

TAB 9



City of Palmetto Agenda Item

Meeting Date

5/21/12

Presenter: Lorraine Lyn

Department: Planning

Title:

**Public Hearing to amend Zoning Code
Conditional Use (CU) Stipulations for Farm Worker Housing
Ordinance 2012-07**

The City's Zoning ordinance permits farm labor camps only within the RM-6 zoning district as a CU in the RM-6 zoning district but does not contain any standards or criteria by which to consider these uses. Ordinance 2012-07 provides Conditional Use standards for farm worker housing and rooming/boardng houses in the RM-5 and RM-6 zoning districts. The Code permits duplexes in RM-5 and apartments in RM-6. RM-5 is being added because many existing farm worker housing units are duplexes. The ordinance allows existing farm worker housing that are not within the RM-5 or RM-6 zoning districts to apply for a CU within a 90 day timeframe. Upon approval, these facilities would be legal non-conforming since the Code does not allow such facilities in districts other than RM-5 and RM-6. If the application for CU is not made or denied, these uses shall be subject to Code Enforcement in accordance with the Code. The ordinance requires CPTED review by the Police Department, provision of contact information for the property owner and manager and a site plan. It does not include the gateway buffer areas.

BACKGROUND

The City Commission held several workshops to discuss Ordinance 2011-33 on conditional use stipulations for farm labor camps - October 3 and 17 and November 7, 2011. Ordinance 2011-33 proposed 200 foot gateway buffers along 10th Street and 8th Avenue and the area south of 4th Street to the Manatee River. It required CPTED review, the provision of contact information for the owner and property manager and a follow up operational inspection by Code Enforcement. At the Planning and Zoning Board meeting on 12/15/2011, the Board requested that individual notices be sent to property owners of RM-6 zoned parcels within the proposed gateways. Notices were mailed out on 1/5/12 and the P&Z held its public hearing on January 19, 2012 which was continued at the recommendation of Council to give City staff an opportunity to meet with the farming industry and anyone else impacted, to review their issues and concerns. During the past three months, the mayor and City staff held numerous meetings with the agricultural community. They recommended that "farm labor camps" be changed to "farm worker housing" which is included in this Code amendment. On April 2 2012, Council recommended that Ordinance 2011-33 be withdrawn as it had become apparent that the forthcoming ordinance needed to be re-advertised.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A P&Z's hearing is May 17, 2012

Potential Motion/Direction Requested: The City Commission shall APPROVE, APPROVE WITH CONDITION(S) or DENY the proposed amendment to the Zoning Code.

Staff Contact: Lorraine Lyn City Planner 723-4580 Ext. 2135

Attachments: Staff Report

ORDINANCE 2012-07

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE STANDARDS FOR FARM WORKER HOUSING AND BOARDING/ROOMING HOUSES AS CONDITIONAL USES IN THE RM-5 AND RM-6 ZONING DISTRICTS; REMOVING BOARDING/ROOMING HOUSES AS A PERMITTED USE IN THE CN AND CG ZONING DISTRICTS; AMENDING GENERAL STANDARDS FOR CONDITIONAL USES; 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 farm worker housing facilities to meet local needs; and

WHEREAS, the City desires to provide appropriate standards for the establishment of farm worker housing and boarding/rooming houses as conditional uses within certain zoning districts, in order to provide for the safety and protection of the residents of such facilities; 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. All references to "farm labor camp" or "farm labor camps" occurring in Appendix B, Zoning Code, are hereby replaced with "farm worker housing".
- B. 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 (small and large), and to replace it with "Farm Worker Housing".

“Farm Worker Housing” shall be allowed as a conditional use in the RM-5 and RM-6 zoning districts, and the Schedule shall be amended accordingly.

- C. 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 Boarding/Rooming Houses as a permitted use in the RM-6, CN and CG zoning districts, and add Boarding/Rooming Houses as a conditional use in the RM-5 and RM-6 zoning districts, and the Schedule shall be amended accordingly.
- D. The following footnote shall be added to Appendix B, Zoning Code, Article IV, Schedule of District Regulations, Section 4.2 Schedule of Permitted and Conditional Uses by District of the Palmetto Code of Ordinances: Those existing farm worker housing uses located at the addresses listed below may apply by September 30, 2012 to be approved as a conditional use:
1. 1911 8th Ave W
 2. 1000 1st Ave Ct W, # 1 – 37
 3. 1001 1st Ave Ct W
 4. 401 – 413 6th St W
 5. 804 5th Ave W
 6. 710 5th Ave W
 7. 415 9th St W
 8. 408 8th St W

If the application meets the criteria for a conditional use and is approved for a Conditional Use Permit by the City Commission, then such use shall be considered a non-conforming use and regulated under the non-conforming use provisions City Zoning Code, as may be amended. If an application for a Conditional Use Permit is not applied for by September 30, 2012, or if the application for conditional use is denied, then such uses shall be subject to Code Enforcement in accordance with the requirements of the Code.

- E. 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 Worker Housing and Boarding/Rooming Houses.

- A. All Farm Worker Housing and Boarding/Rooming Houses within the City shall comply with the following requirements, in addition to requirements that may otherwise be provided in the Code:
1. Prior to consideration of a conditional use permit, the facility shall undergo CPTED review by the Police Chief, or his or her designee, who shall prepare recommendations to be considered during the review process. Safety improvements to be considered include but are not limited to:
 - (a) Screening, including fencing around some or all of the perimeter of the site.
 - (b) Security lighting.
 - (c) Security cameras.
 2. An applicant for a conditional use permit for Farm Worker Housing or Boarding/Rooming House shall provide evidence of current permits and licenses required for such use by appropriate state and/or federal agencies. Upon approval, applicant shall be required to maintain such permits or licenses, and shall at all times comply with applicable state and federal requirements for such use.
 3. The property owner of a farm worker housing or boarding/rooming house facility shall maintain updated contact information with the City's Code

Enforcement Officer, including name, address and telephone number for the property owner and the property manager.

4. The City's Code Enforcement Officer shall work with other agencies responsible for the regulation of Farm Worker Housing and Rooming/Boarding Houses, to coordinate inspections and ensure compliance with all applicable requirements.
- B. In addition to consideration of the conditional use standards in Section 15.4 of the Code, the City Commission shall also specifically consider the following:
1. The CPTED recommendations of the Police Department.
 2. The proximity of the proposed use to residential support uses, such as health care, recreational facilities, and retail locations for daily personal needs and supplies.
- C. Appendix B, Zoning Code, Article XV Conditional Uses, Section 15.3, of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

Section 15.3. Standards and Procedures.

- A. All applicants for a conditional use permit shall provide a site plan which accurately depicts existing and proposed structures and uses, site acreage, open spaces, setbacks, parking, internal vehicle circulation, landscaping, utilities, easements, access points, signage, and other details reasonably required by the City Planner based on the proposed use. A survey may be provided in lieu of a site plan, if the development is existing and no structural improvements are proposed.
- B. Conditional uses shall comply with applicable conditional use regulations and all other requirements of the City of Palmetto Code of Ordinances.

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.

First Reading	May 7, 2012
Publication Date	May 11, 2012
First Public Hearing	May 21, 2012
Publication Date	May 29, 2012
Second Public Hearing	June 4, 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 4th day of June, 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

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Addendum to Staff Report
Zoning Code Amendment: Conditions for Farm Worker Housing

Issue

The City is proposing to amend its Zoning Code to provide standards or conditions for farm worker housing as a Conditional Use (CU) in the RM-6 and RM-5 zoning districts. Currently the Code allows a Conditional Use (CU) in the RM-6 only for farm labor camps and does not contain any standards or criteria by which to consider these uses.

Ordinance 2012-07 (see Appendix A) provides Conditional Use standards for farm worker housing and rooming/boarded houses in the RM-5 and RM-6 zoning districts. The Code permits duplexes in RM-5 and apartments in RM-6. Currently, there is very little RM-5 zoning in the City but over 100 acres or 3.4% of the City is zoned RM-6. Following the City Commission's discussion at its workshop on May 7, 2012, it is also recommended that "duplexes" be added to the RM-6 as a permitted use. Because most of existing farm worker housing units are duplexes, this change would allow duplexes to be a conforming use in RM-6 and improve their chances of meeting the dimensional requirements of the Code.

The ordinance allows existing farm worker housing that are not within the RM-5 or RM-6 zoning districts to apply for a CU within a 90 day timeframe. Currently, there are 8 facilities in the City that are not zoned RM-5 or RM-6. The option to rezone to either RM-5 or RM-6 is always open to these 8 facilities to become legal conforming uses. Both a rezoning and a conditional use permit would be required which could be processed simultaneously. Upon approval of only a conditional use, these facilities would be legal non-conforming since the Code does not allow such facilities in districts other than RM-5 and RM-6. If the application for CU is not made or is denied, these uses shall be subject to Code Enforcement in accordance with the Code.

The ordinance requires CPTED review by the Police Department, provision of contact information for the property owner and manager and a site plan. It does not include the gateway buffer areas. However, a gateway ordinance will be forthcoming.

Background - Ordinance 2011-33

The City Commission held workshops on October 3 and 17 and November 7, 2011 to discuss Ordinance 2011-33 on conditional use stipulations for farm labor camps. The Planning and Zoning Board held a public hearing on January 19, 2012 and continued its hearing to February 16 2012, March 15 2012 and April 19 2012. However, on April 2 2012, the City Attorney's Office recommended that Ordinance 2011-33 be withdrawn as it had become apparent that the ordinance needed to be re-advertised.

Ordinance 2011-33 originally proposed 300 foot gateway buffers along 10th Street and 8th Avenue and the area south of 4th Street to the Manatee River. The ordinance required CPTED review, the provision of contact information for the owner and property manager and a follow up operational inspection by Code Enforcement.

At the Planning and Zoning Board meeting on 12/15/2011, the Board requested that individual notices be sent to property owners of RM-6 zoned parcels within the proposed gateways. Notices

were mailed out on January 4th 2012 to packing plants and affected property owners (RM-6 zoned parcels within the proposed 300' gateway area). Pacific Tomato Growers, Ltd. requested a 30 day continuance in a letter dated 1/20/2012 and their attorneys submitted a letter dated 2/1/2012 requesting that the 300' gateway buffer exclude properties between 7th Avenue W and US 301/US 41 and allow farm labor camps as a conditional use in the CG zoning district. Pacific Tomato Growers indicated that their farm labor camps are vital to the operation of their business which has operated in the City for many years.

The Planning and Zoning Board held its public hearing on January 19, 2012 which was continued to February 16, 2012 at the recommendation of the City Attorney's Office, to give City staff an opportunity to meet with the farming industry and anyone else impacted, to review their issues and concerns. On February 16, 2012, the Planning and Zoning Board continued its public hearing to give the packing plants additional time to review the proposed regulations as well as the associated data and analysis and to garner information on the City's CPTED process.

During the past three months, the mayor and City staff held numerous meetings with the agricultural community. Some of them opined that the City was singling out farm worker housing and holding them to higher standards with regard to screening for clotheslines and buses than other multi-family uses. They recommended that the term "farm labor camps" be changed to "farm worker housing".

Concurrently, there were several options being considered including reducing the gateway buffer to 200 feet, exempting out the existing farm worker housing from the gateway and allowing consideration of a CU in other zoning districts within a limited area around the packing plants. It soon became apparent that the Ordinance 2011-33 needed to be re-advertised and on April 2 2012, the City Attorney's Office recommended that it be withdrawn.

Proposed Code Changes

Sec. 3.2. Definitions of Terms

~~Farm labor camp~~ *Worker Housing*: One (1) or more buildings or structures, or any portion thereof, together with the land appertaining thereto, established, operated, furnished as an incident of employment or used as living quarters for seasonal, temporary or migrant farm workers or their families, whether or not rent is paid or reserved in connection with the use or occupancy of such premises.

Sec. 4.2. Schedule of Permitted and Conditional Uses by District

Use	Zoning District													
	E-R	RS-1	RS-2	RS-3	RS-4	MHP-1	RM-5	RM-6	GO	CN	CC	CG	CHI	P
<i>Agriculture and related uses</i>														
Farm labor Camps Worker Housing	—	—	—	—	—	—	C	C						—
Small (10 units or less)	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Large (more than 10 units)	—	—	—	—	—	—	—	C	—	—	—	—	—	—
<i>Lodging places</i>														
Boarding/rooming house							C	X-C		X		X		

<i>Residential uses</i>		—	—	—	—	—	—	—	—	—	—	—	—	—
Two-family							X	X*						
Multifamily								X	C	C	C	C		

*NOTE: Two-family units within the RM-6 zoning district shall meet all of the dimensional regulations of the RM-5 district.

- X = Permitted use
- C = Conditional use (see Ordinance No. 196)
- = Prohibited use
- * = In specific areas

Sec. 6.24. Farm Worker Housing
Ordinance 2012-07 with the recommendations herein.

Staff Recommendation

The proposed ordinance treats farm worker housing and boarding/rooming houses in the same manner, requiring a conditional use in the RM-5 and RM-6 zoning districts. Like the previous ordinance, it requires CPTED review by the Police Department which the City Commission must consider in addition to the conditional use standards in Section 15.4 of the Code, as well as the proximity to residential support uses, such as health care, recreational facilities, and retail locations for daily personal needs and supplies. In addition, is also recommended that “duplexes” be added to the RM-6 as a permitted use pursuant to the Planning and Zoning Board’s directive at its regular meeting on April 19, 2012.

A site plan depicting existing and proposed structures and uses, site acreage, number of units, open spaces, setbacks, parking, internal vehicle circulation, landscaping, utilities, easements, access points, signage, and other details reasonably required by the City Planner is required. However, if the development is existing and no structural improvements are proposed, a survey may be submitted in lieu.

Staff recommends **APPROVAL** of the aforementioned proposed amendment to the Zoning Code to change Sec. 3.2. Definitions of Terms, Sec. 4.2. Schedule of Permitted and Conditional Uses by District (Use Table) and Sec. 6.24. Farm Worker Housing CU Stipulations.

Planning & Zoning Board Recommendation

The Planning and Zoning Board will hear this amendment on May 17, 2012. At that time they will **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed amendment to the Zoning Code to include Conditional Use standards for farm worker housing.

City Commission Action

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS or DENY** the proposed amendment to the Zoning Code to include Conditional Use standards for farm worker housing at its second public hearing on June 4, 2012.