

TAB 7

ORDINANCE 2011-33

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE STANDARDS FOR FARM LABOR CAMPS AS A CONDITIONAL USE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, within the above-referenced grant of powers, the City of Palmetto (the "City") has the authority to regulate land development and the use of property within the City for the protection of the public health, safety and welfare; and

WHEREAS, Section 381.00896, Florida Statutes, provides that it is the policy of the State of Florida that each municipality must permit and encourage the development and use of a sufficient number and sufficient types of farmworker housing facilities to meet local needs; and

WHEREAS, the City desires to provide appropriate standards for the establishment of farm labor camps as a conditional use within certain zoning districts; and

WHEREAS, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:

Section 1. Findings of Fact. The above "WHEREAS" clauses are adopted herein as findings of fact.

Section 2. Revision Language.

A. Appendix B, Zoning Code, Article IV Schedule of District Regulations, Section 4.2 Schedule of permitted and conditional uses by district, of the City of Palmetto Code of Ordinances, is hereby amended to remove the classification of Farm Labor Camps into "Small (10 units or less)" and "Large (more than 10 units)". "Farm Labor Camps" shall continue to be allowed as a conditional use in the RM-6 zoning district, and the Schedule shall be amended accordingly.

B. Appendix B Zoning Code, Article VI Supplemental Regulations, of the City of Palmetto Code of Ordinances is hereby amended to add Section 6.24 to read in its entirety as follows:

Section 6.24. Farm Labor Camps. All Farm Labor Camps within the City shall comply with the following requirements, in addition to requirements that may otherwise be provided in the Code:

- 1) The Farm Labor Camp shall have a valid permit issued by the Department of Health, or other appropriate agency, and shall comply at all times with state and federal requirements for such uses.
- 2) The property owner and property manager for the Farm Labor Camp shall maintain updated contact information with the City Code Enforcement Officer, including name, address, and telephone number.
- 3) The site must be accessible to residential support uses, such as health care, recreational facilities, and retail locations for daily personal needs and supplies.
- 4) Prior to consideration of a conditional use permit, the proposed use shall undergo CPTED review by the Police Chief or his designee, who shall prepare a report with recommendations to be considered during the review process.
- 5) The project shall be reviewed for necessary safety considerations, including installation of appropriate lighting and security cameras.
- 6) No portion of a site containing a Farm Labor Camp may be located within the following gateway areas:
 - a. The area between the Manatee River and the southern right-of-way boundary for 4th Street and Floramana Lane.
 - b. The corridor extending out 300 feet in both directions from the right-of-way boundaries for 10th Street, from the western City limits to the eastern City limits.
 - c. The corridor extending 300 feet in both directions from the right-of-way boundaries for 8th Avenue, from the Manatee River to the northern City limits.
- 7) Screening, including opaque decorative fencing, may be required around some or all of the perimeter of the site, after consideration of compatibility with surrounding properties and CPTED recommendations.

- 8) Any clothes lines for laundry must be screened from public view.
- 9) Commercial vehicles and buses may not be parked on site overnight unless they are screened from public view.
- 10) All vehicles on site must be parked in designated parking spaces.
- 11) All vehicles on site must be operational and must display current tags.
- 12) Following the approval of a conditional use permit for a Farm Labor Camp, the City's Code Enforcement Officer shall conduct periodic operational inspections of the facility for compliance with all of the above requirements, as well as any additional conditions imposed in the conditional use permit.

Section 3. Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

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| First Reading | November 21, 2011 |
| First Public Hearing | December 5, 2011 |
| First Publication Date | November 25, 2011 |
| Second Publication Date | December 30, 2011 |
| Second Public Hearing Continued to: | January 9, 2012 January 23, 2012 February 27, 2012 April 16, 2012 |

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this 16th day of April, 2012.

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT,
MAYOR

ATTEST:

By: _____
James R. Freeman, City Clerk