

Zoning Text Amendment No.: XX-XX
Concerning: Farms, Agricultural
Processing- Landscape
Contractors and Nursery,
Horticultural in the
Agricultural-Rural
Density Transfer zone
Draft No. & Date: X – XX/XX/XX
Introduced:
Public Hearing:
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: ***

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Comprehensively revising the regulations pertaining to certain Agricultural Uses that will help to address and fulfill the legislative intent of the Agricultural Reserve-Rural Density Transfer zone;
- Amending the definition of Farm;
- Amending the definition of Agricultural Processing;
- Amending the definition of Landscape Contractor;
- Amending the definition of Nursery, horticultural;
- Adding standards for Agricultural Processing, Landscape Contractor, and Nursery, horticultural as permitted uses in the agricultural zones;
- Adding special exception standards for Agricultural Processing, Landscape Contractor and Horticultural, nursery;

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

| | |
|------------------|-----------------------------------|
| Divisions 59-A-2 | “Definitions and Interpretations” |
| Section 59-A-2.1 | “Definitions” |
| Divisions 59-C-9 | “Agricultural Zones” |
| Section 59-C-9.3 | “Land Uses” |

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 that text 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:

1 **DIVISION 59 A-2 Definitions and Interpretations are amended as follows:**

2
3 * * *

4 **59-A-2.1 Definitions.**

5 **Farm:** A tract of land, with or without associated buildings, that is devoted to
6 agriculture, as defined in this section. The products of agriculture and agricultural
7 processing may be sold from a farm as an accessory use to the farm. The sale from
8 a farm of horticultural products grown primarily on site or, if grown off-site, are
9 planted or propagated in the ground or in pots or beds for a period of time on not
10 more than 2 acres or 20 % of the site, whichever is less, is permitted.[as an
11 accessory use to the farm.]

12 **Agricultural Processing:** Processing of an agricultural product that causes a
13 change in the natural form or state of the product and may entail [s] operations of a
14 commercial or industrial character. [that must be regulated to mitigate potential
15 adverse impacts.] Agricultural processing includes, but is not limited to, [an
16 abattoir, milk plant and similar non-farm operations.] operations that transform,
17 package, sort or grade livestock or livestock products, agricultural commodities, or
18 plants or plant products, products of forestry, into goods that are used for
19 intermediate or final consumption, including goods for non-food use. Examples of
20 Agricultural processing include slaughterhouse-abattoir, milk plant, grain elevator,
21 mulch or compost production. The products of agriculture and agricultural
22 processing may be permitted by right and may be sold from a farm.

23 **Landscape Contractor:** The business of designing, installing, planting, growing,
24 propagating, or maintaining lawns, gardens, or other landscaping and snow
25 removal services, including [tree] plant installation, maintenance and removal, at
26 off site locations with vehicles, equipment, and supplies that are stored, parked,
27 serviced, or loaded at the business location. The growing, propagating, delivery,

28 and installation service of horticultural products originating on the farm is
 29 permitted. [as an accessory use to a farm.]

30 * * *

31 **Nursery, horticultural-wholesale or retail:** The wholesale or retail business of
 32 growing, propagating, selling plants and plant materials grown on-or off site or in
 33 greenhouses or high tunnels, as well as garden supplies and equipment and related
 34 items. A horticultural nursery may be wholesale or retail operation or a
 35 combination of both and may or may not be combined with landscape contracting.
 36 The sale, from a farm, of horticultural products that are grown, or propagated on
 37 site or in greenhouses or high tunnels or, if grown or propagated off-site, are
 38 planted and propagated in the ground or in pots or beds for a period of time or in
 39 greenhouses or high tunnels, and that do not occupy more than 2 acres or 20% of
 40 the site, whichever is less, is permitted. [as an accessory use to a farm.]

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43 **Sec. 2 Division 59-C-9 is amended as follows:**

44 **DIVISION 59-C-9 AGRICULTURAL ZONES**

45 * * *

| | Rural | RC | LDRC | RDT | RS | RNC | RNC/ TDR |
|------------------------------------|-------|------|------|------|------|--------------------------------------|-----------------------------------|
| (a) Agricultural: | | | | | | | |
| Agricultural processing, [primary] | | | | | | P | P |
| Equestrian facility. ⁴¹ | P/SE | P/SE | P/SE | P/SE | P/SE | P ⁴⁹ / SE ² | P ⁴⁹ / SE ² |

| | Rural | RC | LDRC | RDT | RS | RNC | RNC/ TDR |
|---|-------|-----------------|-----------------|-------------|----|-----|----------|
| Farm. ^[1] | P | P | P | P | P | P | P |
| Fish hatchery. | P | P | P | P | P | | |
| Other agricultural use. | P | P | P | P | P | P | P |
| (b) Agricultural-Industrial: | | | | | | | |
| Abattoir. | SE | SE ² | SE ² | <u>P/SE</u> | | | |
| Agricultural processing. ^[36] | SE | SE ² | SE ² | <u>P/SE</u> | SE | | |
| Construction Debris Reclamation Facility. | | | | | P | | |
| Contractors storage yard ²⁸ (existing) | | | | | P | | |
| Grain elevator. ^[36] | SE | SE ² | SE ² | <u>P/SE</u> | SE | | |
| Manufacture of light sheet metal products. ²⁸ (existing) | | | | | P | | |
| Manufacture of mulch and composting. | SE | SE ² | SE ² | <u>P/SE</u> | SE | | |
| Milk plant. ^[37] | SE | SE ² | SE ² | <u>P/SE</u> | | | |
| Sawmill. | SE | SE ² | SE ² | SE | | | |

| | Rural | RC | LDRC | RDT | RS | RNC | RNC/ TDR |
|---|-------|-----------------|-----------------|-------------|------|-----------------|-----------------|
| Storage, outdoor | | SE | | | | | |
| Storage for recycling of building or construction materials. ²⁸ (existing) | | | | | P | | |
| Winery. ^[38] | SE/P | SE/P | SE/P | SE/P | SE/P | SE ² | SE ² |
| Wood product and furniture manufacturing. ²⁸ (existing) | | | | | P | | |
| (c) Agricultural- Commercial: | | | | | | | |
| Blacksmith. ⁴ | SE | SE ² | SE ² | SE | P | P ² | P ² |
| [Christmas] Holiday tree sales between [December 5 and 25] <u>November 2- and January 1.</u> | P | P | P | P | P | P ² | P ² |
| Country market. | SE | SE | SE | SE | P | SE ² | SE ² |
| Farm market. ⁵ | P | P | P | P | P | P ² | P ² |
| Landscape contractor. ^{3,2} | SE | SE | SE | <u>P/SE</u> | P | SE ² | SE ² |
| Nursery, horticultural - retail. ^{[1],3} | SE | SE | SE | <u>P/SE</u> | P | SE ² | SE ² |

| | Rural | RC | LDRC | RDT | RS | RNC | RNC/ TDR |
|--|-------|-----------------|-----------------|-------------|----|-----------------|-----------------|
| Nursery, horticultural - wholesale. ^{[1],3} | SE | SE ² | SE ² | <u>P/SE</u> | P | SE ² | SE ² |

46 [1 Products of agriculture and agricultural processing may be sold from a farm if the products
 47 are produced on site. The sale from a farm of horticultural products grown primarily on site or, if
 48 grown off-site, are planted in the ground or in pots or beds for a period of time on not more than
 49 2 acres or 20% of the site, whichever is less, is an accessory use to the farm.]

50 2 This use or class of uses is not permitted in the portion of any cluster development regulated
 51 by section [59-C-9.52](#) or in any rural open space area regulated by section [59-C-9.57](#).

52 3 [The delivery and installation of horticultural products grown on the farm that provides the
 53 delivery and installation **service** is an accessory use to the farm.] A landscape contractor or
 54 wholesale nursery in operation on October 22, 1985, is a conforming use and is not required to
 55 obtain a special exception, unless:

56 (a) The on-site operation is expanded or enlarged;

57 (b) The on-site operation is diversified to include retail facilities or a related use not in
 58 operation prior to October 22, 1985; or

59 (c) The operation is discontinued for a period of 6 months or more. A period of seasonal
 60 inactivity of up to 4 months does not constitute discontinuance.

61 [36 Permitted by right as an accessory use to a farm.]

62 [37 A milk plant and a milk parlor are permitted by right as an accessory use to a farm.]

63 [38 Permitted by right provided no more than two public events are held per year.]

64 **59-C9.32. Agricultural Processing standards as a permitted use in the**
 65 **agricultural zones.**

66 (a) Plan Approvals and Compliance:

67 (1) Any agricultural processing operation must meet all nutrient
 68 management, soil conservation and water quality standards of the County and
 69 State.

70 (b) Agricultural processing operations size and setback standards:

71 (1) Any agricultural processing operation must be located on at least 10
 72 acres of land.

73 (2) Any agricultural processing operation must be located at least 75 feet
74 from any adjacent property line and at least 100 feet away from any existing
75 dwelling on an adjacent tract of land.

76 (3) The property must front on or have in fee access to a public road.

77 (4) Any agricultural processing operation may be approved by a special
78 exception when the operation deviates from the standards of size and setbacks.

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80 **59-C-9.33. Landscape Contractors and Nursery, horticultural standards as a**
81 **permitted use in the agricultural zones.**

82 (a) Plan Approvals and Compliance:

83 (1) Any landscape contractor and nursery, horticultural operation must
84 meet all nutrient management, soil conservation and water quality standards of the
85 County and State.

86 (b) Landscape Contractor and nursery, horticultural size and setback standards:

87 (1) Any landscape contractor and nursery, horticultural operation must be
88 located on at least 10 acres of land.

89 (2) Any Landscape contractor must meet the minimum standards for
90 growing agricultural and horticultural products as indicated within the definition of
91 a farm-2 acres or 20 percent of the site.

92 (3) Any landscape contractor and nursery, horticultural operation must
93 [achieve] not exceed a 10% maximum building coverage.

94 (4) Any landscape contractor and nursery, horticultural operation must
95 [achieve] not exceed a 30% impervious cover [requirement].

96 (5) Each building, storage area, or parking area must be located at least
97 100 feet from any existing dwelling on an adjacent tract of land.

98 (c) Noise Levels standards:

99 (1) Amplified sound must meet all of the requirements of Chapter 31B.

- 100 (d) Landscape Contractor and nursery, horticultural operations criteria:
101 (1) Landscape Contractor and nursery, horticultural operations include the
102 delivery and installation services of horticultural products grown on the farm. [as
103 an accessory use to the farm.]
104 (2) Any landscape contractor and nursery, horticultural operation will
105 have work hours from 7:00am to 5:00 pm Monday through Saturday except for
106 emergency events including but not limited to storms, snow and ice events.
107 (3) Any landscape contractor and nursery, horticultural operation will not
108 exceed 35 traffic trips per day except for emergency events including but not
109 limited to storms, snow and ice events.
110 (4) A landscape contractor and nursery, horticultural special exception
111 may be filed with the Board of Appeals to deviate form any permitted use standard
112 regarding: (1) size and setbacks, and (2) operations standards. A Landscape
113 contractor and nursery horticultural special exception must be renewed as required
114 by the Board of Appeals to evaluate the effectiveness of the terms and conditions
115 of the original special exception grant.

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117 **Section . 3. Effective date.** This ordinance takes effect ***20 days
118 after/immediately upon/OTHER/** the date of Council adoption.

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120 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council