



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

MCPB
Item #6
1/29/09

DATE: January 15, 2009
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 delete or revise the date restrictions for Christmas tree sales

TEXT AMENDMENT: No. 08-18
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: District Council at the request of the County Executive
INTRODUCED DATE: December 9, 2008

PLANNING BOARD REVIEW: January 29, 2009
PUBLIC HEARING: February 3, 2009, 1:30 p.m.

STAFF RECOMMENDATION: APPROVAL

BACKGROUND/ ANALYSIS

Currently Christmas tree sales are permitted only between December 5 and December 25. The County Executive has requested the proposed zoning text amendment for the purpose of repealing calendar restrictions on the sale of Christmas trees in certain residential, commercial, agricultural and mixed use zones (every zone where this restriction exists). The County Executive's position is that a calendar restriction on Christmas tree sales is unnecessary given the limited duration of the Christmas season and the limited life of the cut trees. Staff believes that there is merit to eliminating the date restrictions given the self-regulating nature of the use and therefore we have no objection to the proposed amendment. However, if the Planning Board decides that a calendar restriction should be retained on the sale of Christmas trees, an option may be to have it coincide with the period between Thanksgiving and December 25.

The text amendment as introduced is included as Attachment 1 to the staff report.

Attachments

1. Proposed Text Amendment 08-18

ATTACHMENT 1

Zoning Text Amendment No: 08-18
Concerning: Land Use – Christmas Tree
Sales
Draft No. & Date: 1-12/8/08
Introduced: December 9, 2008
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

By: District Council at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- delete or revise the date restrictions for Christmas tree sales; and
- generally amend the provisions for Christmas tree sales and the sale of seasonal decorations.

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

DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.31	“Land uses”
Section 59-C-1.71	“Land uses”
DIVISION 59-C-4	“COMMERCIAL ZONES”
Section 59-C-4.2	“Land uses”
DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.3	“Land uses”
DIVISION 59-C-10	“RMX ZONES—RESIDENTIAL MIXED USE DEVELOPMENT”
Section 59-C-10.3.2	“Land uses”

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 that text is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by 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:

1 **Sec. 1. DIVISION 59-C-1 is amended as follows:**
 2 **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

3 * * *

4 **59-C-1.31. Land uses.**

5 * * *

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4 plex	RMH 200
(c) Commercial.										
Antique shops.	SE		SE	SE						SE
Christmas [trees, sale of between December 5 and December 25] <u>tree sales.</u>	P		P	P	P	P	P	P	P	P

6
 7 * * *

8 **59-C-1.71. Land uses.**

9 * * *

	R-T 6.0	R-T 8.0	R-T 10.0	R-T 12.5	R-T 15.0
(c) Commercial.					
Christmas [trees, sale of, between December 5 and December 25] <u>tree sales.</u>	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵

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 11 * * *

12 **Sec. 2. DIVISION 59-C-4 is amended as follows:**

13 **DIVISION 59-C-4. COMMERCIAL ZONES.**

14 * * *

15 **59-C-4.2. Land uses.**

16 * * *

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
(g) Resource production and extraction:												
Agricultural uses.												P
Christmas [trees, sale of between 12/5 and 12/25] <u>tree sales.</u>										P		P

17
 18 * * *

19 **Sec. 3. DIVISION 59-C-9 is amended as follows:**

20 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

1 * * *

2 **59-C-9.3. Land uses.**

3 * * *

	Rural	RC	LDRC	RCT	RS	RNC	RNC/-TDR
(c) Agricultural-Commercial:							
Blacksmith. ⁴	SE	SE ²	SE ²	SE	P	P ²	P ²
Christmas tree sales [between December 5 and 25].	P	P	P	P	P	P ²	P ²

4

5 * * *

6 **Sec. 4. DIVISION 59-C-10 is amended as follows:**

7 **DIVISION 59-C-10. RMX ZONES—RESIDENTIAL MIXED USE DEVELOPMENT.**

8 * * *

9 **59-C-10.3.2 Land uses.**

10 * * *

	RMX-1 RMX-1/TDR	RMX-2 RMX-2/TDR	RMX-2C RMX-2C/ TDR ¹⁴	RMX-3 RMX-3/TDR	RMX-3C
(f) Resource Production and Extraction:					
Christmas [trees,] tree sales [of, between 12/5 — 12/25].	P	P	P	P	P

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12 * * *

13 **Sec. 5. Effective Date.** This ordinance takes effect immediately upon the date of Council
14 adoption.

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16 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council