



September 24, 2009

## TECHNICAL STAFF REPORT

*Petition Accepted on September 24, 2009  
Planning Board Meeting of October 8, 2009  
County Council Hearing to be scheduled*

**Case/Petitioner: ZRA-127 – Marsha S. McLaughlin, Director, Department of Planning and Zoning**

**Request:** To amend Section 122.B. of the Zoning Regulations to add the use category Hospitals, intermediate care facilities and residential treatment centers (the “Hospital Use Category”) as a use permitted as a matter of right in the M-1 District.

**Department of Planning and Zoning Recommendation:**

**APPROVAL**

### I. DESCRIPTION OF PROPOSAL

# **The Petitioner proposes one amendment to the Zoning Regulations. The proposed amendment is generally described as follows:**

1. Currently, hospitals and related health-services facilities are only permitted as a matter of right in the POR District, and in certain areas of the NT District and MXD Mixed Use Developments that permit POR uses. This amendment is to add the Hospital Use Category to the M-1 District. In addition, because Section 123.B.1 of the M-2 Regulations permits all uses permitted as a matter of right in the M-1 District, this use category would also be permitted in the M-2 District.

# **The amendment text is attached as Exhibit A (CAPITALS indicates the text to be added.):**

### II. EXISTING REGULATIONS

# **In addition to the Hospital Use Category, in the POR District both medical offices and ambulatory health care facilities are permitted as a matter of right. These same two health services uses, medical offices and ambulatory health care facilities, are currently also permitted in the M-1 and M-2 Districts.**

The fact that the Hospital Use Category, medical offices and ambulatory health care facilities are currently permitted by right in the POR District, a less-intense district than the M-1 District, while only medical offices and ambulatory health care facilities are permitted in M-1, shows that allowing the Hospital Use Category in the M-1 and M-2 Districts is logical and still follows an appropriate land use pattern.

## II. EXISTING REGULATIONS

### # **It is unclear why the Hospital Use Category came to be limited to the POR District.**

In the 1961 Zoning Regulations, which were in effect up to the approval of the significantly different 1977 Zoning Regulations, for some currently unknown reason, hospitals were apparently only permitted in the R-90 and R-20 Districts subject to the approval of a Special Permit, the equivalent of Special Exception and Conditional Use approval. In the 1977 Zoning Regulations, hospitals were added to the POR District only as a permitted use, and the category was entirely removed from the Special Exception section. The Hospital Use Category as being exclusive to the POR District, or those areas that permit POR uses, has been maintained in the 1985, 1993, and 2004 Zoning Regulations.

## III. BACKGROUND INFORMATION

### A. Scope of Proposed Amendments

### # **The proposed amendment would apply to properties in the M-1 and M-2 Districts, properties in the NT District that have approved Final Development Plans that permit M-1 uses, and properties in approved Mixed Use Developments in the MXD District that permit M-1 uses.**

## IV. EVALUATIONS AND CONCLUSIONS

### A. Relation to the General Plan

### # **The proposed amendment is in harmony with Balanced and Phased Growth Policy 4.23 to “Enhance the delivery and accessibility of health and human services.”**

### # **The amendment to add the Hospital Use Category as a permitted use in the M-1 District is also in harmony with one goal of Policy 4.22, which concerns a comprehensive health and human services plan, to “Assist public and private providers to ensure that adequate hospital and nursing home beds are available to meet the current and future needs of the County.”**

### B. Relation to the Zoning Regulations

### # **There is no intent statement that specifically refers to health services and health-related facilities, however, in terms of providing more opportunity for economic development in the health services sector, this proposed amendment is in harmony with the intent “To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County.**

**IV. EVALUATIONS AND CONCLUSIONS**

**C. Other Issues**

- # **The intensity of use of a hospital facility is generally no greater than some of the manufacturing and service uses permitted as a matter of right in the M-1 District.**
- # **The proposed amendment has a distinct public benefit related to increasing economic development, in providing a boost in jobs that would be associated with a new hospital facility and its many support businesses. Even more importantly, there is a significant public benefit in increasing the number of total hospital beds available in the County, and making the many health-oriented services often associated with hospitals more available.**

**V. RECOMMENDATION                      APPROVAL**

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-127 as noted above, be APPROVED.

	09/23/09
Marsha S. McLaughlin, Director	Date

MM/JRL/jrl

**NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.**

**ZRA 127 – Exhibit A**  
**Petitioner’s Proposed Text**

**Section 122. M-1 (Manufacturing: Light) District**

**B. Uses Permitted as a Matter of Right.**

1. Ambulance services.
2. Ambulatory health care facilities.
3. Athletic and recreation facilities, including:
  - a. Bowling alleys, billiard parlors, skating rinks, dance halls and similar uses.
  - b. Miniature golf courses and golf driving ranges.
  - c. Community and commercial swimming pools.
  - d. Athletic fields, tennis clubs, athletic centers, health clubs.
4. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
5. Biomedical laboratories.
6. Blueprinting, printing, duplicating or engraving services.
7. Bus terminals.
8. Carpet and floor covering stores.
9. Car wash facilities.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
11. Carpet and rug cleaning.
12. Catering establishments and banquet facilities.
13. Child day care centers and nursery schools.
14. Concert halls.
15. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
16. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, well drilling, and other contractors.

17. Data processing and telecommunication centers
18. Day treatment or care facilities.
19. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
20. Flex- space
21. Food and drink production, processing, packaging and distribution for dairy products, food products, bakery products, non-alcoholic beverages, spices, ice and meats, excluding slaughtering.
22. Funeral homes.
23. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
24. Furniture stores.
25. Government structures, facilities and uses, including public schools and colleges.
26. **HOSPITALS, INTERMEDIATE CARE FACILITIES AND RESIDENTIAL TREATMENT CENTERS.**