



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #3**  
**9/19/02**

**DATE:** September 13, 2002  
**TO:** Montgomery County Planning Board  
**VIA:** Joe Davis, Chief, Development Review  
**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 Dacek  
**INTRODUCED DATE:** May 23, 2002

**PLANNING BOARD REVIEW:** June 21, 2002 and September 19, 2002  
**PUBLIC HEARING:** July 9, 2002

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**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**

The Planning Board reviewed ZTA No. 02-07 on June 27, 2002, and recommended that staff and Adventist Healthcare further discuss criteria for establishing a maximum number of beds for the proposed emergency health care facility. The intent is to limit the size of an emergency health care facility. A copy of the original staff report is included as Attachment 2.

#### **ANALYSIS**

In the staff report dated June 21, 2002, the proposed definition of an emergency health care facility included the following:

*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 was proposed to limit these facilities to C-T zones designated "Town Center" on an approved and adopted master. Only two such locations currently exist in the County; in Germantown (where the emergency health care facility is proposed) and a five-acre site in the Olney Town Center.

To address staff and Planning Board concerns for limiting the size of these facilities, Adventist Health Care solicited assistance from the American Institute of Architects (AIA). The AIA recommends just under 1000 square feet per inpatient bed, not including support areas. The separate emergency room itself is designed to be approximately 12,000 square feet in area. Therefore, ten to twelve beds (occupying 10,000-12,000 square feet), in conjunction with any intake and emergency rooms, could be accommodated in the total of the building area (27,272 square feet) proposed for the Germantown site. Therefore, it is suggested that the draft text amendment be revised to put a square footage "cap" (30,000 square feet) on the size of the building rather than make the size dependent on a formula. The floor area cap should be located in the footnote rather than in the definition. Staff believes that this recommendation addresses the original concerns without potentially establishing a use that rivals the size and intensity of a hospital.

### **Master and Sector Plan Conformance**

The Community-Based Planning Division reports that the proposed text amendment would not affect the goals and objectives of either the Germantown Master Plan or the Olney Master Plan.

### **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 of the footnote to limit the floor area to a maximum of 30,000 square feet.

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)
2. Technical Staff Report to Planning Board dated June 21, 2002
3. Letter from Jody Kline to Greg Russ dated August 28, 2002

ATTACHMENT 1

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**

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By: Councilmember Dacek

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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:*

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

2           **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3           **59-A-2.1. Definitions.**

4           \* \* \*

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

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

12           **DIVISION 59-C-4. COMMERCIAL ZONES.**

13           \* \* \*

14           **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
<b>(e) Services:</b>											
* * *											
<u>Emergency health care facility.</u>	P*										

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16           \* Only in an area designated “Town Center” on an approved and adopted master  
 17           plan. An emergency health care facility must not exceed 30,000 square feet in  
 18           gross floor area.

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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



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 Dacek  
**INTRODUCED DATE:** May 23, 2002

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

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**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



## 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)

**ORDINANCE**

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2 date of Council adoption.

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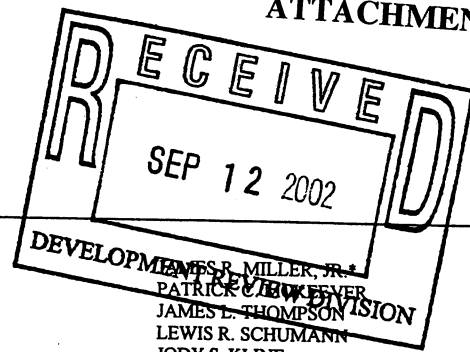
8 Mary A. Edgar, CMC

9 Clerk of the Council

LAW OFFICES

**MILLER, MILLER & CANBY**

CHARTERED

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\*Of Counsel

\*\*Admitted only in California

August 28, 2002

Mr. Greg Russ  
 Development Review Division  
 M-NCP&PC  
 8787 Georgia Avenue  
 Silver Spring, Maryland 20910

RE: Zoning Text Amendment 02-07,  
 Emergency Health Care Facilities

Dear Greg,

Following up on our recent conversation, enclosed is a revised Zoning Ordinance text amendment for emergency health care facilities.

In talking to designers working for Adventist Health Care, we have identified recommendations by such organizations as the American Institute of Architects which indicate that Adventist's proposed building plans provide for space that is appropriate for care while remaining within the limits of the text amendment. In particular, the AIA recommends just under 1000 square feet per inpatient bed, not including support areas. The separate emergency room itself is designed to be approximately 12,000 square feet in area. Therefore, ten to twelve beds (occupying 10,000-12,000 square feet), in conjunction with any intake and emergency rooms, will just about exhaust the total of the building area (27,272 square feet) shown on the site plan amendment application filed with the Development Review Division (8-02010A).

Thinking that site plan review may result in some changes in the size of the building, and knowing that Adventist would like the facility to be as flexible as possible regarding size (within limits, of course), I have revised the draft text amendment to put a square footage "cap" (30,000 square feet) on the size of the building rather than make the size dependent on a formula.

Please review the attached draft language and then call me so that we can discuss it.

Thanks for your help.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody". The letters are bold and slightly slanted, with a horizontal line above the "y".

Jody S. Kline

JSK/dlt

Enclosure

cc: Ralph Wilson  
Michael Ma  
Paula Widerlite  
Robert Jepson  
Richard Cohen

Zoning Text Amendment No.:  
Concerning: Emergency health care facility as a  
permitted use in the C-T zone.  
Draft No. & Date: 1 – 3/4/02  
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Section 59-A-2.1	"Definitions"
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Section 59-C-4.2	"Land uses"

EXPLANATION:	<p><b>Boldface</b> indicates a heading or a defined term. <u>Underlining</u> 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. <u>Double underlining</u> 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</p>
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*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 may be available for short-term inpatient care. An emergency health care facility shall not exceed 30,000 square feet in gross floor area.

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**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	C-6	H-M	Country Inn
(e) Services:												
***												
Emergency health care facility	<u>P<sup>57</sup></u>											

<sup>57</sup> Only in an area designated "Town Center" on an approved and adopted master plan.

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

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk of the Council