

COUNTY OF ALBEMARLE

TRANSMITTAL TO BOARD OF SUPERVISORS

AGENDA TITLE: ZTA202000002 Landscape Contractors	AGENDA DATE: September 2, 2020
PURPOSE OF PUBLIC HEARING: To consider the adoption of the proposed Landscape Contractors ZTA	STAFF CONTACT(S): Kevin McCollum, Francis MacCall
SCHOOL DISTRICT: N/A	PRESENTER(S): Kevin McCollum

BACKGROUND: On April 15, 2020, the Board of Supervisors adopted a resolution of intent (ROI) to authorize 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.

On July 21, 2020, the Planning Commission considered staff's proposed ordinance (Attachment A4), which included a definition of landscape contractors in County Code § 18-3.1, and added landscape contractors as a use permitted by special use permit in the Rural Areas zoning district in County Code § 18-10.2.2. The Planning Commission recommended approval by a vote of 7:0.

During the Planning Commission meeting, concerns were raised about the impacts the proposed ordinance would have on home occupations in the Rural Areas. Under the proposed ordinance as originally drafted, every operation that met the definition of a landscape contractor would need a special use permit in the Rural Areas, which was not staff's intent.

In addition, the Planning Commission discussed Attachment A6, which is a list of information that an applicant seeking to apply for a special use permit for a landscape contractor would be provided during a pre-application meeting, and which was intended to help staff conduct a thorough review of each special use permit application for a landscape contractor.

DISCUSSION:

Staff has revised its proposed ordinance (Attachment E) to address the Planning Commission's concerns. Specifically, County Code §§ 18-5.2A and 18-10.2.2 would now allow a landscaping operation that meets the criteria for a home occupation to continue to operate as a home occupation and to be exempt from a special use permit. The current home occupation regulations limit the scale of qualifying businesses. Operators of home occupations wishing to expand their operations beyond the scale of a home occupation would be able to apply for a special use permit.

In addition, staff has revised the information list (Attachment A6) to incorporate the Planning Commission's feedback (Attachment D).

RECOMMENDATION:

Staff recommends that the Board adopt the attached Proposed Ordinance (Attachment E).

ATTACHMENTS:

- A: Planning Commission Staff Report for July 21, 2020 Public Hearing
- B: Planning Commission Meeting Minutes
- C: Planning Commission Action Memo
- D: Updated List of Items to Consider When Reviewing a Special Use Permit for a Landscape Contractor
- E: Proposed Ordinance