

Zoning Text Amendment No.: 21-08
Concerning: Landscape Contractor –
Use Standards
Draft No. & Date: 1 – 10/4/2021
Introduced: October 19, 2021
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**

Lead Sponsor: Council President Hucker

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- expand the definition for landscape contractor; and
- generally amend the use standards.

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

DIVISION 59.3.1. “Use Table”
Section 59.3.1.6. “Use Table”
DIVISION 59.3.5. “Commercial Uses”
Section 59.3.5.5. “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.*

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:

Sec. 1. Division 59-3.1 is amended as follows:

Division 3.1 Use Table

* * *

Section 3.1.6 Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential			Residential							* * *	
		AR	R	RC	RNC	Residential Detached								
						RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40		
* * *														* * *
COMMERCIAL														
* * *														
Landscape Contractor	3.5.5	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C					
* * *														

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

* * *

Sec. 2. DIVISION 59-3.5 is amended as follows:

Division 59.3.5. Commercial Uses

* * *

Section 3.5.5. Landscape Contractor

A. Defined

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 the growing of plant

22 materials for the contracting business and tree installation, maintenance, or
23 removal. Landscape Contractor does not include Lawn Maintenance Service
24 (see Section 3.5.14.G, Lawn Maintenance Service).

25 **B. Use Standard**

26 a. Where Landscape Contractor is allowed as a limited use, it must
27 satisfy the following standards:

28 i. In the IL zone, a Landscape Contractor on a [and the] lot or
29 parcel [on which the use is located] that abuts a residential
30 detached zone[,] is required to provide Option B screening
31 under Section 6.5.3.C.7, [Option B is required,] without regard
32 to applicability under Section 6.5.2.B.

33 ii. In the AR, R, RC, RNC, RE-2, RE-2C, RE-1 and R-200 zones,
34 a Landscape Contractor must satisfy the following standards:

35 (a) The minimum lot area is 2 acres.

36 (b) Building and parking setbacks, including loading areas
37 and other site operations, are a minimum of 50 feet from
38 any lot line. Storage areas and site operations, except the
39 growing of plant materials, must be screened pursuant to
40 Option B under Section 6.5.3.C.7, without regard to
41 applicability under Section 6.5.2.B, and parking and
42 loading areas must be screened pursuant to the perimeter
43 planting requirements under Section 6.2.9.C.3.b. Any
44 power equipment larger than 8 feet in height, 6 feet in
45 width, or 12 feet in length must be stored inside a
46 structure.

47 (c) Commercial Vehicles, Heavy may not be parked on site.
48 No more than six Commercial Vehicles, Light and

49 trailers for equipment and supplies operated in
50 connection with the contracting business may be parked
51 on site at any one time. No more than twenty motor
52 vehicles may be parked on site at any one time.

53 (d) Offices may not be operated on site and no more than
54 twenty employees may be on site at any one time.

55 (e) Any parking lot lighting must be controlled by motion
56 sensors during evening hours.

57 * * *

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

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61 This is a correct copy of Council action.

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64 Selena Mendy Singleton, Esq.

65 Clerk of the Council