

EXHIBIT A

ARTICLE 4– LANDSCAPE SERVICE FOR AGR-PUD

CR-2020-004
(Updated 3/6/2020)

Part 1. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, **Commercial Use, Landscape Service** (page **XX of XX**, Supplement 27), is hereby amended as follows:

Reason for amendments: [Planning & Zoning]
1. The purpose of the Agricultural Reserve Tier is to preserve Agricultural and Environmentally sensitive lands and to foster preservation and a sustainable land use pattern. The purpose of the Conservation Easement recorded for AGR-PUD Preserves is to support, preserve and perpetuate bona fide agricultural and open space uses and to preserve any environmentally significant upland or wetland habitats. The goal of this amendment is to minimize the impact of landscape service, which is considered a commercial use by the ULDC.
2. As part of BCC direction at the January 27, 2020 Zoning BCC hearing, and previously discussed at the December 19, 2019 hearing, the proposed amendment accommodates 24 existing Wholesale Nursery uses within Agricultural Reserve Planned Unit Development Preserves (AGR-PUD/P). The proposed amendments give these existing Wholesale Nursery operations within AGR-PUD/P a mechanism to offer limited Landscape Service use in support of the Nursery, and ensure consistency with the Comprehensive Plan provisions regarding agriculture in the Agricultural Reserve Tier.
3. The Planning Division previously determined that a minimum of 70% of the land area would be required for a Nursery operation within an AGR-PUD/P, and as such, would remain consistent with the provisions of the Agricultural Reserve Tier within the Comprehensive Plan. The BCC did NOT initiate Comprehensive Plan amendments to amend policies that would allow for a reduction in the 70% minimum area for a Nursery use. The land associated with the minimum 70% Wholesale Nursery would be for the propagation, cultivation, growing, staging and storage of plants as well as other elements, commonly defined as Open Spaces in the ULDC, which may include periods where the land is left in a fallow state, but excludes chipping/mulching uses and hardscape materials such as decorative stones.
4. Planning Division staff also determined that a maximum of 30% of the land area could be associated with the Landscape Service use (and would not be considered a principal or collocated use, which would violate the Plan's Future Land Use Element Policy 1.5.1-i). The BCC directed that the restriction be further limited to 30% of the land area or 1.5 acres, whichever is less. This area is for the Landscape Service use and would include those components already defined as the Typical On-Site Activities and the Common Operations Area.
5. At the January 27, 2020 Zoning BCC hearing, the BCC directed the additional four (4) AGR parcels with Nursery and Landscape Service uses, as identified by industry (with transactional documents recorded in the public records prior to January 1, 2019), are also eligible to rezone to AGR-PUD as preserves and utilize the provisions for the Wholesale Nursery with the proposed Landscape Service use restrictions as outlined.
6. In December 2019, the Planning Division conducted an analysis of the existing 24 AGR-PUD/P Wholesale Nursery uses with some Landscape Service component, as well as an additional four (4) AGR parcels presented by industry, to determine if they would comply with the proposed 70% minimum land area requirement. Of the 28 total Nursery operations, 23 would comply with the minimum 70% land area requirement for the Nursery use. This analysis was presented to the BCC in graphic form in December 2019, and January 2020, and served as the basis for the proposed code amendment. Furthermore, the BCC directed staff to apply the proposed amendments to only those existing 24 Wholesale Nurseries within AGR-PUD Preserves and the previously identified four additional parcels, which may seek subsequent rezoning to AGR-PUD Preserves in the near future.
7. The proposed amendments include limited timeframes to bring these uses into compliance similar to what was already adopted for Wholesale Nursery with Landscape Service uses in the AR/RSA.

1 **CHAPTER B USE CLASSIFICATION**

2

3 **Section 2 Commercial Uses**

4

5 **C. Definitions and Supplementary Use Standards for Specific Uses**

6

7 **21. Landscape Service**

8 **a. Definition**

9 An establishment engaged in the maintenance or installation of landscaping. **[Ord. 2019-**

10 **039]**

11 **b. Typical On-Site Activities**

12 Includes administrative office; customer and employee parking; and, storage or parking of

13 landscape vehicles, chemicals, fertilizers, landscape materials, and equipment. **[Ord.**

14 **2019-039]**

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1 **c. Typical Off-Site Activities**

2 May include, but are not limited to: lawn mowing; trimming of vegetation including trees,
3 shrubs, or hedges; irrigation; fertilizer application; leaf blowing; landscaping design;
4 maintenance; or installation. **[Ord. 2019-039]**

5 **d. Common Operations Area**

6 A common area that is shared between the Nursery and the Landscape Service, which
7 may include, but is not limited to: drive aisles; customer parking; and, structures that are
8 commonly shared between the Nursery and the Landscape Service. It shall not include
9 areas, structures, or facilities which serve solely the Landscape Service (On-Site
10 Activities). **[Ord. 2019-039]**

11 **e. Nursery Growing Area**

12 Consists of an area(s) used solely for the propagation, cultivation, growing, storage, and
13 staging of plans. **[Ord. 2019-039]**

14 **f. Easements**

15 The Applicant may allocate drainage or street/canal right-of-way easements to the
16 Common Operations, Nursery, or Landscape Service Areas based on their proximity to
17 each respective area and the purpose and scope of the easement, subject to the approval
18 by the DRO. **[Ord. 2019-039]**

19 **g. AR District in RSA**

20 Shall be permitted subject to applicable requirements of a Home Occupation pursuant to
21 Art. 4.B.1.E.10, Home Occupation; Art. 4.B.2.C.21.h, Collocated Use; or, as a principal use
22 subject to the additional requirements as follows: **[Ord. 2019-039]**

23 1) Shall be located on a Collector or Arterial Street; and, **[Ord. 2019-039]**

24 2) Shall be on a minimum of three acres. **[Ord. 2019-039]**

25 **h. AGR-PUD Preserve**

26 **1) Applicability**

27 Landscape service under this section shall be permitted only for existing landscape
28 service uses, on the following twenty-eight (28) sites, subject to the restrictions
29 contained herein:

30 a) Twenty-four properties within the AGR-PUD Preserve, as depicted in the list of
31 AGR-PUD Preserve properties attached as Exhibit B in Ordinance 2020-_____.

32 b) Four (4) additional properties within the AGR Zoning District, as also depicted in
33 the list of AGR-PUD Preserve properties attached as Exhibit B in Ordinance 2020-
34 _____.

35 (1) These four (4) properties shall provide sufficient evidence demonstrating that
36 the property owner has entered into a private transactional agreement
37 recorded in the Official Records of PBC prior to January 1, 2019, with the intent
38 of converting the property to AGR-PUD Preserve.

39 2) Landscape Service use must be compact and contiguous in design and not located in
40 multiple locations on a site.

41 3) Shall be allowed only in conjunction with a Wholesale Nursery and both uses shall be
42 operated under the same ownership.

43 **3) Approval Process– Full DRO**

44 a) The DRO shall determine what agencies will review the proposed application

45 b) The twenty-four (24) properties located within the AGR-PUD Preserve Zoning
46 District shall submit an application to allow Landscape Service use and be
47 determined to be sufficient by the DRO within 180 calendar days of the effective
48 date of Ordinance 2020-_____.

49 c) Prior to January 1, 2021, the four (4) properties within the AGR Zoning District shall
50 submit an application and be found sufficient by the DRO, for a rezoning to the
51 AGR-PUD Preserve Zoning District. These four (4) properties shall then submit
52 an application to allow the Landscape Service use and be determined to be
53 sufficient by the DRO within 60 days of the effective date of the rezoning to AGR-
54 PUD Preserve Zoning District.

55 c) A minimum of 70% of the lot area shall be a Wholesale Nursery, and may also
56 include limited areas for Open Spaces.

57 d) A maximum of 30% of the lot area or 1.5 acres, whichever is less, shall include
58 Typical On-Site Activities, Common Operation Areas, and any buildings not
59 associated with the propagation, cultivation, growing, storage, and staging of
60 plants.

61 **5) Location – Access**

62 Minimum access shall be any Legal Access, as defined by Article 1.H.2. Definitions,
63 that exists at the time of application for use approval. If the existing access is not legal,
64 then minimum access shall be in accordance with Article 11.E.2.A.2. Minimum Legal

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1 Access Requirement, unless a variance is approved pursuant to Art 2.B.7.E. Type 2
2 Variance.

3
4 ... Renumber accordingly...

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