



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #3
6/27/02

DATE: June 21, 2002
TO: Montgomery County Planning Board
VIA: Michael Ma, Zoning Supervisor *Ma*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To establish a category use for an emergency health care facility, including a definition for the use.

TEXT AMENDMENT: No. 02-07
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Leggett
INTRODUCED DATE: May 23, 2002

PLANNING BOARD REVIEW: June 21, 2002
PUBLIC HEARING: July 9, 2002

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

- Define “emergency health care facility”
- Permit an emergency health care facility in the Commercial, transitional (C-T) zone as a permitted use.

BACKGROUND

Willco Construction Co., Inc. is the owner of a 6.03-acre parcel of land located on the south side of Route 118 in the Germantown Town Center. Willco has received preliminary and site plan approval to construct two office buildings to contain a total of 125,000 square feet of building area. Adventist Healthcare will occupy the first building devoted to general office space. The proposed text amendment is intended to allow the use of the second building for an emergency health care facility to be operated by Adventist. An emergency health care facility is currently not defined in the Zoning Ordinance and is therefore not permitted in the C-T zone. The proposed facility would be smaller than a hospital and would contain a limited number of beds

that would allow for patients to stay overnight. A medical clinic provides services on an outpatient basis only and therefore could not accommodate the proposed facility.

ANALYSIS

The proposed definition of an emergency health care facility is as follows:

Emergency health care facility: A facility which provides care and treatment to patients with medical emergencies including patients transported by emergency rescue vehicles. Patients are typically treated on an outpatient basis, but a limited number of beds may be available for short-term inpatient care.

* * *

Additionally, a footnote is proposed to limit these facilities to C-T zones designated "Town Center" on an approved and adopted master.

C-T Zone

The purpose of the C-T zone is to provide sites for low-intensity commercial buildings that, singly or in groups, provide an appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area.

Permitted uses in the C-T Zone within the Service category include: ambulance and rescue squads, banks and financial institutions, charitable or philanthropic institutions, child day care facilities, clinics, duplicating services, private educational institutions, elderly day care facilities, fire stations, general offices, places of religious worship and publicly owned or publicly operated uses. The proposed inclusion of an emergency health care facility in the Commercial, transitional (C-T) zone appears consistent with the existing permitted uses and the purpose of the zone. The one concern that staff has relates to the ambiguity on the maximum number of inpatient beds to be provided. Staff believes that a maximum number of beds should be stated in the definition of an emergency health care facility to maintain a low-intensity use, consistent with the purpose of the C-T zone. Staff is recommending a maximum of 10 beds. The number of beds should reflect the limited, ancillary nature of this provision and should consider the increased intensity generated by additional employees necessary to accommodate increased services.

Staff believes that the proposed text amendment to permit emergency health care facility in a C-T zone located in a "Town Center" could be accommodated with the inclusion of a modification to the submitted text to limit the number of beds.

RECOMMENDATION

The staff supports the proposed text amendment to establish an emergency health care facility category in the Zoning Ordinance and to allow this use as a permitted use in the C-T zone subject to the modification to the definition to limit the number of short-term inpatient beds.

Attachment 1 depicts the proposed text amendment as modified by staff. 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 (staff's changes). [[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment (staff's changes).

GR

Attachments

1. Proposed Text Amendment 02-07 (as amended by staff)

Zoning Text Amendment No: 02-07
Concerning: Emergency health care facility
as a permitted use in the C-T zone
Draft No. & Date: 1 – 3/4/02
Introduced: May 23, 2002
Public Hearing: July 9, 2002; 1:30 PM
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: Councilmember Dacek

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

- allowing “emergency health care facility” by right in the C-T zone.

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

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-C-4	“COMMERCIAL ZONES”
Section 59-C-4.2	“Land uses”

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-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

59-A-2.1. Definitions.

* * *

Emergency health care facility: A facility which provides care and treatment to patients with medical emergencies including patients transported by emergency rescue vehicles. Patients are typically treated on an outpatient basis, but a limited number of beds, not to exceed 10, may be available for short-term inpatient care.

Sec. 2. Division 59-C-4 is amended as follows:

DIVISION 59-C-4. COMMERCIAL ZONES.

* * *

59-C-4.2. Land uses.

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	H-M	Country Inn
(e) Services:											
* * *											
<u>Emergency health care facility.</u>	<u>P*</u>										

* Only in an area designated "Town Center" on an approved and adopted master plan.

1 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
2 date of Council adoption.

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4 This is a correct copy of Council action.

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8 Mary A. Edgar, CMC

9 Clerk of the Council