



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

MCPB
Item #13
7/10/08

DATE: July 1, 2008
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review
Ralph Wilson, Zoning Supervisor
Greg Russ, Zoning Coordinator
FROM: [Handwritten initials: RW, GR, RK]
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To allow a landscape contractor as a permitted use in the C-2 zone if the site abuts a railroad right-of-way and does not abut or confront any lot or parcel zoned or used for a residential purpose.

TEXT AMENDMENT: No. 08-12
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Floreen
INTRODUCED DATE: June 10, 2008

PLANNING BOARD REVIEW: July 10, 2008
PUBLIC HEARING: July 15, 2008; 1:30 pm

STAFF RECOMMENDATION: Approve as submitted. The ZTA extends the opportunity for landscape contractors to operate in the C-2 zone, under limited circumstances, on sites with minimal potential for impact on residential development.

PURPOSE OF THE TEXT AMENDMENT

To allow a landscape contractor as a permitted use in the C-2 zone if the site adjoins a railroad right-of-way and the site does not abut or confront any lot or parcel zoned or used for a residential purpose.

BACKGROUND/ ANALYSIS

Currently, a landscape contractor is permitted in the C-T zone if any part of the site adjoins property zoned I-1 and the site adjoins any property recommended for commercial, industrial or public use. In addition, on June 26, 2008, Text Amendment No. 08-02 was recommended for approval by the Council PHED Committee that proposes to extend this provision by allowing a landscape contractor as a permitted use in the C-T zone if the site adjoins a railroad right-of-way and the site adjoins any property recommended for commercial, industrial or public use. The

subject ZTA follows a similar rationale by permitting a landscape contractor in the C-2 zone next to railroad right-of-way, but not abutting or confronting residentially zoned or used property.

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
(d) Commercial:												
* * *												
Landscape contractor.	P ⁶⁰					<u>P*</u>						

* Abutting a railroad right-of-way and not abutting or confronting any lot or parcel zoned or used for a residential purpose.

C-2 Zone

It is the purpose of this zone to provide locations for general commercial uses representing various types of retail trades, businesses and services for a regional or local area. Typical locations for such uses shall include: central urban commercial areas, regional shopping centers and clusters of commercial development. A further purpose of this zone is to promote the effective use of transit facilities in Central Business Districts by encouraging housing with commercial uses in close proximity to Metro stations located in Central Business Districts.

Some of the permitted uses in the C-2 Zone include: tourist homes, ice storage, automobile parking garages, aboveground and underground pipelines, antique shops, building materials and supplies, department stores, eating and drinking establishment, excluding a drive-in, farm implements, storage and sales, feed and grain, storage and sales, florists, garden supply shops, hardware stores, ambulance and rescue squads, appliance repair shops, banks and financial institutions, charitable or philanthropic institutions, child day care facilities, clinics, dry cleaning and laundry establishments consisting of no more than 3,000 square feet of gross floor area, duplicating services, private educational institutions, elderly day care facilities, fire stations, funeral parlors or undertaking establishments, general offices, libraries and museums, places of religious worship, industrial and commercial uses wholly enclosed and self-storage facilities.

The proposed inclusion of a landscape contractor use in the C-2 zone where the use abuts a railroad right-of-way appears consistent with the current and proposed provisions in the C-T zone (a less intensely developed zone) that also require this use to be located next to non-residentially zoned properties. As with the C-T zone, the proposed provisions in the C-2 zone minimize the impact of non-residential uses on one-family residential areas. Staff believes that

the parameters proposed by this text amendment are consistent with the current provisions for a landscape contractor use in the C-T zone.

Impacted C-2 Zone Locations in the County

It appears from the zoning maps that approximately six C-2 zoned sites abut railroad right-of-way and are potentially eligible for use by a landscape contractor under the terms of the proposed ZTA. A majority of these sites are clustered in Kensington (5 near existing industrial and C-2 property and near the MARC station) and Rockville (near existing industrial property in the White Flint Industrial Park). Attachment 2 depicts these locations in map form.

RECOMMENDATION

Staff recommends approval of the proposed text amendment to allow a landscape contractor as a permitted use in the C-2 zone if the site abuts a railroad right-of-way and does not abut or confront any lot or parcel zoned or used for a residential purpose.

Attachment 1 depicts the proposed text amendment as proposed.

GR

Attachments

1. Proposed Text Amendment 08-12
2. Maps Depicting affected C-2 Zone Locations in the County

ATTACHMENT 1

Zoning Text Amendment No.: 08-12
Concerning: Landscape Contractors –
General Commercial (C-2) Zone
Draft No. & Date: 1-5/30/2008
Introduced: June 10, 2008
Public Hearing: July 15, 2008
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**

By: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- allow a landscape contractor as a permitted use in the General Commercial (C-2) Zone under certain circumstances.

By amending the following sections 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"

<p>EXPLANATION:</p> <p><i>Boldface</i> indicates a heading or a defined term.</p> <p><u><i>Underlining</i></u> indicates text that is added to existing laws by the original text amendment.</p> <p><i>[Single boldface brackets]</i> indicate text that is deleted from existing law by the original text amendment.</p> <p><u><i>Double underlining</i></u> indicates text that is added to the text amendment by amendment.</p> <p><i>[[Double boldface brackets]]</i> indicate text that is deleted from the text amendment by amendment.</p> <p><i>* * *</i> indicates existing law unaffected by the text amendment.</p>
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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.

9

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

12

	C-T	C-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.	P60					<u>P*</u>						
* * *												

13

14 * Abutting a railroad right-of-way and not abutting or confronting any lot or parcel zoned
15 or used for a residential purpose.

16 * * *

17 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
18 Council adoption.

19 This is a correct copy of Council action.

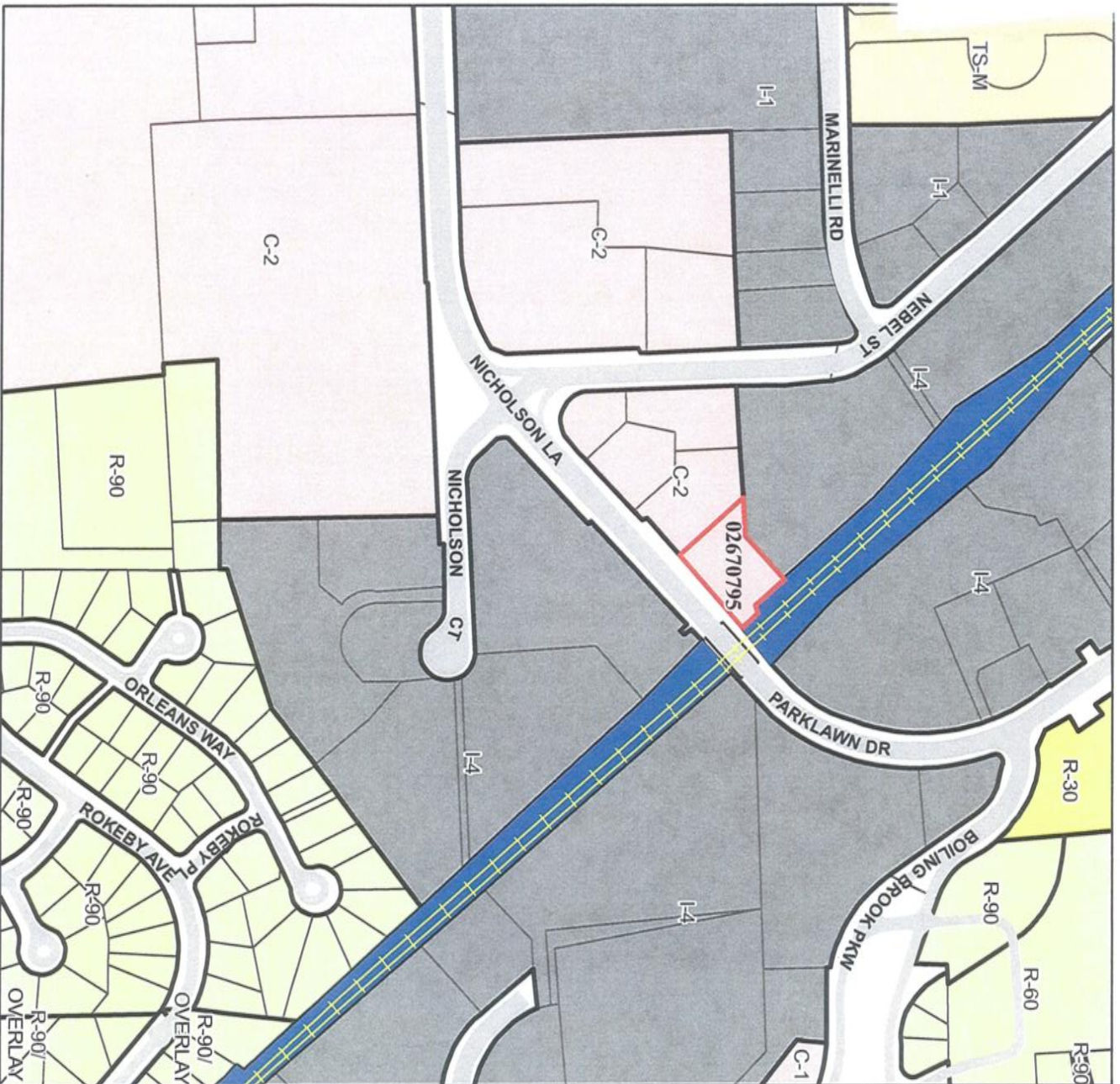
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23 Linda M. Lauer, Clerk of the Council

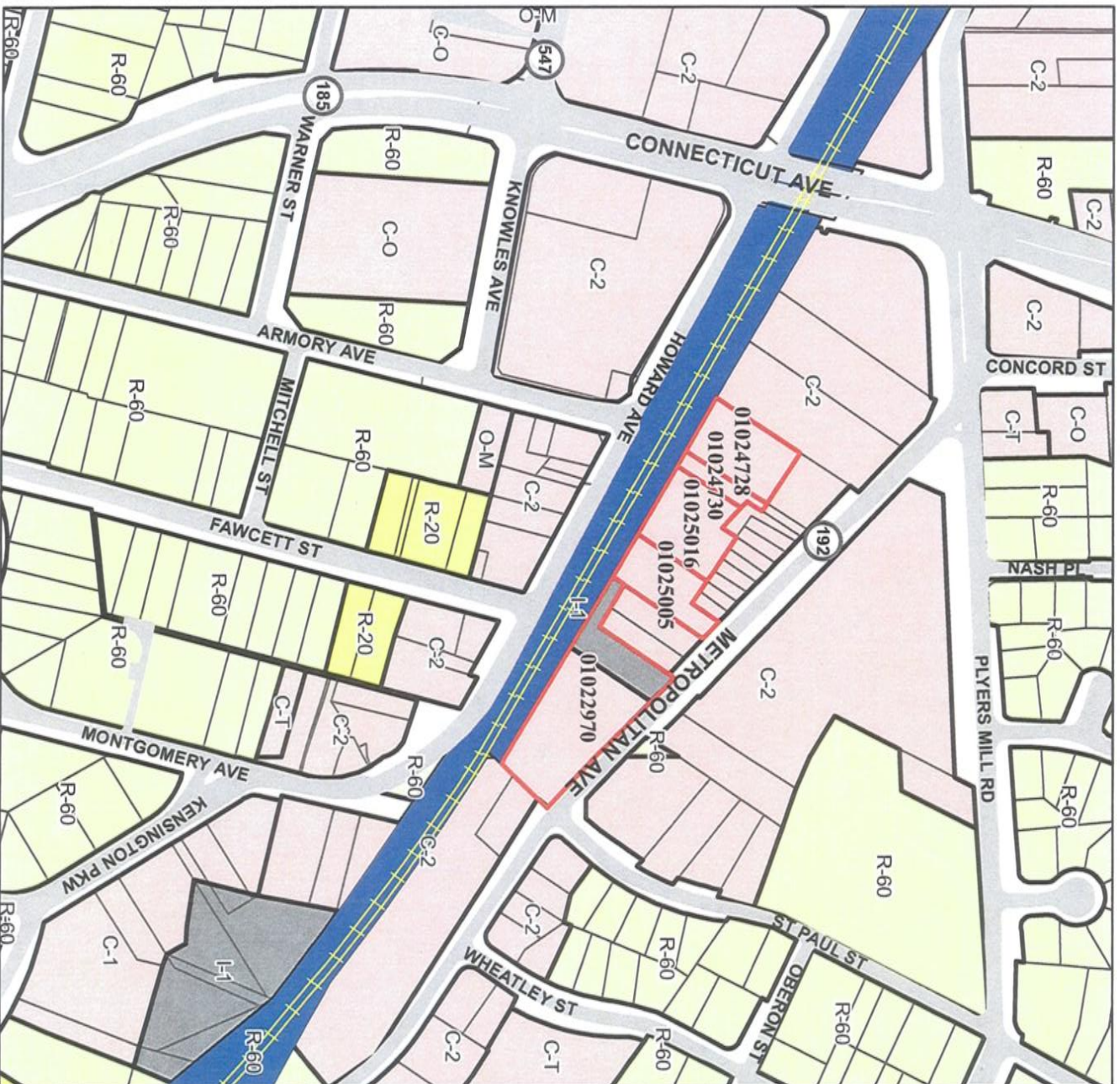
Properties Zoned C-2 Affected by ZTA 08-12 - Nicholson Lane



- Legend**
- Property meeting C-2 landscape contractor
 - Railroad
 - Metrorail
 - Railroad_ROW
 - Property polygons with tax information
 - Commercial Zones
 - CBD Zones
 - Industrial Zones
 - Planned Development
 - Mixed Use Town Center
 - Residential, Multiple Family
 - Residential, Single Family
 - Mobile Home Development
 - Agricultural Zones
 - Residential Mixed Use Development
 - Transit Oriented, Mixed-Use
 - Transit Station Development Area Zones



Properties Zoned C-2 Affected by ZTA 08-12 - Kensington



- Legend**
- Property meeting C-2 landscape contractor
 - Railroad
 - Metrorail
 - Railroad ROW
 - Property polygons with tax information
 - Commercial Zones
 - CBD Zones
 - Industrial Zones
 - Planned Development
 - Mixed Use Town Center
 - Residential, Multiple Family
 - Residential, Single Family
 - Mobile Home Development
 - Agricultural Zones
 - Residential Mixed Use Development
 - Transit Oriented, Mixed-Use
 - Transit Station Development Area Zones



M-NCPPC
 Data: M-NCPPC, 2008
 Research & Technology Center
 June 17, 2008

Properties Zoned C-2 Affected by ZTA 08-12

PREMI	PRI	PREMISE__2	PREN	PREMISE__4	PREMISE__5	GR_FLR_AR	ACCT	YEAR_BUILT	SQFT
5001		NICHOLSON	LA	ROCKVILLE	20852	3240	02670795	2002	40381.00000000
10548		METROPOLITAN	AVE	KENSINGTON	20895	9100	01025005	1959	17490.00000000
10500		ST PAUL	ST	KENSINGTON	20895	7653	01022970	1930	56500.00000000
0		METROPOLITAN	AVE	KENSINGTON	31895	0	01024730	0	5342.00000000
10576		METROPOLITAN	AVE	KENSINGTON	20895	11100	01024728	1960	21603.00000000
10580		METROPOLITAN	AVE	KENSINGTON	20895	12210	01025016	1959	25972.00000000