

TAB 15



City of Palmetto Agenda Item

Meeting Date

8/6/12

Presenter: Lorraine Lyn

Department: Planning

Title:

**Continued Public Hearing from July 16, 2012 to amend the Zoning Code
Conditional Use (CU) Stipulations for Farm Worker Housing
Ordinance 2012-07**

The City's Zoning ordinance permits farm labor camps as a Conditional Use in the RM-6 zoning district but does not contain any standards or criteria by which to consider these uses. To date, only two farm worker housing facilities have complied.

Per the current code, if a nonconforming ceases for more than 180 consecutive days, the subsequent use shall conform to the district regulations. The City Commission voted to extend this timeframe from 1/2 year to 2 years at the July 16th public hearing. In addition, the severability clause was eliminated from the ordinance.

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 ordinance requires CPTED review by the Police Department; provision of contact information for the property owner and manager; and a site plan of the facility or current survey if the facility is existing with no improvements. It also defines "farm worker housing" based on Section 381.008, FS F.S. definitions of Migrant Labor Camp and Residential Migrant Housing.

The proposed Ordinance (2012-07) offers a 90 day period in which existing farm worker housing in zonings other than RM-5 and RM-6 (listed in Sec. 2. D. of the ordinance) can apply for a CU to become legal nonconforming since the Code does not allow such facilities in these districts. If the application for CU is not made by October 31, 2012 or denied, these uses shall be subject to Code Enforcement in accordance with the Code.

PLANNING & ZONING BOARD RECOMMENDATION

The Planning and Zoning Board held its public hearings on May 17th and June 21st, 2012. As a result of public input regarding problems associated with financing a nonconforming use as well as rebuilding a nonconforming use, the Planning and Zoning Board recommended that upon approval of a Conditional Use Permit, the facilities listed in Sec. 2. D. of the ordinance would be legal conforming uses.

Budgeted Amount: **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

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

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 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. To date there is a list of 9 sets of addresses of farm worker housing 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 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 under the proposed ordinance 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 including the recommendation (not requirement) of security cameras; provision of contact information for the property owner and manager; and a site plan. Gateway buffer areas are no longer included in the proposed ordinance but will be considered at a later date.

Background

The city's first zoning ordinance was adopted on March 31, 1953. It does not appear that the zoning code addressed farm worker housing until November 20, 1989 when a definition for "farm labor camp" was added and a conditional use was required for same in the RM-6 district.

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. 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.

Definitions

The following definitions from Section 381.008, FS relating to farm worker housing. Both Migrant Labor Camps and Residential Migrant Housing require a permit from the state.

(5) "Migrant labor camp"--One or more buildings, structures, barracks, or dormitories, and the land appertaining thereto, constructed, established, operated, or furnished as an incident of employment as living quarters for seasonal or migrant farmworkers whether or not rent is paid or

reserved in connection with the use or occupancy of such premises. The term does not include a single-family residence that is occupied by a single family.

(8) “Residential migrant housing”--A building, structure, mobile home, barracks, or dormitory, and any combination thereof on adjacent property which is under the same ownership, management, or control, and the land appertaining thereto, that is rented or reserved for occupancy by five or more seasonal or migrant farmworkers, except:

(a) Housing furnished as an incident of employment.

(b) A single-family residence or mobile home dwelling unit that is occupied only by a single family and that is not under the same ownership, management, or control as other farmworker housing to which it is adjacent or contiguous.

(c) A hotel or motel, as described in chapter 509, that is furnished for transient occupancy.

(d) Any housing owned or operated by a public housing authority except for housing which is specifically provided for persons whose principal income is derived from agriculture.

Proposed Code Changes

Sec. 3.2. Definitions of Terms

~~Farm labor camp~~ **Worker Housing:** Shall include “migrant labor camps” and “residential migrant housing”, as those terms are defined in Section 381.008, Florida Statutes, as may be amended. Notwithstanding the foregoing, the term “farm worker housing” shall not include a single-family detached dwelling unit which is not under the same ownership, management or control as any adjacent property which is used for farm worker housing.”

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	—	—	—	—	—	—	<u>C</u>	<u>C</u>						—
Small (10 units or less)	—	—	—	—	—	—	—	<u>C</u>	—	—	—	—	—	—
Large (more than 10 units)	—	—	—	—	—	—	—	<u>C</u>	—	—	—	—	—	—
<i>Lodging places</i>														
Boarding/rooming house							<u>C</u>	X <u>C</u>		X		X		
<i>Residential uses</i>														
Single-family	X	X	X	X	X		X	X						
Two-family							X	<u>X*</u>						
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

Zoning Code Amendment

Farm Worker Housing

August, 2012

Sec. 6.24. Farm Worker Housing
Per Ordinance 2012-07

Staff Analysis

The proposed ordinance establishes conditional use standards by which to review farm worker housing in the RM-5 and RM-6 zoning districts for the first time since a conditional use was required for these uses in 1989. The proposed ordinance is not intended to duplicate the efforts of the County Department of Health but rather for the City to maintain a record of farm worker housing locations within its limits. To this end, it requires a site plan depicting existing and proposed structures and uses, density/intensity, open spaces, setbacks, parking, internal vehicle circulation, landscaping, utilities, easements, access points, signage, and other reasonably required details. However, if the facility is existing and no structural improvements are proposed, a current survey may be submitted in lieu of a site plan provided it contains the level of detail reasonably required by the City Planner.

The proposed ordinance also allows existing farm worker housing 90 days to apply for a conditional use permit regardless of the zoning of these facilities in order for them to secure a legal non-conforming status. These facilities which are not zoned RM-5 or RM-6 may also apply for rezoning to be conforming.

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 held its public hearings on May 17, 2012 and June 21, 2012. On June 21, 2012, the Planning and Zoning Board recommended **APPROVAL WITH CONDITION(S)** of the proposed ordinance provided the properties listed under 2.D are granted “conforming” use status upon approval of a Conditional Use permit. (See Appendix C, P&Z minutes). Planning and Zoning Board members attended the City Commission’s July 16th hearing and provided additional input.

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.

APPENDIX A

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 currently allows farm labor camps as a conditional use in the RM-6 zoning district, but has established no specific standards for the approval of such uses; and

WHEREAS, the City wishes to update the terminology to describe “farm labor camps” as “farm worker housing”; and

WHEREAS, the City has determined that the land use characteristics of farm worker housing and boarding/rooming houses are similar in nature due to the transient nature of their residents; and

WHEREAS, the City desires to provide appropriate standards for 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. Appendix B, Zoning Code, Article III Definitions, Section 3.2 Definition of Terms, of the City of Palmetto Code of Ordinances is hereby amended to remove the definition of “farm labor camp” in its entirety, and to replace it with the following”

Farm Worker Housing: Shall include “migrant labor camps” and “residential migrant housing”, as those terms are defined in Section 381.008, Florida Statutes, as may be amended. Notwithstanding the foregoing, the term “farm worker housing” shall not include a single-family detached dwelling unit which is not under the same ownership, management or control as any adjacent property which is used for 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 October 31, 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, 403, 405, 407, 409, 411 & 413 6th St W
5. 804, 806 & 808 5th Ave W
6. 712 & 716 5th Ave W
7. 415 9th St W
8. 408 8th St W
9. 502A, 504, 506 & 506A, 512. 514 & 514A, 606, 608, 610 & 610A & 702A
14th St W (Oakridge Apartments)

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 nonconforming use and regulated under the nonconforming use provisions of the City Zoning Code, as may be amended except that facilities receiving a Conditional Use Permit under this section shall not be subject to the cessation of use restrictions in Section 7.7(c) of the City Zoning Code unless the farm worker housing ceases for two consecutive years. If a complete application for a Conditional Use Permit is not received by the City by October 31, 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 City 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 or applicable building 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 (may be recommended but not required).
 2. Upon approval of a conditional use permit for Farm Worker Housing or Boarding/Rooming House, the applicant shall be required to maintain all applicable state and/or federal permits or licenses for such uses.
 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.
- 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 density and intensity of nearby uses.
 2. The CPTED recommendations of the Police Department.
 3. Accessibility of the proposed use to residential support uses, such as health care, recreational facilities, and retail locations for daily personal needs and supplies.
- F.** 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, density/intensity, 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. If the facility is existing and no improvements are proposed, a current survey may be provided in lieu of a site plan, provided it contains the level of detail reasonably required by the City Planner based on the proposed use.

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. 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	
PUBLICATION DATE	
SECOND READING	

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 ____ day of _____, 2012.

By: _____

Shirley Groover-Bryant, Mayor

ATTEST:

By: _____

James R. Freeman, City Clerk

G:\DOCUMENT\MP\B\CITY OF PALMETTO 2008 -\ORDINANCES\ORD 2012-07__ RE FARM LABOR CAMPS - REDLINE.DOC

APPENDIX B

MINUTES

CITY OF PALMETTO CITY COMMISSION

JULY 16, 2012 – 7:00 P.M.

7. 1ST PUBLIC HEARING: 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.

City Planner Lorraine Lyn reviewed the actions of the proposed ordinance:

- Provides standards for farm worker housing in the RM-5 and RM-6 zoning districts
- CPTED review by the Police Department
- Defines farm worker housing based on Florida Statutes
- Requires a site plan depicting existing and proposed structures and uses

The Planning and Zoning Board had its public hearings on May 17 and June 21, and as a result of the public input, P&Z recommended that upon approval of a Conditional Use Permit, the facilities listed in Sec. 2.D of the ordinance would be legal conforming uses.

Attorney Rudacille discussed the existing farm worker housing properties that are in housing categories that do not allow for farm worker housing. The intent of the ordinance is to give those facilities the opportunity to come before Commission to obtain a Conditional Use Permit.

Discussion ensued regarding what would happen if the proposed ordinance does not pass. Attorney Rudacille explained that all facilities would have to prove they are legally non-conforming and were established at a time when farm worker housing was permitted and that it has been continually maintained that way.

Attorney Rudacille informed Commission that 1989 was the first time the zoning code mentioned farm worker housing. Discussion ensued regarding facilities established before 1989 and after 1989.

Mayor Bryant reopened the public hearing continued from May 21, 2012.

Patricia Petruff, representing Palmetto Land Company, LLC., Old Florida Investments, Inc., and Peerless Manatee, Inc. spoke in opposition of Ordinance No. 2012-07. She expressed her concerns regarding Section 7.7 of the ordinance that states that if the non-conforming use is vacant for 180 consecutive days then it will cease to be legal.

*Zoning Code Amendment
Farm Worker Housing
August, 2012*

The following people spoke in opposition of Ordinance No. 2012-07:

- Billy Heller, Jr., Chief Operator of Pacific Tomato Growers
- Sergio Garza
- Gustabo Mancillas
- David Mendoza
- Fidel Gutierrez
- Ylexis Rodriguez

The following people spoke in favor of Ordinance No. 2012-07:

- Alan Garrett, B.A. Garret & Assoc. Land Planning
- Kelly Kirschner, Unidos Now

Eric Gilbert, Chair of the Planning and Zoning Board, explained that the most important reason the Planning and Zoning Board had discussed making these properties legal conforming use is for the safety of these residents. They are often the victim of crimes, and they need to be protected.

Charlie Ugarte, member of the Planning and Zoning Board, discussed the three different zoning districts that farm worker housing is currently located in, RM-6, RM-5 and CG. He explained the difference between non-conforming use and non-conforming structure, stating that only non-conforming uses would be allowed to go through the process of obtaining a Conditional Use Permit.

Discussion ensued regarding zoning districts and rebuilding. Attorney Barnebey explained that if they are not currently zoned into the RM categories they would have to be rezoned into this category if they wanted to rebuild.

Mayor Bryant closed the public hearing.

Attorney Barnebey informed Commission that this is the first of two public hearings. He needs direction from Commission regarding the length of time for non-conformities before they terminate. Mayor Bryant recommends that the 180 days should be changed. Discussion ensued regarding the length of time being changed from 180 days of vacancy.

The consensus of Commission was to change the length of time from 180 days to 720 days.

The second public hearing for Ordinance No. 2012-07 will be held on August 6, 2012 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

APPENDIX C

MINUTES

CITY OF PALMETTO PLANNING AND ZONING BOARD

JUNE 21, 2012 – 5:30 P.M.

516 8th Avenue West

www.palmettofl.org

Palmetto, FL 34221

941-723-4570

PLANNING AND ZONING BOARD MEMBERS

JON MOORE


JAMES PASTOR, Vice Chair

CHARLIE UGARTE

Anyone wishing to speak before the Planning and Zoning Board must sign in prior to the meeting, stating name, address and topic to address. All comments will be limited to two minutes.

“Do you swear or affirm that the evidence or factual representations that you are about to give or present to the Planning and Zoning Board on this 21st day of June 2012 are truthful?”

ORDER OF BUSINESS:

- 1.  **Approval of May 17, 2012 Meeting Minutes**

Mr. Moore moved to approve the May 17, 2012 meeting minutes. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY**

- 2.  **Farm Worker Housing Conditional Use Stipulations Ord. 2012-07**

CONTINUED FROM MAY 17TH, 2012 PLANNING & ZONING BOARD MEETING.

Ordinance 2012-07 is an amendment to the City's Zoning Code to provide standards and criteria for farm worker housing and rooming/boarding houses as a Conditional Use in RM-5 and RM-6.

Farm worker housing is currently permitted with a Conditional Use (CU) approval in the RM-6 zoning district. The ordinance adds rooming/boarding houses as a similar use requiring a CU and RM-5 as an additional zoning district in which both uses can be considered. Ordinance 2012-07 allows existing farm worker housing that are not within the RM-5 or RM-6 zoning districts to apply for a CU within 90 days to attain legal non-conforming status and requires a site plan.

Action request: Motion to approve, approve with modifications or deny the request for Farm Labor Camp Conditional use Stipulations Zoning Code Amendment, Ordinance 2012-07.

Lorraine Lyn, City Planner stated that this hearing is a continuation of the May 17th, 2012 P&Z hearing. She spoke regarding the amendment to the Zoning Ordinance to establish conditions or stipulations for a Conditional Use (CU) in the RM-5 and RM-6 zoning districts for farm worker housing. Currently the Code allows CU in the RM-6 only. The RM-5 which allows duplex and boarding houses will be added. The RM-6 allows apartments. The ordinance requires contact information of the property owner or the

manager, a site plan of the premises, and a CPTED Review (Crime Prevention through Environmental Design). One of the changes that have been made is that security cameras can only be recommended, not required.

The major change included the definition of farm worker housing, Currently Florida Statute defines both migrant labor camp and residential migrant housing. Ms. Lyn read Sec. 3.2 Definitions of Terms. Farm Worker Housing: Shall include "migrant labor camps" and "residential migrant housing", as defined in Section 381.008, Florida Statutes, as may be amended. Notwithstanding the foregoing, the term "farm worker housing" shall not include a single-family detached dwelling unit which is not under the same ownership, management or control as any adjacent property which is used for farm worker housing."

Mr. Ugarte asked if we do nothing and keep status quo; what would be the condition of farm worker housing.

Mr. Rudacille replied that the property owner would have to show that the use was lawful when it began and that is how you reach grandfathered legally non-conforming or illegal non-conforming under current code.

Mr. Moore wanted to know if the proposed ordinance took care of this situation, Mr. Rudacille said that all the existing facilities, regardless of the whether they are illegal or legal non-conforming, would have the ability to come in and apply for a Conditional Use Permit within 90 days and if they are approved, then they would be granted legal non-conforming status.

Discussion followed regarding seasonal use and not losing conforming status if a use is not in operation for 180 days. Seasonal use where time has elapsed between the farming seasons or where structures are destroyed more than 50% may cause additional burden to the owners. Discussion continued on recommendations to modify the proposed Ordinance given expansions, modifications, and the possibility to rebuild in case of a storm.

Mr. Gilbert commented that this has been a touchy subject and that farm worker housing is something that is needed; it just needs to be made safer and better regulated. The P&Z Board wants to work together to come up with a solution that is agreeable to everyone.

PUBLIC HEARING OPENED 5:56

Patricia Petruff with Dye, Dietrich, Petruff & St. Paul spoke: I am Patricia Petruff and I have been sworn, I represent three separate entities, Palmetto Vegetable, Peerless and Old Florida Investments, basically Mr. Harlee and Mr. Taylor. With respect to Palmetto Vegetable, (Mr. Harlee's properties) a conditional use permit application has been submitted and CPTED review on all of our farm worker housing properties completed and I believe we will be able to adequately comply with the new ordinance. I appreciate the hard work that staff has put toward making some of the changes that I objected to at the last meeting.

With respect to Mr. Taylor's properties I have submitted a letter which outlines my view point; the big issue is non-conforming versus conforming. Your code in Section 7.4 says any existing use which would require a conditional use permit approval, under the terms of this code shall be deemed a conforming use; however enlargement, replacement or modification of such a use shall require an approval of a conditional use permit application as though it were a new use.

With respect to some of these properties we are dealing with, that is residential structures in the CG zoning district, at the time those structures were built, they were legal structures, legal uses, and at some point in the distant past, the zoning district got changed to a CG district which apparently does not allow single family and duplex units. I heard your planner say that it allows multi-family. So we already have some non-conforming structures and then in 1989 you added another issue to the farmworker housing Ordinance so there are some structures depending when they were built, when

they were put into farm worker housing use that will fall under this Section 7.4 and will become legal conforming uses.

As I said in my letter, being a non-conforming use creates a whole myriad of other problems not the least of which, is financing and that is a big, big issue in today's economic climate. I am a City Attorney and Town Attorney and it is an available option for you to take out the word "non" to allow those uses to be conforming provided that they submit the conditional use permit application within a certain time. It does create some asterisking and some footnotes in your use chart, to make sure that we are just doing it for these addresses that are listed in your ordinance, but it is feasible and can be done. I urge you to do that because to make these property owners do a rezone and a conditional use is a burden.

The other issue in trying to deal with Mr. Taylor's properties is one that staff is not aware of and I need to bring to your attention. Many of these properties as he testified at the last hearing have been owned for decades. We do not have current surveys of them and trying to do a site plan for all of those properties could be cost prohibitive, so I would like to have more dialogue with staff with respect to the level of detail, whether or not we can use the building permits that were issued when those properties were built or whether we could use something on the property appraiser website that shows the house square footage, photos from Google Earth to show the relationship of the house on the property, because a survey cost \$300 to \$500 dollars and for 21 properties that are in the CG zoning district, let alone all of the properties in the RM-6 district, that does get expensive. So the site plan issue because my client has informed me that he does not have existing surveys, creates a potential for them. I would like to have the opportunity to discuss this further with staff. In summary my clients are happy with the way staff has responded to inquiries, if we could make that change to the ordinance to allow the ones in the CG district to be deemed conforming provided they submit a conditional use permit, I think we would be satisfied with your Ordinance.

Adriana Cerrillo, resident for 20 year, thanked board for their work. She spoke for Legals Now.org/ www.unidosnow.org to educate and mobilize the Hispanic community through citizen participation. They are concerned about what goes on in migrant worker camps and would like them to be a safer environment.

Angie Frientes said that the farm worker family is a faith based community; security is needed in the farm worker camps, through lighting security and better living conditions. Migrant community will embrace the change and help.

Elizabeth Garcia thanked the P&Z Board, legalsnow.org and the migrant workers. The conditions need to be improved and she was happy that the City is working to help.

Alan Garrett representing Pacific Growers and Overpass Apartments said that this facility is non conforming and if we go through the conditional use permit they will still be non-conforming. A simple fix of the Ordinance is needed; simply strike out the word non and make it conforming.

Emilia Rodriquez said that she worked in the fields and had bad memories of her father covered in blood on his way home from English classes. Some places in Palmetto are still the same and hopefully something will change for the people in the fields.

Ricinda Perry requested that the Board make the changes that Mr. Garrett suggested. The objective of the City is that they want to know where the farm worker houses are and bring them up to code and if change is not made, give them some incentive to come in for the conditional use permit and the right to rebuild after an act of God.

Discussion continued regarding non-conforming uses; assuring land owners that they can maintain their properties; keeping your rights even after an act of God; granting an exception to a use; provisions to section 7.4 (non-conformity section); the Code allowing for farm worker housing by right prior to 1989 and how far back someone would have to prove they were legal non-conforming.

Mayor Bryant spoke regarding the importance that she places on the CPTED review and its recommendations. The City cannot mandate the property owners to provide cameras on their properties but she believes that there would be less criminal activity and less victimization of the farm workers. Therefore it is important to implore the property owners to make the effort and take that action on their own.

Chief Wells spoke regarding the CPTED review techniques. They are used to defer crime; landscaping and lighting are crucial to law enforcement, cameras are important and will always be recommended in the CPTED and property owners have been very receptive to the CPTED. It helps to identify and give neighbors a chance to see what is going on so lighting is extremely important.

PUBLIC HEARING CLOSED 6:35

Discussion ensued on how to make farm worker housing conforming when they apply and are granted their conditional use permit; owner wanting to rebuild in case of fire, storm, catastrophic damage, etc.; changing language in the proposed ordinance and elimination of farm worker housing as a separate use.

Based on the Board's discussions, Mr. Rudacille advised the Board that their recommendation to the City Commission should provide for those facilities under section 2. D of the Ordinance that if they are approved for a Conditional Use, they will become a conforming use under the proposed Ordinance.

Discussion continued regarding working with the Department of Health, going through the CPTED review, applying for a conditional use, eliminating farm worker housing as a use, providing a safe environment for the workers and because agriculture is not likely a growth industry in the area, multiple farm worker housing already in the City will remain.

Mr. Moore motioned to approve Ordinance 2012-07 with the amendment that the properties listed under 2.D are granted "conforming" use status upon approval of a Conditional Use permit for which they must apply within the 90 day time period. Seconded by Mr. Pastor. MOTION CARRIED UNANIMOUSLY

4. Old Business

- a. None

5. New Business

- a. None

6. Adjournment 7:00 p.m.

APPENDIX A

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 currently allows farm labor camps as a conditional use in the RM-6 zoning district, but has established no specific standards for the approval of such uses; and

Formatted: Underline, Font color: Red

WHEREAS, the City wishes to update the terminology to describe "farm labor camps" as "farm worker housing"; and

WHEREAS, the City has determined that the land use characteristics of farm worker housing and boarding/rooming houses are similar in nature due to the transient nature of their residents; 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

Formatted: Strikethrough

Formatted: Strikethrough

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 III Definitions, Section 3.2 Definition of Terms, of the City of Palmetto Code of Ordinances is hereby amended to remove the definition of "farm labor camp" in its entirety, and to replace it with the following"

Farm Worker Housing: Shall include "migrant labor camps" and "residential migrant housing", as those terms are defined in Section 381.008, Florida Statutes, as may be amended. Notwithstanding the foregoing, the term "farm worker housing" shall not include a single-family detached dwelling unit which is not under the same ownership, management or control as any adjacent property which is used for farm worker housing."

Formatted: Underline, Font color: Red

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 October 31, 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, 403, 405, 407, 409, 411 & 413 6th St W
5. 804, 806 & 808 5th Ave W
6. 712 & 716 5th Ave W
7. 415 9th St W
8. 408 8th St W
9. 502A, 504, 506 & 506A, 512. 514 & 514A, 606, 608, 610 & 610A & 702A 14th St W (Oakridge Apartments)

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 Formatted: Highlight

use and regulated under the non-conforming use provisions of the City Zoning Code, as Formatted: Highlight

may be amended except that facilities receiving a Conditional Use Permit under this section Formatted: Highlight

shall not be subject to the cessation of use restrictions in Section 7.7(c) of the City Zoning Code unless the farm worker housing ceases for two consecutive years. If an complete application for a Conditional Use Permit is not ~~applied for~~ received by the City by October 31, 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 City Code.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

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 or applicable building 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 *(may be recommended but not required)*.

Formatted: Font color: Red

2. Upon approval of a conditional use permit for Farm Worker Housing or Boarding/Rooming House, the applicant shall be required to maintain all applicable state and/or federal permits or licenses for such uses.

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.

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 density and intensity of nearby uses.
2. The CPTED recommendations of the Police Department.
3. Accessibility of the proposed use to residential support uses, such as health care, recreational facilities, and retail locations for daily personal needs and supplies.

F. 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, density/intensity, 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. If the facility is existing and no improvements are proposed, a current survey may be provided in lieu of a site plan, provided it contains the level of detail reasonably required by the City Planner based on the proposed use.
- 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.~~

Formatted: Highlight

Section 54. 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.

Formatted: Highlight

FIRST READING	
PUBLICATION DATE	
SECOND READING	

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 ____, day of _____, 2012.

By: _____

Shirley Groover-Bryant, Mayor

ATTEST:

By: _____

James R. Freeman, City Clerk