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.

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<thead>
<tr>
<th>USE OR USE GROUP</th>
<th>Definitions and Standards</th>
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<th>Rural Residential</th>
<th>Residential</th>
<th>Residential Detached</th>
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</table>

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
materials for the contracting business and tree installation, maintenance, or
removal. Landscape Contractor does not include Lawn Maintenance Service

B. Use Standard

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

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

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

(a) The minimum lot area is 2 acres.

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

(c) Commercial Vehicles, Heavy may not be parked on site.
No more than six Commercial Vehicles, Light and
trailers for equipment and supplies operated in connection with the contracting business may be parked on site at any one time. No more than twenty motor vehicles may be parked on site at any one time.

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

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

* * *

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

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.

Clerk of the Council