

**TAB 7**



# City of Palmetto Agenda Item

**Meeting Date**

11/5/12

**Presenter:** Lorraine Lyn **Department:** Planning

**Title:**  
**Conditional Use Permit CU 2012-06 for Farm Worker Housing, Peerless Manatee, Inc.**  
712 & 716 5th Avenue W & 408 8th Street W  
**2 duplexes & 1 SF house**

CU2012-06 is for 5 units to be used as farm worker housing in response to the adoption of Ordinance 2012-07 on August 6, 2012 allowing existing farm worker housing units that are not zoned RM-5 or RM-6 to apply for a conditional use by October 31, 2012 in order to become legal nonconforming uses. The zoning code requires a conditional use in the Residential Multi-Family (RM-6) or Residential Duplex (RM-5) zoning districts for farm worker housing and the subject properties are zoned Commercial General (CG) and Single Family Residential (RS-4). The 2 duplexes are located at the SE corner of 5th Avenue & 8th Street and the SF house is located on the north side of 8th Street. They are all permitted by the Department of Health.

Ordinance 2012-07 establishes standards for conditional use approval for farm worker housing and requires both a CPTED review by the Police Department and a site plan/survey of the site. It also extends the timeframe that a nonconforming use can cease operations (from 1/2 year to 2 years), before having to conform to the district regulations. The P&Z Board held its hearing on October 18, 2012 and recommends approval of CU2012-06 subject to CPTED recommendations. For 712 & 716 5th Ave W:

1. The property owner shall maintain doors and windows in good working order with all parts including locking hardware (locks and pry guards), window panes and screens that fit securely and are not torn. Cardboard or other screening material covering windows must be replaced with glass to allow residents to see outside.
2. The property owner shall insure that air conditioner units are securely installed to prevent removal and unauthorized entry.
3. Install and maintain wide-angle peep hole viewers in all doors.
4. The property owner shall install and maintain lights at each door, activated by an inside switch.
5. Install and maintain dusk to dawn security lighting at the rear of the units (east side) to include either free standing pole lights or wall mounted security lights.
6. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.

For 408 8th Street W

1. The property owner shall maintain doors and windows in good working order with all parts including locking hardware (locks and pry guards), window panes and screens that fit securely and are not torn.
2. Install and maintain wide-angle peep hole viewers in all doors.
3. Install and maintain dusk to dawn security lighting on the west and south sides of the unit to include either free standing pole lights or wall mounted security lights to illuminate the front door and parking area.

The following recommendations apply to both sites:

1. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
2. The Owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

<b>Budgeted Amount:</b>	\$0.00	<b>Budget Page No(s):</b>		<b>Available Amount:</b>	\$0.00	<b>Expenditure Amount:</b>	\$0.00
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**Additional Budgetary Information:**

<b>Funding Source(s):</b>		<b>Sufficient Funds Available:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Budget Amendment Required:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Source:</b>	
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<b>City Attorney Reviewed:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Advisory Board Recommendation:</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	<b>Consistent With:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Future Land Use Plan</b>	
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**Potential Motion/Direction Requested:**  
I move to approve Conditional Use 2012-06 for farm worker housing located at 712 & 716 5th Avenue W & 408 8th Street W, petitioned by Peerless Manatee, Inc.

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

**Attachments:** Staff report

**Staff Report**  
**Conditional Use Permit for Farm Worker Housing**  
**CU-2012-06: 712 & 716 5<sup>th</sup> Ave W and 408 8th Street W**

**BACKGROUND**

Peerless Manatee Inc. is the applicant of this Conditional Use (CU) permit for farm worker housing located at 712 & 716 5<sup>th</sup> Ave W and 408 8th Street W. This CU application is in response to the adoption of Ordinance 2012-07 on August 6, 2012 which allows existing farm worker housing units that are not zoned RM-5 or RM-6 to apply for a conditional use by October 31, 2012 in order to become legal nonconforming uses. The zoning code requires a conditional use in the Residential Multi-Family (RM-6) or Residential Duplex (RM-5) zoning districts for farm worker housing and the subject properties are zoned General Commercial (CG) and Residential Single-Family (RS-4). The two duplexes and single-family house included in this application are located on both sides of 8<sup>th</sup> Street, east of 5<sup>th</sup> Avenue W and are all permitted by the Department of Health. The subject properties were listed in Section 2D of Ordinance 2012-07 and made application to the City on August 17, 2012, prior to the October 31, 2012 deadline.

Ordinance 2012-07 resulted from the City's desire 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. To this end, it establishes standards for conditional use approval for farm worker housing and requires both a CPTED review by the Police Department and a site plan/survey of the site. It also extends the timeframe that a nonconforming use can cease operations (from 1/2 year to 2 years), before having to conform to the district regulations.

**PROPERTY OWNER**

Peerless Manatee, Inc.

**ADDRESS/PARCEL ID/EXISTING LAND USE**

1. 712 5<sup>th</sup> Avenue W/2794600003/duplex-farm worker housing
2. 716 5<sup>th</sup> Avenue W/2794600003/duplex-farm worker housing
3. 408 8th Street W/2794600003/single family house-farm worker housing

**PLAN CATEGORY/ZONING DISTRICT**

1. 712 & 716 5<sup>th</sup> Avenue W/GCOM/CG
2. 408 8th Street W/GCOM/RS-4

**ADDRESS/NUMBER OF UNITS/SIZE OF PROPERTY/DENSITY**

1. 712 & 716 5<sup>th</sup> Avenue W/4/0.298/13.4 du/ac.
2. 408 8th Street W/1/0.16/6.25 du/ac.

**PLAN CATEGORY/ZONING DISTRICT/EXISTING LAND USES OF SURROUNDING PROPERTIES**

712 & 716 5<sup>th</sup> Avenue W

1. North: GCOM/RS-4/single-family residential
2. South: GCOM /RS-4/office
3. East: GCOM/RS-4/single-family residential
4. West: GCOM & HCOMI/CG/5<sup>th</sup> Ave R-O-W & railroad tracks

408 8th Street W

1. North: GCOM/RS-4/vacant land
2. South: GCOM/RS-4/ single-family residential
3. East: GCOM/RS-4/vacant land
4. West: GCOM/RS-4/single-family residential

## **SITE REVIEW**

### **History**

The subject properties consist of 2 lots; one on 5<sup>th</sup> Ave W with 2 duplex and the other on 8<sup>th</sup> Street W with a single-family house. According to the Property Appraiser's information, the 2 duplex buildings were constructed in 1969 and the City's Building Department records indicate that a building permit was issued for the single family house on 8th Street in 1994.

There were reroof permits for both duplex units in 2000 but no building permits are available for either duplex.

### **1. Historical Zoning**

According to the historic zoning maps in the Planning Department, the duplexes were zoned C-2 (Business) and the single-family house was zoned R-5 (Single Residential) prior to zoning conformance in 1990. According to the October 19, 1981 Zoning Code, C-2 permitted duplexes. The single family house on 8<sup>th</sup> Street W was built under the new Code's RS-4 (Single-family residential) zoning district.

## **PLAN COMPLIANCE**

Per Ordinance 2012-07, the City's Zoning Code's definition of *Farm Worker Housing* is as follows:

*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."*

The City's Comprehensive Plan permits farm worker housing in appropriate locations of the City and encourages the provision of affordable housing including farm worker housing within the City limits as demonstrated by the following Plan objective and policies:

*Objective 3.9: Continue to recognize the need for safe and sanitary farm worker housing within the City.*

*Policy 3.9.2: The City will permit farm worker housing in appropriate locations in accordance with the City's land development regulations.*

*Policy 3.5.1: The City shall provide information, technical assistance and efficient permitting processes to assist the private sector to maintain a rate of housing production especially for affordable housing sufficient to meet the needs of the population.*

## **REQUESTED APPROVAL**

The following standards shall apply to all applications for Conditional Use permits pursuant to Sec. 154 (C) of the Zoning Ordinance.

### **1. Purpose and Intent: The Comprehensive Plan**

The proposed use shall be consistent with the stated purpose and intent of the applicable zoning district regulations and this ordinance, and consistent with the Comprehensive Plan.

**This Conditional Use application for farm worker housing is permitted in accordance with Ordinance 2012-07 which allows existing farm worker housing to become legal nonconforming upon approval. The subject property is located south and east of properties considered in application CU2012-07.**

### **2. Applicable district regulations**

The proposal shall comply, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted.

**This Conditional Use proposal for farm worker housing complies with Ordinance 2012-07 to the extent that the use (farm worker housing) will be considered legal nonconforming upon adoption of this CU permit. The 13.4 du/ac density of duplexes on 5<sup>th</sup> Ave W exceeds the 10 du/ac maximum density of the GCOM category. Based on the aforementioned Historical Zoning, the structures appear to be legal non-conforming. The 6.25 du/ac density of the single family house on 8<sup>th</sup> Street W complies with the 10 du/ac maximum density of the GCOM category. Based on the aforementioned historical data, this SF structure appears to be conforming.**

**Pursuant to Sec. 7.9 of the Zoning ordinance, a structure which is nonconforming, due to noncompliance with the dimensional requirements of the official schedule of district regulations of the Code may remain provided that any structural changes not increase the degree of nonconformity and if destroyed to the extent of more than 50% of its current assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located. Routine repairs and maintenance of a nonconforming structure or replacement of nonload bearing walls shall be permitted. No structural changes are proposed to the subject properties. The subject properties meet the required parking spaces with the single family house providing two parking spaces.**

### **3. Compatibility**

The proposal shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, noise, drainage, dust, lighting, appearance, and effect on property values.

**The subject properties are located on the periphery of a residential area close to the Taylor Fulton packing plant along 5<sup>th</sup> Ave. W. Because the existing residential uses have been operating as farm worker housing on these sites for several years, their effect on traffic, lighting, appearance, or surrounding property values are not likely to change except as required by the CPTED report.**

### **4. Environment**

The site shall be environmentally suitable for the proposed use and such use shall not have a substantial adverse impact on the natural environment. Soils, drainage, flood hazards, wildlife, and air and water quality shall be among the factors considered in this regard.

**The existing duplexes were built in 1969 and the single family house, in 1994. These conditional use applications to recognize the existing farm worker housing use are not expected to have a substantial adverse impact on the natural environment. This site is located in flood zone category C.**

**5. Orderly development**

The proposal shall be consistent with providing for efficient and orderly development, considering, without limitation, such factors as provision of public facilities and services, growth patterns and energy conservation.

**This CU application is for existing farm worker housing which has operated in an established part of the City for a number of years.**

**6. Public facilities and services**

Necessary public facilities and services, such as sanitation, water, drainage, emergency services, education, recreation and similar facilities and services shall be adequate to serve the proposed use.

**These properties are served with City water and sewer.**

**7. Traffic**

The proposal shall not create hazardous vehicular or pedestrian traffic conditions nor result in traffic exceeding the capacity of streets and intersections serving the use.

**These existing residential uses have been operating as farm worker housing on these sites for several years. Their effect on vehicular or pedestrian traffic conditions are not likely to change. The site plan submitted shows the required parking spaces.**

**8. Screening and buffering**

The proposal shall include screening and buffering as necessary to minimize adverse impacts on surrounding land uses.

**The subject properties were reviewed for CPTED by the Police Department. This site is located on the periphery of a residential area and is surrounded by single family residential and vacant land on three sides and 5<sup>th</sup> Ave W on the west.**

**9. Signs; lighting**

Signs and outdoor lighting which may be involved in the proposal shall be designed to ensure that the use harmoniously fits into its surrounding.

**The subject properties were reviewed for CPTED by the Police Department. Signs are not proposed for the subject property.**

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed conditional use permit subject to the following conditions for 712 & 716 5<sup>th</sup> Avenue W:

1. The property owner shall maintain doors and windows in good working order with all parts including locking hardware (locks and pry guards), window panes and screens that fit securely and are not torn. Cardboard or other screening material covering windows must be replaced with glass to allow residents to see outside.
2. The property owner shall insure that air conditioner units are securely installed to prevent removal and unauthorized entry.
3. Install and maintain wide-angle peep hole viewers in all doors.
4. The property owner shall install and maintain lights at each door, activated by an inside switch.

5. Install and maintain dusk to dawn security lighting at the rear of the units (east side) to include either free standing pole lights or wall mounted security lights on the east end of the units.
6. Provide and maintain motion activated security lights between buildings to illuminate high traffic areas from dusk to dawn.
7. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
8. The Owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

Staff recommends approval of the proposed conditional use permit subject to the following conditions 408 8<sup>th</sup> Street W:

1. The property owner shall maintain doors and windows in good working order with all parts including locking hardware (locks and pry guards), window panes and screens that fit securely and are not torn.
2. Install and maintain wide-angle peep hole viewers in all doors.
3. Install and maintain dusk to dawn security lighting on the west and south sides of the unit to include either free standing pole lights or wall mounted security lights on the west and south sides of the unit to illuminate the front door and parking area.
4. The farm worker housing units may be occupied in accordance with the permit issued by the Florida Department of Health.
5. The Owner shall have 60 days from the date of approval of the Conditional Use permit to complete required site improvements.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

At its public hearing on October 18, 2012, the Planning and Zoning Board recommended **APPROVAL WITH Staff's CONDITIONS.**

**CITY COMMISSION**

The City Commission shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed conditional use permit.

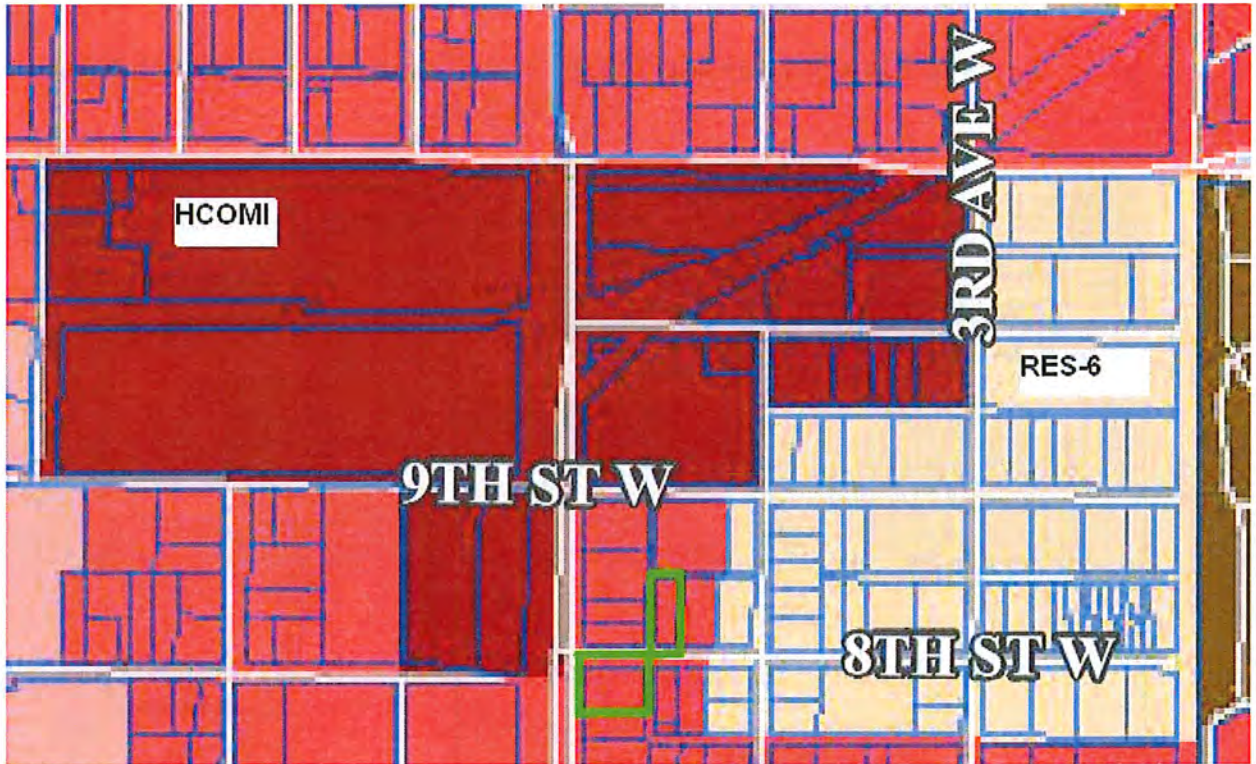


**AERIAL PHOTO**  
**Conditional Use Permit for Farm Worker Housing**  
**CU-2012-06: 712 & 716 5<sup>th</sup> Ave W and 408 8th Street W**





**FUTURE LAND USE PLAN MAP**  
Conditional Use Permit for Farm Worker Housing  
CU-2012-06: 712 & 716 5<sup>th</sup> Ave W and 408 8th Street W



712 & 716 5<sup>th</sup> Ave W – Plan: GCOM; Zoning: CG  
408 8th Street W - Plan: GCOM; Zoning: RS-4

**ZONING MAP**  
Conditional Use Permit for Farm Worker Housing  
CU-2012-06: 712 & 716 5<sup>th</sup> Ave W and 408 8th Street W

