

Ordinance No.: 18-49
Zoning Text Amendment No.: 18-09
Concerning: Landscape Contractors –
Rural Cluster Zone
Draft No. & Date: 2 – 7/11/2018
Introduced: July 17, 2018
Public Hearing: September 11, 2018
Adopted: October 2, 2018
Effective: October 22, 2018

**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: Councilmembers Hucker and Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the definition of landscape contractor;
- amend the provision for exempted lots, parcels, and buildings in the Rural Cluster zone as it affects landscape contractors; and
- generally amend the provisions for landscape contractors

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

Division 3.5.	“Commercial Uses”
Section 3.5.5.	“Landscape Contractors”
Division 7.7.	“Exemptions and Nonconformities”
Section 7.7.1.	“Exemptions”

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.*

OPINION

Zoning Text Amendment No. 18-09 was introduced on July 17, 2018. ZTA 18-09 would amend the definition of Landscape Contractor. It would also allow landscape contractors existing before October 31, 2014 in the Rural Cluster zone to be a permitted use under certain circumstances; any master plan impervious surface limits apply, retail uses would be prohibited, and expansions would not be allowed.

In its report to the Council, the Montgomery County Planning Board recommended approval as introduced. The Board's recommendation endorsed the opinion of Planning staff. Councilmembers Hucker and Floreen asked the Planning Department to examine land uses and activities in the Burtonsville area. The Planning Director responded to that request on May 16, 2018. A master plan amendment was not recommended because the only logical outcome of such an amendment would be the reaffirmation of the existing zones. The Director suggested that "a narrowly targeted zoning text amendment may be the only appropriate way to resolve inconsistencies among land uses along Sandy Spring Road." ZTA 18-09 responds to that recommendation.

The Council's public hearing was conducted on September 11, 2018. All testimony supported ZTA 18-09.

The Council referred the text amendment to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on September 13, 2018. The Committee recommended approving ZTA 18-09 as introduced. The Committee considered and rejected the idea of requiring a conditional use for pre-existing landscape contractors.

The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 18-09 will be approved as introduced.

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 59-3.5 is amended as follows:

Division 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 [landscaping] activities intended to enhance the appearance or usefulness of outdoor areas [and]. 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 tree installation, maintenance, or removal. Landscape Contractor does not include Lawn Maintenance Service (see Section 3.5.14.G, Lawn Maintenance Service).

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Sec. 2. DIVISION 59-7.7 is amended as follows:

DIVISION 7.7. Exemptions and Nonconformities

Section 7.7.1. Exemptions

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D. Residential Lots and Parcels

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8. Exempted Lots, Parcels, and Buildings in the Rural Cluster Zone

* * *

- c. Any parcel with an existing building on October 30, 2014 is exempt from the minimum lot area and frontage requirement.

Any existing building located on any lot or parcel on October 30, 2014 is exempt from the minimum side setbacks of the zone.

d. Any landscape contractor in the RC zone in operation on October 30, 2014 is a permitted use if it satisfies any master plan or zoning impervious surface limits and is not required to obtain a conditional use, unless:

- i. the on-site operation as of October 30, 2014 is expanded or enlarged;
- ii. the on-site operation is diversified to include retail facilities or related uses not in operation before October 30, 2014; or
- iii. the operation is discontinued for a period of 6 months or more.

* * *

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

This is a correct copy of Council action.



Megan Davey Limarzi, Esq.

Clerk of the Council