

10.B.1. Request to Speak from Spencer Simmons and Tim Campbell regarding Zoning District Use Violation

Spencer Simmons, 118 43rd Avenue, and Tim Campbell, 7330 37th Street, appeared before the Board to protest a Code Enforcement ruling which allowed a commercial business to operate in their Agriculture-zoned neighborhood. Using a PowerPoint presentation, Mr. Simmons displayed images of the buildings, commercial vehicles, and traffic at the subject property. He went on to explain that the business, Caribbean Lawn and Landscaping, had been cited for violating County code by erecting a building without a permit and violating the zoning use of the property. The Code Enforcement Board ruling, however, allowed the business to continue operation contingent upon the completion of a planned commercial nursery.

Mr. Campbell spoke of his concern regarding the increased traffic, loss of property value, and the precedence this would set to allow for similar businesses to open in the area.

Chairman Solari requested clarification on the County code from Stan Boling, Director of Community Development. Director Boling explained that agricultural operations, such as commercial nurseries, receive protection under the Right-to-Farm Act; this includes a preemption from pulling a building permit, and the ability to run an accessory business on the land. A business could be ruled as accessory, or subordinate, based on the percentage of the lot it uses.

The Chairman expressed concern that this company was gaming the system by using the wholesale nursery business as a gateway for the landscaping operations. The other Commissioners expressed similar views, and cited examples of companies that were in keeping with the intention of the code.

Roland DuBlois, Chief of Code Enforcement, recounted the facts and analysis that led to the Code Enforcement Board's ruling.

The consensus of the Board was that while they could not interfere in this ongoing case, they would like to consider modifications to the code that would prevent misrepresentations or abuses of the zoning rules. The County Administrator and staff were instructed to research modifications to the code that would balance the needs of agriculture and commercial business.

No Action Taken or Required

C. PUBLIC NOTICE ITEMS