



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 12, 2002

MEMORANDUM

TO: The Montgomery County Planning Board

FROM: Sandra Youla, Zoning Analyst, Resource Team
Community-Based Planning Division

John A. Carter, Chief
Community-Based Planning Division

Glenn Kreger, Team Leader, Silver Spring/Takoma Park
Community-Based Planning Division

Greg Russ, Zoning Coordinator
Development Review Division

SUBJECT: Implementation Strategies for Arts and Entertainment Districts

RECOMMENDATION: Transmit the following text amendments to the County Council to assist in the implementation of the recent legislation for Arts and Entertainment Districts:

1. Create the new definitions for the following:
 - a. Artist
 - b. Artisan
 - c. Artist and artisan studio - low intensity
 - d. Artist and artisan studio - high intensity
 - e. Artist and artisan live/work space
2. Permit by right or allow by special exception home occupations as follows:
 - a. Permit by right No-impact and Registered Home Occupations in all Central Business District (CBD) zones and delete the footnote restricting such uses to townhouses in the CBD-R2 Zone

- b. Allow by special exception Major Home Occupations in all CBD zones
 - c. Permit by right No-impact and Registered Home Occupations in the I-1 and I-4 zones in Central Business Districts
 - d. Allow by special exception Major Home Occupations in the I-1 and I-4 zones in Central Business Districts
3. Permit by right artist and artisan live/work space as follows:
 - a. In 100% commercial buildings in the CBD zones, and on the ground floor of all buildings in the CBD zones
 - b. In the I-1 and I-4 zones within Central Business Districts
 4. Permit by right artist and artisan studio-low intensity in all CBD zones, and in I-1 and I-4 Industrial zones.
 5. Permit by right artist and artisan studio-high intensity in the I-1 and I-4 zones.

The staff of the Department of Park and Planning will continue to work with the artists and artisans, the community, and other agencies to define and improve the opportunities for artists and artisans in Arts and Entertainment Districts.

DISCUSSION

The Maryland State Legislature, the Arts and Humanities Council of Montgomery County, the Silver Spring Regional Center, and the Bethesda Urban Partnership requested that the Department of Park and Planning initiate zoning text amendments to assist in the implementation of the recent legislation for Arts and Entertainment Districts in Montgomery County. The Department of Park and Planning has been working with the staff of the Montgomery County Executive, Prince George's County, and other jurisdictions in Maryland to establish the necessary text amendments. We have also been working to improve the designation process for future Arts and Entertainment Districts in Montgomery County.

Purpose

The primary purpose of this staff report including the zoning text amendments is to implement the intent of the recently enacted State legislation. This Maryland State legislation created the potential for Arts and Entertainment Districts. Portions of the Bethesda and Silver Spring Central Business Districts have already been designated by the State of Maryland as Arts and Entertainment Districts. Qualifying artists and companies that support the arts in these designated districts are eligible for Income Tax Deductions, Financial Assistance, exemptions from the Admissions and Amusement Tax, and Property Tax Credits.

Other purposes of this staff report include accomplishing the following:

- Implementing the sector plans for the Bethesda and Silver Spring Central Business Districts.
- Supporting the existing and future public art programs established through the Optional Method of Development in the CBD zones.
- Providing support for the arts in Montgomery County, including the work of the Arts and Humanities Council and the recommendations contained in *Creative Montgomery: A Vision for the Arts and Humanities in Montgomery County, MD (May 2001)*. This plan is Montgomery County's first cultural plan. It was authorized by the County Council, discussed by the Planning Board on September 20, 2001, and endorsed (though not formally adopted) by the County Council on October 23, 2001 via Resolution 14-1040. The plan recommends that "the County should continue to pursue a strategy of cultural districts and/or arts and entertainment districts as it plans new facilities."
- Implementing the housing objectives and recommendations contained in *Montgomery County – The Place to Call Home: A Housing Policy for Montgomery County, Maryland (July 2001)*. This document was Montgomery County's second housing policy in recent years. It was discussed by the Planning Board on March 22, 2001, and adopted by the County Council on July 17, 2001 via Resolution 14-959. It contains many objectives relevant to arts and entertainment districts and housing for artists (particularly artist and artisan live-work space), including providing variety and choice in housing, assistance for persons with diverse housing needs, communities with affordable housing, and sustainable communities. It recommends promoting adaptive reuse of non-residential buildings, encouraging new construction of all types, streamlining the development review process, expanding affordable housing through zoning, and promoting mixed uses in downtowns.

Summary of the Legislation for Arts and Entertainment Districts

Recently, the State of Maryland supplemented the tools in the regulatory process with a new technique for encouraging arts and entertainment uses. On April 18, 2001, the Governor signed into law legislation entitled "Smart Growth – Arts and Entertainment Districts" (Senate Bill 586). This legislation was codified under Article 83A – Department of Business and Economic Development, Subtitle 7 – Arts and Entertainment Districts, Sections 4-701, 4-702, 4-703, and 5-1401, 5-1402, 5-1405, and 5-1410; also under Article – Tax – General, Section 4-104; and under Article – Tax – Property, Section 9-229 and 14-902. The legislation, created during the 2001 Maryland General Assembly Session includes the following:

- Authorizes the Secretary of the Department of Business and Economic Development to designate administratively one or more arts and entertainment districts within which various tax and other benefits would apply. The benefits vary depending on whether the intended recipient is a "qualifying residing artist," an "arts and entertainment enterprise," or an "arts and entertainment project."

- Establishes an application process for a county or local government to apply to the Secretary to designate an area as an arts and entertainment district.
- Requires the Secretary to adopt regulations that specify application procedures and criteria for designation of the districts.

Each designation may last up to ten years, and the state may designate up to six districts per year. Designations may be renewed, and the districts can also be expanded in area. Political jurisdictions can make one application per year, and renewals and extensions count as that year's application. Thus far, significant portions of the Silver Spring and Bethesda Central Business Districts have been nominated and approved by the Secretary as Arts and Entertainment Districts within Montgomery County.

The benefits offered under the legislation include the following:

- **Income Tax Deduction** - For income derived from an artistic work by a qualifying residing artist
- **Financial Assistance** - From the Maryland Economic Development Assistance Fund for an arts and entertainment enterprise or an arts and entertainment project
- **Exemption from the Admissions and Amusement Tax** - For gross receipts from any admissions or amusement charge levied by an arts and entertainment enterprise or a qualifying residing artist
- **Property Tax Credit** - For county property tax imposed on a manufacturing, commercial or industrial building that is located in the arts and entertainment district and is wholly or partially renovated for use by a qualifying residing artist or an arts and entertainment enterprise

OUTREACH

Staff of the Department of Park and Planning undertook the following actions as part of its outreach and research:

- Met with staff of the Arts and Humanities Council of Montgomery County
- Met with staff of the Bethesda Urban Partnership and the Silver Spring Regional Center
- Met with the Zoning Screening Committee early in the process
- Attended state-level arts and entertainment district meetings chaired by staff of the Maryland Department of Business and Economic Development
- Attended meetings for the community sponsored by the state
- Was interviewed for an article on Maryland's new arts and entertainment districts in *Zoning News*, a publication of the American Planning Association

- Spoke on arts and entertainment districts and live/work space at the 5th Annual Conference on Housing “Building Homes, Building Communities,” sponsored by the Homebuilder’s Association of Maryland and the Maryland Department of Housing and Community Development
- Contacted the American Planning Association’s Planner’s Advisory Service
- Contacted the Urban Land Institute
- Searched the Internet
- Contacted the Live/Work Institute of Oakland, California
- Contacted planners in other designated arts and entertainment districts in Maryland
- Contacted Maryland state agencies and departments, including the Department of Business and Economic Development, the Department of Planning, and the Department of Housing and Community Affairs
- Contacted the International Code Council
- Contacted planning staff in jurisdictions around the country that had arts and entertainment districts and/or artist and artisan live/work space
- Contacted staff of various Montgomery County departments, including Department of Permitting Services, County Attorney’s Office, County Executive’s Office, Fire and Rescue Services, County Council Office, Department of Housing and Community Affairs, Department of Economic Development
- Collected and read articles on arts and entertainment districts, and artist and artisan live/work space
- Collected and read policy documents on arts and entertainment districts, and/or zoning ordinances on artist live/work space, including the following:
 - o New York City, NY
 - o Chicago, IL
 - o Pasadena, CA
 - o Providence, RI
 - o Monticello, NY
 - o Peekskill, NY
 - o San Francisco, CA
 - o Emeryville, CA
 - o Phoenix, AZ
 - o San Diego, CA
 - o Laguna Beach, CA
 - o Sacramento, CA
 - o Minneapolis, MN
 - o Toronto, Canada
 - o Santa Monica, CA
 - o Vancouver, Canada
 - o Long Beach, CA
 - o Oakland, CA
 - o Prince George’s County, MD

In the future, staff will conduct meetings with artists and arts groups, civic associations, business organizations, land use attorneys, developers, property owners, and property management companies.

ANALYSIS

Conformance with the Sector Plans for the Bethesda and Silver Spring Central Business Districts:

The approved Arts and Entertainment Districts implement goals identified in the Bethesda and Silver Spring Sector Plans. The Silver Spring and Bethesda Sector Plans specifically encourage arts and entertainment uses. Arts and entertainment uses help to make the Central Business Districts exciting and livable places. They also contribute to economic revitalization. The proposed text amendments do not change the guidelines for building height, density, setbacks, or coverage established in the Bethesda and Silver Spring Sector Plans.

The Silver Spring and Bethesda Central Business Districts are intended to be mixed-use environments including office buildings, apartment buildings, retail shops, and civic facilities. The uses are intended to exist in close proximity and to satisfy the daily needs of workers and residents. Civic and cultural uses are intended to be an integral part of these Central Business Districts. By encouraging social interaction, arts and entertainment uses promote the active urban environment envisioned in the Sector Plans for the Silver Spring and Bethesda Central Business Districts.

Silver Spring Sector Plan

The designated Silver Spring Arts and Entertainment District includes approximately 175 acres. The area of the district covers a portion of this Central Business District in accordance with the guidelines of the Legislation. The Sector Plan for the Silver Spring Central Business District recommends a variety of techniques to promote arts and entertainment uses. As an example, this Sector Plan supports public investment in facilities for the Silver Theatre. The regulatory processes also provide an important mechanism for promoting the arts. The mandatory referral process supported the Cultural Arts Center at Montgomery College. Public art is often required as part of the amenity requirements for Optional Method of Development projects in Silver Spring. Public use spaces establish opportunities for outside performances and displays that are also a standard requirement.

Bethesda Sector Plan

The designated Bethesda Arts and Entertainment District includes approximately 300 acres. The boundaries of this district coincide with the area managed by the Bethesda Urban Partnership. The Sector Plan for the Bethesda Central Business District specifically supports establishing a “cultural district theme.” In addition, the regulatory process has produced a significant collection of public art and entertainment spaces. Recently, a new 500 seat performing arts theater, renovation of an existing movie theater, a new children’s theater, and a new outdoor performance area were approved as part of the Optional Method of Development projects that implement the Sector Plan. These projects have been recently completed or are under construction. The potential for success of these projects will be improved through the use of the provisions in the legislation for the Arts and Entertainment Districts.

Zoning Ordinance Conformance:

Existing Zoning Provisions

The approved Arts and Entertainment Districts in the Bethesda and Silver Spring Central Business Districts encompass a variety of zones (e.g., the CBD zones, I-1 and I-4, C-2, C-4, C-O, C-T, R-10, R-60 and R-60/TDR). These zones do not consistently identify specific arts uses as permitted by right or special exception uses. The treatment of Home Occupations (No-Impact, Registered and Major) is also inconsistent. For example, No-impact Home Occupations are permitted only in the CBD-R2 Zone and then only in townhouses. “Live/Work” spaces are not specifically addressed.

The proposed text amendments will allow artists to use existing provisions for No-impact and Registered Home Occupations with a minimum of regulation. Reducing the amount of regulations for artists is a goal of the legislation to create Arts and Entertainment Districts.

The following table summarizes the existing provisions for home occupations. The proposed text amendments use the existing provisions for home occupations to improve the opportunities for artists to live and work in Central Business Districts.

TABLE OF EXISTING PROVISIONS FOR HOME OCCUPATIONS

Source: Montgomery County Zoning Ordinance

	No-Impact Home Occupations	Registered Home Occupations	Major Home Occupations
Maximum space available for non-residential uses	33%	33%	33% or 1500 SF
Maximum visits including deliveries	5 per week	20 per week, 5 per day	By appointment
On-site sale of goods	Prohibited	On-site sale for off-site delivery (up to 5 visits per month)	On-site sale for off-site delivery (up to 5 visits per month)
Non-resident employees allowed	None	One	Two*

Note: * May include more employees for a health care practitioner.

Artist studios and artist live/work space are presently not defined or permitted in the CBD zones or the I-1 and I-4 zones. The proposed text amendments include definitions and provide additional opportunities in these zones.

Proposed Zoning Text Amendments

1. Objective

As requested by State legislators and staff of the County Executive, the Department of Park and Planning reviewed the Zoning Ordinance to reduce obstacles to the types of uses encouraged by the arts district designation. The proposed Text Amendments will improve the opportunities for artists to take advantage of the benefits in the State legislation for the designated arts districts in Silver Spring and Bethesda. Changes made to the various zones within the two designated districts have countywide application (e.g., even though the financial benefits would not extend beyond the designated districts, the proposed zoning changes would apply outside the two existing districts to the other Central Business Districts).

The proposed Text Amendments do limit the application of the proposed zoning changes outside the Central Business Districts to one modification: Artist Studios (low and high intensity) would be permitted on I-1 and I-4 property throughout the County. Omitting other potential changes outside the Central Business Districts allows us to avoid unrelated issues (e.g., whether or not to encourage housing in industrial areas) and the potential for inadvertently making existing arts uses become non-conforming. If arts districts outside the Central Business Districts are designated in the future, the zones covered by those future arts districts will have to be evaluated.

2. Proposed Definitions

Artisan - a craftsman skilled in an applied art

Artist - an individual who practices fine arts or performing arts, or a trade or profession requiring knowledge of design, drawing, painting or writing

Artist and Artisan Studio - Low Intensity - the use of premises for the production of dance, live music, creative writing, painting, drawings, pottery or sculpture, silk screening, video, moving or still photography, none of which involves amplified sound or one or more of the materials or processes specified under Artist Studio High Intensity.

Artist and Artisan Studio - High Intensity - the use of premises for the production of the following:

- Dance or live music involving electronically amplified sound,
- Moving or still photography (excluding video) involving on-site film processing,
- Paintings, drawings, pottery, or sculpture involving the use of fiberglass, epoxy, and other toxic or hazardous materials, or one or more of the following processes: welding, woodworking, spray painting, stone carving, or fired ceramics.

Artist and Artisan Live/Work Space - an integrated dwelling unit and working space, occupied and utilized by a single housekeeping unit in a building that has been structurally modified or designed to accommodate joint residential occupancy and work activity and which includes the following:

- Complete kitchen space and sanitary facilities in conformance with applicable building standards; and
- Working space reserved for and regularly used by one or more occupants of the unit.

3. Provisions for Combined Residential and Non-Residential Uses

Staff recommends permitting No-Impact and Registered Home Occupations by right in the all CBD zones, and I-1 and I-4 zones within the CBD (Major Home Occupations would be allowed by special exception). This would replace the narrow existing provision in the Zoning Ordinance. A new category of use is also proposed, called “artist and artisan live/work space,” that would also allow residential and non-residential uses to be combined in an individual unit within the Central Business Districts. The proposed live/work spaces would be more intense in terms of the non-residential component.

SUMMARY OF PROPOSED LAND USE PROVISIONS IN THE ARTS AND ENTERTAINMENT DISTRICTS

Affected Geography and Zones	Non-Residential Use	Combinations of Residential and Non-Residential Uses	
	Artist Studios (High and Low Intensity)	Home Occupations (No Impact; Registered; Major)	Live/Work Space
CBDs			
• CBD Zones	Low Intensity	No Impact and Registered; Major, by Special Exception only	Allow by right in 100% commercial buildings and all ground floors
• I-1 and I-4 Zones	High and Low Intensity	No Impact and Registered; Major by Special Exception only	Allow by right
Outside CBDs			
• I-1 and I-4 Zones	High and Low Intensity	N/A	N/A

Note: **Bold** items are new categories to be added to the Zoning Ordinance

4. Other Approaches Considered

Due to uniformity requirements, any changes to a zone apply wherever that zone exists in Montgomery County. Allowing new uses to support the Arts and Entertainment Districts might be acceptable in the Silver Spring and Bethesda areas, but they may be unacceptable where the specified industrial, commercial and residential zones are applied elsewhere in Montgomery County. To address this issue, the staff considered and rejected two approaches that could be used to restrict the proposed flexibility for arts uses in approved Arts and Entertainment Districts:

- **Overlay Zones** - The Silver Spring Arts and Entertainment District already encompasses two overlay districts. An overlay district on top of an overlay district would be confusing to property owners and those who enforce the Ordinance.
- **Mapping the Arts and Entertainment Districts in the Zoning Ordinance and restricting certain arts uses to those specific areas** - Clearly mapping the Districts would be difficult. Revising the boundaries as permitted in the legislation would also require on-going text amendments.

NEXT STEPS AND ADDITIONAL IMPLEMENTATION STRATEGIES

The proposed text amendments represent the first step in the process to improve opportunities for artists to live and work in Montgomery County. Several opportunities will be available to improve the proposed text amendments. The next step is for the Planning Board to transmit the proposed text amendments to the County Council for introduction. After introduction, the Zoning Screening Committee will have an opportunity to review and improve the text amendments. The Planning board will also have at least another opportunity to review the text amendments and recommend modifications. Additional outreach measures by the Department of Park and Planning will include contact with the artists, staff of the County Executive and the communities in Bethesda and Silver Spring. Finally, the County Council will act on the recommendations of the Screening Committee, Planning Board, the County Executive, and the communities.

The staff of the Department of Park and Planning will work with the other agencies to improve and further define “live/work” spaces for artists in Arts and Entertainment Districts as part of a series of next steps. Other geographic areas that may be approved as Arts and Entertainment Districts will also need to be evaluated to determine if future zoning text amendments are necessary.

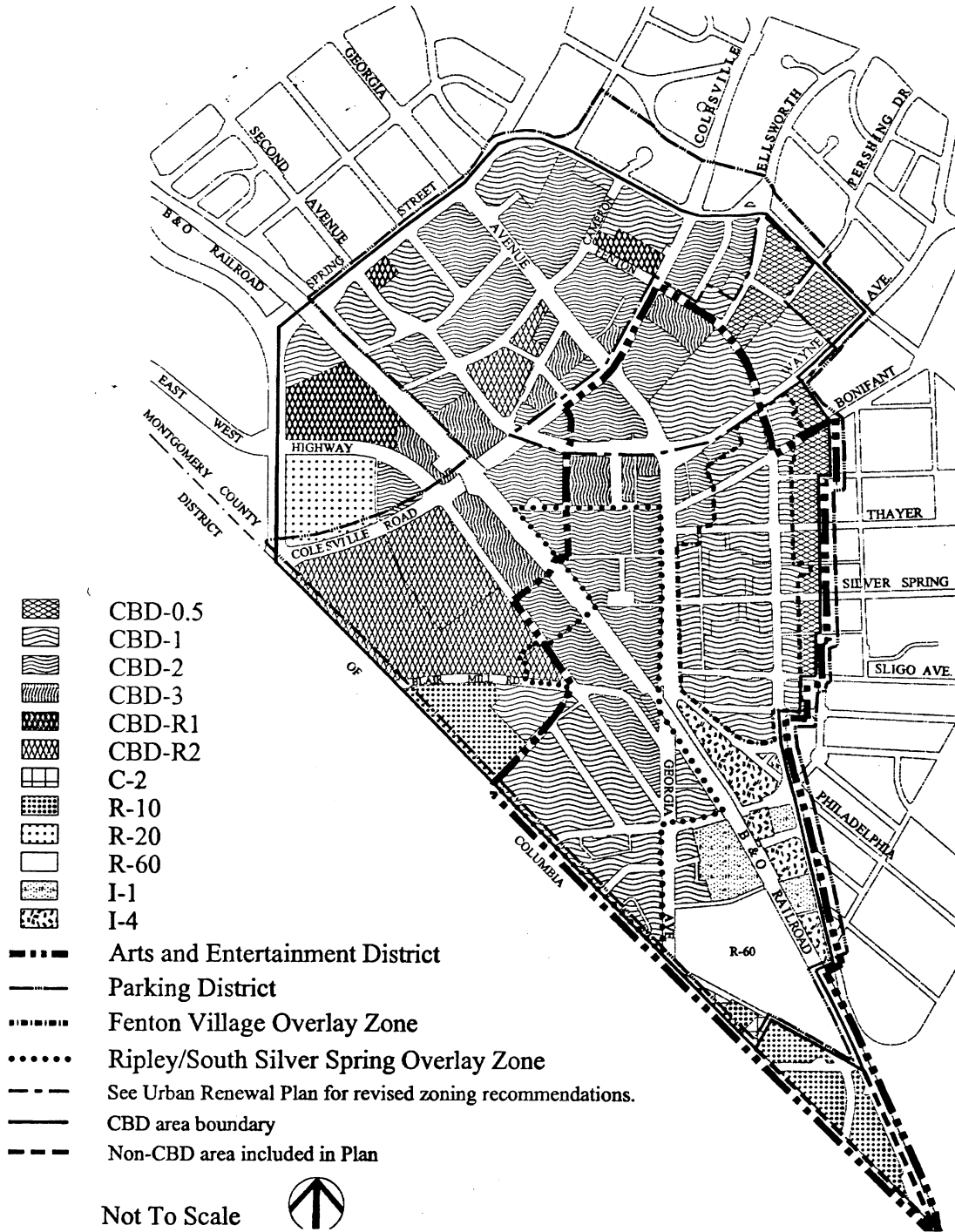
In addition, the staff of the Department of Park and Planning will continue to work with the staff of the County Executive to improve the process for establishing new Arts and Entertainments Districts. These improvements include increased involvement of the M-NCPPC, expansion of other zoning categories, and improving the “rules of procedure” for establishing the districts (e.g., the input from the Planning Board and staff).

ATTACHMENTS:

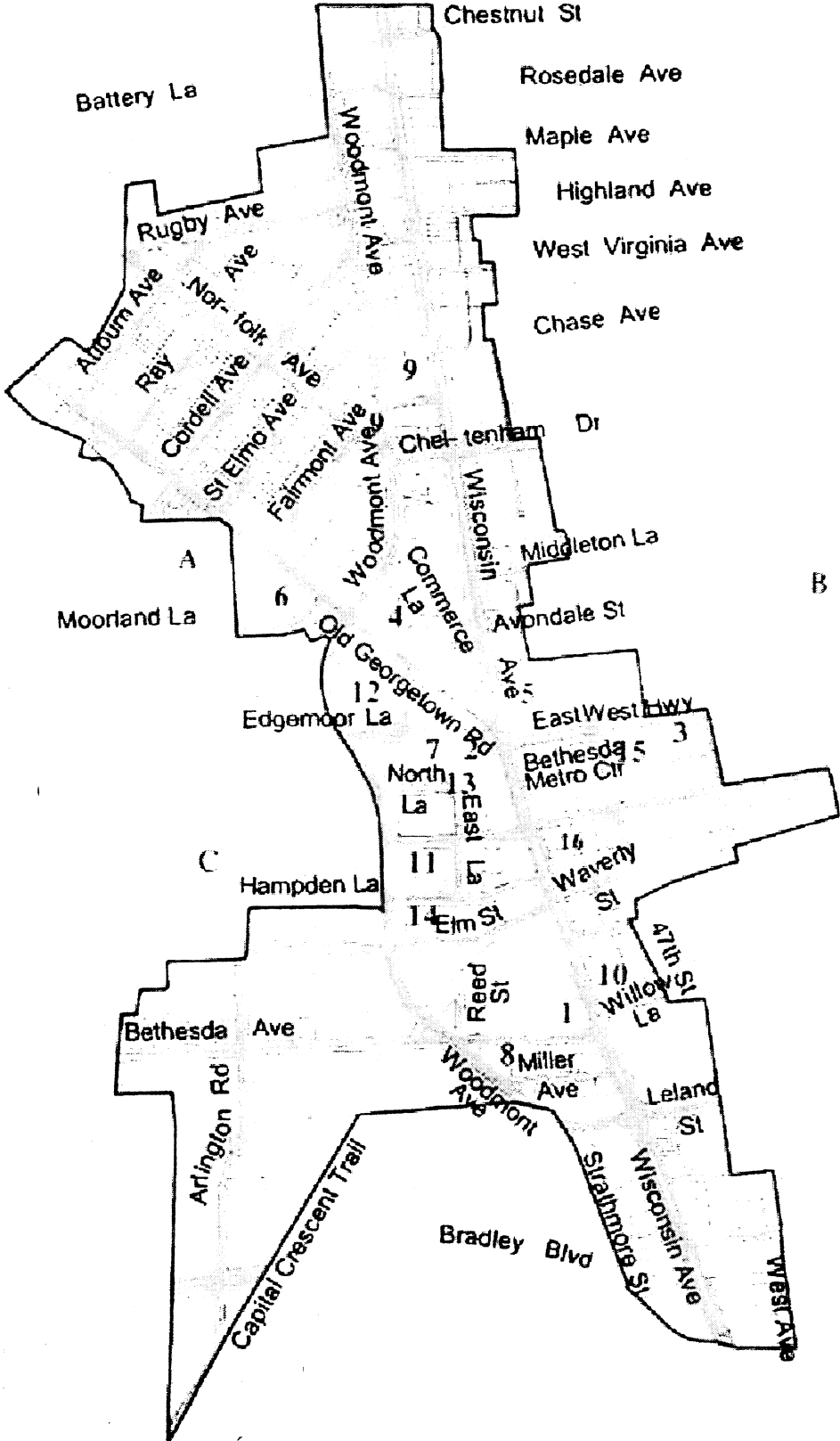
1. Map of the Silver Spring CBD Arts and Entertainment District
2. Map of the Bethesda CBD Arts and Entertainment District and Public Amenity Space Areas
3. Proposed Text Amendments

JAC:GK:SY:ha: a:\carter3VA&E Report.doc

Silver Spring Arts and Entertainment District



Bethesda Arts and Entertainment District



BETHESDA URBAN PARTNERSHIP, INC.
PUBLIC AMENITY SPACE AREAS

1. ARTERY PLAZA: 7200 Wisconsin Avenue

- 1.) Public Art: Courtyard: Sunwork Sculpture. Drinking Fountain, Hidden Under the Elms column; Lobby: The Seasons paper art; Inner Courtyard: Find the Lodestone stone sculpture; Garage Roof: AerialscapeI: stone/aluminum sculpture
- 2.) Public Use Space: None
- 3.) Public Space Programming: Yes
- 4.) Fountain: None

2. BETHESDA METRO CENTER: 3 Bethesda Metro Center

- 1.) Public Art: Outdoor Plaza: Beacon 1 Sculpture, Madonna of the Trail, Rainbow Forrest Sculpture; Hyatt Atrium: Ariel cluster, Big Wing; Lobby: Fishes Sculpture, Untitled Sculpture
- 2.) Public Use Space: Yes
- 3.) Public Space Programming: Yes
- 4.) Fountain: Yes

3. BETHESDA OFFICE CENTER: 4520 East West Highway

- 1.) Public Art: Lyrical Lady Sculpture
- 2.) Public Use Space: yes
- 3.) Public Space Programming: None
- 4.) Fountain: None

4. BETHESDA PLACE I & II: 7629 Old Georgetown Road

- 1.) Public Art: Courtyard: Untitled stone sculpture, Ocean-River-Lake floor mosaic; Lobby: In the Moment wall mural
- 2.) Public Use Space: Yes
- 3.) Public Space Programming: Yes
- 4.) Fountain: Yes

5. CHEVY CHASE BANK HEADQUARTERS: 7501 Wisconsin Avenue

- 1.) Public Art: Bronze Urns, ornamental bricks leading to theater
- 2.) Public Use Space: Yes
- 3.) Public Space Programming: None
- 4.) Fountain: Yes

6. CHEVY CHASE GARDEN PLAZA: 7700 Old Georgetown Road

- 1.) Public Art: Bronze Pavillion, Benches & Trellis
- 2.) Public Use Space: Yes
- 3.) Public Space Programming: No
- 4.) Fountain: Yes

- 7. CLARK BUILDING: One Bethesda Metro Center**
 - 1.) Public Art: None
 - 2.) Public Use Space: Shared w/Bethesda Metro Center
 - 3.) Public Space Programming: Shared w/Bethesda Metro Center
 - 4.) Fountain: None

- 8. CRESCENT PLAZA: 7111 Woodmont Avenue**
 - 1.) Public Art: Capital Crescent Trail plaque
 - 2.) Public Use Space: Yes
 - 3.) Public Space Programming: None
 - 4.) Fountain: None

- 9. FAIRMONT PLAZA: 4801 Fairmont Avenue**
 - 1.) Public Art: 2 wall panels at entrance
 - 2.) Public Use Space: Veteran's Park
 - 3.) Public Space Programming: None
 - 4.) Fountain: None

- 10. GATEWAY BUILDING: 7201 Wisconsin Avenue**
 - 1.) Public Art: Courtyard: Willows Sculpture; Lobby: Wall Mural
 - 2.) Public Use Space: Yes
 - 3.) Public Space Programming: Yes
 - 4.) Fountain: None

- 11. HAMPDEN SQUARE: 4800 Montgomery Lane**
 - 1.) Public Art: Courtyard: Wall Mosaic
 - 2.) Public Use Space: Yes
 - 3.) Public Space Programming: Yes
 - 4.) Fountain: Yes

- 12. METROPOLITAN: 7620 Old Georgetown Road**
 - 1.) Public Art: None
 - 2.) Public Use Space: Yes
 - 3.) Public Space Programming: None
 - 4.) Fountain: Yes

- 13. NEWLANDS BUILDING: 2 Bethesda Metro Center**
 - 1.) Public Art: Small Fountain
 - 2.) Public Use Space: Yes
 - 3.) Public Space Programming: Shared w/Bethesda Metro Center
 - 4.) Fountain: Yes

14. ONE BETHESDA CENTER: 4800 Hampden Lane

- 1.) Public Art: Waterway, brick reliefs, glass vestibule
- 2.) Public Use Space: Yes
- 3.) Public Space Programming: None
- 4.) Fountain: Yes

15. OXFORD BUILDING: 4600 East-West Highway

- 1.) Public Art: Lily pond in gallery window
- 2.) Public Use Space: None
- 3.) Public Space Programming: None
- 4.) Fountain: None

16. RESIDENCE INN: 7335 Wisconsin Avenue

- 1.) Public Art: 2 Bronze Sculptures, ceramic column, 3 ceramic murals
- 2.) Public Use Space: Yes
- 3.) Public Space Programming: Yes
- 4.) Fountain: Yes

PUBLIC BUILDINGS AVAILABLE FOR ARTS USE:

A. Bethesda Elementary School

7600 Arlington Road

B. Bethesda Chevy Chase High School

4301 East West Highway

C. Bethesda Public Library

7400 Arlington Road

Zoning Text Amendment No:
Concerning: Arts & Entertainment
Districts
Draft No. & Date: 1 – 12/13/02
Introduced: N/A
Public Hearing: N/A
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:

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

- providing definitions for artist, artisan, artist and artisan studio-low intensity, artist and artisan studio-high intensity and artist and artisan live/work space ;
- allowing artist and artisan studio-low intensity as a permitted use in all CBD Zones and in the I-1 and I-4 Zones;
- allowing artist and artisan studio-high intensity as a permitted use in the I-1 and I-4 Zones; and
- allowing artist and artisan live/work space as a permitted use in all CBD Zones under certain conditions, and in the I-1 and I-4 Zones within Central Business Districts.

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-5	“INDUSTRIAL ZONES”
Section 59-C-5.21	“Land Uses”
DIVISION 59-C-6	“CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.22	“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 **Artisan.** A craftsman skilled in an applied art.

6
7 **Artist.** An individual who practices one of the fine arts, who works in one of the
8 performing arts, or whose trade or profession requires a knowledge of design,
9 drawing, or painting.

10
11 **Artist or artisan live/work space.** An integrated dwelling unit and working
12 space, occupied and utilized by a single housekeeping unit in a building that has
13 been structurally modified or designed to accommodate joint residential occupancy
14 and work activity and which includes the following:

- 15
16 a. complete kitchen space and sanitary facilities in conformance with
17 applicable building standards; and
18 b. working space reserved for and regularly used by one or more
19 occupants of the unit.

20
21 **Artist studio- low intensity.** The use of premises for the production of dance, live
22 music, creative writing, painting, drawings, pottery or sculpture, silk screening,
23 video, moving or still photography, none of which involves amplified sound or one
24 or more of the materials or processes specified under Artist Studio High Intensity.

25
26 **Artist studio- high intensity.** The use of premises for the production of the
27 following:

- 28 a. dance or live music involving electronically amplified sound;

- 1 b. moving or still photography (excluding video) involving on-site film
2 processing; and
3 c. paintings, drawings, pottery, or sculpture involving the use of
4 fiberglass, epoxy, and other toxic or hazardous materials, or one or
5 more of the following processes: welding, woodworking, spray
6 painting, stone carving, or fired ceramics.

7 * * *

8

1
2 **Sec. 2. DIVISION 59-C-5 is amended as follows:**

3 **DIVISION 59-C-5. INDUSTRIAL ZONES.**

4 * * *

5 **59-C-5.2. Land uses.**

6 * * *

7 **59-C-5.21. Allowable uses**

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

- 9 - **Permitted Uses.** Uses designated by the letter "P" and uses of a
10 similar character, are permitted on any lot in the zones
11 indicated, subject to all applicable regulations.
12 - **Special Exception Uses.** Uses designated by the letters "SE"
13 may be authorized as special exceptions, in accordance with the
14 provisions of Article 59-G.

15

	I-1	I-2	I-3	I-4	R&D	LSC
* * *						
(f) Cultural, entertainment and recreational.						
* * *						
<u>Artist and artisan live/work space</u>	<u>P</u> ³⁴			<u>P</u> ³⁴		
<u>Artist and artisan studio-high intensity</u>	<u>P</u>			<u>P</u>		
<u>Artist and artisan-low intensity</u>	<u>P</u>			<u>P</u>		
* * *						

16 _____
17 34 Only if located within a central business district.

1 **Sec. 3. DIVISION 59-C-6 is amended as follows:**

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

3 * * *

4 **59-C-6.22. Land uses.**

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

6 **Permitted Uses.** The letter "P" in the appropriate column indicates the
 7 zones in which each use is permitted, subject to all applicable
 8 regulations under the standard or the optional method of development,
 9 indicated by the letters "S" and "O," respectively.

10 **Special Exception Uses.** The letters "SE" in the appropriate column
 11 indicate the zones in which each use may be authorized as a special
 12 exception, in accordance with Article 59-G, under the standard or the
 13 optional method of development respectively. Special exception uses
 14 in a development under the optional method are subject to approval by
 15 both the Planning Board and the Board of Appeals.

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
* * *												
(f) Cultural, entertainment and recreational.												
<u>Artist and artisan live/work space.²⁵</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Artist and artisan studio-low intensity.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *												

17
 18 25 Permitted anywhere in 100% non-residential buildings within CBD Zones and
 19 on the ground floor of any building located in the CBD Zones.

1

2 **Sec. 4. Effective date.** This ordinance becomes effective 20 days after the
3 date of Council adoption.

4

5 This is a correct copy of Council action.

6

7

8

9

10 Mary A. Edgar, CMC

11 Clerk of the Council

Zoning Text Amendment No:
Concerning: Home Occupations
Draft No. & Date: 1 – 12/13/02
Introduced: N/A
Public Hearing: N/A
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:

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

- allowing no-impact and registered home occupations as permitted uses in all CBD Zones and in I-1 and I-4 Zones within central business districts; and
- allowing major home occupations by special exception in all CBD Zones and in I-1 and I-4 Zones within central business districts.

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”
DIVISION 59-C-6	“CENTRAL BUSINESS DISTRICT ZONES”
Section 59-C-6.22	“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-C-5 is amended as follows:**

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

3 * * *

4 **59-C-5.2. Land uses.**

5 * * *

6 **59-C-5.21. Allowable uses**

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

- 8 - **Permitted Uses.** Uses designated by the letter "P" and uses of a
- 9 similar character, are permitted on any lot in the zones
- 10 indicated, subject to all applicable regulations.
- 11 - **Special Exception Uses.** Uses designated by the letters "SE"
- 12 may be authorized as special exceptions, in accordance with the
- 13 provisions of Article 59-G.

14

	I-1	I-2	I-3	I-4	R&D	LSC
* * *						
(e) Services.						
* * *						
<u>Home occupation, major</u> ³⁵	<u>SE</u>			<u>SE</u>		
<u>Home occupation, registered</u> ³⁵	<u>P</u>			<u>P</u>		
<u>Home occupation, no impact</u> ³⁵	<u>P</u>			<u>P</u>		
* * *						

15

16 35 Permitted only if located within a central business district.

17

18 **Sec. 3. DIVISION 59-C-6 is amended as follows:**

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

2 * * *

3 **59-C-6.22. Land uses.**

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

5 **Permitted Uses.** The letter "P" in the appropriate column indicates the
 6 zones in which each use is permitted, subject to all applicable
 7 regulations under the standard or the optional method of development,
 8 indicated by the letters "S" and "O," respectively.

9 **Special Exception Uses.** The letters "SE" in the appropriate column
 10 indicate the zones in which each use may be authorized as a special
 11 exception, in accordance with Article 59-G, under the standard or the
 12 optional method of development respectively. Special exception uses
 13 in a development under the optional method are subject to approval by
 14 both the Planning Board and the Board of Appeals.
 15

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
* * *												
(e) Services.												
* * *												
<u>Home occupation, major</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
<u>Home occupation, registered²⁴</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Home occupation, no impact²⁴</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * *											<u>P</u> ^[24]	<u>P</u> ^[24]

16
 17 24 [Townhouses only.] Parking must be provided in connection with [a] no
 18 impact and registered home occupations [in the CBD-R2 zone must not use]
 19 in addition to parking that serves [townhouse] dwelling units.

1
2
3
4
5
6
7
8
9
10
11

Sec. 4. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council