



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

LANDSCAPE SERVICE USE SUBCOMMITTEE

May 30, 2017



Overview of Key Agricultural Districts

1957	Agricultural (A-1) District	A-1		
1973	<ul style="list-style-type: none"> Zoning Ord. Re-adopted A-1 Revised to AG (General Agriculture) 	AG		
1981	<ul style="list-style-type: none"> AG revised to AP (Agricultural Preservation) Agricultural Residential (AR) Established 	AP	AR	
1990	<ul style="list-style-type: none"> Ag. Preservation revised to Ag. Production Agricultural Reserve (AGR) District Established 			AGR
1992	Unified Land Development Code (ULDC) Adopted			
1998	Agricultural Reserve Rezoning			
2003	ULDC Ord. Re-adopted	AP	AR	AGR



Overview of Landscape Service Use

1957 Code

- Contractor's Storage and Equipment Yards were allowed in C-2 (General Commercial District) when located entirely within a building or fenced area.
- Any use permitted in C-2 was permitted in M-1 (Industrial District).

1973 Code

- Permitted by right in IL (Light Industrial) or IG (Heavy Industrial) or by Special Exception (SE) for certain Planned Development Districts.



Overview of Landscape Service Use

1990 [Ord. 90-011]

Established new uses:

- Landscape Installation Services
 - Special Exception in AR (Agricultural Residential) district, provided located on an arterial only.
- Lawn Maintenance Service
 - Special Exception in AR.



Overview of Landscape Service Use

1992 Unified Land Development Code (ULDC)

Consolidated Lawn Maintenance and Landscape Installation uses into Landscape Maintenance Service:

- AR (Agricultural Residential) District
 - Class A Conditional Use
 - Min. 3 acres
 - *"...shall be located on a collector street."*
- AGR (Agricultural Reserve) District
 - Class B Conditional Use

Note: Landscape Maintenance Service was also allowed in additional districts subject to various approval processes, including but not limited to: SA, RSER, CG, IL Zoning Districts; PUD [Commercial Pod], TND [Work], MXP [CH FLU], MUPD [CH and IND FLU], PIPD [IND/L and COM Pods] Planned Development Zoning Districts.



Overview of Landscape Service Use

1993 [Ord. 93-004]

- Landscape Maintenance Service
 - Added new Principal use limitation:
 - *“A landscape maintenance service operated as a principal use may not store or have on site landscape installation equipment nor vehicles over 1½ tons.”*
- Landscape Maintenance Service as Home Occupation
 - Established language clarifying where Landscape Maintenance Service may qualify as Home Occupation.



Overview of Landscape Service Use

1997 [Ord. 97-064]

Landscape Maintenance Service

- Clarified location within the AR (Agricultural Residential) district.
 - *“Shall be located on a collector or street of higher classification”*
- Deleted reference to Landscape Maintenance Service as a Home Occupation.



Overview of Landscape Service Use

1998

[Reso. 98-851]

- Official Zoning Map Amendment (AGR Rezoning)

[Ord. 98-011]

- AGR District provisions revised.
- Landscape Maintenance Service
 - AGR (Agricultural Reserve) district
 - Use Limitation: “...*shall be permitted only in conjunction with a nursery.*”
 - Subject to DRC Approval



Overview of Landscape Service Use

1999 [Ord. 99-037]

Landscape Maintenance Service

- AR (Agricultural Residential) district
 - Added provision for accessory use to a Retail or Wholesale Nursery subject to DRC approval.
 - Established standard for Urban Service Area, requiring the accessory use be located on a nursery with a minimum of 5 acres.



Overview of Landscape Service Use

2001 [Ord. 01-062]

- Use again split but retained the same standards.
 - “Landscape Maintenance Service”
 - “Landscape Installation Service”
 - AR (Agricultural Residential) district
 - Landscape Installation may be an accessory use to a Retail or Wholesale Nursery on a minimum of ***three acres***.
 - Landscape Maintenance may be an accessory use to a Retail or Wholesale Nursery on minimum of ***three acres***.



Overview of Landscape Service Use

2003 ULDC

- Landscape Installation Service and Landscape Maintenance re consolidated as **Landscape Service:**
 - AR (Agricultural Residential) district
 - “...shall be located on a collector or arterial street.”
 - “Minimum lot size shall be three acres.”
 - Class A Conditional Use.
 - AGR (Agricultural Reserve) district
 - “...shall be permitted only in conjunction with a Retail or Wholesale Nursery” subject to DRO approval.

* Landscape Service also allowed in additional districts subject to various approval processes in CC, CG, IL, and IG zoning districts; and, PUD[COM], MUPD [CH, IND], MXPD [CH], and PIPD [IND/L,COM,IND/G] Planned Development Zoning Districts.



Overview of Landscape Service Use

2007 [Ord. 07-013]

Added exception to Home Occupation limits for Landscape Service use in AR (Agricultural Residential) district in RSA (Rural Service Area):

- *“Max of three persons living outside of the home may be employed...”*
- *“Use shall also be exempt from the outside storage limitations”*
- *“Storage area shall be screened from view...”*



Overview of Landscape Service Use

2011 [Ord. 07-013]

- Establish provisions for Yard Waste Storage
- Includes regulations such as:
 - Setbacks
 - Size
 - Screening
 - Height
 - Drainage
 - Prohibition of receiving of yard waste not generated by the Landscape Service Use.



Where is Landscape Service Allowed Today as a Principal Use?

District	A G R	A R / R S A *	A R	C C	C G	I L	I G	PUD	MUPD			MXP D	PIPD		
								C O M	C H	I N D	E D C	C H	I N D / L	C O M	I N D / G
Approval Process	-	A	-	B	B	P	P	A	A	P	D	A	P	P	P

- A Class A Conditional Use (Subject to BCC Approval)
- B Class B Conditional Use (Subject to Zoning Commission Approval)
- D Subject to DRO Approval
- P Permitted by Right
- - Prohibited use, unless stated otherwise within Supplementary Use Standards

- * *“A landscape service as a principal use shall be located on a collector or arterial street on a minimum of three acres.”*
- *“Landscape service with storage of yard waste shall front on a collector or arterial street...”*



Where is Landscape Service Allowed Today Accessory Use?

“May be allowed as an accessory use to a Retail or Wholesale Nursery on a minimum of three acres.”

AGR District

- *“Shall be permitted subject to DRO approval as an accessory use only in conjunction with a Retail or Wholesale Nursery, excluding those that meet the limitations of a Home Occupation.”*



Clarification of Principal & Accessory Uses

Art 1.1.2.U.20: *“Principal Use - the primary and major purpose for which land or building is used as allowed by the applicable zoning district.”*

Art 1.1.2.U.19: *“Accessory Use - a permitted use that is customarily associated with the principal use and clearly incidental to the principal use and is subordinate in area, extent, or purpose to and serves only the principal use.”*



Clarification of Principal & Accessory Uses

Art. 5.B.1.A, Accessory Uses and Structures

1. General

The following provisions in this Section shall apply to all development in Standard, PDD or TDD Zoning Districts, unless otherwise stated. [2007-001] [2017-007]

a. Standards

Uses indicated in the Use Matrix as blank in a zoning district shall not be allowed as accessory use unless stated otherwise in Art. 4, Use Regulations. An accessory use or structure shall be subject to the same regulations that apply to the principal use or structure, except as otherwise stated. [Ord. 2017-007]

b. Location

All accessory uses and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard. [Ord. 2017-007]

c. Floor Area

1) Nonresidential Zoning Districts

Where allowed, accessory uses and structures shall not exceed 30 percent of the GFA or business receipts of the principal use or uses, whichever is more restrictive. Minor Utility Use is not subject to this provision. [Ord. 2017-007]

2) Residential Zoning Districts

Accessory uses and structures in the U/S Tier shall not exceed the square footage of the principal use.



Questions?