



**Zoning Text Amendment (ZTA) No. 19-05, Industrial Zones – Landscape Contractors**

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**Completed: 06/13/19**

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**Description**

Zoning Text Amendment (ZTA) 19-05 would allow Landscape Contractors as a permitted use in all Industrial zones.

**Summary**

**Staff provides the following comments on ZTA 19-05 to allow Landscape Contractors as a permitted use in all Industrial zones.**

- **Staff has no objection to allowing this use in the IH zone.**
- **Staff believes that a Landscape Contractor in the IL zone should be allowed as a Limited Use, with two provisions: that any building and parking setbacks, including loading areas and other site operations be located a specified distance from any residentially zoned land (staff suggests a 50 feet distance); that access to the site from a street with a residential classification be prohibited.**

**Background/Analysis**

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 tree installation, maintenance, or removal. Landscape Contractor does not include Lawn Maintenance Service (see Section 3.5.14.G, Lawn Maintenance Service).

Under the current Zoning Code, Landscape Contractor is a permitted use in the Moderate Industrial (IM) zone but requires approval of a conditional use in the Agricultural, Rural Residential and the large lot Residential Detached zones (RE-2, RE-2C, RE-1 and R-200). ZTA 19-05 proposes to allow a Landscape Contractor as a permitted use also in the Light Industrial (IL) and Heavy Industrial (IH) zones. Staff has no objection to allowing this use in the IH zone given that this zone is intended to provide land for industrial activities that may create significant noise, dust, vibration, glare, odors, and other adverse environmental impacts.

Staff has some concern with regard to the IL zone, given that the IL zone may serve as a transition to Residential Zones, as stated in Zoning Ordinance §59.4.8.1.A. below:

*The IL zone is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal. **The IL zone is appropriate as a transitional Industrial zone between a Residentially zoned area and land classified in the IM and IH zones.***

Staff, however, also recognizes that the Zoning Ordinance currently allows certain uses (as Permitted Uses) in the IL zone that provide services that can have impacts similar to those of a Landscape Contractor use (storage of vehicles, equipment, and supplies at the business location) including a Storage Facility<sup>1</sup>, Light Vehicle Sales and Rental (Outdoor)<sup>2</sup>, Repair (Commercial Vehicle)<sup>3</sup>, and Repair (Major)<sup>4</sup>.

Staff believes that one option that could assist in minimizing adverse impacts of the use where surrounding properties are zoned residential, would be to allow a Landscape Contractor as a Limited Use in the IL zone, with a provision that any building and parking setbacks, including loading areas and other site operations be located a specified distance from any residentially zoned land (for example, under the Conditional use provisions in the Agricultural, Rural Residential, and Residential Detached zones, a Landscape Contractor use must be located a minimum distance of 50 feet from any property line). Staff would also suggest that access to the site from a street with a residential classification be prohibited.

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<sup>1</sup> Storage Facility means any structure and land for the short- or long-term storage of goods or equipment, not including Self-Storage (See Section 3.6.8.D, Self-Storage).

<sup>2</sup> Light Vehicle Sales and Rental (Outdoor) means the sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving, outside of a building. Light Vehicle Sales and Rental (Outdoor) includes the repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors. Light Vehicle Sales and Rental (Outdoor) includes outdoor storage of vehicles for sale, and an accessory car wash for vehicles and equipment for sale, rent, or lease.

<sup>3</sup> Repair (Commercial Vehicle) means the repair, service, or accessory installation for aircraft or commercial vehicles, including box trucks, 18-wheelers, and construction and other heavy equipment. Repair (Commercial Vehicle) includes the sale of fuel for aircraft.

<sup>4</sup> Repair (Major) means an establishment where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Repair (Major) does not include repair or services for commercial vehicles or heavy equipment (see Section 3.5.13.D, Repair (Commercial Vehicle)).

## 2. Use Standards

- a. Where Repair (Major) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Residential that is vacant or improved with a residential use, it is subject to the following standards:
  - i. All buildings must be set back a minimum of 100 feet from the abutting residential lot line.
  - ii. All parking and storage for vehicles must be set back a minimum of 50 feet from the abutting residential lot line.
  - iii. The minimum site is 20,000 square feet if not fully contained in a structure.
  - iv. Access to the site from a street with a residential classification is prohibited.

The proposed limited use provisions could be added to Section 3.5.5.B. (Landscape Contractor, Use Standards) should the County Council decide to take this approach.

**Attachments**

1. ZTA No. 19-05 as introduced

# ATTACHMENT 1

Zoning Text Amendment No.: 19-05  
Concerning: Industrial Zones –  
Landscape Contractors  
Draft No. & Date: 1 - 5/15/19  
Introduced: May 23, 2019  
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**

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Lead Sponsors: Councilmember Hucker and Council Vice President Katz  
Co-Sponsors: Councilmember Jawando and Council President Navarro

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

- allow Landscape Contractors as a permitted use in all Industrial zones; and
- generally amend the standards for allowing Landscape Contractors in Industrial zones

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

Division 3.1. "Use Table"  
Section 3.1.6. "Use Table"

**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:*



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9           **Sec. 2. Effective date.** This ordinance becomes effective on the date of

10 Council adoption.

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12 This is a correct copy of Council action.

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15 Megan Davey Limarzi, Esq.

16 Clerk of the Council