- 5:30 p.m. Audit Presentation- Pam Baker, CPA, Barbacane, Thornton & Company LLP
- 6:00 p.m. Zoning Petition – Light Industrial- Golden Phoenix Property Management – Jack Lenox
- 6:30 p.m. Budget Amendment- Bucket Truck – Michael Moulds
- 6:50 p.m. Council discussion
- 7:00 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 10-508(a).*

# City of Salisbury



JAMES IRETON JR.  
MAYOR  
TOM STEVENSON  
CITY ADMINISTRATOR



Maryland  
699 W. SALISBURY PARKWAY  
SALISBURY, MD 21801  
TEL: 410-548-3165



BARBARA DUNCAN  
CHIEF OF POLICE

October 6, 2015

TO: Tom Stevenson  
City Administrator

FROM: Colonel David Meienschein

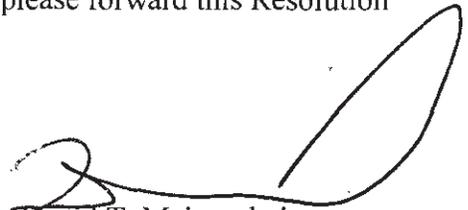
SUBJECT: Resolution – Maryland Office of Highway Safety

Attached, please find a Resolution to accept grant funding in the amount of \$14,500.00 awarded through the Maryland Highway Safety Office for the following Traffic Safety Programs and equipment such as Portable Breathalyzer Tests.

- Impaired Driving
- Aggressive Driving
- Distracted Driving
- Seat Belt Enforcement
- Portable Breathalyzer Test

Each Resolution has slightly different terms (i.e. impaired driving, aggressive driving, distracted driving and seat belt enforcement. Each grant having different funding amounts.

Unless you, or the Mayor, have further questions, please forward this Resolution to the Salisbury City Council.

  
David T. Meienschein  
Assistant Chief of Police

Attachment

1 RESOLUTION No. \_\_\_\_\_

2  
3 A RESOLUTION OF THE CITY OF SALISBURY, MARYLAND ACCEPTING  
4 GRANT FUNDING FROM THE MARYLAND OFFICE OF HIGHWAY SAFETY FOR  
5 FOUR (4) SEPARATE TRAFFIC SAFETY PROGRAMS AND FUNDS TO PURCHASE  
6 EQUIPMENT SUCH AS PORTABLE BREATHALYZER TESTS, EACH WITH THEIR OWN  
7 CONDITIONS AND GRANT FUNDING AMOUNTS.  
8

9 WHEREAS, the Maryland Office of Highway Safety and the Salisbury Police  
10 Department will enter into an agreement to cooperate successfully in serving the people of  
11 Salisbury, Wicomico County; and  
12

13 WHEREAS, this FUNDING will include four traffic enforcement programs including:  
14 Impaired Driving, Aggressive Driving, Distracted Driving, Seat Belt Enforcement each having  
15 clear procedures and different funding amounts and funds to purchase Portable Breathalyzer  
16 Test; and  
17

18 WHEREAS, this funding will provide reimbursement for police officers working  
19 overtime to enforce traffic violations for each of the listed programs; and  
20

21 WHEREAS, officers will prepare and submit activity and performance reports to track  
22 the number of citations issued for each program resulting in safer streets and highways for the  
23 citizens of Salisbury/Wicomico County.  
24

25 NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY  
26 OF SALISBURY, MARYLAND, that Maryland Highway Safety funds in the amount of  
27 \$14,500.00 be accepted and utilized for Impaired Driving (\$6,000.00), Aggressive Driving  
28 (\$4,000), Distracted Driving (\$1,500.00), Seat Belt Enforcement (\$1,000.00) and (\$2,000.00) for  
29 Portable Breathalyzer test for a total of \$14,500.00.  
30

31 THIS RESOLUTION was duly passed at a meeting of the Council of the City of  
32 Salisbury held on \_\_\_\_\_, 2015, and is to become effective immediately upon  
33 adoption.  
34

35 ATTEST:

36  
37 \_\_\_\_\_  
38 Kimberly R. Nichols, City Clerk

37 \_\_\_\_\_  
38 John R. Heath, President  
39 Salisbury City Council

40 APPROVED BY ME THIS:

41  
42 \_\_\_\_\_ day of \_\_\_\_\_, 2015  
43

44 \_\_\_\_\_  
45 Jacob R. Day, Mayor

# City of Salisbury



MARYLAND

Salisbury



125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-334-3028  
Fax: 410-548-3192

KEITH A. CORDREY  
DIRECTOR OF INTERNAL SERVICES

JACOB R. DAY  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

December 1, 2015

To Tom Stevenson, City Administrator

From Keith Cordrey Director Internal Services *KAC*

Re: FY15 Audit Report

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Pam Baker of Barbacane, Thornton & Company (BTC) is scheduled to attend the council work session on December 7, 2015 in order to present and discuss the Draft Audit Report for the fiscal year ended June 30, 2015. An electronic copy of the report is available for distribution at this time to the Administrator, Mayor, and Council Members with the understanding (and as per instruction from BTC) that this draft is a discussion only document under review by the auditor and must not be distributed (or its content disclosed) to others until BTC has completed their review and a "final" report issued.

Ms. Baker is scheduled to return to the legislative meeting to be held on December 14, 2015 so that Council can consider the acceptance of the report.



# 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



JACOB R. DAY  
MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

BOB CULVER  
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

November 24, 2015

**TO:** Tom Stevenson, City Administrator  
**FROM:** John F. Lenox, AICP, Director, Salisbury/Wicomico Planning & Zoning  
**SUBJECT:** **PUBLIC HEARING – Text Amendments - Sections 17.04.120 – Definitions, Section 17.76.020B – Uses permitted by Special Exception in the Light Industrial District, and Section 17.76.050A – Development Standards in the Light Industrial District – To add Flea Markets - Planning Commission Recommendation**

## I. INTRODUCTION.

On September 17, 2015, the Salisbury Planning Commission held a public hearing on a request by Golden Phoenix Property Management for the above-noted text amendments relative to Flea Markets. (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 Light Industrial Districts are areas intended to foster continued manufacturing uses. These areas are generally located with convenient access to transportation facilities. However, there are some Light Industrially zoned areas of the City that have limited truck access and might now be more suitable for mixed use development.

Because access and parking could be of concern on some former warehousing sites in the City, the Commission felt it appropriate to have proposed flea market locations reviewed individually by the Board of Appeals as a Special Exception.

The Commission discussed the Code requirements for submission of a development or redevelopment of Light Industrial sites and recommended an amendment to the wording that would allow for outdoor uses, where appropriate.

Attachments



# City of Salisbury – Wicomico County

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MAYOR

TOM STEVENSON  
CITY ADMINISTRATOR

BOB CULVER  
COUNTY EXECUTIVE

R. WAYNE STRAUSBURG  
DIRECTOR OF ADMINISTRATION

September 18, 2015

Golden Phoenix Property Management  
2323 Fairland Road  
Silver Spring, MD 20904

**RE: #SP-1505 – PUBLIC HEARING – TEXT AMENDMENT – To Add Flea Markets, Indoor & Outdoor in the Light Industrial District.**

Dear Mr. Tran:

The Salisbury Planning Commission at its September 17, 2015, meeting, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for Text Amendments to the Salisbury Municipal Code, as follows:

**To Add Item 4, Flea Market, to Section 17.76.020B, Uses Permitted by Special Exception in the Light Industrial District.**

**To Amend Section 17.76.050A as follows: “All uses shall be conducted within a completely enclosed building, UNLESS OTHERWISE PROVIDED.”**

In addition, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for a Text Amendment to the Salisbury Municipal Code, Section 17.04.120, Definitions, as follows:

**To Add Flea Market: any person or aggregation, congregation or assembly of vendors, whether professional or non-professional, that offers for sale, trade or barter, indoors or out of doors, in which sales areas or stalls are rented, goods that are new, used, antique, handmade, handcrafted, or homegrown.**

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 Department  
Assessments



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT  
P.O. BOX 870  
125 NORTH DIVISION STREET, ROOMS 203 & 201  
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DIRECTOR OF ADMINISTRATION

## STAFF REPORT

### MEETING OF SEPTEMBER 17, 2015

**CASE NO.:** #SP-1505

**APPLICANT:** Golden Phoenix Property Management, LLC, rep. by Thang Tran

**REQUEST:** **PUBLIC HEARING – Text Amendment - To amend Section 17.76.020 to add Flea Markets, Indoor and Outdoor, in the Light Industrial District.**

#### I. REQUEST:

Mr. Thang Tran of Golden Phoenix Property Management, LLC, has submitted a request to amend the text of the Light Industrial District. Specifically, they propose the addition of Flea Markets, Indoor and Outdoor, in the District. (See Attachment #1.)

In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code text amendments (by Ordinance).

#### II. DISCUSSION:

The applicants are the contract purchasers of a property located at 703 Commerce Street in the Light Industrial District. The existing building on the property was once used as a warehouse. The applicant proposes use of the property as a flea market. Indoor tenants will be the primary users of the site. However, seasonally, tenants may desire outdoor spaces.

The Purpose section of the Light Industrial District notes that such areas are to “foster the continuance of existing manufacturing and other light industrial uses and to encourage the location of new industries within the city to continually improve the economic base of the community.” In addition, the district prohibits uses that “create adverse external noise, vibration, smoke, dust, lint, odor, heat or glare”. The development standards of the district also requires that “All uses shall be conducted within a completely enclosed building.”

The Land Use Element of the 2010 Comprehensive Plan notes that commercial areas are used primarily for the sale of products and services. Industrial areas are located where there is convenient access to goods transportation facilities, including rail, highway, air and shipping. The Transportation Element discusses the trucking sector of the economy and motor carrier service to business and industry of the area.

The Assessment Records list the size of this property as 17,850 sq. ft., the building size as 7,124 sq. ft., and the type of use as “distribution warehouse”. The property has frontage on the stub of Commerce Street that remained following the construction of East Salisbury Parkway, completed in 1964. With the sizing of today’s tractor-trailer trucks (53 ft. long and 8.5 ft. wide), access to this site would be difficult likely the reason it is now idle as a warehouse facility. The applicants have indicated that they are also under contract to purchase an adjoining parcel, which adjoins the railroad, to provide parking for this building. The combined area will be slightly over one acre (1.009).

Flea markets, or open-air markets, as they are referred to in some jurisdictions, are not defined in the Salisbury Code. The following definitions were identified from other jurisdictions:

“Flea market means any person or aggregation, congregation or assembly of vendors, whether professional or nonprofessional, that offers for sale, trade or barter, any goods, regardless whether they are new, used, antique or handmade; and where offered for sale in open air areas, buildings, or temporary structures.”

“Flea market: a market, indoors or out of doors, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include but are not limited to household items, antiques, rare items, decorations, used books, and used magazines.”

“A flea market or open air sales, are defined as buildings or open areas in which sales areas or stalls are set aside or rented and which are intended for use by two or more individuals or by educational, religious or charitable organizations to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique.”

Retail sales are permitted as an accessory use to the permitted use on the property in the Light Industrial District. In this case the applicants propose the retail sales as the primary use on the property.

Several items must be considered when recommending Text Amendments. First, the text amendment was initiated to allow the proposed use on a particular property. If approved, flea markets would then be permitted anywhere that is zoned Light Industrial. Currently, the majority of the Light Industrially zoned area in the City is along Northwood Drive, beginning in the area of Alexander Avenue and extending northward to Naylor Mill Road. There are smaller isolated Light Industrial Districts throughout the City.

Second, parking requirements of the Code should be considered. Currently, manufacturing uses, the primary permitted uses in the Light Industrial District, require one parking space per

two employees on the largest shift and one per vehicle used in the business. For example, if a manufacturing plant has 50 employees on the largest shift and ten delivery trucks, 35 parking spaces are required. For warehousing, one parking space per employee plus one space per vehicle used in the business is required. If a warehouse operation has 12 employees and 10 trucks, 16 parking spaces are required. For retail sales, one parking space per 200 sq. ft. of building floor area is required. The existing building is 7,124 sq. ft. requiring 36 parking spaces if it is converted to retail sales.

Finally, access to the site is a consideration. In this case, access to the site may be less than desirable for continued use as a warehouse or other allowable use. The applicants have indicated that they also have an option to purchase the adjoining parcel along the railroad for parking. This site has access to Church Street, which would be more desirable for the public and for tenants.

The Salisbury Zoning Code was adopted in a time when zoning was very compartmentalized. Today, the view is more toward mixed use. Also, industrial uses in the Church Street vicinity have become increasingly rare. Reuse and reinvestment is needed.

Because parking could be an issue for other sites in the Light Industrial District, if conversion of other manufacturing plants or distribution warehouses to flea markets is requested in the future, recommendation of this use as a Special Exception may be desirable. As a Special Exception use, a public hearing would be required before the Salisbury Board of Zoning Appeals. Nearby residents or businesses would be notified of the proposed use and the Board would review parking, setbacks, and access for the proposed use.

### III. RECOMMENDATION.

If the Commission finds that the proposed use should be permissible in the Light Industrial zoned areas of the City, then consideration to a modification of the language in Section 17.76.050A, Development standards. Currently this section begins: "All uses shall be conducted within a completely enclosed building." If the Commission finds it permissible to allow seasonal outdoor flea markets, then the language should be modified to read: "All uses shall be conducted within a completely enclosed building, **UNLESS OTHERWISE PROVIDED.**"

Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for a Text Amendments to the Salisbury Municipal Code, as follows:

**To Add Item 4, Flea Market, to Section 17.76.020B, Uses Permitted by Special Exception in the Light Industrial District.**

**To Amend Section 17.76.050A as follows: "All uses shall be conducted within a completely enclosed building, **UNLESS OTHERWISE PROVIDED.**"**

In addition, Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for a Text Amendment to the Salisbury Municipal Code, Section 17.04.120, Definitions, as follows:

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COORDINATOR: Gloria Smith, Planner  
DATE: September 4, 2015

Jack Lenox  
City of Salisbury – Wicomico County  
Director, Department of Planning, Zoning and Community Development  
1215 North Division Street, Room 403 & 201  
Salisbury, Maryland 21803-4860

08/24/15

Re: Request to Change the Text Amendment

Dear Mr. Lenox,

On behalf of Golden Phoenix Property Management, I am submitting this letter as application for a Text Amendment of Title 17, LI Zoning section 17.76.020 to add Flea Market – Indoor & Outdoor use in the Light Industrial District Zoning for the land and building located at 703 Commerce Street and the directly adjacent vacant lot described as Item 2B - 26, 120 sq feet ES W Railroad Ave, City of Salisbury, Maryland.

Under the existing LI zoning and the 2010 Salisbury Comprehensive Plan do not allow use as a Flea Market – Indoor & Outdoor.

Included with this application letter are survey supports from existing flea market users that frequent the flea market at the corner of Route 13 and Main Street.

I included \$573.28 Processing Fee & Advertising Fee with this application.

Sincerely,



Thang Tran  
Golden Phoenix Property  
301-233-4722 C.  
cc: Gloria Smith – Planner

STATEMENT

Golden Phoenix Property Management presently do not own the property located at 403 Commerce Street and directly adjacent vacant land of 2B - 26, 120 sq feet ES W. Railroad Avenue in the City of Salisbury. However, I, Thang Tran and/or assignee do have an accepted contract to purchase and signed on 7/24/2015 by the owner. The accepted contract of purchase is conditional and allowing a three month study period ending on October 15, 2015.

This submitted application for text Amendment to existing zoning forms part of the three month study period.

Thank you,

A handwritten signature in black ink, appearing to read 'Thang Tran', with a large, stylized circular flourish above the name.

Thang Tran, Principal  
Golden Phoenix Property

8/02/2015

TO: Vincent Tran  
c/o Golden Phoenix Property Management  
301-233-4722

Date: 08/23/15

Re: Survey for Potential Development of Indoor/Outdoor Flea Market

I, Gary Scheffo, fully support the idea of an indoor/outdoor flea market within two miles radius from this existing location parking lot located between Route 13 and Main Street in Salisbury, Maryland.

410-422-3043



Signature  
Name & Contact Information

TO: Vincent Tran  
c/o Golden Phoenix Property Management  
301-233-4722

Date: 08/23/15

Re: Survey for Potential Development of Indoor/Outdoor Flea Market

I, *Arlo Card*, fully support the idea of an indoor/outdoor flea market within two miles radius from this existing location parking lot located between Route 13 and Main Street in Salisbury, Maryland.

*302-362-5998*

*Arlo Card*

Signature  
Name & Contact Information

TO: Vincent Tran  
c/o Golden Phoenix Property Management  
301-233-4722

Date: 08/23/15

Re: Survey for Potential Development of Indoor/Outdoor Flea Market

I, Bill Robinson, fully support the idea of an indoor/outdoor flea market within two miles radius from this existing location parking lot located between Route 13 and Main Street in Salisbury, Maryland.

717 495 1949

Signature



Name & Contact Information

TO: Vincent Tran  
c/o Golden Phoenix Property Management  
301-233-4722

Date: 08/23/15

Re: Survey for Potential Development of Indoor/Outdoor Flea Market

I, Chris Bailey, fully support the idea of an indoor/outdoor flea market within two miles radius from this existing location parking lot located between Route 13 and Main Street in Salisbury, Maryland.

443-359-2723

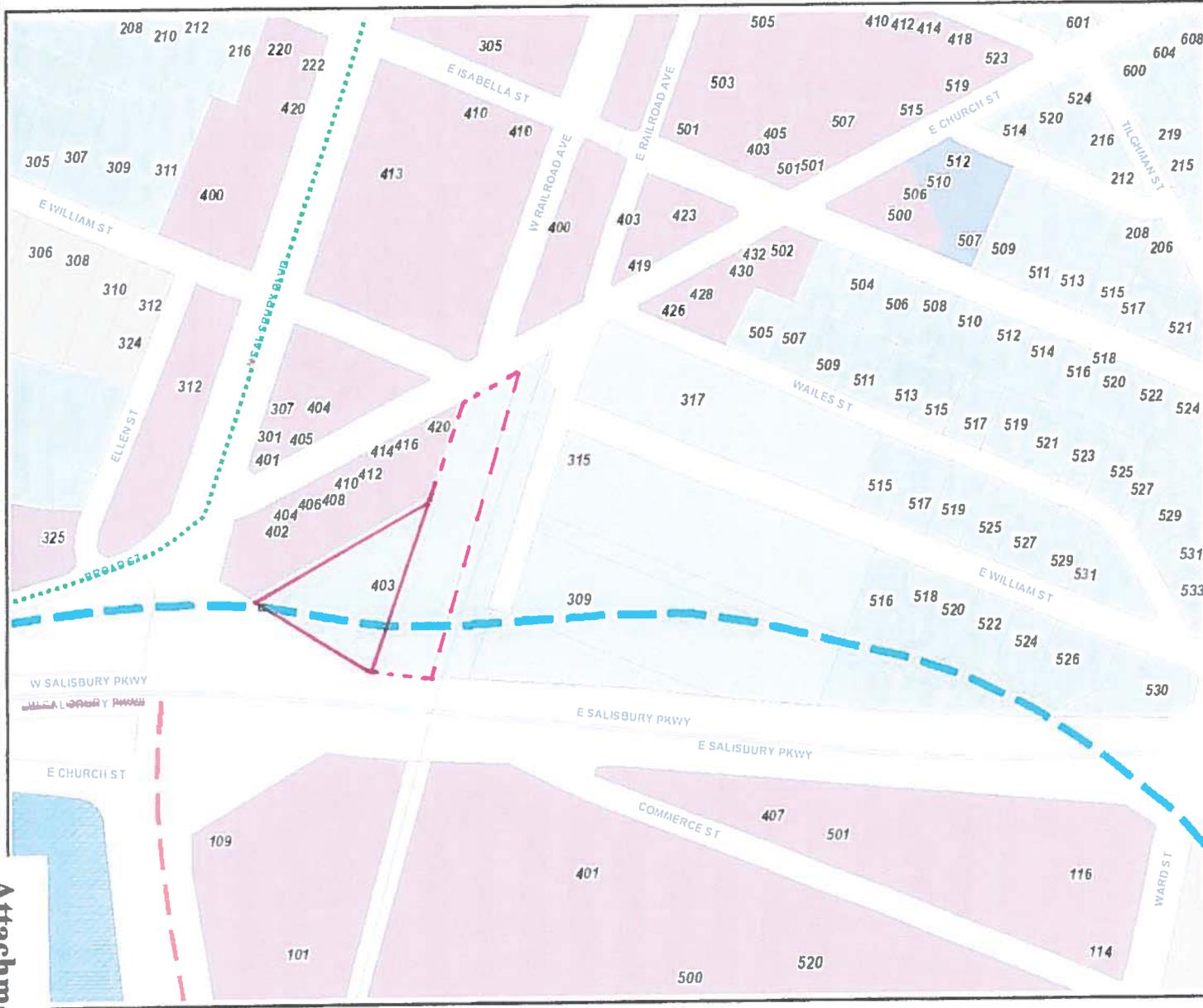


Signature

Name & Contact Information

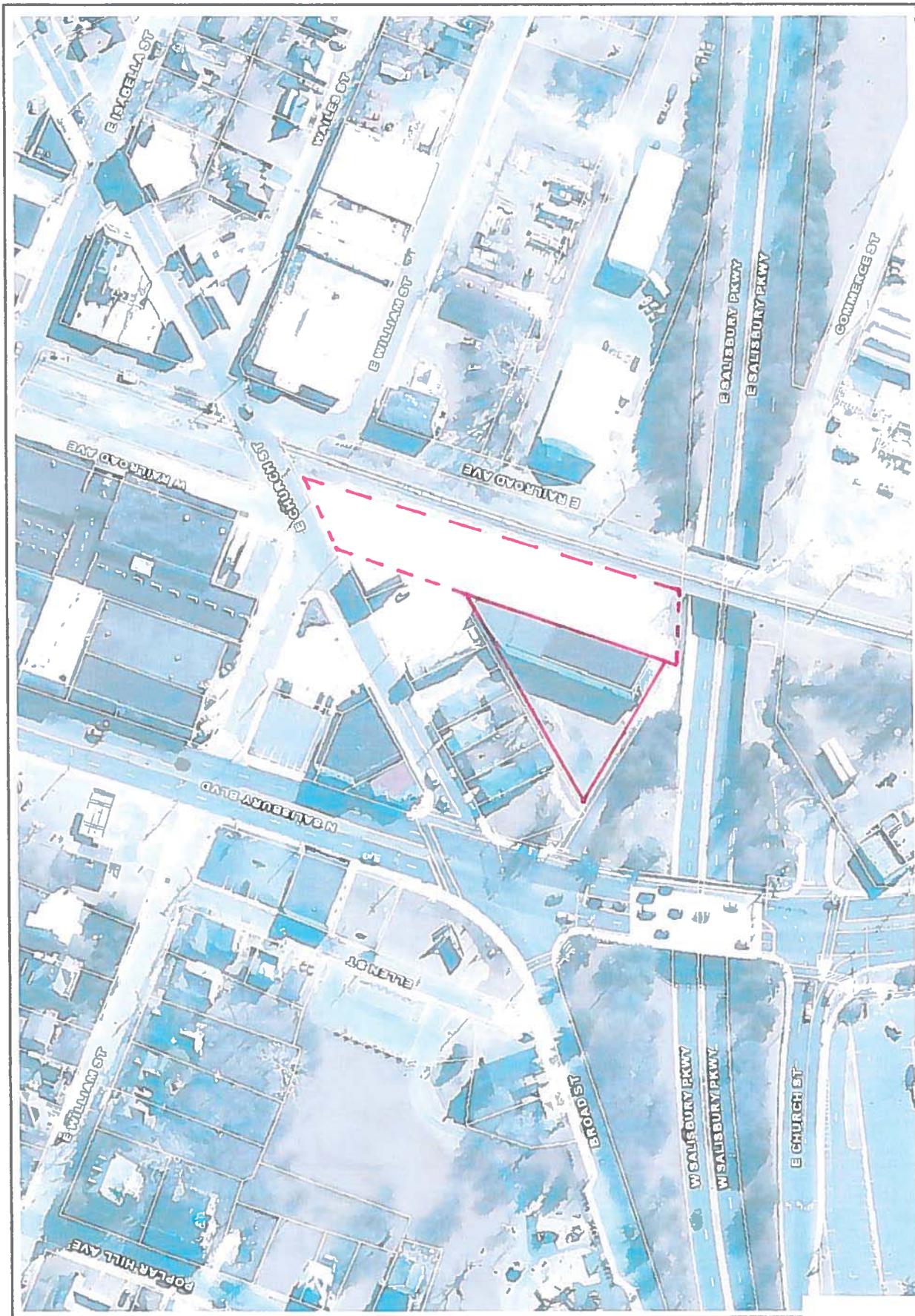
# CITY OF SALISBURY

## Salisbury Zoning



- Paleochannel
- Wellhead Protection Area
- Streams
- Water Bodies
- Street Numbers**
- Municipal Areas**
- CAD**
- Delmar
- FruWand
- Hebron
- Mardela
- Pittsville
- Salisbury
- Sharpdown
- W wards
- Railroads**
- Parcels**
- Critical Area
- Historic Districts**
- Dist\_Name**
- Camden Historic District
- Downtown Historic District
- Newtown Historic District
- Salisbury Zoning**
- CITY\_ZON1**
- College & University
- Conservation
- CBD
- LB
- General Commercial
- Reg Comm
- MUR
- Select Commercial
- Hospital
- Ind
- Ind Park
- L Ind
- Neighborhood Business
- OSH
- OSR
- PDD
- PRD
- R - 5
- R - 5 A
- R - 8
- R - 8 A
- R - 10
- R - 10 A
- Riverfront Redevelopment
- Sheet Centerlines**

Attachment #7



## Chapter 17.76

### LIGHT INDUSTRIAL DISTRICT

#### Sections:

- 17.76.010 Purpose.**
- 17.76.020 Permitted uses.**
- 17.76.030 Uses permitted by ordinance permit.**
- 17.76.040 Accessory uses.**
- 17.76.050 Development standards.**

#### **17.76.010 Purpose.**

The purpose of the light industrial district is to foster the continuance of existing manufacturing and other light industrial uses and to encourage the location of new industries within the city to continually improve the economic base of the community. These uses require large sites served by highways, rail lines and utilities near enough to residential areas to provide employment with minimum travel time. To make these areas attractive to industries compatible with one another, maintain property values and protect residential areas adjoining or close by, uses are limited to those which do not create adverse external noise, vibration, smoke, dust, lint, odor, heat or glare and uses which are nonexplosive, nontoxic or not otherwise hazardous. In accordance with this purpose, which is in accord with findings and recommendations of the adopted land use element of the metro core comprehensive plan, the following uses, standards and area regulations have been established. (Prior Code Section 150-77)

#### **17.76.020 Permitted uses.**

##### **A. Permitted uses shall be as follows:**

1. Garage for the repair, storage and maintenance of motor vehicles;
2. Beverage blending or bottling, manufacture of bakery products, candy, dairy products and ice cream; but not distilling of beverages or processing of or bulk storage of grain or feed for animals or poultry;
3. Carbon paper and inked ribbon manufacture;
4. Compounding of cosmetics, toiletries, drugs and pharmaceutical products;
5. Construction contractor's establishment;
6. Data processing and computer center;
7. Greenhouse, wholesale;
8. Ice manufacture, sales and distribution;
9. Industrial vocational training school;
10. Laboratory for research, experimenting and testing, but not for testing explosives or other hazardous materials;

11. Laundry and linen service;
12. Leather goods manufacture, but not including tanning operations;
13. Manufacture, assembly and repair of boxes, furniture, cabinets, baskets and other wood products of similar nature;
14. Manufacture and assembly of bolts, nuts, screws, rivets, ornamental iron products, firearms, electrical appliances, tools, pumps, dies, machinery, hardware, wire and sheet-metal products;
15. Manufacture and assembly of heating, ventilating, cooking and refrigeration supplies and appliances;
16. Manufacture and assembly of medical and dental equipment drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus;
17. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing, yarn, thread, cordage and fabrics, and printing and finishing of textiles and fibers into fabric goods;
18. Manufacture and assembly of products from plastic;
19. Manufacture and assembly of shipping containers (corrugated board, fiber- and wire-bound);
20. Offices and office building;
21. Photographic processing and blueprinting establishment;
22. Plating, electrolytic process;
23. Plumbing supplies, manufacture;
24. Printing, bookbinding and publishing establishment;
25. Radio and television broadcasting station and studio;
26. Wholesale merchandising and warehousing;
27. Fabrication and assembly of burial vaults, home steps, parking bumpers, walkway and patio blocks and other similar items from concrete, excluding the fabrication and assembly of blocks, bricks, culverts, cylinder pipe, columns, pilings, silos, storage tanks, prestressed panels, pods, modules or similar building materials from concrete, with no manufacture of concrete on the premises (must be delivered to the site);
28. Animal hospital.
29. Planned Business Center, in accordance with Chapter 17.172. [Added 4/8/02 by Ord. No. 1842]
30. Indoor Recreational Facilities
31. Schools of Special Instruction.

- B. Uses permitted by special exception shall be as follows:
  - 1. Restaurant;
  - 2. Gasoline service facilities with convenience goods clearly incidental to the gas facility;
  - 3. Day-care center or nursery school in accordance with Chapter 17.220. (Ord. 1566, 1993; Prior Code Section 150-78)
  - 4. Group home. (Added 10/23/2000 by Ord. No. 1786)

**17.76.030 Uses permitted by ordinance permit.**

Uses permitted by ordinance permit shall be as follows:

- A. Communication tower, in accordance with Chapter 17.220;
- B. Public or private utility building and uses in accordance with Chapter 17.220. (Prior Code Section 150-79)
- C. Petroleum and propane storage and distribution on a minimum site of three (3) acres. [Added 5/28/02 by Ord. No. 1839]

**17.76.040 Accessory uses.**

Accessory uses shall be as follows:

- A. Living quarters for resident watchmen and caretakers employed on the premises;
- B. Cafeteria or other eating facilities, lecture halls, recreation facilities and day-care services for employees or students;
- C. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;
- D. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- E. Retail sales as an accessory use, for products produced or distributed by uses permitted inherently or by special exception, provided that additional parking is provided for the amount of space devoted to retail sales as required by Section 17.196.030. (Prior Code Section 150-80)

**17.76.050 Development standards.**

Development standards for the light industrial district shall be as follows:

- A. All uses shall be conducted within a completely enclosed building. Raw materials, in-process materials, supplies or waste material from manufacturing may be stored outside in open sheds if completely screened from view by landscaping or fencing in accordance with Chapter 17.220. Finished or semifinished product manufactured or assembled on the premises may be stored outside in the side or rear yard if completely screened from view by landscaping or fencing in accordance with Chapter 17.220.

- B. Minimum Lot Requirements. All lots hereafter established shall meet the following minimum requirements:
  - 1. Lot area: twenty thousand (20,000) square feet;
  - 2. Interior lot width: one hundred (100) feet;
  - 3. Corner lot width: one hundred twenty (120) feet.
- C. Minimum yard requirements shall be as follows:
  - 1. Front: fifty (50) feet;
  - 2. Rear: thirty (30) feet; fifty (50) feet where adjoining a residential district;
  - 3. Side: twenty-five (25) feet; fifty (50) feet where adjoining a residential district;
  - 4. Corner, side: same as front yard.
- D. Parking. Parking, loading and unloading areas shall be provided in accordance with Chapter 17.196.
- E. The height limitation shall be fifty (50) feet.
- F. Access. Direct access onto a public street may be reduced or eliminated wherever the city department of public works determines that alternate or unified points of access are available to a site, resulting in better traffic flow and less traffic congestion. Service drives and loading or unloading areas shall be located so that in the process of loading or unloading no truck will block the passage of other vehicles on the service drive or extend into any public street or private drive used for traffic circulation.
- G. Signs shall be in accordance with Chapter 17.216.
- H. Landscaping and Screening. In addition to the requirements of Chapter 17.220, all areas not devoted to buildings and required parking shall be landscaped and maintained in accordance with Section 17.220.080. (Prior Code Section 150-81)

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF SALISBURY, MARYLAND, PURSUANT TO CHAPTER 17.228 OF TITLE 17, ZONING OF THE SALISBURY MUNICIPAL CODE AND SECTION 4.04 OF ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND FOR THE PURPOSE OF AMENDING SECTIONS 17.04.120, DEFINITIONS, SECTION 17.76.020B, USES PERMITTED BY SPECIAL EXCEPTION IN THE LIGHT INDUSTRIAL DISTRICT, AND SECTION 17.76.050A, DEVELOPMENT STANDARDS TO ADD FLEA MARKETS.**

**WHEREAS**, the ongoing application, administration and enforcement of Title 17, Zoning of the Salisbury Municipal Code, demonstrates a need for periodic review, evaluation, and amendments that will keep Title 17 current; and

**WHEREAS**, the Mayor and City Council may amend Title 17, Zoning, of the Salisbury Municipal Code, pursuant to the authority granted by Article 66B of the Maryland Annotated Code and in accordance with specific provisions of Chapter 17.228, Amendments and Rezoning, of Title 17, Zoning; and

**WHEREAS**, the Mayor and City Council requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing procedural practices and input from the City Council and members of the public; and

**WHEREAS**, Golden Phoenix Property Management submitted an application to amend the text of Section 17.04.120 Definitions, Section 17.76.020B, Uses permitted by Special Exception in the Light Industrial District to add Flea Markets, and Section 17.76.050A, Development Standards to provide for potential outdoor activities; and

**WHEREAS**, a Public Hearing on the proposed amendments was held by the Planning Commission in accordance with the provisions of Chapter 17.228, of Title 17, Zoning, of the Salisbury Municipal Code on September 17, 2015; and

WHEREAS, the Planning Commission did recommend approval of the proposed text amendments to Sections 17.04.120, 17.76.020B, and 17.76.050A.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code is hereby amended as follows:

**AMEND SECTION 17.04.120 BY ADDING THE FOLLOWING DEFINITION:**

**FLEA MARKET: ANY PERSON OR AGGREGATION, CONGREGATION OR ASSEMBLY OF VENDORS, WHETHER PROFESSIONAL OR NON-PROFESSIONAL, THAT OFFERS FOR SALE, TRADE OR BARTER, INDOORS OR OUT OF DOORS, IN WHICH SALES AREAS OR STALLS ARE RENTED, GOODS THAT ARE NEW, USED, ANTIQUE, HANDMADE, HANDCRAFTED, OR HOMEGROWN.**

**AMEND SECTION 17.76.020B, USES PERMITTED BY SPECIAL EXCEPTION IN THE LIGHT INDUSTRIAL DISTRICT BY ADDING ITEM 5 – FLEA MARKET.**

**AMEND SECTION 17.76.050A AS FOLLOWS: “ALL USES SHALL BE CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING, UNLESS OTHERWISE PROVIDED.”**

AND BE IT FURTHER ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage, but in no event until ten (10) days after the date of the Council’s Public Hearing, and

THE ABOVE ORDINANCE was introduced at a meeting of the Council on the \_\_\_\_ day of \_\_\_\_\_, 2015, 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 on the \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

Kimberly R. Nichols  
City Clerk

John R. Heath, President  
Salisbury City Council

Approved by me this

day of \_\_\_\_\_, 2015.

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Jacob R. Day  
Mayor of the City of Salisbury



JACOB R. DAY  
MAYOR

M. THOMAS STEVENSON, JR.  
CITY ADMINISTRATOR

JULIA GLANZ  
ASSISTANT CITY ADMINISTRATOR

125 NORTH DIVISION STREET  
SALISBURY, MARYLAND 21801  
Tel: 410-548-3170  
Fax: 410-548-3107

MARYLAND

MICHAEL S MOULDS, P.E.  
DIRECTOR OF PUBLIC WORKS

To: Thomas Stevenson, Jr., City Administrator  
From: Michael Moulds, Director of Public Works *M.M.*  
Date: November 30, 2015  
Re: Budget Amendment – Bucket Truck replacement

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The Public Works Department is requesting consideration for a budget amendment to address a vehicle purchase using savings in the DPW General Fund Capital budget. There is a shortfall in the funding needed to replace the Traffic Divisions Bucket Truck. The original budget was \$190,000. This was based on purchase of a truck body, which would be shipped to a truck chassis vendor to complete the bucket truck. Procurement expressed concerns about warranties in dealing with two vendors and requested quotes for the bucket truck from a single vendor. The vendor quote is \$199,892.00.

The proposed budget amendment would transfer savings from the purchase of the Sanitation Branch Refuse Truck, which was purchased in FY16 for less than the budgeted amount. The side loader refuse truck was budgeted at \$272,950.00 and was purchased for \$262,236.00. Therefore, there is a savings of \$10,714.00 in account 32061-577025

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SALISBURY APPROVING AN AMENDMENT OF THE  
FY 2016 GENERAL FUND BUDGET TO APPROPRIATE FUNDING FOR THE TRAFFIC DIVISION  
BUCKET TRUCK.

WHEREAS, the actual cost for the replacement Bucket Truck for the Traffic Division exceeds the  
budgeted amount in the City's FY 2016 budget; and

WHEREAS, the actual cost for the Sanitation Division Refuse Truck was less than the budgeted  
amount in the City's FY 2016 budget.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY,  
MARYLAND THAT THE City's Fiscal Year 2016 General Fund Budget be and hereby is amended as follows:

- 1) Decrease Public Works Sanitation by \$10,700
- 2) Increase Public Works Traffic by \$10,700

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury  
held on this \_\_\_\_ day of \_\_\_\_\_ 2015, and thereafter, a statement of the substance of the Ordinance  
having been published as required by law, was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_,  
2015.

**ATTEST:**

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, President  
Salisbury City Council

APPROVED BY ME THIS \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jacob R. Day, Mayor