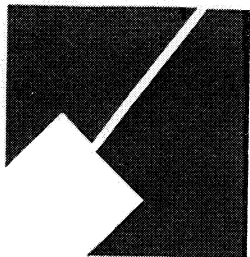


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MCPB  
Item #9  
6/12/03

**DATE:** June 6, 2003  
**TO:** Montgomery County Planning Board  
**VIA:** Joseph R. Davis, Chief, Development Review  
**FROM:** Greg Russ, Zoning Coordinator  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To permit a landscape contractor use in the C-T and I-1 zones; and establishing certain requirements for a landscape contractor to locate in the C-T zone.

**TEXT AMENDMENT:** No. 03-10  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Floreen  
**INTRODUCED DATE:** May 13, 2003

**PLANNING BOARD REVIEW:** June 12, 2003  
**PUBLIC HEARING:** June 17, 2003; 1:30 pm

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**STAFF RECOMMENDATION:** DENIAL

**PURPOSE OF THE TEXT AMENDMENT**

To permit a landscape contractor use in the C-T and I-1 zones; and establishing certain requirements for a landscape contractor to locate in the C-T zone.

**BACKGROUND**

John Shorb Landscaping, Inc. currently operates near the intersection of Warfield Street with Howard Avenue in the Kensington area (see Attachment 2). The properties include one single recorded lot located along Howard Avenue (Lot 13) and part of lots 2, 10 and 11 with frontage on Warfield Street. Lot 13 is zoned I-1 while the remainder of the site is zoned C-T. The business office is located along the Warfield Street C-T Zoned portion of the site in an existing former single-family residence. The I-1 area of the site is used as a contractor's storage yard while the rear 80± feet of the C-T Zoned site is used for contractor's storage as a nonconforming use. The property owner would like to make improvements to the site by consolidating the

parcels and constructing a combination office and storage building. The proposal would be categorized as a landscape contractor use which is not permitted in either the C-T or I-1 Zone. Certain limitations are proposed on permitting a landscape contractor use in the C-T Zone while the use in the I-1 Zone would be permitted by right. Further discussion is included in the Analysis section below.

**ANALYSIS**

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
<b>(d) Commercial:</b>												
Jewelry stores.					P	P		P		P		
<u>Landscape contractor.</u>	P*											

\* Permitted only if adjoining properties are recommended for commercial, industrial or public use on an approved and adopted Master Plan. Where a landscape contractor use adjoins a residential use, screening not less than 6 feet in height must be provided.

**Sec. 2. Division 59-C-5 is amended as follows:**

**DIVISION 59-C-5. INDUSTRIAL ZONES.**

**59-C-5.2. Land uses.**

\* \* \*

	I-1	I-2	I-3	I-4	R&D	LSC
<b>(e) Services.</b>						
* * *						
Laboratories.	P		P	P	P	P
<u>Landscape contractor.</u>	P					

As seen in the proposed language, a landscape contractor use in the C-T Zone would be permitted only if the adjoining properties are recommended for commercial, industrial or public use on an approved and adopted Master Plan. In addition, where this use 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: 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, places of religious worship and publicly owned or publicly operated uses. The proposed inclusion of a landscape contractor use in the Commercial, Transitional (C-T) zone appears inconsistent with the existing permitted uses and the purpose of the zone. Although the footnote limits the use to locations that adjoin properties recommended in the Master Plan for commercial, industrial and public use, the purpose of the C-T Zone clearly limit the uses to appropriate transitional uses. Staff does not believe that a landscape contractor use fits this statement.

### **I-1 Zone**

Permitted uses in the I-1 (light industrial) Zone include: bottling plants, contractor storage yards, fuel storage yards, manufacturing, compounding, assembling and packaging of various products, research and development activities, lumberyards, to name a few. Staff believes that a landscape contractor use is consistent with permitted I-1 uses.

### **Master and Sector Plan Conformance**

The property spearheading the proposed text amendment is mentioned as part of a number of lots zoned I-1 and R-60 at that time and recommended in the 1989 Approved and Adopted Master Plan For the Communities of Kensington-Wheaton as suitable for the C-T Zone. This area will provide a transition between residential and commercial areas on land no longer considered viable for single-family use. The Plan gave the property owners the option of developing the parcels that were at that time zoned I-1 for industrial use or rezoning these parcels to the C-T Zone either by Sectional Map Amendment (SMA) or by local map amendment at a later date.

### **RECOMMENDATION**

The staff does not support the proposed text amendment to permit a landscape contractor use in the C-T and I-1 zones and establishing certain requirements for a landscape contractor to locate in the C-T zone. The C-T Zone is typically found on the edges of commercial areas and one-family residential areas. The zone is intended to accommodate low-intensity commercial activities that will have minimal effect on the existing neighborhoods. This text amendment would allow a use that would have truck and employee activity that would not be consistent with the transitional nature of the zone. Staff would, however, have no objection to permitting a landscape contractor use in the I-1 Zone, consistent with existing permitted uses in the zone.

Attachment 1 depicts the proposed text amendment as proposed.

**GR**

**Attachments**

- 1. Proposed Text Amendment 03-10**
- 2. Tax and Zoning Section Map of the John Shorb Landscaping, Inc. Property in Kensington**

ATTACHMENT 1

Zoning Text Amendment No: 03-10  
Concerning: Landscape contractor, C-T and I-1 zones  
Draft No. & Date: 1 – 5/13/03  
Introduced: May 13, 2003  
Public Hearing: June 17, 2003; 1:30 PM  
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

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By: Councilmember Floreen

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AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- permitting a landscape contractor use in the C-T and I-1 zones; and,
- establishing certain requirements for a landscape contractor to locate in the C-T 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”  
DIVISION 59-C-5 “INDUSTRIAL ZONES”  
Section 59-C-5.2 “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:*

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

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

3   **59-C-4.2. Land uses.**

4   \* \* \*

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

5 \_\_\_\_\_

6   \* Permitted only if adjoining properties are recommended for commercial,

7       industrial or public use on an approved and adopted Master Plan. Where a

8       landscape contractor use adjoins a residential use, screening not less than 6

9       feet in height must be provided.

11           **Sec. 2. Division 59-C-5 is amended as follows:**

12   **DIVISION 59-C-5. INDUSTRIAL ZONES.**

13   **59-C-5.2. Land uses.**

14   \* \* \*

	I-1	I-2	I-3	I-4	R&D	LSC
<b>(e) Services.</b>						
* * *						
Laboratories.	P		P	P	P	P
<u>Landscape contractor.</u>	P					

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

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19 This is a correct copy of Council action.

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24 Mary A. Edgar, CMC

25 Clerk of the Council

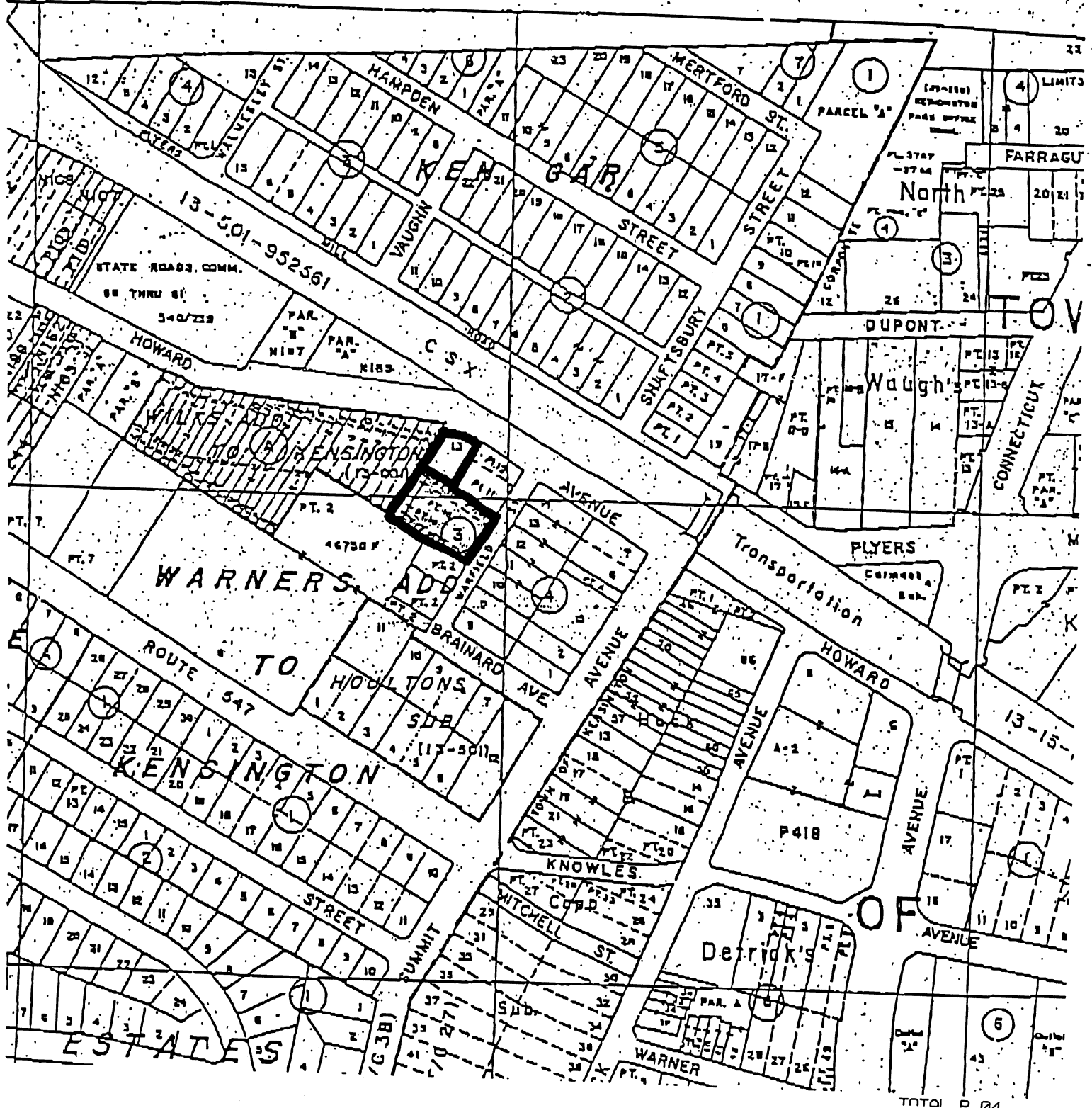


Attachment 1

ATTACHMENT 2

HQ 341

H 4





TOWN OF KENSINGTON CC

ROCK CREEK PARK UNIT NO. 4

