

10.A.2. 20-1341 Consideration of Alternative Land Development Regulation (LDR) Amendment Proposals to Define, Regulate and Establish Criteria for Off-site Accessory Landscaping Services in Agricultural Zoning Districts

Recommended Action: Staff recommends that the Board of County Commissioners adopt staff's proposed alternative (2nd Alternative") LDR amendment, requiring that off-site accessory landscaping services in agricultural zoning districts be subject to certain criteria specified in the amendment and be subject to PZC approval as an Administrative Permit use, as recommended by the AAC and the PZC.

Attachments: [Staff Report](#)
[Stolze/Caribbean Exemption Affidavit](#)
[Stolze/Caribbean Site Plan Sketch](#)
[BCC 3/5/2019 Meeting Minutes](#)
[Staff Report for BCC 6/18/2019 Meeting](#)
[BCC 6/18/2019 Meeting Minutes](#)
[Hendrix Proposed LDR Amendment \(incl AO Letter\)](#)
[Simmons/Campbell Proposed LDR Amendment](#)
[AAC Meeting Minutes \(10/30/2019 and 12/11/2019\)](#)
[PZC 1/23/2020 Meeting Minutes](#)
[Staff Proposed "2nd Alternative" LDR Amendment](#)

Director of Planning Roland DeBlois utilized PowerPoint slides to present the proposed Land Development Regulation (LDR) Amendments related to off-site accessory landscaping services on agriculturally zoned (A-1) land. Background was presented, beginning with the March 5, 2019 Commission meeting wherein residents expressed concerns regarding Caribbean Lawn and Landscaping's business model, which they felt violated existing zoning regulations. The Board directed staff to reassess zoning requirements to better balance the needs of agriculture and commercial business.

The issue returned at the June 18, 2019 BCC meeting, where staff presented a proposed LDR amendment (1st Alternative) defining allowable accessory services on A-1 zoned land; the Board directed the Agriculture Advisory Committee (AAC) to review the proposal and return with recommendations. The presentation continued pursuant to AAC discussions.

Director DeBlois then provided details of staff's refined LDR proposal (2nd Alternative), which would allow off-site accessory landscaping businesses subject to certain criteria and approval by the Planning and Zoning Commission under an administrative permit review. Additionally, two publicly submitted LDR amendment proposals had been filed and were being presented for the Board's consideration: the Hendrix proposal suggested criteria for special exception use;

the Simmons/Campbell proposal would eliminate off-site accessory landscaping services in A-1 zones. It was noted any LDR amendment would apply to future businesses, and existing ones would be grandfathered under LDR Chapter 904 regulations.

During discussion, Commissioner O'Bryan expressed concerns regarding staff's 2nd Alternative proposal and the attempt to quantify an accessory use business. Chairman Adams was disinclined to pass regulations that were too limiting to the mixed-use nature of A-1 zoned land. Additional discussion continued between Commissioners and staff regarding the LDR proposals, balanced regulations, and hypothetical scenarios.

The Chairman opened the Public Hearing.

The following people spoke before the Board:

Ken Hendrix, 6220 1st Street SW, discussed his LDR proposal, though he now supported the Simmons/Campbell proposal. He provided historic information on the area to support his comments.

John Terry, 37th Street, disagreed with the ruling that allowed this type of commercial business in an agricultural area, and supported the Simmons/Campbell amendment.

The Chairman called a recess at 10:48 a.m., and reconvened the meeting at 10:55 a.m., with all Board members present.

Spencer Simmons, 7350 37th Street, clarified his initial complaint to the Board. He presented his LDR proposal's rationale for eliminating off-site lawn mowing service businesses on agricultural land, and spoke against grandfathering existing businesses.

Jodi Velde, 6300 1st Street SW, representing Tropical Property Management, informed that landscape debris was recognized as an agricultural product by the State of Florida.

Tim Campbell, 7330 37th Street, posited that commercial businesses were being established on agricultural land in order to pay less tax, and displayed supporting documents.

Marilyn C. Ingram, 6985 37th Street, voiced concern that a precedent had been set, opening the door to future commercialization of the neighborhood.

Amy Simmons, 7350 37th Street, expressed her opinion that the permitting process was flawed.

There being no further speakers, the Chairman closed the Public Hearing.

Discussion resumed with Commissioners and staff providing input on the three proposals to amend existing LDRs. County Attorney Dylan Reingold provided guidance on the LDR amendment process, grandfathering existing businesses, and freezing new businesses under the Pending Ordinance Doctrine.

A motion was made by Commissioner Solari, seconded by Vice Chairman Flescher, to deny staff's 2nd Alternative Ordinance amendments presented to the Board. Additionally, the Board requested that staff return with a new Ordinance which included language eliminating off-site commercial landscaping businesses, particularly entailing lawn maintenance, from operating on agriculturally zoned land, while grandfathering existing businesses. The motion carried by the following vote:

Aye: 4 - Vice Chairman Flescher, Commissioner Zorc, Commissioner O'Bryan, and Commissioner Solari

Nay: 1 - Chairman Adams