

AGENDA ITEM #5


February 26, 2008

**Introduction**

**MEMORANDUM**

February 22, 2008

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

SUBJECT: Introduction – Zoning Text Amendment 08-02,  
Landscape Contractors – Commercial, Transitional (CT) Zone

Zoning Text Amendment (ZTA) 08-02 is being sponsored by Council President Knapp. ZTA 08-02 would amend the Zoning Ordinance to allow a landscape contractor as a permitted use in the Commercial, Transitional (CT) zone if a site adjoins a railroad right-of-way and any property recommended for commercial, industrial, or public use. Currently, a landscape contractor is a permitted use in the CT zone if the site adjoins I-1 zoned property and property recommended for commercial, industrial, or public use.

A public hearing on ZTA 08-02 is scheduled for April 1, 2008 at 1:30 pm.

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:*

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

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

3           \*   \*   \*

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

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

6  
7           -Permitted Uses. Uses designated by the letter "P" are permitted on any lot  
8           in the zones indicated, subject to all applicable regulations.

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

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	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>											
* * *												

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14   60   Permitted if: (A)(1) any part of the site adjoins property zoned I-1, and (2)  
15   [adjoining] the site adjoins any [properties are] property recommended for  
16   commercial, industrial, or public use or (B)(1) any part of the site adjoins a railroad  
17   right-of-way; and (2) the site adjoins any property recommended for commercial,  
18   industrial, or public use . If the site adjoins a residential use, screening not less  
19   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 Council adoption.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

Resolution No:  
Introduced: February 26, 2008  
Adopted: February 26, 2008

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND

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By: District Council

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Subject: Notice of Public Hearing on Zoning Text Amendment 08-02

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within thirty days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.
2. Zoning Text Amendment No. 08-02, which would amend the Zoning Ordinance to allow a landscape contractor as a permitted use in the Commercial, Transitional (CT) zone if a site adjoins a railroad right-of-way and any property recommended for commercial, industrial, or public use, was introduced on February 26, 2008.

Action

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 resolution:

Legal notice will be given of the public hearing to be held on April 1, 2008 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council