

Ordinance No.: 15-19
Zoning Text Amendment No.: 03-26
Concerning: Self storage in the central business district (arts and entertainment district)
Draft No. & Date: 2 – 2/2/04
Introduced: November 18, 2003
Public Hearing: January 13, 2004; 1:30 PM
Adopted: February 24, 2004
Effective: March 15, 2004

**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: Councilmembers Leventhal and Perez

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

- permitting ~~[[a]]~~ self storage ~~[[facility]]~~ by right in the CBD-1 zone under the optional method of development procedure within ~~[[an area]]~~ a designated ~~[[as an]]~~ arts and entertainment district, under certain circumstances.

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

DIVISION 59-C-6. “CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.2. “Provisions of CBD Zones”
Section 59-C-6.22 “Land uses”
DIVISION 59-D-2. “PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT, CBD ZONES AND RMX ZONES”
Section 59-D-2.4 “Action by planning board”

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

Section 59-D-2.44 “Optional method of development – self storage”

<p>EXPLANATION: <i>Boldface 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] indicates text that is deleted from existing law by the original text amendment.</i></p>

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicates text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

OPINION

Zoning Text Amendment (ZTA) No. 03-26 was introduced on November 19, 2003 to permit self storage by right in the CBD-1 zone in a building constructed before the effective date of the ZTA, under certain circumstance. Under the ZTA, the public use space requirement must be satisfied by the provision of space for start-up artists and cultural organizations and the space devoted to artists and cultural organizations must be provided rent free to the County to oversee the tenancy and operations of the space.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be denied. It is the Board's position that the ZTA would be detrimental to the ongoing revitalization in South Silver Spring and an underutilization of valuable CBD-1 zoned property.

The County Council held a public hearing on January 13, 2004 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on February 2, 2004. After careful review of the public hearing record, the Committee recommended that ZTA 03-26 be approved with revisions. The Committee accepted Council staff revisions to: (1) narrow the scope of the ZTA to self-storage uses established before (ZTA Effective Date); (2) clarify that the space devoted to artists is the minimum public use space requirement, (3) clarify that any optional method project subject to the ZTA is not bound by any limit on the gross floor area or building height of the Ripley Street/South Silver Spring Overlay Zone; and (4) require any space devoted to artists to be located at ground level. The Committee majority cited self-storage as an appropriate interim use for certain sites in South Silver Spring until market conditions dictate that a higher and better use is economically viable, and that the ZTA, as revised, offers a reasonable resolution of conflicting public policies.

The District Council reviewed Zoning Text Amendment No. 03-26 at a worksession held on March 2, 2004 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-26 will be approved as amended.

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-6 is amended as follows:**

2 * * *

3 **DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.**

4 * * *

5 **59-C-6.2. Provisions of CBD zones.**

6 * * *

7 **59-C-6.22. Land uses.**

8 * * *

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
(e) Services.	S	O	S	O	S	O	S	O	S	O	S	O
* * *												
<u>Self storage.</u>						<u>P</u> *						

9 * * *

10 - [[Must be in an arts and entertainment district designated pursuant to Article
 11 83A, Section 4-701 et. seq. of the Annotated Code of Maryland, in a
 12 building that exists as (ZTA Effective Date), and comply with the provisions
 13 of Section 59-D-2.44.]] Only if in an arts and entertainment district
 14 designated under State law, and the use was established before March 15,
 15 2004.

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

18 * * *

19 **DIVISION 59-D-2. PROJECT PLAN OPTIONAL METHOD OF**
 20 **DEVELOPMENT, CBD ZONES AND RMX ZONES.**

21 * * *

22 **59-D-2.4. Action by planning board.**

23 * * *

24 59-D-2.44. Optional method of development – self storage. In addition to the
25 other findings required for approval of an optional method project [[set forth in]]
26 under Section 59-D-2.4, but without being bound by any limit on the gross floor
27 area or height of a building under Section 59-C-18.20, an optional method project
28 for a self-storage facility may be approved in the CBD-1 zone [[provided]] if:

29 (1) The minimum public use space requirement is satisfied through the
30 provision of [[a portion of the]] gross rentable square footage [[of the
31 optional method project]] equivalent to 20% of the net lot area for use
32 by start-up artists and cultural organizations. However, a combination
33 of gross rentable square footage of building area and land area may
34 satisfy the public use space requirement if [[determined by]] the
35 Planning Board finds the combination to be more suitable [[and
36 appropriate]] for promotion of the arts. Space for start-up artists and
37 cultural organizations may include space to work, create, rehearse,
38 convene, exhibit and be educated on aspects of artistic or cultural
39 management and a wide range of specialized management
40 services.[:]] Any space devoted to start up artist and cultural
41 organizations must be located at ground level.

42 (2) At the time of project plan approval, [[a lease]] any agreement
43 between the applicant for the optional method project and the County
44 governing the details of the space, occupancy and use of the public
45 use space [[must be]] is executed and made a condition to the
46 approval;

47 (3) The space devoted to start-up artists and cultural organizations is
48 provided rent free to the County to oversee the tenancy and operations

49 within the space [[pursuant to]] under terms and conditions
50 established by Montgomery County Government; and

51 (4) The finished space is highly visible to pedestrian and street traffic, and
52 easily accessible to visitors.

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

55
56 This is a correct copy of Council action.

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61 Mary A. Edgar, CMC
62 Clerk of the Council