

Introduction

MEMORANDUM

October 2, 2009

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: Introduction – Zoning Text Amendment 09-10, I-3 Zone - Hospitals

Zoning Text Amendment (ZTA) 09-10, at the request of the Planning, Housing, and Economic Development Committee, is scheduled to be introduced on October 6, 2009. A public hearing will be held on November 10, 2009 at 1:30 p.m. if the Council approves the attached resolution.

ZTA 09-10 would allow a hospital as a permitted use in the I-3 zone if the site is identified in a certificate of need issued by the Maryland Health Care Commission. Any hospital approved under this provision would be required to have an approved site plan in order to proceed to construction. This ZTA was recommended by the recently adopted Germantown Sector Plan.

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Zoning Text Amendment No: 09-10
Concerning: Technology and Business Park
(I-3) zone – Hospitals
Draft No. & Date: 1 - 9/21/09
Introduced: October 6, 2009
Public Hearing:
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: District Council at the Request of the Planning, Housing, and Economic Development
Committee

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow hospitals as a permitted use in the I-3 zone under certain circumstances; and
- generally amend the provision related to land use in industrial zones.

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

DIVISION 59-C-5. INDUSTRIAL ZONES
Section 59-C-5.21 Allowable 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-C-5. is amended as follows:**

2 **Division 59-C-5 INDUSTRIAL ZONES.**

3 * * *

4 **59-C-5.21. Allowable uses.**

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

6 **-Permitted Uses.** Uses designated by the letter "P" and uses of a similar character[,] are
 7 permitted on any lot in the zones indicated, subject to all applicable regulations.

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

	I-1	I-2	I-3	I-4	R&D	LSC
* * *						
(e) Services.						
* * *						
General offices.	P	P ¹²	P	SE	P ¹³	P ¹³
Highway fuel and food service.	SE					
Hospitals.	SE		P* [SE]	SE	SE	P
Hospitals, veterinary, when in a soundproof building.	P			P		
* * *						

10 * A hospital is permitted if the site of the hospital is identified in a certificate of need
 11 issued by the Maryland Health Care Commission. Site plan approval under Division 59-
 12 D-3 is required.

13

14 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
15 Council adoption.

16

17 This is a correct copy of Council action.

18

19

20 _____
Linda M. Lauer, Clerk of the Council

Resolution No.: _____
Introduced: October 6, 2009
Adopted: _____

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: District Council

Subject: Notice of Public Hearing on Zoning Text Amendment 09-10

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 09-10, introduced on October 6, 2009 would allow hospitals as a permitted use in the I-3 zone under certain circumstances.
3. The Planning Board requested the consideration of the Zoning Text Amendment.

Action

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 resolution:

Legal notice will be given of the public hearing to be held on November 10, 2009 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council