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
Section 59-C-1.31
New Section 59-C-1.38.1
“RESIDENTIAL ZONES, ONE-FAMILY”
“Land Uses”
“Special regulations- Hospitals located in one-family residential zones”

DIVISION 59-D-3
Section 59-D-3.1
DIVISION 59-D-3.41
“SITE PLAN”
“Requirements”
“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:
Sec. 1. Division 59-C-1 is amended as follows:

Sec. 59-C-1.3. Standard development.

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

59-C-1.31. Land uses.

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

- **Permitted Uses.** Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

- **Special Exception Uses.** Uses designated by the letters "SE" may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

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Hospitals.

|       |       |       |       |       |       |       |       |        |         |
| P*/SE** | P*/SE** | P*/SE** | P*/SE** | P*/SE** | P*/SE** | P*/SE** | P*/SE** | P*/SE** |         |
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Any modification or enlargement of an existing hospital must be approved pursuant the site plan review procedures of Section 59-D-3 and must adhere to the standards and requirements of Section 59-C-1.38.1. Site plan conditions for an existing hospital supercede the special exception conditions of approval.

** Any new hospital must be established by Board of Appeals approval of a special exception. Any modification or enlargement of the hospital after it is established
by the Board of Appeals must be approved pursuant to the site plan review procedures of Section 59-D-3.

* * *

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

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

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

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

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

(3) **Setback.** No portion of a building shall be nearer to the lot line than a distance equal to the height of that portion of the building, where the adjoining or nearest adjacent land is zoned single-family detached residential
or is used solely for single-family detached residences, and in all other cases
not less than 50 feet from a lot line.

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

(5) **Building height limit.** Maximum of 145 feet.

* * *

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

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

* * *

Sec. 59-D-3.1. Requirements.

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

* * *

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

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

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

(1) the site plan meets all of the requirements of the zone in which it is located;

(2) the site plan must substantially conform to the applicable master plan, sector plan, or urban renewal plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan, sector plan, or urban renewal plan no longer appropriate;

(3) the site plan will be served by adequate public services and facilities as defined under Chapter 50-35(k);

(4) the location, design, scale and bulk of any proposed new structures, and the location, design and scale of landscaping and recreational facilities, are in harmony with the general character of existing and proposed adjacent development;
(5) green area and open spaces shall be appropriately designed and located to provide a setting for the hospital campus that is compatible with existing and proposed adjacent development;

(6) the location, design, scale and bulk of landscaping provide adequate screening for existing and proposed adjacent development;

(7) the pedestrian and vehicular circulation systems, and parking facilities, are adequate, safe, and efficient;

(8) the site plan meets all applicable requirements of Chapter 22A regarding forest conservation and Chapter 19 regarding water resource protection.

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

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

* * *

Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.
This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council