



**CITY OF SALISBURY - WICOMICO COUNTY  
DEPARTMENT OF PLANNING, ZONING  
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860


Fax: 410-548-4955

Salisbury-Wicomico County  
Planning & Zoning Commission  
Historic District Commission

Wicomico County Board of Zoning Appeals  
City of Salisbury Board of Zoning Appeals  
Agricultural Land Preservation Advisory Board

March 28, 2005

TO: John Pick, City Executive Officer

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

SUBJECT: **PUBLIC HEARING – Text Amendments – Sections 17.68.020  
and 17.68.040 – Permitted Uses and Development Standards in  
the Hospital District - To Amend the Height Limitation on  
Hospital Accessory Structures – Planning Commission  
Recommendation**

**I. INTRODUCTION.**

On March 17, 2005, the Salisbury Planning Commission held a public hearing on a proposal to amend the text of Section 17.68.020, Permitted uses and Section 17.68.040, Development Standards of the Hospital District of the Salisbury Municipal Code. The proposal would permit Hospital accessory structures to be constructed to a height of 75 ft. (See Attachment #A.)

**II. RECOMMENDATION.**

After considering the staff report and following discussion by the Commission, the Salisbury Planning Commission forwarded a **Favorable** recommendation to the Mayor and City Council for adoption of the following amendments:

**AMEND SECTION 17.68.020, PERMITTED USES IN THE HOSPITAL  
DISTRICT BY ADDING THE FOLLOWING:**

**H. Hospital AND HOSPITAL ACCESSORY STRUCTURES**, with a maximum height of seventy-five (75) feet;

**AMEND SECTION 17.68.040.C, DEVELOPMENT STANDARDS IN  
THE HOSPITAL DISTRICT BY ADDING THE FOLLOWING:**

**C. The height limitation shall be forty (40) feet, EXCEPT THAT  
HOSPITALS AND HOSPITAL ACCESSORY STRUCTURES  
ARE PERMITTED A MAXIMUM HEIGHT OF SEVENTY-  
FIVE (75) FEET.**

The Draft Ordinance for the proposed Text Amendments is included as Attachment #C.

**III. BACKGROUND.**

The Planning Commission noted that the Hospital is likely to continue to expand with additional outpatient services creating a need for additional parking garages. The Hospital is attempting to make efficient use of a small amount of acreage.

The Salisbury Board of Zoning Appeals has granted height variances for both the existing and the proposed parking garage. This amendment will alleviate a need for future height variances for future hospital accessory structures.

**Attachments**

cc: Mayor Barrie P. Tilghman  
William Holland, Director, Building, Housing and Zoning Dept.  
Paul Wilber, City Solicitor



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**STAFF REPORT**

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**MEETING OF MARCH 17, 2005**

**CASE NO.:** #SP-0507

**APPLICANT:** PRMC, represented by Bruce Patterson,  
Director of Facilities Management

**REQUEST:** **PUBLIC HEARING – Text  
Amendment to Section 17.68.040C –  
Development Standards – Height  
limitation – in the Hospital District.**

**I. REQUEST:**

Mr. Bruce Patterson, Director of Facilities Management at PRMC, has submitted a request to amend the text of the Salisbury Municipal Code. Specifically the applicant has requested an amendment to the text of the Hospital District to permit all buildings on the hospital campus to be constructed to a height of 75 ft. (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:**

Plans are being finalized for several construction projects that will occur on the Peninsula Regional Medical Center campus in the next few years. To accommodate parking for these expansions, some of which will be constructed on areas that are now utilized for surface parking lots, a new five-story parking garage is proposed. The new garage exceeds the allowable height of 40 ft. for accessory structures in the Hospital District by up to 18 feet. On February 3, 2005, the Salisbury Board of Zoning Appeals granted a height variance for the parking structure but also recommended that the hospital pursue a text

amendment to permit all structures on the hospital campus to be constructed to a height of 75 ft. This is the height currently permitted for the hospital structure itself.

The hospital complex is located on a 16.65-acre parcel, generally bounded by East Carroll Street on the north, U.S. Route 13 on the east, East Vine Street and West Locust Street to the south, and Waverly Drive to the west. The portion of the property where the parking garage is proposed is currently a surface parking lot, located just south of an existing parking garage that borders East Carroll Street.

The Hospital Park District encompasses an area generally bordered by U.S. Route 13 on the east, Carroll Street on the north, Waverly Drive on the west and Newton Street on the south with the exception of the properties fronting on both sides of S. Division Street from E. Vine Street to Route 13 and the properties fronting on Route 13 from S. Division Street to Newton Street. These properties are in the General Commercial District. (See Attachment #2.)

Following the 2000 Census, Salisbury was designated a Metropolitan Planning Area. Expansion of the hospital to sites outside of the hospital campus such as the former Southern States building on E. Vine Street and the Ambulatory Center near there south of South Division Street (at the corner of Roland Street) are evidence of a metropolitan hospital. Provision of parking for visitors, outpatients (and their drivers) and hospital employees is currently an issue for the hospital. It is reasonable to expect that this will continue to be an issue for the hospital as the facility grows. To justify the height variance, the Staff noted that "the proposed garage will be located in the interior of the property owned by the hospital and is not adjacent to properties owned by others. The garage will also be located adjacent to the main hospital building and a garage that received a height variance from the Board in 1994, and can be considered a logical extension of the hospital's growth."

Staff believes that this is an area where Smart Growth and Infill Development principals can be applied. 'Efficient use of land' and 'Efficient use of infrastructure' are both principles of smart growth that can be applied to this request. A taller building on a smaller footprint is efficient use of the land that may also result in efficient routing of infrastructure for other projects at the hospital. At the same time pedestrian safety for employees and visitors is important to the hospital and the community at large.

In some jurisdictions, 'administrative waivers' can be issued by the Planning Director or his designee to permit a user-friendly approval process for infill development. Height is one of the areas included in the 'waivers' that can be granted.

The text of the Hospital District has been included as Attachment #3.

**III. RECOMMENDATION.**

The Planning Staff finds that the proposed height increase to allow taller accessory structures on the hospital campus is a logical Code amendment to accommodate the needs of a growing hospital and the needs of a growing community.

Staff recommends that the Commission forward a **Favorable** recommendation to the Mayor and City Council for amendment of the text of the Hospital District as follows:

**AMEND SECTION 17.68.020, PERMITTED USES IN THE HOSPITAL DISTRICT BY ADDING THE FOLLOWING LANGUAGE:**

- H. Hospital AND HOSPITAL ACCESSORY STRUCTURES**, with a maximum height of seventy-five (75) feet;

COORDINATOR: Gloria Smith, Planner  
DATE: March 7, 2005

**PENINSULA  
REGIONAL**  
**MEDICAL CENTER**  
Part of Peninsula Regional Health System

Mr. John F. Lenox, AICP  
Director  
City of Salisbury-Wicomico County  
Department of Planning, Zoning  
And Community Development  
125 North Division Street  
Room 203  
P.O. Box 870  
Salisbury, Maryland 21803-0870

February 14, 2005

PLANNING DEPARTMENT  
**RECEIVED**  
DATE 2/15/05 BY *bt*

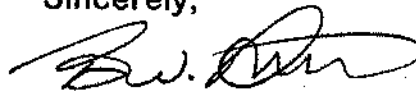
Dear Mr. <sup>*Jack*</sup> Lenox,

At the Salisbury Board of Zoning Appeals Public Hearing held on February 3, 2005, the Board approved our height variance request for our new parking structure. We are grateful to the Board and your staff for granting our request.

It was noted at that meeting that your department, the Appeals Board and the City Department of Building, Housing and Zoning are requesting that we pursue a text amendment change to the current "Hospital Zoning Code". Currently the code limits the height of accessory uses and structures to 40' above grade. We would like to see that restriction removed and be replaced by the 75' restriction that is placed upon the other primary structures on our campus. This change will allow for future development without having to seek variances. As our campus continues to grow and develop in this location, vertical expansion capabilities are needed to conserve limited horizontal space.

Please advise me as to the next steps in obtaining this text change to the code, and as always, thank you and your staff for their assistance.

Sincerely,

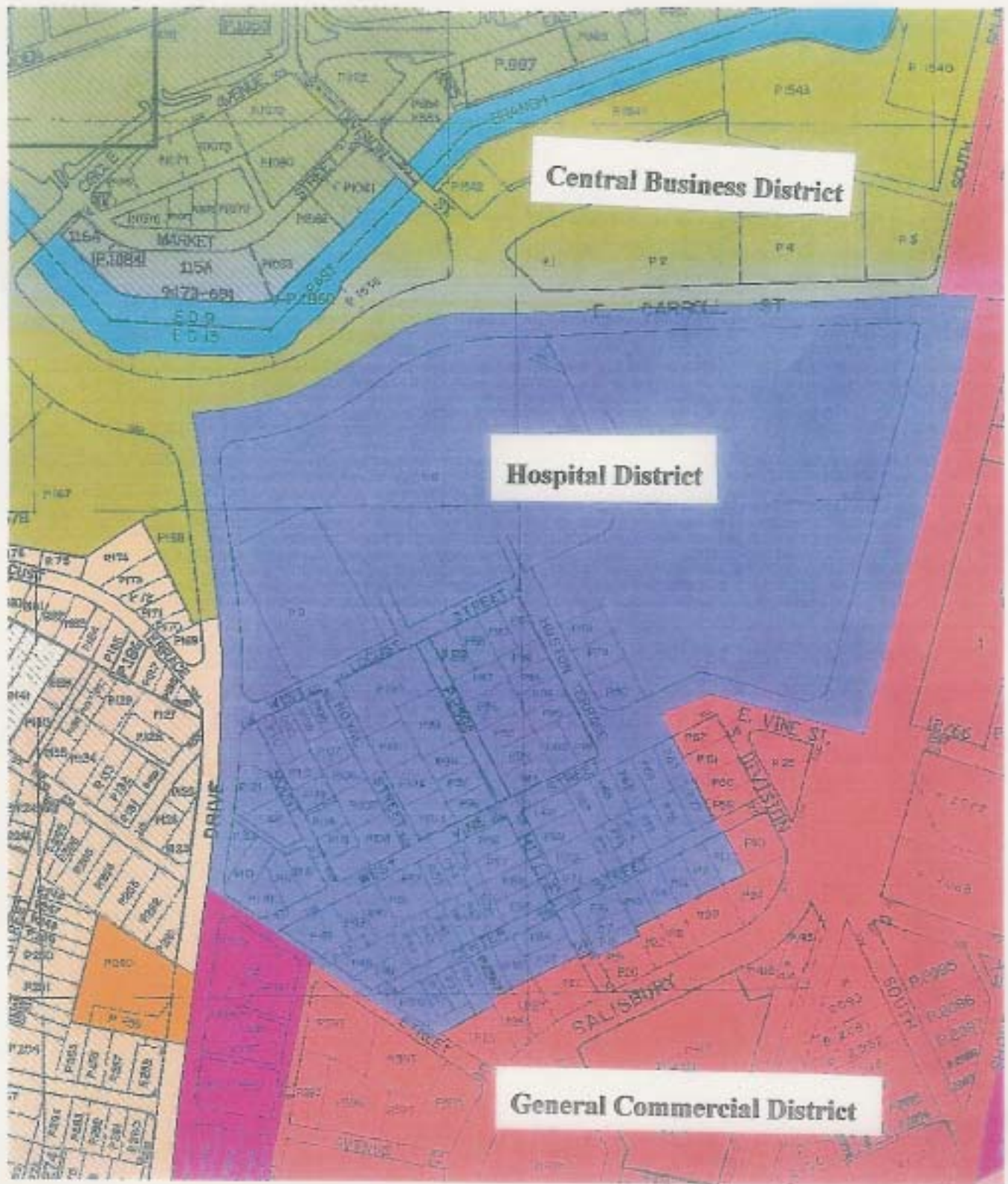


Bruce W. Patterson  
Director  
Facilities Management

CC: Mr. Henry Eure  
Deputy Director  
Department of Building, Housing and Zoning

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Attachment #1



## Chapter 17.68

## HOSPITAL DISTRICT

## Sections:

- 17.68.010 Purpose.
- 17.68.020 Permitted uses.
- 17.68.030 Accessory uses and structures.
- 17.68.040 Development standards.

## 17.68.010 Purpose.

The purpose of the hospital district is to recognize the area between Route 13, Carroll Street and Waverly Drive which has developed from a small local hospital into a regional hospital and medical center, serving the entire lower eastern shore, and to recognize that as the population of this region increases, the need for expansion will continue. The most logical and efficient way to expand is in all that area adjoining the hospital southward between Waverly Drive, Newton Street and Route 13 which is, for the most part residentially developed. To allow for gradual transition from residential to hospital use, the uses permitted in this district include residential as well as offices, hospital, medical and other related uses so residents of the area may enjoy the use and value of their property while the gradual transition is occurring. The following uses, standards and area requirements have been developed based upon this purpose, which is in accord with the findings and recommendations of the City's adopted land use element of the Metro Core Comprehensive Plan. (Prior Code Section 150-102)

## 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. Florist;
- G. Hairdresser shop;
- H. Hospital with a maximum height of seventy-five (75) feet;
- I. Medical-care facility ;
- J. Medical center;
- K. Medical office;
- L. Nursing or physician school;



- M. Parking lot or parking structure;
- N. Restaurant;
- O. Specialty shop. (Prior Code Section 150-103)
- P. Group domiciliary care facility. (Added 11/13/00 by Ord. No. 1786)

**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. (Prior Code Section 150-104)

**17.68.040 Development standards.**

Development standards for the hospital district shall be as follows :

- A. **Minimum Lot Requirements.** All lots hereafter established shall require the following minimum requirements:
  - 1. Lot area: ten thousand (10,000) square feet;
  - 2. Interior lot width: one hundred (100) feet;
  - 3. Corner lot width: one hundred twenty (120) feet.
- B. **Minimum Yard Requirements.** Minimum yards shall be as follows, with the exception of those listed in subsection (B)(5) of this section:
  - 1. Front: five feet;
  - 2. Rear: ten feet;
  - 3. Side: ten feet; two required;
  - 4. Side, corner: twenty-five (25) feet;
  - 5. Along the following streets or highways, special yards shall be required, as follows:
    - a. Route 13: forty (40) feet,
    - b. Carroll Street: fifty (50) feet.
    - c. Waverly Drive: twenty-five (25) feet.
- C. The height limitation shall be forty (40) feet.
- D. Parking, Loading and Unloading. See Chapter 17.196.

- E. Access. Direct access onto a street or highway shall 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.
- F. Outside storage is prohibited.
- G. Lighting. Lighting shall be designed so as not to throw glare onto surrounding properties. flashing lights are prohibited.
- H. Signs. See Chapter 17.216.
- I. Landscaping and Screening. See Chapter 17.220. In addition to the requirements of Chapter 17.220, all areas devoted to buildings or required parking areas shall be landscaped as required in Section 17.04.120 and maintained in accordance with Section 17.220.080. (Prior Code Section 150-105)



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Historic District Commission  
Metropolitan Planning Organization

Wicomico County Board of Appeals  
Salisbury Board of Zoning Appeals  
Agricultural Land Preservation Advisory Board

March 21, 2005

Mr. Bruce Patterson  
Peninsula Regional Medical Center  
100 E. Carroll Street  
Salisbury, Maryland 21801

**SALISBURY-WICOMICO  
FILE COPY  
PLANNING**

**RE: PUBLIC HEARING – TEXT AMENDMENT – SALISBURY MUNICIPAL  
CODE – PRMC – To permit a 75 ft. height for all buildings on the  
hospital campus.**

Dear Mr. Patterson:

The Salisbury Planning Commission at it's meeting of March 17, 2005, forwarded a **FAVORABLE** recommendation to the Mayor and City Council for amendments to the text of the Hospital District as follows:

**AMEND SECTION 17.68.020 PERMITTED USES IN THE HOSPITAL  
DISTRICT BY ADDING THE FOLLOWING LANGUAGE:**

**H. Hospital AND HOSPITAL ACCESSORY STRUCTURES, with a  
maximum height of seventy-five (75) feet.**

**AMEND SECTION 17.68.040 (C) DEVELOPMENT STANDARDS IN THE  
HOSPITAL DISTRICT BY ADDING THE FOLLOWING LANGUAGE:**

**C. The height limitation shall be forty (40) feet, EXCEPT THAT  
HOSPITALS AND HOSPITAL ACCESSORY STRUCTURES ARE  
PERMITTED A MAXIMUM HEIGHT OF SEVENTY-FIVE (75) FEET.**

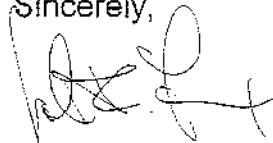
This matter will now be forwarded to the Mayor and City Council for scheduling of a public hearing on the Council's regular meeting agenda. You will be notified of the public hearing date.

Mr. Bruce Patterson  
March 21, 2005

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

Sincerely,



John F. Lenox, AICP

Director

Salisbury/Wicomico Planning & Zoning

JFL:brt

cc: John Jacobs, Director of City Department of Public Works  
Bill Holland, Director of Building, Housing, and Zoning Department  
Assessments



MARYLAND

ORDINANCE NO. 1938

**AN ORDINANCE OF THE MAYOR AND THE COUNCIL 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 CHAPTER 17.68.020, PERMITTED USES AND CHAPTER 17.68.040, DEVELOPMENT STANDARDS IN THE HOSPITAL DISTRICT.**

**WHEREAS**, the ongoing application, administration, and enforcement of Title 17, Zoning, of the Salisbury Municipal Code, demonstrates a need for its periodic review, evaluation, and amendment 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 have requested that the Salisbury Planning and Zoning Commission periodically review Title 17 in light of existing development trends and practices and current City development policies as well as to review all individual amendment requests from private citizens;

WHEREAS, a Public Hearing on said text amendments to the Permitted uses and Development Standards in the Hospital District, Sections 17.68.020 and 17.68.040, Title 17, Zoning, of the Salisbury Municipal Code 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 March 17, 2005; and,

WHEREAS, the Planning Commission did recommend approval of the proposed text changes at a Public Hearing on March 17, 2005;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Title 17, Zoning, of the Salisbury Municipal Code are hereby amended by adding the wording in bold print as follows:

**AMEND SECTION 17.68.020, PERMITTED USES IN THE HOSPITAL DISTRICT BY ADDING THE FOLLOWING:**

- H. Hospital **AND HOSPITAL ACCESSORY STRUCTURES**, with a maximum height of seventy-five (75) feet;

**AMEND SECTION 17.68.040.C, DEVELOPMENT STANDARDS IN THE HOSPITAL DISTRICT BY ADDING THE FOLLOWING:**

- C. The height limitation shall be forty (40) feet, **EXCEPT THAT HOSPITALS AND HOSPITAL ACCESSORY STRUCTURES ARE PERMITTED A MAXIMUM HEIGHT OF SEVENTY-FIVE (75) FEET.**

AND BE IT FURTHER ENACTED AND 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 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 \_\_\_\_\_, 2005, and having been published as required by law, in the meantime, was finally passed at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Michael P. Dunn  
President of the City Council of  
the City of Salisbury

Approved by me this \_\_\_\_  
day of \_\_\_\_\_, 2005.

Witness:

\_\_\_\_\_  
Barrie Parsons Tilghman  
Mayor of Salisbury

\_\_\_\_\_  
Brenda J. Colegrove  
City Clerk