

TAB 3

Farm Worker Housing

ORD 2012-07

Addendum to Staff Report

Zoning Code Amendment: Conditions for Farm Labor Camps

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/boardings 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
Agriculture and related uses														
Farm labor Camps Worker Housing	—	—	—	—	—	—	C	C						—
Small (10 units or less)	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Large (more than 10 units)	—	—	—	—	—	—	—	C	—	—	—	—	—	—
Lodging places														
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, it 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 shall **APPROVE**, **APPROVE WITH CONDITION(S)** or **DENY** the proposed amendment to the Zoning Code to include Conditional Use standards for farm labor camps.

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 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. 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.
- 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 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.

- C. 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.

D. 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, number of units, 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	
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:\DOCUMENTS\BICITY OF PALMETTO 2008 - ORDINANCES\ORD 2011-___ RE FARM LABOR CAMPS - REDLINE.DOC



Farm Worker Housing & Packing Plants

Legend

Streets

Major Roads

Farm Worker Housing

Packing Plants

Palmetto City Limits

Zoning

RM-5

RM-6

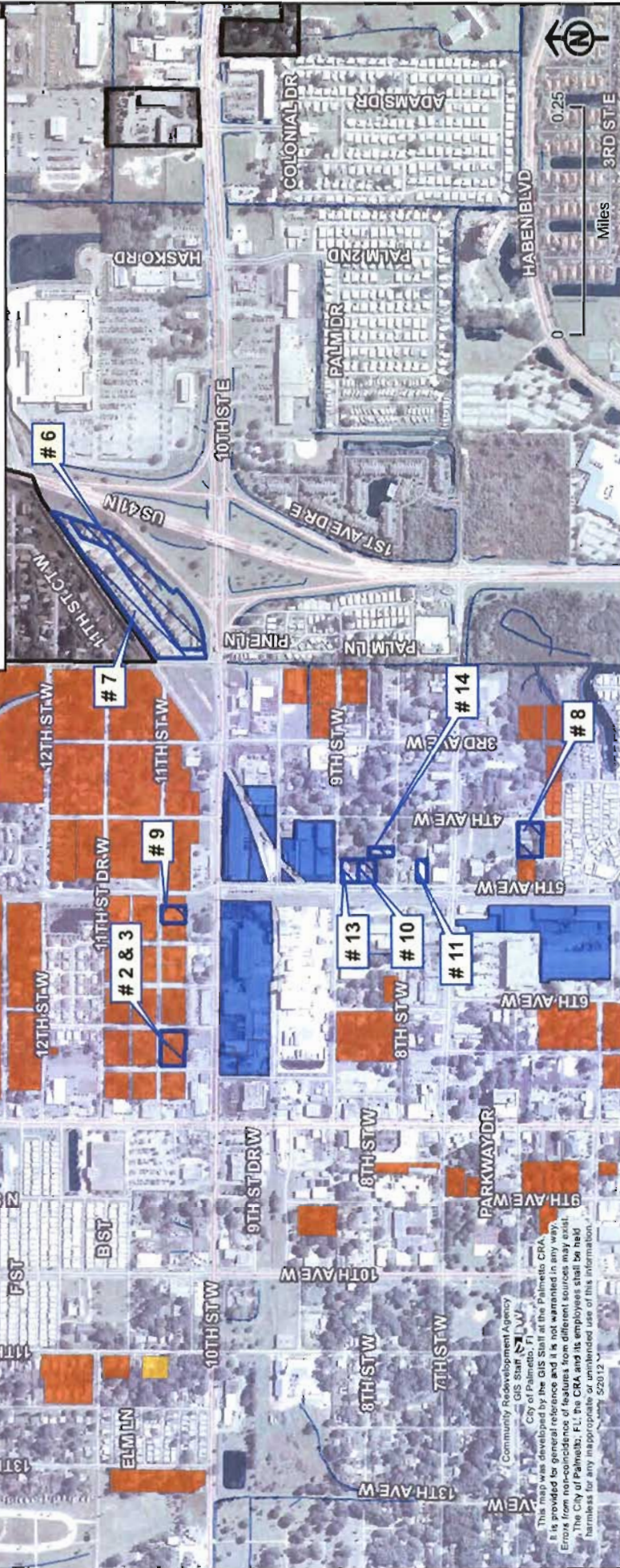
Farm Worker Housing Facilities Located Within City of Palmetto

#	Name/Owner	Address	Zoning	FLUC
1	Permitted by Manatee County Health Department	1911 8 th Ave W	CG	GC0M
2	Carriage Court Motel	619 11 th St W	RM-6	GC0M
3	NKRP Inc.	1000 block of 7 th Ave W	RM-6	GC0M
4	Foy Taylor 701 11 th St W	500 - 700 13 th St W	RM-6	RES-10
5	Old Florida Investments, Inc.	500 - 700 14 th St W	RM-6	RES-10
6	Oakridge Apartments	1000 1 st Ave CIW, # 1 - 37	CG	GC0M
7	Top 3%			
8	Overpass Pacific Tomato Growers			
9	Pacific Tomato Grower Ltd.			
10	Pacific Tomato Growers	1001 1 st Ave CIW	CG	GC0M
11	Pacific Tomato Grower Ltd.			
12	Doctor's Camp Peerless Manatee	401 - 413 6 th St W	CG	GC0M
13	Peerless Manatee, Inc.	501 11 th St W	RM-6	RES-10
14	Palmetto Land Company Apts	804 5 th Ave W	CN	GC0M
15	Palmetto Land Company LLC	710 5 th Ave W	CG	GC0M
16	Taylor - Fulton 8 th St W Apts	2005 Bayshore Rd	RM-6	RES-10
17	Old Florida Investments, Inc.	415 8 th St W	RS-4	GC0M
18	Peerless Manatee, Inc.	408 8 th St W	RS-4	RES-10
19	Peerless Manatee, Inc.	713 17 th St W	RM-6	GC0M
20	C&D Fruit			
21	C&D Fruit & Vegetable Co. Inc.			

Source: MCHD

*NOTE: MCHD & City Approvals

Prepared 2008, Updated March, 2012



Community Redevelopment Agency
GIS Staff
City of Palmetto, FL
This map was developed by the GIS Staff at the Palmetto CRA.
It is provided for general reference and it is not warranted in any way.
Errors from non-coincidence of features from different sources may exist.
The City of Palmetto, FL, the CRA and its employees shall be held
harmless for any inappropriate or unintended use of this information.
5/20/12

DYE, DEITRICH, PETRUFF & ST. PAUL, P.L.

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Also Admitted In:

¹ California

² Louisiana

*Certified Circuit Civil Mediator



Board Certified:
City, County And Local Government Law

May 17, 2012

City of Palmetto
Planning & Zoning Board
600 17th St. W.
Palmetto, FL 34220

re: Proposed Ordinance 2012-07

Dear Chairman:

This office represents Palmetto Land Company, LLC, the owner of one of the properties identified in the proposed ordinance as being permitted by the State for residential migrant housing. I reviewed the proposed ordinance under consideration. On behalf of my client, I wish to object to the adoption of proposed ordinance.

Although the City's Zoning code currently lists "farm labor camps" as a conditional use in the RM-6 district, the City has never enforced this requirement nor has the City adopted any standards by which to determine when it is appropriate to approve any application. It appears that the purpose of Ordinance 2012-07 is an attempt to provide such standards.

Before adopting this ordinance, I believe the City must determine whether it is a proper exercise of its police power to regulate this matter. In other words, is "Farm Worker Housing" a distinct use which is the proper subject for specific regulation? In addition, it is my opinion that the City should determine why it previously chose not to implement any standards for farm labor camps before imposing standards for the sake of having them.

I. Discriminatory Impact

It is my opinion that Ordinance 2012-07, if adopted, will not pass legal muster for a variety of reasons. Section 1.2 of the Zoning Ordinance provides the legislative authority for zoning and the establishment of zoning classifications.

As stated in Section 1.2 of the Zoning Ordinance, the purpose and intent for the establishment of zoning classifications is as follows:

- a. To regulate and restrict the erection, construction, alteration and repair of buildings.
- b. To regulate and restrict the uses of land, buildings, and structures.
- c. To regulate and restrict the percentage of lot occupancy, size of yards and open spaces, and density of population.
- d. To preserve and facilitate transportation, water, sewerage, schools, and park.
- e. To lessen congestion on highways and secure safety from fires and other dangers.

As can be noted, there is no stated purpose which includes limiting the rights of a specific class of workers by restricting their living options to certain parts of the City. When my client's properties are examined with respect to the above purposes, they meet all of the stated objectives without the necessity for imposing additional restrictions. The properties are zoned RM-6 and all of the duplex structures have been legally constructed. The properties are occupied in a manner that conforms to the duplex zoning classification and intended use for the structure. In other words, the City has zoned the properties, established the density, lot size, setbacks and heights. Legal conforming structures have been constructed on the properties and certificates of occupancy were issued by the City.

Presently, my client can rent any of those properties to any member of the general public with no additional requirements. Yet, if those same properties are used by or rented to farm workers, the City wants to impose a separate more stringent set of standards. There is no rational nexus for placing additional regulations in order for properly permitted legal structures to be used in an otherwise legal manner. The City does not require any additional standards for use of any other housing type by a defined class of population such as low income people, disabled or the elderly. In fact, it would be patently illegal if instead of the term "Farm Worker Housing", the term "Hispanic Workers" was substituted in Ordinance 2012-07.

The end result of this ordinance, if adopted, will be that adjacent properties that are zoned the same and that have the same type of structures will be treated very differently. The different treatment will depend solely on the status of the people who will be living there. In my opinion, this violates the Federal and Florida Fair Housing Acts. It also appears to violate the City's own Fair Housing code. Finally, the proposed ordinance violates the U.S. Constitution and the State Constitution because it restricts the rights of a defined class of people by requiring them to live in specific zoning districts and subject themselves to random inspections in violation of their constitutional rights. Please consider your reaction if the City told you you

could only live in a certain neighborhood and as a privilege of living in that neighborhood, the City could inspect your private property at its discretion.

II. Vagueness

In addition to the discriminatory intent, the draft ordinance is objectionable because it is vague and provides no objective standards for review.

First, the ordinance purports to regulate Farm Worker Housing but it contains no definition of what constitutes "Farm Worker Housing" so the ordinance is vague with respect to who is intended to be regulated and why this population was singled out for additional regulation. It should be noted that this term is not used in the Florida Statutes.

With respect to the standards set forth in Section 6.24, several of these are also vague and thus are unenforceable. In Section 6.24.A.1, there are no objective standards for the required CPTEP review. The imposition of site specific requirements is left in the sole discretion of the chief of police. This may result in disparate results which may be unfairly and inconsistently applied. This standard is also discriminatory because it is only required for two type of uses within the City. Why would it not be equally appropriate for apartment or condominium complexes, mobile home parks, nursing homes or assisted living facilities or a myriad of other type of uses to also be required to undergo a CPTED review within the City?

Section 6.24.A.2 requires that evidence of current permits and licenses required for such use by appropriate state and/or federal agencies be submitted. This requirement creates a burden which the City does not require of other landlords or business in the city. For instance, does the City request permits and licenses be on file and updated annually for dentists, lawyers, doctors, liquor stores, restaurants, apartment complexes, nursing homes, adult assisted living facilities, etc.? All of these uses require state permits and/or licensing. There is no reason for the City to impose this standard on these properties.

Section 6.24.A.3 requires that updated contact information be provided to Code Enforcement. Although on its face, this requirement does not appear objectionable, there does not appear to be any rationale for the requirement. Again, the City does not require this information from any other property owner in the City.

Section 6.24.A.4 is particularly objectionable because it gives the City unbridled discretion to conduct unwarranted inspection of the property including interior inspections. This is a violation of the property owner's and the tenants' constitutional rights. Unless a crime is in progress, in order to access private property, the City must either have permission from the owner or tenant or must obtain a civil search warrant. There is no relationship between the requirement for a conditional permit and the requirement that the owner must grant a waiver of his constitutional rights by allowing unnoticed inspections especially an interior inspection of the premises.

The concerns with Section 6.24.B.1 have already been addressed above in the comments pertaining to Section 6.24.A.1.

Section 6.24.B.2 requirements which relate to proximity are vague because a reasonable person cannot determine what the City would deem acceptable. Further, having such a standard is based upon an assumption (lack of access to transportation) that may not be accurate. Finally, it ignores whether the tenants do have access to either public transportation or private transportation.

I respectfully request that the City remove the requirement from its Zoning Code that Farm Labor Camps or Farm Worker Housing be treated as a distinct and separate use which requires a conditional use permit. Alternatively, if the City decides to retain the conditional use permit requirement, I request that the only requirement to obtain such a permit be a demonstration that state and/or federal permits or licenses have been obtained.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia A. Petruff", is written over a horizontal line. The signature is stylized with a large, looped "P" and "A".

Patricia A. Petruff

PAP/clm

cc: Client

b.a.garrett and associates, inc.

Land Planning
2424 Yorkshire Drive
Sarasota, Florida 34231

Planning and Zoning Board
City of Palmetto
516 8th Avenue W.
Palmetto, FL 34221

Planning and Zoning Board members:

I represent Pacific Tomato Growers, LTD and I have been asked by my client to review the proposed Ordinance 2012-07. My client owns housing in the CG zone district. I would like to make three comments related to the proposed Ordinance.

Subsection "C" notes that a footnote will be added to Article IV, Schedule of district regulations, Section 4.2 noting, "Those existing farm worker housing uses located at the addresses below may apply by September 30th, 2012 to be approved as a conditional use. " Section 4.2, Schedule of permitted and conditional uses by district, clearly notes that Farm labor camps, soon to be Farm worker housing, is clearly an allowable conditional use in the RM-5 and RM-6 zone districts but it precludes such an application in the CG zone district. While the note is fine, the ordinance fails to go to the appropriate step and add as a conditional use Farm workers housing in the CG zone district. The note, by itself, is not sufficient to allow a property to apply for a conditional use in the CG zone district given the fact that the CG zone district does not specifically allow for a conditional use request for Farm worker housing as correctly noted in the RM-5 and RM-6 zone districts. In addition the title block for the Ordinance omits that a notation is being added to Section 4.2, Schedule of permitted and conditional uses by district which has not served as proper notice for this amendment. The addresses located in the proposed notation which are located in the CG zone district should be eliminated until such time as the Code is properly amended to allow for such an application.

Secondly, the Ordinance is adding a new use, Farm workers housing without a definition of such a use. The lack of such a definition will allow too much flexibility on the part of the City. This should be addressed prior to making a recommendation on the adoption of the Ordinance.

Lastly, the Ordinance states that Farm workers housing will be reviewed as a conditional use and regulated under the non-conforming use provision. Processed as a conditional use under Section 15.4 notes that if the use is controlled as to number, area, location, relation to the neighborhood, mode of operation, size, design, establishment, construction, appearance, or similar matters, would promote the public health, safety, comfort, order, appearance, convenience, morals, prosperity, or general welfare. Given the fact that the use promotes the public safety and welfare, the approval of the conditional use should be as a permitted use and not as a non-conforming use. This is even explicitly stated in the City's Code under Section 7.4, Conditional uses not to be considered nonconforming, which states that any existing use which would be required to be processed as a conditional use permit approval under the terms of this code shall be deemed a conforming use not a nonconforming use.

Given the nature of my client's concerns with the Ordinance as drafted, we respectfully request that either the Ordinance be denied as drafted or continued to allow for additional consideration be given from Planning and Zoning before recommending on the Ordinance.

Sincerely

A handwritten signature in black ink, appearing to read "B. Alan Garrett". The signature is fluid and cursive, with a long horizontal stroke at the end.

B. Alan Garrett, AICP
President

SIGN-IN SHEET

Page _____ of _____



SPEAKERS FORM

If you wish to speak on any Agenda item, please complete a separate form for each item.

COMMENTS WILL BE LIMITED TO TWO (2) MINUTES.

TO ENSURE YOUR NAME IS CALLED FOR THE CORRECT AGENDA ITEM, PLEASE COMPLETE THIS SECTION:

☐ NON-AGENDA ITEM SUBJECT: _____

☐ AGENDA ITEM NUMBER: _____ SUBJECT: _____

NAME: Raymond Varnadore VARNADORE

ADDRESS: 1705 8th Ave W Palmetto

Please return this form to the Deputy Clerk of Administration prior to the beginning of the City Commission meeting.



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TO ENSURE YOUR NAME IS CALLED FOR THE CORRECT AGENDA ITEM, PLEASE COMPLETE THIS SECTION:

☐ NON-AGENDA ITEM

SUBJECT: _____

☒ AGENDA ITEM NUMBER: _____

SUBJECT: Farm Workers Housing

NAME: Billy L. Heller

ADDRESS: 503 10th Street W, Palmetto, FL 34221

Please return this form to the Deputy Clerk of Administration prior to the beginning of the City Commission meeting.



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TO ENSURE YOUR NAME IS CALLED FOR THE CORRECT AGENDA ITEM, PLEASE COMPLETE THIS SECTION:

☒ NON-AGENDA ITEM

SUBJECT: Conditional Use Permit / Farm Worker Housing

☒ AGENDA ITEM NUMBER: _____

SUBJECT: _____

NAME: John V. C...

ADDRESS: 16506 E. State Rd 64 Bradenton FL.

Please return this form to the Deputy Clerk of Administration prior to the beginning of the City Commission meeting.



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COMMENTS WILL BE LIMITED TO TWO (2) MINUTES.

TO ENSURE YOUR NAME IS CALLED FOR THE CORRECT AGENDA ITEM, PLEASE COMPLETE THIS SECTION:

☐ NON-AGENDA ITEM SUBJECT: _____

☒ AGENDA ITEM NUMBER: 3 SUBJECT: FARM WORKER HOUSING

NAME: PATRICIA A PETRUFF

ADDRESS: 1111 3rd AVE W BRADENTON, FL 34205

Please return this form to the Deputy Clerk of Administration prior to the beginning of the City Commission meeting.



SPEAKERS FORM

If you wish to speak on any Agenda item, please complete a separate form for each item.

COMMENTS WILL BE LIMITED TO TWO (2) MINUTES.

TO ENSURE YOUR NAME IS CALLED FOR THE CORRECT AGENDA ITEM, PLEASE COMPLETE THIS SECTION:

☐ NON-AGENDA ITEM

SUBJECT: Farm worker housing

☒ AGENDA ITEM NUMBER: _____

SUBJECT: _____

NAME: David McDaniel

ADDRESS: 2281 Lee Road, Winter Park, FL 32789

Please return this form to the Deputy Clerk of Administration prior to the beginning of the City Commission meeting.



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☐ NON-AGENDA ITEM SUBJECT: _____

☒ AGENDA ITEM NUMBER: 3 SUBJECT: Farm Worker Housing

NAME: Ricarda Perry

ADDRESS: 1519 Riverwood Ln, Bradenton FL 34209

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