

Ordinance No.: 19-07
Zoning Text Amendment No.: 19-05
Concerning: Industrial Zones –
Landscape Contractors
Draft No. & Date: 1 - 5/15/19
Introduced: May 23, 2019
Public Hearing: July 9, 2019
Adopted: July 23, 2019
Effective: July 23, 2019

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Councilmember Hucker and Council Vice President Katz
Co-Sponsors: Councilmember Jawando and Council President Navarro

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow Landscape Contractor as a permitted use in all Industrial zones; and
- generally amend the standards for allowing Landscape Contractors in Industrial zones

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

Division 3.1. "Use Table"
Section 3.1.6. "Use Table"
Division 3.5. "Commercial Uses"
Section 3.5.5. "Landscape Contractor"

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by 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.*

OPINION

Zoning Text Amendment (ZTA) 19-05, lead sponsors Councilmember Hucker and Council Vice President Katz, co-sponsors Councilmember Jawando and Council President Navarro, was introduced on May 23, 2019. ZTA 19-05 as introduced would allow Landscape Contractor as a permitted use in the IL and IH zones.

Landscape Contractor means the business of designing, installing, planting, or maintaining lawns, gardens, hardscapes, water features, outdoor structures, decorative features, stormwater and drainage features, or other activities intended to enhance the appearance or usefulness of outdoor areas. Landscape Contractor also means providing snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape Contractor includes tree installation, maintenance, or removal. Currently, Landscape Contractors are permitted in the IM zone. The use is not allowed in the IL or IH zone, even as a conditional use.

In its report to the Council, the Montgomery County Planning Board and Planning staff recommended approval of ZTA 19-05 with 2 amendments:

- 1) Require a 50-foot setback between a lot line of a residentially-zoned property and a building or parking, including loading areas and other site operations; and
- 2) Prohibit access to a street classified as residential.

Implementing the Planning Board's recommendation would require allowing Landscape Contractor use as a limited use.

The Council's public hearing was conducted on July 9, 2019. There were 3 speakers, including the Planning Board Chair. The representative for the Council Executive recommended allowing Landscape Contractor as a limited use in the IL zone, with requirements (when the parcel abuts a residential use) for screening, limited hours of operation, building height, and increased setbacks. One owner of a landscape contracting firm testified in favor of the ZTA as introduced to expand the land available for her business and similar businesses.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation.

The PHED Committee held a worksession on July 15, 2019. The Committee recommended approving ZTA 19-05 with amendments to allow Landscape Contractor as a permitted use in the IH and as a limited use in the IL zone. The Committee recommended that, in the IL zone, a parcel with a Landscape Contractor use that abuts a Residential Detached zone should be required to provide screening under Section 6.5.3.C.7, Option B.

The Council agreed with the recommendation of the 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. 19-05 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:

18 b. Where ~~[[a]]~~ Landscape Contractor is allowed as a conditional use, it
19 may be permitted by the Hearing Examiner under Section 7.3.1,
20 Conditional Use, and the following standards:

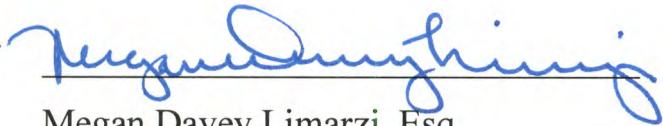
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22 **Sec. 2. Effective date.** This ordinance becomes effective on the date of
23 Council adoption.

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25 This is a correct copy of Council action.

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28 Megan Davey Limarzi, Esq.
29 Clerk of the Council