

COUNTY OF ALBEMARLE

STAFF REPORT

AGENDA TITLE: ZTA202000002 Landscape Contractors	AGENDA DATE: 7/21/2020
SUBJECT/PROPOSAL/REQUEST: Public Hearing on Landscape Contractors Zoning Text Amendment	ACTION: X INFORMATION:
STAFF CONTACT(S): Kevin McCollum, Francis MacCall, Amelia McCulley, Andy Herrick	CONSENT AGENDA: ACTION: INFORMATION:
	ATTACHMENTS: Yes

PUBLIC PURPOSE TO BE SERVED: The proposed zoning text amendment is intended to support a strong agricultural and forestal economy and accomplishes Objective 1J, as described in the Comprehensive Plan, by defining and adding Landscape Contractors as a use permitted by special use permit in the Rural Areas zoning district.

BACKGROUND: The Board of Supervisors adopted resolution of intent to amend the Zoning Ordinance on April 15, 2020 (Attachment A). This resolution of intent authorizes an amendment to Albemarle County Code Chapter 18 Sections 3, 10, and any other applicable sections of the Zoning Ordinance deemed to be appropriate to allow landscape services and storage of landscape materials in the Rural Areas zoning district. The executive summary (Attachment B) and comprehensive plan information (Attachment C) submitted alongside the Resolution of Intent provides further background and history.

DISCUSSION: The proposed amendment defines landscape contractors and adds landscape contractors as a use permitted by special use permit in the Rural Areas zoning district. These changes will affect Sections 3.1 and 10.2.2 (Attachment D).

Landscape contractor. "Landscape contractor" means an establishment providing landscaping services. For the purposes of this definition, "landscaping" means the modification of the landscape for an aesthetic or functional purpose.

Staff developed the proposed ordinance after researching other Virginia municipal codes as well as the American Planning Association's dictionary for example definitions (Attachment E). The proposed language allows for a broad interpretation of what qualifies as a landscape contractor. The proposed language will permit a wide variety of business models to be submitted to the County for consideration.

In lieu of drafting special regulations at this time, Staff has recommended a list of information that must be submitted with an application for a landscape contractor (Attachment F). Section 33.33 K allows additional information like this to be required for the submittal of a special use permit application. This list may grow or shrink over time and could be used to develop supplemental regulations. The information submitted will allow for a comprehensive review of the impacts of the proposal, as required by Section 33.40 of the Zoning Ordinance.

Stakeholder Outreach: On Monday, June 15, and Monday, June 22, 2020, Staff reached out to several stakeholders to inform them of and allow them to provide feedback on this proposed zoning text amendment. These stakeholders are made up of several local professional organizations representing arborists and landscape contractor businesses (Attachment G). At this time, we have received comments from only one individual. This individual expressed concerns that "arborists," because they work with trees, would not be included in this definition of landscape contractors; however Staff has assured this stakeholder that an arborist would most certainly fit the proposed definition of a landscape contractor and would be eligible to apply for this proposed special use permit use.

BUDGET IMPACT: Special use permits have an associated fee. This fee doesn't typically cover the full cost of a special use permit review, however, at this time, Staff believes that the cost of review by County staff should not have a noticeable impact to the Community Development budget.

RECOMMENDATION: Staff recommends the Planning Commission recommend approval of the proposed ordinance changes found in Attachment D.

ATTACHMENTS:

Attachment A: Resolution of Intent for ZTA202000002 adopted April 15, 2020

Attachment B: Executive Summary of the Resolution of Intent

Attachment C: Comprehensive Plan Information Included with the Resolution of Intent

Attachment D: Draft Ordinance Changes

Attachment E: Landscape Contractors Applicable Definitions Research

Attachment F: Items to Consider When reviewing a Special Use Permit for Landscape Contractors

Attachment G: Stakeholder Outreach