



Committee: PHED
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #LandscapeContractor, #LimitedUseStandards

AGENDA ITEM #2A
October 19, 2021
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 21-08, Landscape Contractor – Use Standards

Lead Sponsor: Council President Hucker

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

ZTA 21-08 will expand the definition for Landscape Contractor and allow it as a limited use in certain zones.

SUMMARY OF KEY DISCUSSION POINTS

- Landscape Contractor is a conditional use in the Agricultural, Rural Residential, Residential Estate, and R-200 zones.
- ZTA 21-08 will allow Landscape Contractor as a limited use in those zones if certain conditions are met, such as: a minimum lot area of 2 acres; building and parking setbacks of 50 feet; a limitation on commercial and motor vehicles; and other requirements.
- ZTA 21-08 will also add the growing of plant materials for the contracting business to the definition of Landscape Contractor.

This report contains:

Staff Report
ZTA 21-08

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Introduction

MEMORANDUM

October 14, 2021

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 21-08, Landscape Contractor – Use Standards

PURPOSE: Introduction

Zoning Text Amendment (ZTA) 21-08, Landscape Contractor – Use Standards, lead sponsor Council President Hucker, is scheduled to be introduced on October 19, 2021. ZTA 21-08 will expand the definition for Landscape Contractor and allow it as a limited use in certain zones.

Landscape Contractor is currently a conditional use in the Agricultural, Rural Residential, Residential Estate, and R-200 zones. ZTA 21-08 will add the growing of plant materials for the contracting business to the definition of Landscape Contractor. ZTA 21-08 will also allow Landscape Contractor as a limited use in those zones if certain conditions are met, such as: a minimum lot area of 2 acres; building and parking setbacks of 50 feet; a limitation on commercial and motor vehicles; and other requirements. The intent of this ZTA is to create a less cost-prohibitive process for landscaping companies, while placing certain limits on the sites where this use is located.

A public hearing is scheduled for November 30, 2021 at 1:30 p.m.

This packet contains:
ZTA 21-08

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Ordinance No.:
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:

**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.

60

61 This is a correct copy of Council action.

62

63

64 _____
Selena Mendy Singleton, Esq.

65 Clerk of the Council