

Tab 4

FARM LABOR CAMP CONDITIONAL USE STIPULATIONS Ord. 2011-33

This is an amendment to the City's Code of Ordinances, Zoning Code (Ordinance 2011-33) to provide standards and criteria for farm labor camps as a Conditional Use.

Staff Report
Zoning Code Amendment: Conditions for Farm Labor Camps
P&Z Meeting of January 19, 2012

Issue

The existing zoning ordinance allows farm labor camps as a Conditional Use (CU) in the RM-6 zoning district but the Code does not contain any standards or criteria by which to consider these uses. Section 4.2, Schedule of Permitted and Conditional Uses by District of the current Code identifies a “small farm labor camp” as 10 units or less and a “large farm labor camp” as more than 10 units but the Code does not contain any information or requirement distinguishing these categories.

Agricultural Industry

Agriculture is Florida’s second largest industry. Florida is the home base for the Eastern Migrant Stream where workers move upward through the mid-Atlantic and Atlantic seaboard states throughout the year to follow ripened crops. An estimated 114,846 farmworkers work in crop agriculture during the year, of which 37% (42,413) are estimated to be migrant workers (who follow the crop) and 63% (74,433) are estimated to be seasonal workers (who may remain in the same housing but travel to different employers and work different crops).

The total statewide gap between farmworker housing capacity and the number of farmworker and their household members is 110,506 and the gap between the single worker beds needed and the number of unaccompanied farmworker is 28,698 beds. Hillsborough, Manatee, Miami-Dade, Orange, Polk and St. Lucie counties have unmet needs for both single worker housing exceeding 1,000 beds and multi-family units exceeding 1,000 units. According to a national survey conducted by the Housing Assistance Council, farmworkers and their families face serious housing problems including cost, overcrowding and poor housing condition. (Source: State of Florida consolidated Plan, Federal Fiscal Years 2011-2015, Enriching Florida’s Communities)

Palmetto has many migrant and year-round farm workers due to its substantial tomato-growing, packing and shipping industries. The largest of these companies are Taylor & Fulton, a family business established in 1953 and West Coast Tomato and Pacific Tomato Growers, Ltd. (Source: City of Palmetto 2007 EAR).

DOH Permitting

Farm labor camps require permitting through Manatee County Department of Health (DOH) which monitors sanitation and health standards relating to construction, operation and maintenance of these facilities. According to DOH staff, the State’s farm housing permit process is independent of local codes or ordinances. State code places responsibility on the owner of the facility for assurance that housing structures comply with current local building, plumbing, electrical, and fire safety codes but is silent on compliance with local zoning codes. State rules do not preempt the local government from acting on their local rules and regulations. In addition, DOH staff is required by statute to act on a completed application within specific time frames.

Background

According to Code Enforcement, most of the existing farm worker housing facilities in the City have existed since 2002. The first conditional use for a farm labor camp in the City was approved on October 17, 2011 for Sunnydale located on Bayshore Road after considering other applications over the years including the following:

- a. CU08-03 to recognize an existing farm worker housing at 713 17th Street W and to add 2 more buildings (requiring a setback variance) was denied in 2008.
- b. Z & CU04-01 involved a rezoning from RS-4 to RM-6 and a CU for farm worker housing at 409 9th Street W petitioned by Taylor Fulton, Inc. were both were withdrawn on April 12, 2004.

The need to develop criteria and standards for farm labor camps became more apparent with the recent application for Sunnydale farm labor camp for which stipulations were approved making it easier for the City to monitor. Also over the years, there have been incidents of crime against farmworkers and Code Enforcement has made several reports of inadequate farmworker housing and site conditions throughout the City.

Inventory

An earlier point paper prepared on farm worker housing for the City Commission in 2008 and updated in August, 2011 by Code Enforcement indicated that there are approximately 15 such facilities within the city limits. Of these 15 existing facilities, 12 have permits from Manatee County DOH, one has both a DOH permit and a CU approval by the City and DOH permits are pending for the remaining 3 facilities. The list showed that 7 facilities are located within RM-6 zoning, 5 within CG zoning, 2 within RS-4 zoning and one within CN zoning. There are 106.5 acres or 3.4% of the City zoned RM-6 containing no vacant land suggesting that future farm labor camps would either result from the conversion of existing apartments or redevelopment of existing uses.

The City Commission held workshops to discuss farm labor camps on October 3 and 17, 2011 and November 7, 2011. The Commission voiced concerns about maintaining the gateways into the City as well as the safety of residents of farm labor camps. In response, staff proposed a 300 foot gateway buffer along 10th Street and 8th Avenue which reduced RM-6 zoned areas from 106.5 acres or 3.4% of the City to 81.1 acres or 2.6% of the City. At the November 7, 2011 workshop, the City Commission added the area south of 4th Street to the Manatee River to the gateways, and required the installation of lighting and security cameras and follow-up operational inspections by Code Enforcement for all farm labor camps.

City of Palmetto Comprehensive Plan

The Future Land Use Element of the Comprehensive Plan defines Farm Worker Housing and includes an objective and three policies addressing these uses.

FARM WORKER HOUSING - *Habitable structures or dwelling units intended to be occupied by, and for which occupancy is limited to, farm employees and their families. Such uses occur exclusively in association with the performance of agricultural labor. This term also includes migrant housing and farm labor camps.*

Farm Worker Housing

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

Policy 3.9.1: The City will continue to coordinate with Manatee County and the Manatee County Health Department to identify suitable sites and facilities for farm worker housing.

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

Policy 3.9.3: The City shall use Code Enforcement powers to ensure safe and sanitary living environments for farm workers.

Land Development Code

Sec. 3.2. Definitions of Terms

Farm labor camp: 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.

As defined in the City's Comprehensive Plan, farm labor camps fall under the broader category of farmworker housing but the Land Development Code further defines a farm labor camp as living quarters for seasonal, temporary or migrant workers or their families. Some farm labor camps are occupied by unaccompanied farmworkers twice a year (spring and fall) for approximately 2 months each time while others are occupied throughout the year by families of farmworkers who are employed by agricultural companies such as tomato packing plants.

Staff Analysis and Recommendation

Although only one farm labor camp has secured a conditional use, the remaining farmworker housing throughout the City is subject to the applicable zoning district and housing type requirements of the Code. Since farmworker housing has certain needs such as buses for transportation and the Code prohibits parking of commercial vehicles in residential districts, these uses will be better served having specific conditions by which they can be reviewed. Upon approval of this code change, the existing, single conforming farm labor camp would be grandfathered in to these changes.

A review of farmworker housing must recognize that farmworkers and their families face serious housing problems including cost, overcrowding and poor housing condition throughout the country.

F.S. Section 381.00896 Nondiscrimination:

(1) The Legislature declares that it is the policy of this state that each county and municipality must permit and encourage the development and use of a sufficient number and sufficient types of farmworker housing facilities to meet local needs. The Legislature further finds that discriminatory practices that inhibit the development of farmworker housing are a matter of state concern.

(5) This section does not prohibit a municipality or county from extending preferential treatment to farmworker housing, including, without limitation, fee reductions or waivers or changes in architectural requirements, site development or property line requirements, or vehicle parking requirements that reduce the development costs of farmworker housing.

The objective and intent of the aforementioned section is to promote farmworker housing in sufficient numbers to meet local needs. State law does not define local needs. However, according to the State of Florida consolidated Plan, Federal Fiscal Years 2011-2015, Enriching Florida's Communities, Manatee County, along with other counties, have unmet needs for both single worker housing exceeding 1,000 beds and multi-family units exceeding 1,000 units. Compliance of farmworker housing with City regulations will require time and cooperation between all affected parties but will be a benefit to the overall community in the long run.

The compliance of farmworker housing with local regulations would be advantageous to the City because such facilities would be reviewed and monitored to meet the proposed farm labor camp standards. It would be advantageous to the agricultural companies because there would be better coordination between Code Enforcement and DOH resulting in safer and better living conditions for farmworkers. In addition, the Conditional Use would run with the land requiring a one-time approval process.

This Code amendment is consistent with the City's 2030 Comprehensive Plan Policy 3.9.1 which states that "The City will continue to coordinate with Manatee County and the Manatee County Health Department to identify suitable sites and facilities for farm worker housing."

Proposed Code Changes

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>														
Commercial farms	X	—	—	—	—	—	—	—	—	—	—	—	—	—
Farm labor Camps	—	—	—	—	—	—	—	C						—
Small (10 units or less)	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Large (more than 10 units)	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Stable, private	X	X	—	—	—	—	—	—	—	—	—	—	—	—
Stable, public	X	—	—	—	—	—	—	—	—	—	—	X	X	—

X=Permitted use

C=Conditional use (see Ordinance No. 196)

—=Prohibited use

Sec. 6.24. Farm Labor Camps

See attached Ordinance 2011-33

Staff recommends **APPROVAL** of the aforementioned proposed amendment to the Zoning Code:

A. To change Sec. 4.2. - Schedule of Permitted and Conditional Uses by District by

Zoning Code Amendment

Farm Labor Camps

January 9, 2012

- deleting “small - 10 units or less” and “large - 10 units” and having a single “Farm Labor Camp” category; and
- B. To add Sec. 6.2.4. Farm Labor Camps as outlined in Ordinance 2011-33

Standards developed for consideration of a farm labor camp are minimum criteria as additional conditions can be imposed during the required public hearings depending on the particular case, location and circumstances as deemed appropriate by the Planning and Zoning Board and the City Commission.

Planning & Zoning Board Recommendation

The Planning and Zoning Board shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed amendment to the Zoning Code to include Conditional Use standards for farm labor camps.

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.

First Reading	November 21, 2011
First Public Hearing	December 5, 2011
First Publication Date	November 25, 2011
Second Public Hearing	January 9, 2012
Second Publication Date	December 30, 2011

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 9th day of January, 2012.

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









By: _____
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST:

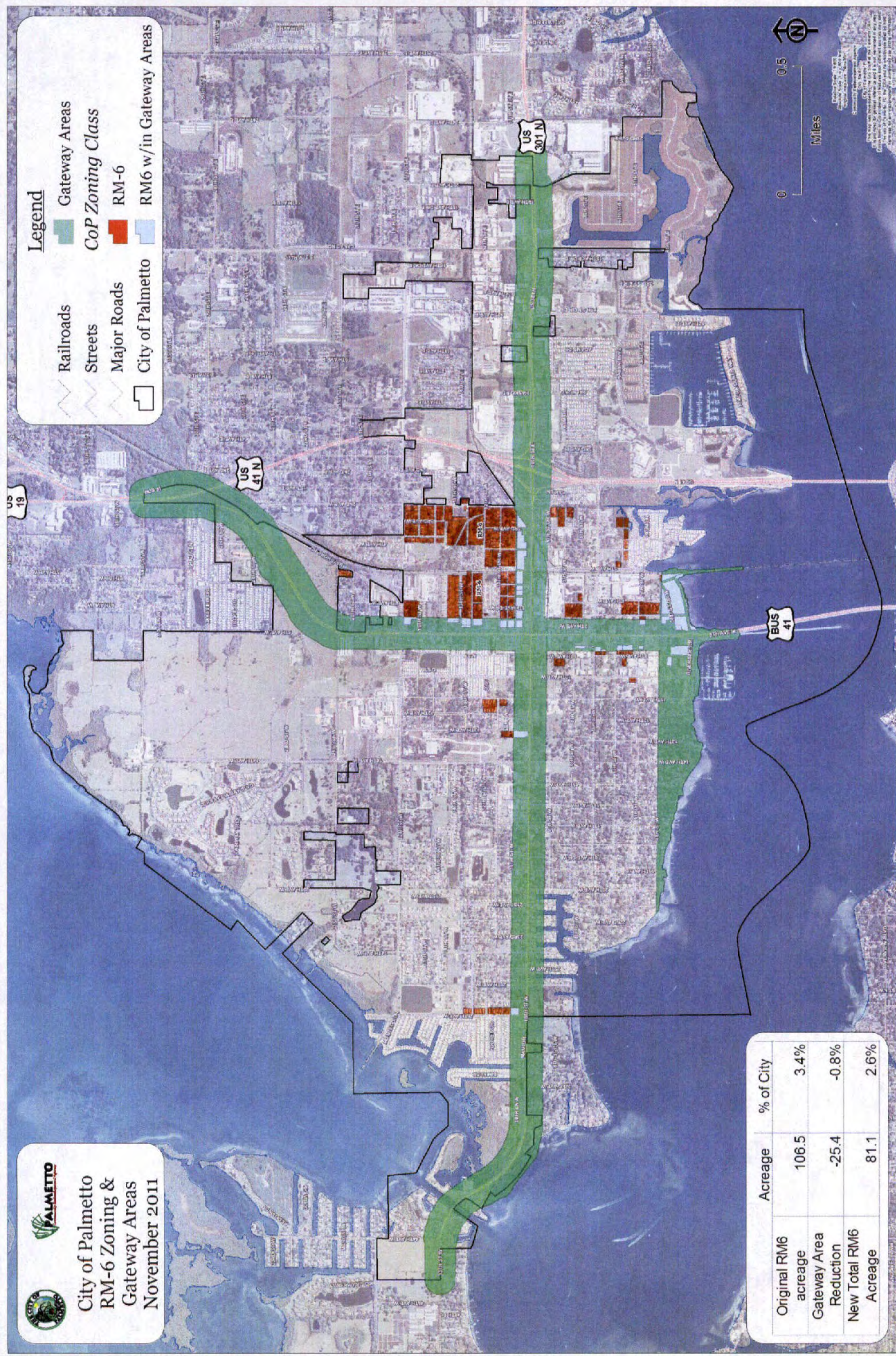
By: _____
James R. Freeman, City Clerk


City of Palmetto
 RM-6 Zoning &
 Gateway Areas
 November 2011

Legend

-  Gateway Areas
-  CoP Zoning Class
-  RM-6
-  RM6 w/ in Gateway Areas
-  Railroads
-  Streets
-  Major Roads
-  City of Palmetto

	Acreage	% of City
Original RM6 acreage	106.5	3.4%
Gateway Area Reduction	-25.4	-0.8%
New Total RM6 Acreage	81.1	2.6%



0 0.5 Miles
 North Arrow
 City of Palmetto, Florida
 Planning Department
 11000 Palmetto Avenue, Palmetto, FL 34221
 Phone: 813.962.1100
 Fax: 813.962.1101
 Email: info@palmettofl.com

Farm Worker Housing Facilities Located Within City of Palmetto

#	Name	Address	Zoning	FLUC
Permitted by Manatee County Health Department				
1	Carriage Court Motel	1911 8 th Ave W	CG	GCOM
2	Old Florida Investments (Foy-Taylor	619 11 th St W	RM-6	GCOM
3	701 11th St W)	1000 block of 7 th Ave W	RM-6	GCOM
4	Oakridge Apartments	500 - 700 13 th St W	RM-6	RES-10
5		500 - 700 14 th St W	RM-6	RES-10
6	Pacific Tomato Growers	1000 1 st Ave Ct W, # 1 - 37	CG	GCOM
7		1001 1st Ave Ct W	CG	GCOM
8	Doctor's Camp Peerless Manatee	401 - 413 6 th St W	CG	GCOM
9	Palmetto Land Company Apts	501 11 th St W	RM-6	RES-10
10	Taylor - Fulton 8 th St W Apts	804 5 th Ave W	CN	GCOM
11	Peerless 5 th Ave W Apts	710 5 th Ave W	CG	GCOM
12*	Sunnydale Apts	2005 Bayshore Rd	RM-6	RES-10
Pending permitting by Manatee County Health Department				
13	C&D Fruit	713 17 th St W	RM-6	GCOM
14	Old Florida Investments	415 9 th St W	RS-4	GCOM
15	Peerless Manatee Inc	408 8th St W	RS-4	RES-10
*NOTE: MCHD & City Approvals				
Prepared 2008. Updated August, 2011				

OLD BUSINESS

NEW BUSINESS

- a. 2012 P&Z Meeting Schedule

**PLANNING AND ZONING BOARD
2012 MEETING SCHEDULE**

JANUARY 19th 2012	5:30 P.M.
<i>FEBRUARY 16th , 2012</i>	5:30 P.M.
MARCH 15th , 2012	5:30 P.M.
<i>APRIL 19th , 2012</i>	5:30 P.M.
MAY 17th , 2012	5:30 P.M.
<i>JUNE 21st , 2012</i>	5:30 P.M.
JULY 19th , 2012	5:30 P.M.
<i>AUGUST 16th , 2012</i>	5:30 P.M.
SEPTEMBER 20th , 2012	5:30 P.M.
<i>OCTOBER 18th , 2012</i>	5:30 P.M.
NOVEMBER 15th , 2012	5:30 P.M.
<i>DECEMBER 20th , 2012</i>	5:30 P.M.

If you are unable to attend any scheduled meeting, please call Linda Butler at 723-4580 ext. 2133, or e-mail me at lbutler@palmettofl.org as early as possible. Agenda Packets will be e-mailed Friday prior to the Thursday meeting.

NOTE Meeting dates are subject to change