



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item # 12**  
**3/20/08**

**DATE:** March 4, 2008  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief, Development Review  
Ralph Wilson, Zoning Supervisor  
**FROM:** Greg Russ, Zoning Coordinator  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To allow a landscape contractor as a permitted use in the C-T zone if the site adjoins a railroad right-of-way and any property recommended for commercial, industrial or public use.

**TEXT AMENDMENT:** No. 08-02  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Council President Knapp  
**INTRODUCED DATE:** February 26, 2008

**PLANNING BOARD REVIEW:** March 20, 2008  
**PUBLIC HEARING:** April 1, 2008; 1:30 pm

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**STAFF RECOMMENDATION:** Approve as submitted. The ZTA extends the opportunity for landscape contractors to operate in the C-T zone, under limited circumstances, on sites with minimal potential for impact on residential development.

**PURPOSE OF THE TEXT AMENDMENT**

To allow a landscape contractor as a permitted use in the C-T zone if the site adjoins a railroad right-of-way and any property recommended for commercial, industrial or public use.

**BACKGROUND/ ANALYSIS**

Currently, a landscape contractor use is permitted in the C-T zone if any part of the site adjoins property zoned I-1 and if the site adjoins any property recommended for commercial, industrial or public use. The sponsor of the text amendment proposes to extend this provision by allowing a landscape contractor use as a permitted use in the C-T zone if the site adjoins a railroad right-of-way and the site adjoins any property recommended for commercial, industrial or public use.

The proposed text amendment language is as follows:

#### 59-C-4.2. Land uses.

\* \* \*

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
(d) Commercial:												
* * *												
Landscape contractor.	P <sup>60</sup>											

- 60 Permitted if: (A) (1) any part of the site adjoins property zoned I-1, and (2) [adjoining] the site adjoins any [properties are] property recommended for commercial, industrial, or public use or (B)(1) any part of the site adjoins a railroad right-of-way; and (2) the site adjoins any property recommended for commercial, industrial, or public use. If the site adjoins a residential use, screening not less than 6 feet in height must be provided.

#### C-T Zone

The purpose of the C-T zone is to provide sites for low-intensity commercial buildings that, singly or in groups, provide an appropriate transition between one-family residential areas and high-intensity commercial development. The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area.

Permitted uses in the C-T Zone include: tourist homes, ambulance and rescue squads, banks and financial institutions, charitable or philanthropic institutions, child day care facilities, clinics, duplicating services, private educational institutions, elderly day care facilities, fire stations, general offices, libraries and museums, places of religious worship, publicly owned or publicly operated uses and landscape contractors under the parameters as discussed above.

The proposed inclusion of a landscape contractor use in the C-T zone where the use adjoins a railroad right-of-way appears consistent with the current provision that permits this use next to I-1 zoned properties. Both provisions require that the use also adjoin property recommended for commercial, industrial or public use thereby ensuring that the purpose of the C-T zone is maintained by minimizing the impact of non-residential uses on one-family residential areas. The impact of a landscape contractor use on residential areas is further minimized by a requirement for screening not less than six feet in height where the use adjoins residential uses. Staff believes that the parameters proposed by this text amendment are consistent with the current provisions for a landscape contractor use in the C-T zone.

#### C-T Zone Locations in the County

Currently there are 99 C-T zoned locations in the County. It appears from the zoning maps that approximately 13 of these sites either adjoin or are in close proximity to railroad right-of-ways and potentially eligible for use by a landscape contractor under the terms of the proposed ZTA. A majority of these sites are clustered in Germantown (near the MARC station), Kensington (near existing industrial property and/or near the MARC station) and Gaithersburg (near existing industrial property and/or near the Washington Grove MARC station). Attachment 2 depicts these locations in map form.

## **RECOMMENDATION**

Staff recommends approval of the proposed text amendment to allow a landscape contractor as a permitted use in the C-T zone if the site adjoins a railroad right-of-way and any property recommended for commercial, industrial or public use.

Attachment 1 depicts the proposed text amendment as proposed.

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### **Attachments**

1. Proposed Text Amendment 08-02
2. Maps Depicting C-T Zone Locations in the County

Zoning Text Amendment No: 08-02  
Concerning: Landscape Contractors in the  
CT zone  
Draft No. & Date: 1 – 2/21/08  
Introduced: February 26, 2008  
Public Hearing: April 1, 2008  
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: Council President Knapp

**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- allow a landscape contractor as a permitted use in the Commercial, Transitional (CT) if the site adjoins a railroad right-of-way and any property recommended for commercial, industrial, or public use; and
- generally amend the provision that allows a landscape contractor as permitted use in the zone under certain circumstances in the CT zone.

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

DIVISION 59-C-4    “COMMERCIAL ZONES”  
Section 59-C-4.2    “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:*

**Sec. 1. DIVISION 59-C-4 is amended as follows:**

**Division 59- C-4. COMMERCIAL ZONES**

\* \* \*

**Sec. 59-C-4.2. Land uses.**

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

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions under article 59-G.

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
* * *												
d) Commercial:												
* * *												
Landscape contractor.	P <sup>60</sup>											
* * *												

60 Permitted if: (A)(1) any part of the site adjoins property zoned I-1, and (2) [adjoining] the site adjoins any [properties are] property recommended for commercial, industrial, or public use or (B)(1) any part of the site adjoins a railroad right-of-way; and (2) the site adjoins any property recommended for commercial, industrial, or public use . If the site adjoins a residential use, screening not less than 6 feet in height must be provided.

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**Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of

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Council adoption.

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This is a correct copy of Council action.

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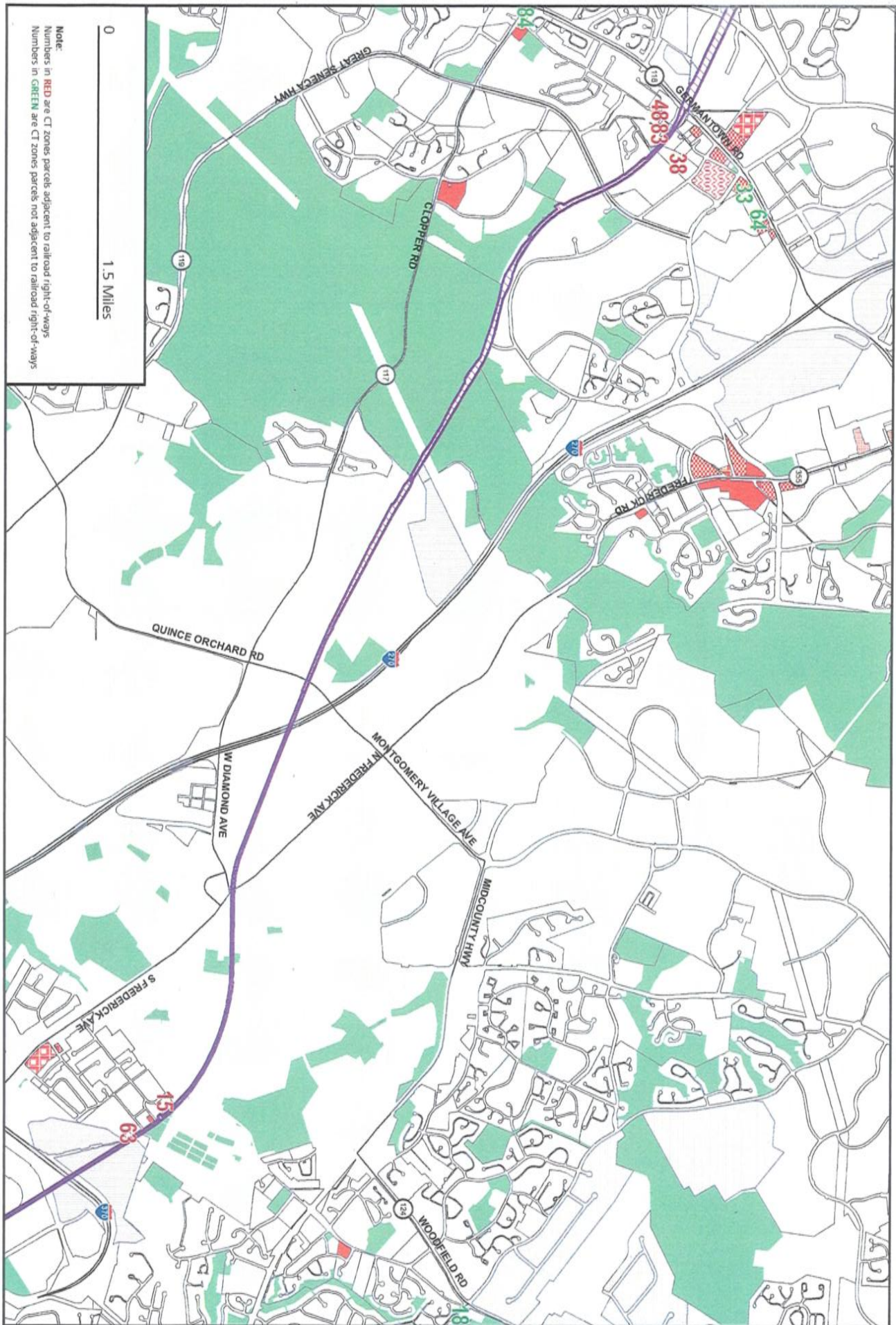
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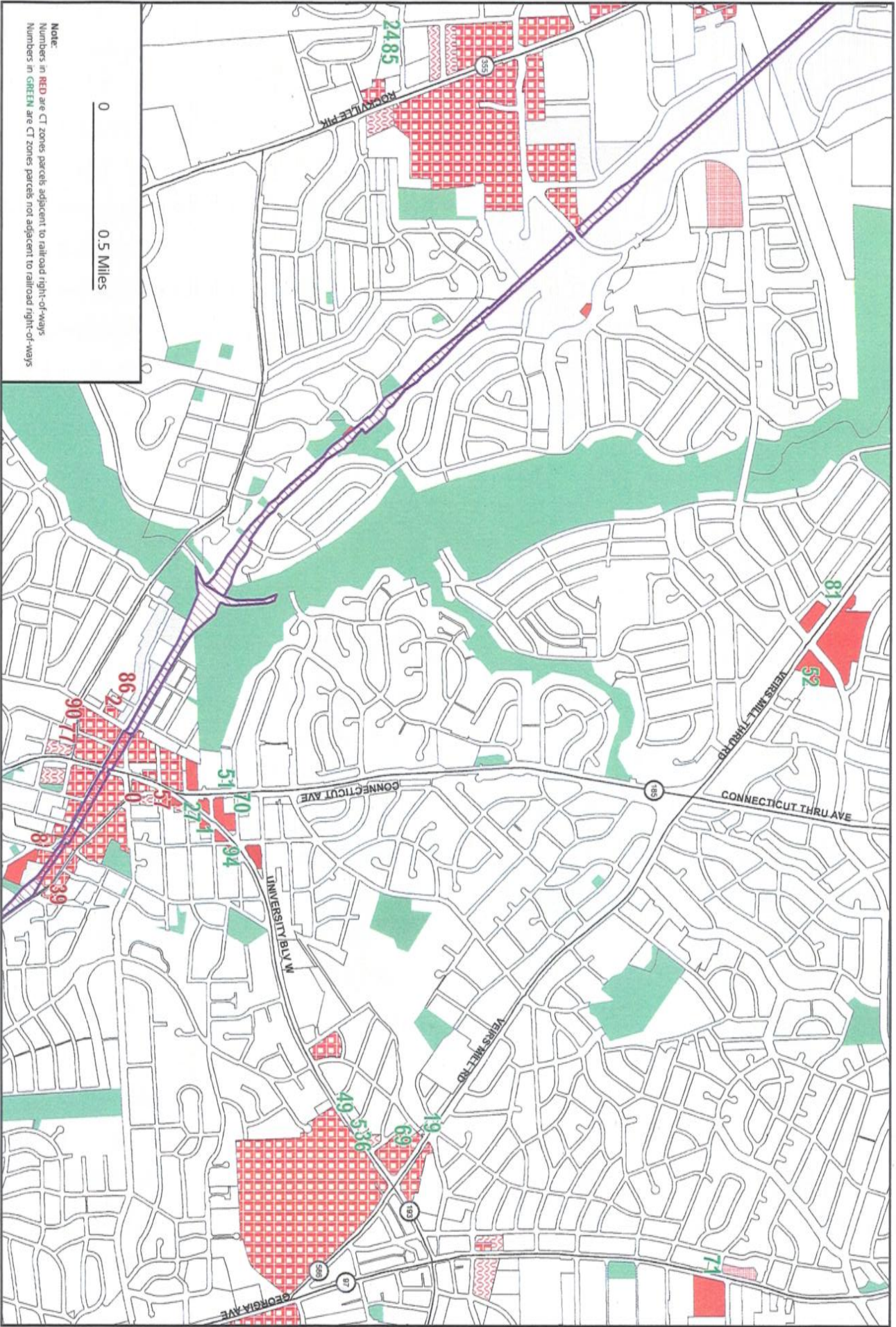
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Linda M. Lauer, Clerk of the Council









0 0.5 Miles

Note:  
Numbers in RED are CT zones parcels adjacent to railroad right-of-ways  
Numbers in GREEN are CT zones parcels not adjacent to railroad right-of-ways



ID	ACCT	ADDRESS	LOT SIZE	BUILDINGS
0	01020958	3711 PLYERS MILL RD, KENSINGTON 20895	8,462.9	Y
1	01025095	3706 PERRY AVE, KENSINGTON 20895	7,212.3	Y
2	01412436	0 WARFIELD ST, KENSINGTON 20895	6,115.7	N
3	03586207	3132 BRIGGS CHANEY RD, SILVER SPRING 20904	38,950.7	Y
4	00566932	4306 MONTGOMERY AVE, BETHESDA 20814	5,736.1	Y
5	01027152	2815 W UNIVERSITY BLV, KENSINGTON 20895	9,094.1	Y
6	00439714	7920 OLD GEORGETOWN RD, BETHESDA 20814	6,841.2	Y
7	00259328	3535 SPENCERVILLE RD, BURTONSVILLE 20866	35,887.1	Y
8	01018625	10408 MONTGOMERY AVE, KENSINGTON 20895	15,767.7	Y
9	00545176	4704 HIGHLAND AVE, BETHESDA 20814	9,200.1	Y
10	02893223	2907 W UNIVERSITY BLV, KENSINGTON 20895	14,939.3	Y
11	00925498	26040 WOODFIELD RD, DAMASCUS 20872	43,939.3	Y
12	00426040	4336 MONTGOMERY AVE, BETHESDA 20814	8,250.1	Y
13	00422576	4326 MONTGOMERY AVE, BETHESDA 20814	6,854.2	Y
14	01025107	3704 PERRY AVE, KENSINGTON 20895	7,872.0	Y
15	03186558	17051 OAKMONT AVE, GAITHERSBURG 20877	107,241.5	Y
16	00416928	4324 MONTGOMERY AVE, BETHESDA 20814	6,443.0	Y
17	00767247	0 MATENY RD, 0	15,315.5	N
18	03061482	7925 MUNCASTER MILL RD, GAITHERSBURG 20877	42,955.3	Y
19	00978281	11302 VEIRS MILL RD, SILVER SPRING 20902	8,058.0	Y
20	00055201	5510 EDSON LA, ROCKVILLE 20852	23,374.3	Y
21	01026853	11107 VALLEY VIEW AVE, KENSINGTON 20895	9,339.7	Y
22	00439782	7936 OLD GEORGETOWN RD, BETHESDA 20814	5,235.5	Y
23	02808910	0 WALTER JOHNSON RD, 0	115,396.2	N
24	00052424	5506 EDSON LA, ROCKVILLE 20852	22,550.8	Y
25	02172740	10110 SUTHERLAND RD, SILVER SPRING 20901	4,867.7	Y
26	01023575	3702 PERRY AVE, KENSINGTON 20895	6,959.1	Y
27	02373328	3750 W UNIVERSITY BLV, KENSINGTON 20895	17,452.9	Y
28	02628683	10230 NEW HAMPSHIRE AVE, SILVER SPRING 2090	104,616.1	Y
29	00530346	4711 MAPLE AVE, BETHESDA 20814	4,654.1	Y
30	02686084	10410 KENSINGTON PKW, KENSINGTON 20895	65,643.2	Y
31	00566511	4310 MONTGOMERY AVE, BETHESDA 20814	6,365.2	Y
32	00434038	4340 MONTGOMERY AVE, BETHESDA 20814	7,663.9	Y
33	02440100	19735 GERMANTOWN RD, GAITHERSBURG 20878	26,546.9	N
34	01412447	0 WARFIELD ST, KENSINGTON 30895	7,332.2	N

35	00440176	7930 OLD GEORGETOWN RD, BETHESDA 20814	5,255.6	Y
36	01027287	0 E UNIVERSITY BLV, 0	6,188.5	N
37	00566794	4312 MONTGOMERY AVE, BETHESDA 20814	6,906.6	Y
38	02805186	12774 WISTERIA DR, GERMANTOWN 20874	315,751.8	Y
39	02504348	10403 KENSINGTON PKW, 0	14,569.6	N
40	00249898	0 OLD COLUMBIA PIK, BURTONSVILLE 20866	5,742.7	N
41	03263794	1751 ELTON RD, SILVER SPRING 20903	48,883.6	Y
42	01412425	10513 WARFIELD ST, KENSINGTON 20895	6,671.6	Y
43	02278106	6290 MONTROSE RD, ROCKVILLE 20852	17,720.7	Y
44	00425876	4328 MONTGOMERY AVE, BETHESDA 20814	6,708.6	Y
45	01026886	2901 W UNIVERSITY BLV, KENSINGTON 20895	16,505.5	Y
46	00516185	4425 MONTGOMERY AVE, BETHESDA 20814	7,787.2	Y
47	00437852	4332 MONTGOMERY AVE, BETHESDA 20814	7,652.6	Y
48	00776366	19323 LIBERTY MILL RD, GERMANTOWN 20874	8,688.8	Y
49	02893234	2909 W UNIVERSITY BLV, KENSINGTON 20895	13,899.8	Y
50	02905366	10516 WARFIELD ST, 0	3,452.7	N
51	02460233	10812 CONNECTICUT AVE, KENSINGTON 20895	28,061.6	Y
52	00977823	12125 VEIRS MILL RD, SILVER SPRING 20906	78,264.6	Y
53	00267102	3537 SPENCERVILLE RD, BURTONSVILLE 20866	47,651.7	Y
54	01412458	0 WARFIELD ST, KENSINGTON 31895	6,951.7	N
55	03181820	5420 EDSON LA, ROCKVILLE 20852	40,505.8	Y
56	00250795	15330 OLD COLUMBIA PIK, 0	3,530.2	N
57	01023212	10613 CONCORD ST, KENSINGTON 20895	7,762.4	Y
58	01027061	2813 W UNIVERSITY BLV, KENSINGTON 20895	6,736.5	Y
59	01621174	13415 CONNECTICUT AVE, SILVER SPRING 20906	28,303.2	Y
60	00049266	5504 EDSON LA, ROCKVILLE 20852	24,780.9	Y
61	01817703	6200 MONTROSE RD, ROCKVILLE 20852	134,593.0	Y
62	01020960	3709 PLYERS MILL RD, KENSINGTON 20895	6,314.6	Y
63	00774892	16950 OAKMONT AVE, GAITHERSBURG 20877	22,193.0	Y
64	03289036	0 GERMANTOWN RD, 0	63,176.1	Y
65	00487798	4804 MOORLAND LA, BETHESDA 20814	4,602.1	Y
66	02897196	11331 AMHERST AVE, SILVER SPRING 20902	17,072.7	Y
67	01412083	10500 SUMMIT AVE, KENSINGTON 20895	24,413.1	Y
68	02923547	6111 TULANE AVE, GLEN ECHO 20812	4,653.7	Y
69	01026977	11223 EAST AVE, KENSINGTON 20895	7,597.1	Y
70	02670864	10901 CONNECTICUT AVE, KENSINGTON 20895	26,316.5	Y



71	02897208	12020	GEORGIA AVE, SILVER SPRING 20902	17,682.6	N
72	01041153	809	EASLEY ST, SILVER SPRING 20910	6,893.5	Y
73	00315755	10801	COLUMBIA PIK, SILVER SPRING 20901	119,233.1	Y
74	00433284	4334	MONTGOMERY AVE, BETHESDA 20814	8,405.1	Y
75	00567366	4308	MONTGOMERY AVE, BETHESDA 20814	6,036.8	Y
76	01840116	10831	LOCKWOOD DR, SILVER SPRING 20901	73,057.6	N
77	01022137	3930	KNOWLES AVE, KENSINGTON 20895	25,417.8	Y
78	01131653	3608	DECATUR AVE, KENSINGTON 20895	7,534.4	Y
79	02416213	4400	MONTGOMERY AVE, BETHESDA 20814	67,384.9	Y
80	00418120	4338	MONTGOMERY AVE, BETHESDA 20814	8,129.5	Y
81	02798251	12226	VEIRS MILL RD, SILVER SPRING 20906	27,724.2	Y
82	00530530	4712	ROSEDALE AVE, BETHESDA 20814	4,769.0	Y
83	00767247	0	MATENY RD, 0	23,070.0	N
84	03349723	0	CLOPPER RD, 0	44,404.5	N
85	00048397	5500	EDSON LA, ROCKVILLE 20852	27,884.2	Y
86	01412505	10518	WARFIELD ST, KENSINGTON 20895	21,454.0	Y
87	00706637	3420	N HIGH ST, OLNEY 20832	7,577.3	Y
88	01412460	10519	WARFIELD ST, KENSINGTON 20895	7,313.7	Y
89	00567457	4314	MONTGOMERY AVE, BETHESDA 20814	6,429.4	Y
90	01022811	4000	KNOWLES AVE, KENSINGTON 20895	11,533.9	Y
91	00435261	4330	MONTGOMERY AVE, BETHESDA 20814	7,054.5	Y
92	00510862	6112	OBERLIN AVE, GLEN ECHO 20812	4,738.7	Y
93	01680036	3511	SPENCERVILLE RD, BURTONSVILLE 20866	21,952.1	Y
94	01131664	3606	DECATUR AVE, KENSINGTON 20895	7,938.1	Y
95	00056342	2011	E JEFFERSON ST, ROCKVILLE 20852	170,290.2	Y
96	00528616	4710	ROSEDALE AVE, BETHESDA 20814	5,052.6	Y
97	00529507	4709	MAPLE AVE, BETHESDA 20814	4,889.7	Y
98	00530335	4713	MAPLE AVE, BETHESDA 20814	4,425.2	Y