COUNTY OF ALBEMARLE

STAFF REPORT

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

RESOLUTION OF INTENT

WHEREAS, on June 10, 2015, the Board of Supervisors adopted the Comprehensive Plan, and

WHEREAS, Objective 1 of the Rural Area section of the Comprehensive Plan is to support a strong agricultural and forestal economy, and

WHEREAS, one strategy identified to achieve Objective 1 is to consider amending the Zoning Ordinance to allow landscape services and storage of landscape materials in the Rural Areas zoning district, and

WHEREAS, the Board of Supervisors has endorsed the Community Development 2020 Work Program, which includes the development of a zoning text amendment to allow landscape contractors as a special use permit use in the Rural Areas zoning district.

NOW, THEREFORE, BE IT RESOLVED that for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending 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.

BE IT FURTHER RESOLVED that the Planning Commission shall hold a public hearing on this resolution of intent and return its recommendation to the Board of Supervisors at the earliest possible date.

I, Claudette Borgersen, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County by a vote of six to zero, as recorded below, at a meeting held on April 15, 2020.

Clerk, Board of County Supervisors

	Aye	Nay
Mr. Gallaway	Y	____
Ms. LaPisto-Kirtley	Y	____
Ms. Mallek	Y	____
Ms. McKeel	Y	____
Ms. Palmer	Y	____
Ms. Price	Y	____

AGENDA DATE: 04/15/2020

TITLE: Resolution of Intent for Rural Areas Landscape Contractor Services

SUBJECT/PROPOSAL/REQUEST: Proposed resolution of intent to amend Albemarle County Code Chapter 18, Zoning Ordinance, to allow landscape contractor services in the Rural Areas zoning district.

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Herrick, McCulley, MacCall, McCollum

PRESENTER (S): n/a

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Board of Supervisors endorsed the Community Development 2020 Work Program on March 4, 2020. This included the "nimble" project to development a zoning text amendment to allow landscape contractors as a use by special use permit in the Rural Areas zoning district. The "nimble" projects are so named because their focused scope and streamlined process allow us to move more quickly with limited staff resources. Staff noted that the identified nimble projects could be completed without detracting from more substantive work program projects.

Objective 1 of the Rural Area section of the Comprehensive Plan is to "Support a strong agricultural and forestal economy." Strategy 1j to achieve Objective 1 is "to consider amending the Zoning Ordinance to allow landscape services and storage of landscape materials in the Rural Areas zoning district." (Attachment B) For the purposes of moving forward with a "nimble" project, the Board provided guidance to prioritize the provision of landscape services as a use in the Rural Areas district. Implementation of provisions for commercial nurseries or the storage of landscape materials are more involved and will occur through a separate ordinance amendment to be prioritized at a later date.

STRATEGIC PLAN: Rural Area Character: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity.

DISCUSSION: The Rural Area section of the Comprehensive Plan notes that "Policy and Zoning Ordinance changes are recommended to promote the County's preferred uses for the Rural Area" with the common goal of helping to keep the Rural Area rural (page 7.4). It goes further to recommend criteria for the review of new uses and the provision of performance standards. The Board endorsed staff recommendation that we initially implement landscape contractors as a use by special use permit. This approach is similar to what was done for the ordinance amendment to allow solar energy systems (utility scale) by special use permit. It allows us to utilize the experience of several applications prior to writing performance standards and determining if it can be allowed as a use by-right.

Staff addresses public engagement as we bring forward resolutions of intent to amend ordinances. As proposed, any Rural Area landscape contractor will be subject to a special use permit and the associated public hearings and legislative review criteria. We recommend that we utilize the County website and Rural Areas A-mail to provide information about the proposed amendment. In addition, we can contact relevant local professional organizations representing arborists and landscape contractor businesses, such as the Virginia Society of Landscape Designers.

BUDGET IMPACT: There is no identified budget impact. This ordinance amendment will establish an application that will be subject to a fee.

RECOMMENDATION: Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

ATTACHMENTS:
Attachment A - Resolution of Intent
Attachment B – Albemarle County Comprehensive Plan

Relevant Comprehensive Plan Sections

Chapter 7 of the Albemarle County Comprehensive Plan adopted June 10, 2015 provides Albemarle County's vision and objectives for the Rural Areas.

Objective 1 (pictured below) provides that we need to support a strong agricultural and forestal economy.

Objective 1: Support a strong agricultural and forestal economy.

Agriculture and forestry are two important and long-standing land uses in the County's Rural Area, although characteristics of both industries have changed over time. Tobacco was an important crop in the Colonial era, but soon led to soil depletion. Fruit and orchard production have been and continue to be features of Albemarle's agricultural production, with grape-growing and winemaking becoming more important. Beef cattle production, dairy farming, and raising of grains and grasses to support these animals are prominent activities. Managed forests and timber harvests continue to be important.

Horse farming and equestrian activities are another longstanding agricultural use in Albemarle County. Horse farming is a term inclusive of any or all of the activities of horse breeding, boarding, training, and riding lessons.

Livability Project

Charlottesville and Albemarle County will continue to promote a community of green neighborhoods, healthy waterways, clean air, and sustainable natural resources.

To do this, the County should:

- *Improve the viability of local agriculture by: concentrating development in those areas of the City identified for greater intensity of use and higher densities and in the County Development Areas;*
- *Strengthen measures that protect agriculture in the Rural Area;*
- *Recognize the shared interests between the City and County in promoting a strong local food economy; and*
- *Maintain the distinct character of the Rural Area.*

Agricultural and Forest Soils

As indicated in Objective 1, retaining continuous land holdings for agricultural uses is of prime importance because of the soil attributes of the land. Many soils in the Rural Area are especially suitable for agricultural and forestal uses, such as crop and timber production. In Albemarle County, there are three major categories of soils for agriculture that have been identified by the Natural Resources Conservation Service:

- Prime farmlands (suitable for cultivated crops and alfalfa hay in Albemarle);
- Locally important farmlands (suitable for alfalfa, mixed hay, and pasture in Albemarle); and
- Unique farmlands (suitable for orchards and vineyards in Albemarle).

The individual soil types included in these groups can be found at the link provided Reference Documents. The Natural Resource Conservation Service has also defined the following high quality silvicultural (forest) productivity classes:

- Hardwoods I (suitable for commercial production of Northern Red Oak, White Oak, Black Oak, Yellow Poplar, and Ash);

Strategy 1J (pictured below) under Objective 1 provides that we should consider amending the Zoning Ordinance to allow landscape services and storage of landscape materials in the Rural Area.

Strategy 1j: Consider amending the Zoning Ordinance to allow landscape services and storage of landscape materials in the Rural Area.

Nursery production that does not have a retail component is considered a Rural Area use because trees and shrubs require room to grow. Growing trees and shrubs is supportive of an agricultural and forestal economy. However, a service occupation related to landscaping with trees and shrubs is currently considered a Development Areas use. In the Zoning Ordinance, storage of landscape materials represents a contractor's storage yard and not allowed in the Rural Area Zoning District. In recent years, discussion has taken place on whether storage yards for landscape materials are more appropriate in the Rural Area than the Development Areas due to the large outdoor storage component of material and equipment. As part of the zoning text amendments being considered for the Rural Area, this issue should be discussed and clarified. Outdoor storage of landscape materials may be appropriate for the Rural Area, as many features are similar to other Rural Area uses.

Further, the Comprehensive Plan provides specific criteria (pictured below) for review of new uses.

Criteria for Review of New Uses

As new uses are proposed in the Rural Area, it is essential that they be able to meet the following standards. New uses should:

- relate directly to the Rural Area and need a Rural Area location in order to be successful, (e.g., a farm winery has to be located in the Rural Area and would be unlikely to succeed in the Development Areas);
- be compatible with, and have a negligible impact, on natural, cultural, and historic resources;
- not conflict with nearby agricultural and forestal uses;
- reflect a size and scale that complements the character of the area in which they will be located;
- be reversible so that the land can easily return to farming, forestry, conservation, or other preferred rural uses;
- be suitable for existing rural roads and result in little discernible difference in traffic patterns;
- generate little demand for fire and rescue and police service;
- be able to operate without the need for public water and sewer;
- be sustainable with available groundwater; and
- be consistent with other Rural Area policies.

Most importantly, the success of the use should be related to its rural location. For example, a farm winery where most of the grapes are grown onsite is a Rural Area use. A standalone wine store that sells wines from all over the world is a commercial use that belongs in the Development Areas. A department store distribution center located near an interstate interchange should be in the Development Areas, but a storage and distribution facility for locally produced agricultural products could be located in the Rural Area.

Performance standards will be needed for any new uses to ensure that the size, scale, and location of the new commercial uses recommended for the Rural Area are appropriate. It is of prime importance that the appearance and function of new uses blend and not detract from the key features of the Rural Area. New uses should not overwhelm an area in terms of their function or visibility.

ORDINANCE NO. 20-18( )

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE I, GENERAL PROVISIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED by the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article I, General Provisions, and Article III, District Regulations, are hereby amended and reordained as follows:

By Amending:
Sec. 3.1 – Definitions

By Amending:
Sec. 10.2.2 – By special use permit

CHAPTER 18 - ZONING

. . .

SECTION 3 - DEFINITIONS

Sec. 3.1 - Definitions.

The following definitions shall apply in the administration of this chapter:

. . .

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.

. . .

[(§ 3.1: 20-3.1, 12-10-80, 7-1-81, 12-16-81, 2-10-82, 6-2-82, 1-1-83, 7-6-83, 11-7-84, 7-17-85, 3-5-86, 1-1-87, 6-10-87, 12-2-87, 7-20-88, 12-7-88, 11-1-89, 6-10-92, 7-8-92, 9-15-93, 8-10-94, 10-11-95, 11-15-95, 10-9-96, 12-10-97; § 18-3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6), 10-3-01; Ord. 01-18(9), 10-17-01; Ord. 02-18(2), 2-6-02; Ord. 02-18(5), 7-3-02; Ord. 02-18(7), 10-9-02; Ord. 03-18(1), 2-5-03; Ord. 03-18(2), 3-19-03; Ord. 04-18(2), 10-13-04; 05-18(2), 2-2-05; Ord. 05-18(7), 6-8-05; Ord. 05-18(8), 7-13-05; Ord. 06-18(2), 12-13-06; Ord. 07-18(1), 7-11-07; Ord. 07-18(2), 10-3-07; Ord. 08-18(3), 6-11-08; Ord. 08-18(4), 6-11-08; Ord. 08-18(6), 11-12-08; Ord. 08-18(7), 11-12-08; Ord. 09-18(3), 7-1-09; Ord. 09-18(5), 7-1-09; 09-18(8), 8-5-09; Ord. 09-18(9), 10-14-09; Ord. 09-18(10), 12-2-09; Ord. 09-18(11), 12-10-09; Ord. 10-18(3), 5-5-10; Ord. 10-18(4), 5-5-10; Ord. 10-18(5), 5-12-10; Ord. 11-18(1), 1-12-11; Ord. 11-18(5), 6-1-11; Ord. 11-18(6), 6-1-11; Ord. 12-18(3), 6-6-12; Ord. 12-18(4), 7-11-12; Ord. 12-18(6), 10-3-12, effective 1-1-13; Ord. 12-18(7), 12-5-12, effective 4-1-13; Ord. 13-18(1), 4-3-13; Ord. 13-18(2), 4-3-13; Ord. 13-18(3), 5-8-13; Ord. 13-18(5), 9-11-13; Ord. 13-18(6), 11-13-13, effective 1-1-14; Ord. 13-18(7), 12-4-13, effective 1-1-14; Ord. 14-18(2), 3-5-14; Ord. 14-18(4), 11-12-14; Ord. 15-18(1), 2-11-15; Ord. 15-18(2), 4-8-15; Ord. 15-18(4), 6-3-15; Ord. 15-18(5)

, 7-8-15; Ord. 15-18(10) , 12-9-15; Ord. 16-18(1) , 3-2-16; Ord. 16-18(7) , 12-14-16; Ord. 17-18(1) , 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4), 8-9-17; Ord. 17-18(5), 10-11-17; Ord. 18-18(1) , 1-10-18; Ord. 18-18(4) , 10-3-18; Ord. 19-18(3), 6-5-19) (§ 4.15.03: 12-10-80; 7-8-92, § 4.15.03, Ord. 01-18(3) , 5-9-01; Ord. 05-18(4) , 3-16-05; Ord. 10-18(1) , 1-13-10; Ord. 10-18(3) , 5-5-10; Ord. 10-18(5) , 5-12-10; Ord. 11-18(1) , 1-12-11; Ord. 12-18(2) , 3-14-12; Ord. 14-18(3) , 6-4-14; Ord. 15-18(3) , 5-6-15; § 4.15.3; Ord. 15-18(11) , 12-9-15; Ord. 17-18(4), 8-9-17) (§ 4.17.3: Ord. 98-18(1), 8-12-98; Ord. 01-18(8) , 10-17-01; Ord. 17-18(5) , 10-11-17) (§ 4.18.2: Ord. 00-18(3), 6-14-00; Ord. 13-18(4) , 9-4-13) (§ 10.3.3.1: § 20-10.3.3.1, 11-8-89; § 18-10.3.3.1, Ord. 98-A(1), 8-5-98; Ord. 01-18(6) , 10-3-01) (§ 30.2.4: § 30.2.4, 12-10-80) (§ 30.3.5: § 30.3.02.1 (part), 12-10-80; 6-10-87; Ord. 05-18(1) , 1-5-05, effective 2-5-05; § 30.3.5; Ord. 14-18(1) , 3-5-14 ; Ord. 17-18(4) , 8-9-17); § 3.1, Ord. 19-18(3) , 6-5-19; Ord. 19-18(6) , 8-7-19]

State Law reference— Va. Code § 15.2-2286 (A)(4).

. . .

Section 10 – Rural Areas District – RA

. . .

Sec. 10.2.2 – By special use permit

The following uses shall be permitted by special use permit in the RA district, subject to the applicable requirements of this chapter:

. . .

59. Landscape contractors.

(§ 20-10.2.2, 12-10-80; 3-18-81; 2-10-82; 4-28-82; 7-6-83; 3-5-86; 1-1-87; 12-2-87; 11-8-89; 6-10-92; 11-11-92; Ord. 95-20(1), 3-15-95; Ord. 95-20(3), 10-11-95; Ord. 95-20(5), 11-15-95; § 18-10.2.2, Ord. 98-A(1), 8-5-98; Ord. 99-18(4) , 6-16-99; Ord. 00-18(6) , 10-18-00; Ord. 01-18(2) , 3-21-01; Ord. 02-18(6) , 10-9-02; Ord. 04-18(1) , 5-5-04 effective 7-1-04; Ord. 04-18(2) , 10-13-04; Ord. 05-18(7) , 6-8-05; Ord. 05-18(8) , 7-13-05; Ord. 06-18(2) , 12-13-06; Ord. 08-18(7) , 11-12-08; Ord. 10-18(3) , 5-5-10; Ord. 10-18(4) , 5-5-10; Ord. 11-18(1) , 1-12-11; Ord. 14-18(4) , 11-12-14; Ord. 15-18(10) , 12-9-15; Ord. 16-18(7) , 12-14-16; Ord. 17-18(1) , 1-18-17; Ord. 17-18(2), 6-14-17; Ord. 17-18(4) , 8-9-17; Ord. 18-18(1) , 1-10-18; Ord. 18-18(2) , 9-5-18; Ord. 19-18(3) , 6-5-19; Ord. 19-18(8) , 12-18-19)

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

_____

Clerk, Board of County Supervisors

Aye Nay

DRAFT

Mr. Gallaway_____
Ms. Price_____
Ms. LaPisto-Kirtley_____
Ms. McKeel_____
Ms. Mallek_____
Mr. Palmer_____

DRAFT

Landscape Contractors Applicable Definitions Research

Arborist or Urban Forester

1. A person trained in arborculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees. (Loudon)

Commercial Landscape Operation

1. Commercial landscape operation means the provision of tree, lawn, and landscaping services including planting, pruning, mulching, and tree/lawn/grounds maintenance using landscaping materials grown on the property and landscape materials produced off-site such as top soil and mulch. Such uses may include greenhouses, office buildings, and equipment necessary for the operation of such services. (See principal/use-specific standards, Division 1: Standards for Specific Principal Uses and Structures, of Article VII: Use Standards.) (Powhatan)

Construction/Landscaping Equipment and Supply Sales and Service

1. Construction/landscaping equipment and supply sales and service. A retail or wholesale commercial establishment engaged in the sale, rental, service and/or repair from the premises of equipment, goods and materials used during construction and landscaping activities, including but not limited to: brick, stone, lumber and other wood construction materials, pipes and other plumbing supplies, wiring and other electrical supplies, drywall, carpet and other flooring products, sand, gravel, potting soil, fertilizer, mulch, plants, tools and hardware, motorized construction equipment, motorized lawn and garden equipment, and related equipment and supplies. May include a Nursery, Greenhouse, and Outdoor storage as accessory uses. (Purcellville)

Contractor

1. General service provider engaged in on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, material or addition thereto, including but not limited to, clearing of land, earth moving, and landscaping. (Gloucester)

2. Contractor's operation. The use of land and/or structures for businesses that contract to provide mostly off-site services, including, but not limited to: construction trades, excavation, service/repair work, and landscaping. The use may include offices and indoor/outdoor storage, repair and maintenance of the business' vehicles, equipment or materials. (Rockingham)

Contractor’s Offices and Shops

1. Contractor's Offices and Shops: Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services. (Culpeper)

2. Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services. Such establishment shall not include retail sales to the general public except as a subordinate ancillary activity and display area accessible to the general public shall be limited to the lesser of either ten (10) percent of the gross floor area of the establishment or 1000 square feet. (Fairfax)

3. Establishments for the construction and/or repair of buildings, roads and utility lines; installation and servicing of heating, cooling and electrical equipment; flooring, painting, plumbing, roofing, and tiling;

landscaping; pest control; excavating, and other similar businesses as determined by the Zoning Administrator. (Fauquier)

4. “Contractor Service Establishment” Establishment for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation, establishment for the planting and maintenance of gardens, grounds and yards, such as landscape contractors and lawn maintenance services, and construction and demolition services. Retail sales to the general public are not permitted except as an accessory use. (Loudon)

5. Establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services. Contributing building, structure, or landscape means a building, structure, or landscape which has historic or cultural significance by reason of type, period, design, style, workmanship, form, materials, architectural details, or historic association to a significant event, or person, or has or may yield information important to prehistory or history. (Spotsylvania)

Contractor's Storage Yard

1. An area of land or a building where contractor's equipment, vehicles, material, etc. are stored. All such areas are subject to screening and landscaping. This definition shall not be construed to prohibit vehicles lawfully parked in accordance with Article 9-1-1. (Culpeper)

Garden Center

1. Garden center means a retail and/or wholesale sales establishment with or without a greenhouse/plant nursery, for the sale of plants, vegetation, trees and shrubs primarily (more than fifty-one (51) percent)sourced elsewhere or off-site and maintained and cared for onsite temporarily until sale. Accessory retail sales complementary to the primary use, including, but not limited to, (1) florist, (2) garden tools,(3) garden accent items, (4) lawn and garden care items (5) bulk landscaping materials; and, (6) water gardening, including sale of ornamental fish and aquatic plants, are also permitted. (Spotsylvania)

2. “Plant and garden supply sales.” Stores which shall sell a combination of materials used in the process of creating, cultivating, decorating, and maintaining gardens and landscaped areas. The primary items sold may include plants, shrubs, and trees grown on- or off-site; seeds; produce; hand tools; fertilizer; plant containers and hangers; natural materials such as sand, soil, rock, wood chips, and mulch; and decorative features including sculptures, fountains, ponds, ornaments, and cast or formed cement and cement pavers. Patio and outdoor furniture, including grills, gazebos, trellises, and outdoor fireplaces may also be included as secondary and incidental items sold at a plant and garden supply store. Excluded from this definition are mechanical lawn and garden equipment, pools and pool equipment, lumber and building supplies. (James City County)

3. “Garden and Landscape Center”: A use or structure for the storage, maintenance and/or retail sale of plants, products, equipment and supplies employed in connection with the raising and cultivation of house plants, herbs, flowers, vegetables, trees, shrubs and other indoor and outdoor plants, including landscape contracting. (Culpeper)

4. “Plant Nursery”: An establishment for the propagation, cultivation and growing of nursery stock for gardens, grounds, yards, and indoor use such as trees, plants, shrubs, sod, seeds and vines and the retail sales of such nursery stock and items designed solely to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides and insecticides. Limited retail sales of other related items also may be permitted by the Board in accordance with the provisions of Sect. 9-517. Landscape contracting services utilizing nursery stock grown on the property may be permitted as an accessory use to the plant nursery. For the purpose of this Ordinance, nursery stock

grown on the property shall include stock which is grown on the premises and stock which is purchased elsewhere and is grown or maintained on the premises. Establishments growing nursery stock and retailing nursery stock and other items in the retail commercial districts (C-5 through C-8 Districts) are considered a RETAIL SALES ESTABLISHMENT. The growing and/or maintenance of nursery stock for wholesale sales is considered to be AGRICULTURE. (Fairfax)

Home-Based Landscape Business

1. Home-based landscape business means a special type of home occupation that provides tree, lawn, and landscaping services including planting, pruning, mulching, and tree/lawn/grounds maintenance. (See accessory/use-specific standards, Division 2: Standards for Accessory Uses and Structures, of Article VII: Use Standards.) (Powhatan)

Landscape

1. An expanse of natural scenery or the addition or preservation of lawns supplemented by, shrubs, trees, plants or other natural and decorative features to land. (Isle of Wight)

Landscape Architect

1. A professional who is registered with the State Department of Professional and Occupational Registration as a certified landscape architect. (Fairfax)

2. A professional who is licensed to practice as such by the State of Virginia. (Fauquier)

3. A person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects of the Commonwealth of Virginia through licensure as a landscape architect. Landscape design. The planned treatment of land, structures and flora complimenting building construction of land developments. (Stafford)

4. Landscape Architect: An individual who is recognized by the State and who is registered with the state department of professional and occupational registration as a "landscape architect". (Loudon)

Landscape Contractor

1. Landscape Contractor An establishment providing for the planting and maintenance of gardens, grounds and yards; such use shall be inclusive of lawn mowing services that employ more than one person. (Leesburg)

Landscaped Green Space

1. The space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or for a general appearance of openness. Landscaped green space may include but need not be limited to, lawns, decorative planting, flower beds, sidewalks/walk-ways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development. (Fauquier)

2. “Landscaped open space, area or strip.” An area containing living plant materials, including trees, flowers, shrubs or grass. Landscaped areas may include pedestrian walks, ornamental objects,

decorative planting, lawns and wooded areas, but at least 50 percent of the area must be vegetated. Landscaped open space, areas or strips shall not include any building, parking surface or structure except as stated above, or any wet detention pond or infiltration trench. (James City County)

Landscaping

1. The introduction or selective retention of flourishing trees and shrubs carefully selected and arranged to perform a design purpose or environmental function, such as controlling visual direction, providing definition to architecture, modifying climate, filtering air pollution, and controlling runoff and erosion. Trees and shrubs shall be the primary plant materials to apply to the development of the required landscaping and street planting. Street planting may include berms and low walls in conjunctions with trees and shrubs. (Stafford)

2. The improvements of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect. (Fauquier)

3. The improvement of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statues and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect. (Fairfax)

Landscaping Service

1. An operation where equipment and materials are kept, and which provides yard and garden maintenance service. This may include an office or other buildings and structures to house inventory, equipment, and vehicles, but not a dump heap or landfill. (Prince William)

Lawn Care, Pool, or Pest Control Service

1. Lawn care, pool, or pest control service means an establishment primarily engaged in providing lawn care services (e.g., mowing, aeration, seeding, fertilizer, landscaping), swimming pool services (e.g., cleaning, draining, equipment repair), or pest control services (e.g., inspection, extermination). (Powhatan)

Retail Sales

1. “Outdoor Retail Sales.” The display and sale of products and services primarily outside of a structure, for products such as, but not limited to: vehicles; garden supplies, flowers, shrubs, and other plant materials; gas, tires, and motor oil; food and beverages; boats and aircraft; farm equipment: recreational vehicles; burial monuments; building and landscape materials; and lumberyards. (Goochland)

2. Retail sales, general. A business establishment engaged in the sale or rental of consumer merchandise to the general resident population and/or to tourists, including household goods, clothing, appliances, and other such items. Does not include Construction/landscaping equipment and supply sales and service or Farm equipment and supply sales and service. (Purcellville)

American Planning Association Dictionary

Landscape Contractor

1. A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped sur-face of the ground. (Lake County, Ill.)

Landscaping

1. The bringing of the soil surface to a smooth finished grade, in-stalling sufficient trees, shrubs, groundcover, and grass to soften building lines, provide shade, and generally produce a pleasing visual effect of the premises. (North Kansas City, Mo.)

2. The area within the boundaries of a given lot that consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. At least 50 percent of the landscaping area must be covered by live plant material at the time of plant maturity. (Fayetteville, Ark.)

3. The modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation and the continued maintenance thereof together with grading and installation of minor structures and appurtenances. (Kauai, Hawaii)

4. An expanse of scenery including lawns, trees, plants, and other organic or inorganic materials used to soften or mitigate the impacts of development. (Clarkdale, Ariz.)

5. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment may also include the use of logs, rocks, fountains, water features, and contouring of the earth. (North Liberty, Iowa)

6. Live vegetative materials required for a development. Said materials provided along the boundaries of a site are referred to as perimeter landscaping. Landscaping provided on the reminder of the site is referred to as interior landscaping. (Burien, Wash.)

Information to be submitted with any application for a special use permit for Landscape Contractor

- Types of materials or equipment stored or located onsite
    - What kind of landscaping materials (trees, bushes, plants, stone, dirt, compost, mulch, grass, hay, straw, sand, brick, concrete, blocks, retaining walls, fireplaces, other hardscapes, etc.)
    - How much (volume)
    - Location of storage
    - Height of storage
    - Equipment (size of equipment, lawn mowers, trailers, pickups, dump trucks, tractor trailers, mulch spraying equipment, cherry pickers, excavators, irrigation equipment, rain tanks, etc.)
    - Containment elements (covered vs open air, bagged vs piles)
- Number of proposed structures – types, locations and size of proposed structures
- Anticipated water usage and water source.
- Proposed setbacks
- Access – To include information on right of use and maintenance of any private easement.
- Information on proposed accessory sales or sales in general to include types of items offered for sale, anticipated volume and location of sales area.
- Fertilizers, chemicals, fuel storage (amounts, types, how they are stored)
- Equipment maintenance (location, types of maintenance and methods of containment and disposal of fluids and damaged parts)
- Location and size of greenhouses, shadehouses. This information shall also include information on heating sources and types of ventilation proposed. Noise information on heating and ventilation equipment shall be provided.
- Location and types of lighting
- Hour of operation
- Anticipated traffic
- Information on expected noise and smell

Stakeholder Outreach

Email to Stakeholders

Subject: Albemarle County Proposed Zoning Text Amendment – Rural Areas Landscape Contractors as a Special Use Permit Use

Good Morning,

Albemarle County is reaching out to you as a stakeholder in the County's regulation of Landscape Contractors in the Rural Areas. The County is currently working on a proposed zoning text amendment that addresses adding Landscape Contractors as a use permitted by Special Use Permit in the Rural Areas Zoning District and would like any feedback you may have on our proposed definition below.

This zoning text amendment proposes two changes: (1) adding "Landscape Contractor" as a use permitted by Special Use Permit to Section 10 of the Zoning Ordinance and (2) defining "Landscape Contractor" in Section 3 of the Zoning Ordinance.

> *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.

We are seeking your input on these potential changes via email, scheduled phone call, or video conference call. If you have comments or feedback or would like to schedule a phone call or meeting, feel free to contact me or Francis MacCall, at fmaccall@albemarle.org.

There will be a Planning Commission Public Hearing on July 21, 2020, to further discuss this proposed zoning text amendment. You are welcome to attend this meeting and provide any comments there as well.

Please feel free to share with your members or any other potential stakeholders.

Attachments: Executive Summary of the Resolution of Intent, a signed copy of the Resolution of Intent, and related Comprehensive Plan Information

Thank you,

Landscape Contractors ZTA – Stakeholders

From Resolution of Intent:

> "We can contact local professional organizations representing arborists and landscape contractor businesses such as the Virginia Society of Landscape Designers."

From Amelia/Bill

1. Roger Baber – Roger Baber Enterprises
   baber.rogerl@gmail.com

Professional Organizations

1. Virginia Society of Landscape Designers
   a. https://www.vsld.org/
   b. Contact - https://www.vsld.org/contact-us/
   c. members@vsld.org
   d. membership@vsld.org

2. Landscape Contractors Association
   a. https://www.lcamddcva.org/
   b. https://www.lcamddcva.org/general/?type=CONTACT
   c. lca@lcamddcva.org

3. Virginia Nursery and Landscape Association
   a. https://www.vnla.org/
   b. Contact - info@vnla.org
   c. President - brenthunsinger@gmail.com
   d. VP - chrisbjr@lancasterfarms.com

4. National Assocaition of Landscape Professionals
   a. https://www.landscapeprofessionals.org/
   b. info@landscapeprofessionals.org

5. Central Virginia Nursery and Landscape Association
   a. contactcvnla@gmail.com

Archived: Tuesday, June 16, 2020 10:16:55 AM
From: Roger Baber
Sent: Tue, 16 Jun 2020 11:46:37
To: Kevin McCollum
Subject: Re: Albemarle County Proposed Zoning Text Amendment – Rural Areas Landscape Contractors as a Special Use Permit Use
Sensitivity: Normal

CAUTION: This message originated outside the County of Albemarle email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Kevin,

Thank you for including me in the zoning for Landscape contractors in the Rural Areas. In regards to the definition of Landscape contractor I feel that as an arborist I would prefer to have language that includes the term arboriculture. Often people do not think of tree care as part of the landscape so I would be concerned that this ordinance could exclude my business in the event that someone had opposition to my location etc.

Thanks

Roger Baber

On Mon, Jun 15, 2020 at 9:24 AM Kevin McCollum <kmccollum@albemarle.org> wrote:

> Good Morning,
>
> Albemarle County is reaching out to you as a stakeholder in the County's regulation of Landscape Contractors in the Rural Areas. The County is currently working on a proposed zoning text amendment that addresses adding Landscape Contractors as a use permitted by Special Use Permit in the Rural Areas Zoning District and would like any feedback you may have on our proposed definition below.
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> We are seeking your input on these potential changes via email, scheduled phone call, or video conference call. If you have comments or feedback or would like to schedule a phone call or meeting, feel free to contact me or Francis MacCall, at fmaccall@albemarle.org.
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> There will be a Planning Commission Public Hearing on July 21, 2020, to further discuss this proposed zoning text amendment. You are welcome to attend this meeting and provide any comments there as well.
>
> Please feel free to share with your members or any other potential stakeholders.
>
> Attachments: Executive Summary of the Resolution of Intent, a signed copy of the Resolution of Intent, and related Comprehensive Plan Information
>
> Thank you,
>
> Kevin McCollum
> Planner, Certified Zoning Official
> Department of Community Development
> Albemarle County
> (434) 296-5832 ext. 3141