

**JOINT WORKSHOP
AGRICULTURAL ADVISORY BOARD and LOCAL PLANNING AGENCY
SEPTEMBER 8, 2010**

1. ROLL CALL

The meeting was called to order at 6:32 p.m. Agricultural Advisory Board members present were Julie Aitken, Jacque Daniels (arrived at 6:33 p.m.), Jason Hurley, Dave Parrish, and Sam Scott (arrived at 6:34 p.m.)

Agency members present were Chair Mimi Turin (arrived at 6:34 p.m.), Vice-Chair Philip Busey, Ken DeArmas, Ken Farkas (arrived at 6:44 p.m.), and Tom Jacob.

Also present were Attorney Thomas Moss, Code Compliance Official Danny Stallone, Deputy Planning and Zoning Manager David Abramson, Planner Lise Bazinet and Board Secretary Janet Gale recording the meeting.

2. DISCUSSION: Landscape Maintenance Contractors

Mr. Abramson discussed the proposed ordinance which amended the Land Development Code. It had been drafted by staff based on recommendations made by the Agricultural Advisory Board (Ag Board). He emphasized that the focus was on landscape maintenance contractors. Mr. Abramson listed the recommendations made by the Local Planning Agency regarding this use which were: 1) home occupational license with annual inspection/fee; 2) special use permit with a minimum parcel size; 3) amnesty, prohibiting additional establishments; and 4) to treat it more like a nuisance. Mr. Abramson justified the rationale for these recommendations.

Vice-Chair Busey thought it might be helpful for both boards to understand the history of why we were in this situation.

Mr. Stallone believed it was a matter of protecting agriculture while allowing development to coexist. Uses which appeared to be agricultural, but in reality were not, should not be allowed to take advantage of such regulations as the Right to Farm Act which protected agriculture and provided exemptions. Distinctions needed to be made and definitions needed to be established in order to separate the authentic from the quasi-agricultural. He advised that initially, the Ag Board asked that the Town identify what was a farm under the context of a landscape nursery and to distinguish what might not be a farm as landscape maintenance contractors. Mr. Stallone acknowledged that there was a further divergence between a residential landscape maintenance contractor which was a small business operation, and the commercial type which was a landscape maintenance contractor being a large business and which usually operated off a main thoroughfare. He provided an example.

Vice-Chair Busey asked Mr. Stallone for the definition of a farm. Mr. Stallone provided a brief definition and Ms. Aitken interjected further clarification. Later in the meeting, Mr. Stallone read the definition as defined by State Statutes.

Vice-Chair Busey suggested that the Ag Board members relate their views of the problems which brought these two boards to this point.

Ms. Aitken explained that nurseries were agriculture and landscape maintenance companies (lawn mowing operations) were not agricultural. They were an industrial use in which the operations entailed more traffic, vehicles being parked on site, flood lights, and piles of mulch being dumped. These activities being performed under the guise of agricultural, would give agriculture a bad name and that was their concern. She related the fact that Davie residents had overwhelmingly voted in a referendum to maintain its rural character and lifestyle. Ms. Aitken did not want abuses to happen under the heading of agriculture which were not actually agriculture. She acknowledged that there was a "grey area" and that the Code needed to be amended in order to provide definitions and tools to determine when a nursery had "stepped over the line." Ms. Aitken summarized that they wanted to protect genuine agriculture and at the same time provide Code Enforcement with the tools to stop abuses that were not agriculture.

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Mr. Stallone advised that the Town deferred to “Best Management practices” insofar as determining livestock issues and limitations. Ms. Aitken advised that Best Management practices was primarily concerned with the contamination of ground water and would be deferring to the South Florida Water Management District regarding equine issues of runoff into the canals and ultimately the Everglades.

Mr. DeArmas explained that when this proposal was first introduced to the Agency, it designated all nurseries as not permitted in various zoning districts where they had existed for years instead of conditionally permitting them subject to detailed use regulations. He knew that this would impact a great number of small established nurseries already strained by tough economic times.

Mr. DeArmas was also concerned about the effect on residents who were scratching out a living as “mom and pop” lawn maintenance services in order to keep their homes in residential neighborhoods. It was not about trying to stop anything that the Ag Board was attempting to accomplish, it was that there were a number of people that would be impacted by the “non permissive” aspect of the amendment as opposed to allowing it with stipulations such as recommended by the Agency. He spoke of incidences in the past and how well they were handled by Code Compliance.

Mr. DeArmas pointed out that the use, ‘Landscape Maintenance Contractor,’ was being generalized. He wanted to work together with staff and Ag Board members to be on common ground and give Mr. Stallone the guidelines and provisions to keep everyone happy with their neighborhoods. Mr. DeArmas personally knew neighbors who had lost their businesses, invested in small trailers, have twenty or thirty accounts, and are barely earning a living at landscape maintenance. He spoke of several experiences whereby any violations which had occurred from these small business operations, were swiftly dealt with and resolved by Code Compliance.

Ms. Aitken indicated that at the beginning of the process, there were definitions which had to be established. An objective of the Ag Board was to distinguish a nursery that did some landscape maintenance (mowing lawns) as opposed to a landscape maintenance contractor who threw in a few pots with plants on the property and called itself a farm. She believed that by keeping the definitions a little vague, it would provide room for interpretation by Code Compliance. Ms. Aitken stated that it was up to the Town to decide as to which zoning districts nurseries were permitted or granted a home occupational license so long as it was not called agriculture, since it was not agriculture.

Mr. DeArmas explained that what the Agency was trying to accomplish was to take the use category from “not permitted in this district” to “conditionally permitted subject to detailed use regulations.” In that way it would give authority to Code Compliance. He added that if an affidavit was signed with explicit terms, there would be an understanding by all parties as to what was and was not a violation.

Vice-Chair Busey asked Mr. Abramson if by removing nursery from agriculture and by creating a special section for landscape maintenance contractor, had staff isolated the more problematic use which caused complaints in the past? Secondly, he asked, if there was too much or too little overlap in which someone would be able to get away with offensive/noisy activities.

Mr. Abramson replied that the proposed Code amendments would be like “drawing a line in the sand.” There would be two different uses – one would be a nursery and the other would be a landscape maintenance contractor.

Mr. Stallone commented that from what he had seen of the proposed changes to the permitted uses, landscape maintenance contractors were specifically prohibited from residential areas. Mr. Farkas asked if Mr. Stallone was having problems with enforcing the Code with residents living in residential neighborhoods and practicing lawn maintenance businesses.

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Mr. Stallone responded that he may have approximately six complaints within a year; however, to those who were impacted, it was a large issue. He commented that there were a lot of such operations existing out there without the Town's knowledge because they had not negatively impacted any neighbors. Mr. Stallone believed there were two different issues; one was the small operator he just spoke of and the other was the large-scale landscape maintenance contractor who was attempting to be classified as a farm.

Ms. Aitken agreed that the Ag Board was concerned with the larger operations of landscape maintenance contractors who were creating the abuses and not the "guy with the one trailer doing his own thing." The Ag Board was not trying to stop anyone from earning a living and it was up to the Town to decide in which district the use should be allowed.

Mr. DeArmas was in agreement with what the Ag Board was attempting to accomplish; however, he believed a simple solution which would allow the small, independent landscape maintenance contractors to exist, would be to take it from a not permitted use in all districts to a conditionally permitted use subject to detailed use regulations in all districts. Not only would the Town benefit from home occupational licensing revenues, it would also set conditions from which the use could be regulated.

Ms. Daniels and Mr. Hurley clarified the Ag Board's intentions which worked with what Mr. DeArmas had suggested.

There was a quick discussion about how the boards could exchange information in compliance with the Sunshine Law.

3. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 7:30 p.m.

Date Approved: _____

Chair/Agency Member