

APPENDIX 1

Zoning Text Amendment No:
Concerning: Expansion of Hospitals
Draft No. & Date: 3; 9/30/04
Introduced: N/A
Public Hearing: N/A
Adopted:
Effective:
Ordinance No:

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

By:

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- establishing a site plan review process for hospitals and permitting existing hospitals by right with any expansion occurring in accordance with the site plan review procedures

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.31	“Land Uses”
New Section 59-C-1.38.1	“ Special regulations- Hospitals located in one-family residential zones”
DIVISION 59-D-3	“SITE PLAN”
Section 59-D-3.1	“Requirements”
DIVISION 59-D-3.41	“Action by Planning Board for Existing Hospitals”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1
2 **Sec. 1. Division 59-C-1 is amended as follows:**

3
4 **Sec. 59-C-1.3. Standard development.**

5
6 The procedure for approval is as set forth in Chapter 50, title "Subdivision of Land," of
7 the Montgomery County Code, as amended.

8
9 **59-C-1.31. Land uses.**

10
11 No use is allowed except as indicated in the following table:

- 12
13 - **Permitted Uses.** Uses designated by the letter "P" are permitted on any lot
14 in the zones indicated, subject to all applicable regulations.
15
16 - **Special Exception Uses.** Uses designated by the letters "SE" may be
17 authorized as special exceptions, in accordance with the provisions of
18 Article 59-G.
19

	RE- 2	RE- 2C	RE- 1	R- 200	R- 150	R- 90	R- 60	R- 40	R-4 plex	RMH 200
(d) Services.										
* * *										
Hospitals.	<u>P*/</u> <u>SE**</u>	<u>P*/</u> <u>SE**</u>	<u>P*/</u> <u>SE**</u>	<u>P*/</u> <u>SE**</u>	<u>P*/</u> <u>SE**</u>	<u>P*/</u> <u>SE**</u>	<u>P*/</u> <u>SE**</u>	<u>P*/</u> <u>SE**</u>	<u>P*/</u> <u>SE**</u>	<u>P*/</u> <u>SE**</u>
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20
21
22 * Any modification or enlargement of an existing hospital must be approved
23 pursuant the site plan review procedures of Section 59-D-3 and must adhere to the
24 standards and requirements of Section 59-C-1.38.1. Site plan conditions for an
25 existing hospital supercede the special exception conditions of approval.

26
27 ** Any new hospital must be established by Board of Appeals approval of a special
28 exception. Any modification or enlargement of the hospital after it is established

1 by the Board of Appeals must be approved pursuant to the site plan review
2 procedures of Section 59-D-3.

3 * * *

4
5 **59-C-1.38.1 Special regulations-Hospitals located in one-family residential zones.**

6
7
8 **(a) New Hospitals.** Any request for development of a new hospital in the one-
9 family residential zones after (the Effective Date of the ZTA) must be approved in
10 accordance with the special exception provisions of Section 59-G. Once approved,
11 any modification or enlargement of the use must be accomplished in accordance
12 with the site plan review procedures of Section 59-D-3.

13
14
15 **(b) Existing Hospitals.** Any hospital operating pursuant to a valid special
16 exception approval is a permitted use. Any modification or enlargement of an
17 existing hospital must be approved pursuant the site plan review procedures of
18 Section 59-D-3 and must adhere to the standards and requirements below.

19
20 (1) **Minimum area.** Total area, 5 acres.

21
22 (2) **Minimum frontage.** Frontage, 200 feet.

23
24 (3) **Setback.** No portion of a building shall be nearer to the lot line than a
25 distance equal to the height of that portion of the building, where the
26 adjoining or nearest adjacent land is zoned single-family detached residential

1 or is used solely for single-family detached residences, and in all other cases
2 not less than 50 feet from a lot line.

3
4 (4) Off-street parking. Off-street parking shall be located so as to achieve a
5 maximum of coordination between the proposed development and the
6 surrounding uses and a maximum of safety, convenience and amenity for the
7 residents of neighboring areas. Parking shall be limited to a minimum in the
8 front yard.

9
10 (5) Building height limit. Maximum of 145 feet.

11
12 * * *

13 **Sec. 2. Division 59-D-3 is amended as follows:**

14
15 **DIVISION 59-D-3. SITE PLAN.**

16 * * *

17 **Sec. 59-D-3.1. Requirements.**

18
19 The site plan must be filed with the Planning Board; it may cover all or any part of a lot
20 or tract, and must meet the following requirements:

21 * * *

22 A long-term expansion plan depicting existing and proposed structures and the campus
23 layout as part of an existing hospital must be filed with the Planning Board to be included
24 with a site plan submittal as required in Section 59-D-3.4.1.

25 * * *

1
2 **59-D-3.4.1 Action by Planning Board for Existing Hospitals.**

3
4 (a) A public hearing must be held by the Planning Board on each site plan
5 application for hospitals. The Planning Board must approve, approve
6 subject to modifications, or disapprove the site plan not later than 45 days
7 after receipt of the site plan, but such action and notification is not required
8 before the approval of a preliminary plan of subdivision involving the same
9 property. The Planning Board then must notify the applicant in writing of its
10 action. In reaching its decision the Planning Board must determine whether:

- 11
- 12 (1) the site plan meets all of the requirements of the zone in which it is
13 located;
- 14
- 15 (2) the site plan must substantially conform to the applicable master plan,
16 sector plan, or urban renewal plan, including maps and text, unless the
17 Planning Board finds that events have occurred to render the relevant
18 master plan, sector plan, or urban renewal plan no longer appropriate;
- 19
- 20 (3) the site plan will be served by adequate public services and facilities
21 as defined under Chapter 50-35(k);
- 22
- 23 (4) the location, design, scale and bulk of any proposed new structures,
24 and the location, design and scale of landscaping and recreational
25 facilities, are in harmony with the general character of existing and
26 proposed adjacent development;
- 27

- 1 (5) green area and open spaces shall be appropriately designed and
2 located to provided a setting for the hospital campus that is
3 compatible with existing and proposed adjacent development;
4
5 (6) the location, design, scale and bulk of landscaping provide adequate
6 screening for existing and proposed adjacent development;
7
8 (7) the pedestrian and vehicular circulation systems, and parking
9 facilities, are adequate, safe, and efficient;
10
11 (8) the site plan meets all applicable requirements of Chapter 22A
12 regarding forest conservation and Chapter 19 regarding water resource
13 protection.
14

15 (b) **Effect of Planning Board Decision on Special Exception Conditions.**
16

17 The Planning Board must adopt as site plan conditions all special exception
18 conditions of approval. Site plan approval for an existing hospital
19 extinguishes the underlying special exception approval. All special
20 exception conditions of approval shall be incorporated into the site plan
21 conditions of approval, and remain in effect as site plan conditions, unless
22 modified by the Planning Board.

23 * * *
24

25 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the date of
26 Council adoption.
27

1 This is a correct copy of Council action.

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6 Mary A. Edgar, CMC

7 Clerk of the Council

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