

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

Issue

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

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

The ordinance allows existing farm worker housing that are not within the RM-5 or RM-6 zoning districts to apply for a CU within a 90 day timeframe. To date there is a list of 14 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 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 recommendation but 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 - 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 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 analyses and to garner information on the City's CPTED process.

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".

As a result of the input provided by the agricultural community, several options were 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.

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

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

X = Permitted use

C = Conditional use (see Ordinance No. 196)

— = Prohibited use

* = In specific areas

Sec. 6.24. Farm Worker Housing

Ordinance 2012-07 with the recommendations herein.

Staff Recommendation

The proposed ordinance 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's hearing on May 17, 2012 was continued to June 21, 2012. At that time they will **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed amendment to the Zoning Code to include Conditional Use standards for farm worker housing.

City Commission Action

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS or DENY** the proposed amendment to the Zoning Code to include Conditional Use standards for farm worker housing at its second public hearing on July 16, 2012.



Farm Worker Housing & Packing Plants

Legend

Streets

Major Roads



Farm Worker Housing



Packing Plants



Palmetto City Limits

Zoning

RM-5

R.M-6

Sites w/o Health

Dept. Permits

#	Name Permitted by Manatee County Health Department	Property Appraiser's Address	# of Units	Zoning	FLUID
1	Carriage Court Motel	1811 8th Ave W Units 201-212	12	CG	GCOM
2	Old Florida Investments (Foy-Taylor 701 11th St W)	807 & 809 11 th St W/2-story bldg	2	RM-6	GCOM
		608 11th St W	2	RM-6	GCOM
		610 11th St W	2	RM-6	GCOM
3	Old Florida Investments (Foy-Taylor 701 11th St W)	619 11th St W (1/2 of duplex) 621 11th St W (1/2 of duplex) 623 11th St W	3	RM-6	GCOM
4	Old Florida Investments (Foy-Taylor 701 11th St W)	1019 7th Ave W 1012 7th Ave W	2	RM-6	GCOM
5	Old Florida Investments (Foy-Taylor 701 11th St W) Oakridge Apartments Top 3 rd	501-704 13th St W 500-706 14th St W	33 38	RM-6 RM-4	RES-10 RES-10
6	Pacific Tomato Growers	1001-1032 1 st Ave C1 W 1000-1041 1 st Ave C1 W	16 22	CG CG	GCOM GCOM
7	Doctor's Camp Peerless Manatee	401 & 403 6th St W 405 & 407 8th St W 408 & 411 6th St W	2 2 2	CG CG CG	GCOM GCOM GCOM
8	Palmetto Land Company Apts	413 & 415 6th St W 501 11th St W W Units A & C, 503 11th St W Units B & C	2 6	CG RM-0	GCOM RES-10
9	Taylor - Fulton 8 th St W Apts Old Florida Investments	415 9th St W Units A & B 808 5th Ave W Units A & B 804 5th Ave W Units A & B 806 5th Ave W Units A & B	4 4	RS-4 CN	GCOM GCOM
	Peerless Manatee Inc	408 8th St W	1	RS-4	RES-10
10	Peerless 6 th Ave W Apts	712 5th Ave W Units A & B 716 5th Ave W Units A & B	2 2	CG CG	GCOM GCOM
11*	Sunnydale Apts	2003, 2005 & 2011 Bayshore Rd 713 6th St W 719 17th St W 725 17th St W	12	RM-0	RES-10
12	C&O Fruit		13	RM-0	GCOM

*NOTE: MCHD permit & City CU permit

Updated June 2012



Community Redevelopment Agency

Call Staff 205-390-1111

City of Palmetto, FL - W

ed by the GIS Staff at the Palmetto CRA

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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 R-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 ~~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 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-6 zoning district, 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-6 zoning district, and the Schedule shall be amended accordingly.

D. The following footnote shall be added to Appendix B, Zoning Code, Article IV, Schedule of District Regulations, Section 4.2 Schedule of Permitted and Conditional Uses by District of the Palmetto Code of Ordinances: Those existing farm worker housing uses located at the addresses listed below may apply by ~~September 30~~ 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
- 4-5. 800 & 802 5th Ave W
- 5-6. 804 & 806 5th Ave W
7. 7102 & 716 5th Ave W
- 6-8. 709 & 711, 715 4th Ave W
- 7-9. 409 & 415 9th St W
- 8-10. 408 8th St W
11. 522 10th St W, 522 10th St W Units A, B & C
12. 530 10th St W, 530 10th St W Units A & B
13. 532 10th St W
- 9-14. 534 10th St W, 534 10th St W Units A & B

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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 of the City Zoning Code, as may be amended. If an application for a Conditional Use Permit is not applied for by September 30 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 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:

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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.

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(b) Security lighting.

(c) Security cameras (may be recommended but not required).

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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. ~~The proximity~~ Accessibility of the proposed use to residential support uses, such as health care, recreational facilities, and retail locations for daily personal needs and supplies.

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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.

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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

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

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[†]Board Certified:
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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 CPTED 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.

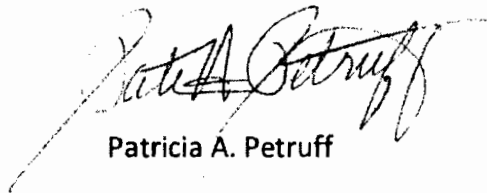
Section 6.24.A.4 is particularly objectionable because it gives the City unbridled discretion to conduct unwarranted inspection of the property including interior inspections. This is a violation of the property owner's and the tenants' constitutional rights. Unless a crime is in progress, in order to 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,



Patricia A. Petruff

PAP/clm

cc: Client



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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: FARM WORKER ORD

NAME: PATRICIA PETRUFF

ADDRESS: 1111 3rd Ave W Suite 300

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



21

SPEAKERS FORM

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

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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: Farmworkers

NAME: Adriana Cerrillo

ADDRESS: 1005 Riverside Dr. Palmetto FL

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



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SPEAKERS FORM

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

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

☒ ^{Na} NON-AGENDA ITEM SUBJECT: _____

☐ AGENDA ITEM NUMBER: _____ SUBJECT: _____

NAME: Angie Fuentes

ADDRESS: PO Box 223 Ellenton, FL 34222

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



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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: Elizabeth Garcia

ADDRESS: 1605 12th Street Dr. West 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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SPEAKERS FORM

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☐ NON-AGENDA ITEM SUBJECT: _____

☒ AGENDA ITEM NUMBER: 2 SUBJECT: 2012-07

NAME: ALAN GARRETT

ADDRESS: 2424 YORKSHIRE DR 34231

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SPEAKERS FORM

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☐ NON-AGENDA ITEM SUBJECT: _____

☐ AGENDA ITEM NUMBER: _____ SUBJECT: _____

NAME: Emilia Rodriguez

ADDRESS: 1115 62th Ave E Braden

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SPEAKERS FORM

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☐ NON-AGENDA ITEM SUBJECT: _____

☒ AGENDA ITEM NUMBER: 2 SUBJECT: 2012-07

NAME: Ricinda Perry

ADDRESS: 1519 Riverview Ln. Bradenton, FL 34209

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



SPEAKERS FORM

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☐ NON-AGENDA ITEM SUBJECT: _____

☒ AGENDA ITEM NUMBER: _____ SUBJECT: 2012-07

NAME: MAYOR BRYANT MAYOR SHIRLEY BRYANT

ADDRESS: 516 8th AVE W, PALMETTO FL 34221

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

823.14 Florida Right to Farm Act. —

(1) **SHORT TITLE.**—This section shall be known and may be cited as the “Florida Right to Farm Act.”

(2) **LEGISLATIVE FINDINGS AND PURPOSE.**—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state. The Legislature further finds that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of the farm land from agricultural use. It is the purpose of this act to protect reasonable agricultural activities conducted on farm land from nuisance suits.

(3) **DEFINITIONS.**—As used in this section:

(a) “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(b) “Farm operation” means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

(c) “Farm product” means any plant, as defined in s. 581.011, or animal useful to humans and includes, but is not limited to, any product derived therefrom.

(d) “Established date of operation” means the date the farm operation commenced. If the farm operation is subsequently expanded within the original boundaries of the farm land, the established date of operation of the expansion shall also be considered as the date the original farm operation commenced. If the land boundaries of the farm are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent established date of operation. The expanded operation shall not divest the farm operation

of a previous established date of operation.

(4) FARM OPERATION NOT TO BE OR BECOME A NUISANCE.—

(a) No farm operation which has been in operation for 1 year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices, except that the following conditions shall constitute evidence of a nuisance:

1. The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.
2. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.
3. The keeping of diseased animals which are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.
4. The presence of unsanitary places where animals are slaughtered, which may give rise to diseases which are harmful to human or animal life.

(b) No farm operation shall become a public or private nuisance as a result of a change in ownership, a change in the type of farm product being produced, a change in conditions in or around the locality of the farm, or a change brought about to comply with Best Management Practices adopted by local, state, or federal agencies if such farm has been in operation for 1 year or more since its established date of operation and if it was not a nuisance at the time of its established date of operation.

(5) WHEN EXPANSION OF OPERATION NOT PERMITTED.—This act shall not be construed to permit an existing farm operation to change to a more excessive farm operation with regard to noise, odor, dust, or fumes where the existing farm operation is adjacent to an established homestead or business on March 15, 1982.

(6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It is the intent of the Legislature to eliminate duplication of regulatory authority over farm operations as expressed in this subsection. Except as otherwise provided for in this section and s. 487.051(2), and notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, where such activity is regulated through implemented best management practices or interim measures developed by the Department of Environmental

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IF WE ARE NOT UNITED, THERE IS NO UNITED STATES

UNIDOS **NOW**

SI NO ESTAMOS UNIDOS, NO HAY ESTADOS UNIDOS

MISIÓN

MOBILIZAR A LAS COMUNIDADES HISPANAS Y ASOCIADAS DEL SURESTE DE LA FLORIDA PARA INTEGRAR Y ACCEDER A LOS BENEFICIOS DE LA TRAMA CIVIL, ECONÓMICA Y CULTURAL DE LOS ESTADOS UNIDOS.

TO MOBILIZE SW FLORIDA'S HISPANIC AND ASSOCIATED COMMUNITIES TO INTEGRATE AND ACCESS THE BENEFITS OF THE STATE'S CIVIC, ECONOMIC, AND CULTURAL WEAWE.

MISSION STATEMENT

INFO@UNIDOSNOW.ORG

DONATE TODAY DONA AHORA

UNIDOS NOW.ORG

1-877-598-4466

P.O. BOX 3131 SARASOTA FL 34230

PROGRAMS

FUTURE LEADERS ACADEMY

FUTURE LEADERS ACADEMY IS AN INTENSE MENTORING, COLLEGE PREPARATION AND LEADERSHIP TRAINING PROGRAM RUNNING FOR MIDDLE AND HIGH SCHOOL STUDENTS IN MANATEE AND SARASOTA COUNTIES.

ABC 4 KIDS AMERICAN BASIC CIVICS

ABC 4 KIDS PROVIDES AMERICAN BASIC CIVICS LESSONS FOR PRIMARILY KINDERTY MIDDLE SCHOOL STUDENTS, INCLUDING HISPANIC/LATINO, HAITIAN, AND AFRICAN-AMERICAN MIDDLE SCHOOL STUDENTS IN AN AFTER SCHOOL PROGRAM.

KNOW YOUR RIGHTS

BILINGUAL FORUMS CONDUCTED THROUGHOUT SOUTHWEST FLORIDA, BRINGING EXPERT LEGAL TERMS INTO HEAVILY IMMIGRANT COMMUNITIES, EDUCATING LOCAL POPULATIONS ON THEIR RIGHTS IN THIS COUNTRY, INCLUDING A CONCERTED PUSH FOR CIVIC INTEGRATION VIA NATURALIZATION.



¡EL CAMBIO DEMOGRÁFICO HA OCURRIDO!

Los latinos fueron el motor del crecimiento en la última década

La población hispana creció más rápido de lo que se esperaba y representaron más de la mitad del crecimiento de la nación durante la pasada década

Latinos Fuel Growth in a decade

Hispanic population grew faster than expected and accounted for more than half of the nation's growth over the past decade



DEMOGRAPHIC SHIFT HAPPENS!

HISTORIA

Nacido en el contexto de un ambiente cada vez más xenóforo durante la Gran Recesión, UnidosNow se organizó después de la elección gubernativa de 2010, ganada por unos representantes que querían traer una ley anti-inmigrante al estilo SB1070 de Arizona a la Florida. En un corto período de tiempo, UnidosNow desempeñó un papel importante en la coalición "We Are Florida", que llevó más de cuatro mil ciudadanos y residentes interesados a Tallahassee para oponerse a estas leyes. Con la generación de más de veinte menciones en los medios en menos de dos meses, UnidosNow presionó con éxito al senador estatal Mike Bennett (R-Condado de Manatee)

a retirar su proyecto iniciador de la ley de Arizona, quien concluyó que fue demasiado lejoso, ya que incluso podría haber llevado a la elaboración de perfiles raciales y a la detención de su esposa italo-americana, en virtud de su apariencia. El Senador Bennett fue el único funcionario electo que retiró tal propuesta.



INTEGRACIÓN CULTURAL Y ECONÓMICA

UnidosNow se ha asociado con organizaciones culturales, como el Asolo Repertory Theater, y reconocidos artistas y profesionales (José Antonio Vargas, Nilo Cruz) para ayudar a mejorar la conversación sobre la integración de la comunidad hispana en el Suroeste de la Florida.

UnidosNow también está examinando la gran cantidad de población hispana que existe en el Suroeste de la Florida sin una cuenta bancaria, y cómo ello conlleva a problemas de seguridad individual, altas tasas de delincuencia, bajos valores de la propiedad, etc. Uno de los esfuerzos de UnidosNow es trabajar hacia una mayor alfabetización financiera en la comunidad para hacer frente a estos problemas.

UnidosNow is partnering with cultural organizations, such as Asolo Repertory Theater, and recognized artists and professionals (Jose Antonio Vargas, Nilo Cruz) to help bring better conversations on integration to the forefront with Southwest

Florida's Hispanic community. UnidosNow is focusing its efforts exploring the very large unbanked population of Hispanics in Southwest Florida. This leads to personal safety issues, high crime rates, low property values, etc. One of UnidosNow's efforts is to work towards greater financial literacy in the community to address these problematic issues.

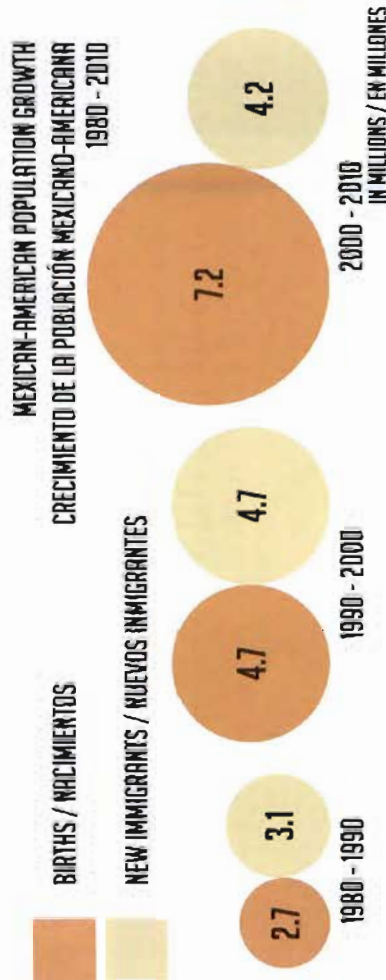
CULTURAL & ECONOMIC INTEGRATION

PEW HISPANIC CENTER

07/2011

Los nacimientos han superado a la inmigración como el principal motor de la dinámica de crecimiento de la población hispana en EE.UU. Esta nueva tendencia es especialmente evidente entre el mayor grupo de todos los hispanos, los mexicano-americanos, y particularmente cierto en el Suroeste de la Florida.

Births have surpassed immigration as the main driver of the dynamic growth in the U.S. Hispanic population. This new trend is especially evident among the largest of all Hispanic groups, Mexican-Americans. Particularly true in SW Florida



HISTORY

Born in the context of an increasingly xenophobic atmosphere during the Great Recession, UnidosNow was organized after the 2010 gubernatorial election that was won on a platform of bringing an Arizona-style, anti-immigrant law to Florida. In a short period of time, UnidosNow played a significant role in the "We Are Florida" coalition that led over four thousand concerned citizens and residents to Tallahassee to oppose such laws.

Generating over twenty media mentions in less than two months, UnidosNow successfully pressured State Senator Mike Bennett (R-Manatee County) to withdraw his Arizona copycat bill, that he concluded went too far in that it could have led to the profiling and arrest of his Italian-American wife, by virtue of her appearance. Senator Bennett was the only elected official to withdraw such a proposal.



“UNA VEZ QUE COMIENZA EL CAMBIO SOCIAL YA NO SE PUEDE DAR MARCHA ATRÁS. NO SE LE PUEDE QUITAR LA EDUCACIÓN A LA PERSONA EDUCADA. NO SE LE PUEDE QUITAR EL ALFABETISMO A LA PERSONA QUE HA APRENDIDO A LEER. NO SE PUEDE HUMILLAR A LA PERSONA QUE SIENTE ORGULLO. NO SE PUEDE OPRIMIR A LAS PERSONAS QUE YA NO TIENEN MIEDO...”

CESAR CHAVEZ

PROGRAMAS

FUTURE LEADERS ACADEMY

LA ACADEMIA DE LÍDERES DEL FUTURO ES UN INTENSO PROGRAMA MENTOR, DE PREPARACIÓN PARA IR A LA UNIVERSIDAD Y DE ENTRENAMIENTO DE LIDERAZGO PARA ESTUDIANTES DE ESCUELAS MEDIAS E INSTITUTO, EN LOS CONDOMIOS DE MANTITE Y SARASOTA.

ABC 4 KIDS CIVISMO BÁSICO AMERICANO

ABC 4 KIDS PROVEE CLASES DE CIVISMO BÁSICO AMERICANO, PRIMERAMENTE, PARA ESTUDIANTES DE MINORÍAS EN ESCUELAS MEDIAS, INCLUYENDO HISPANOS/LATINOS, HAITIANOS Y AFRO-AMERICANOS EN UN PROGRAMA DE DESPUÉS DE LA ESCUELA

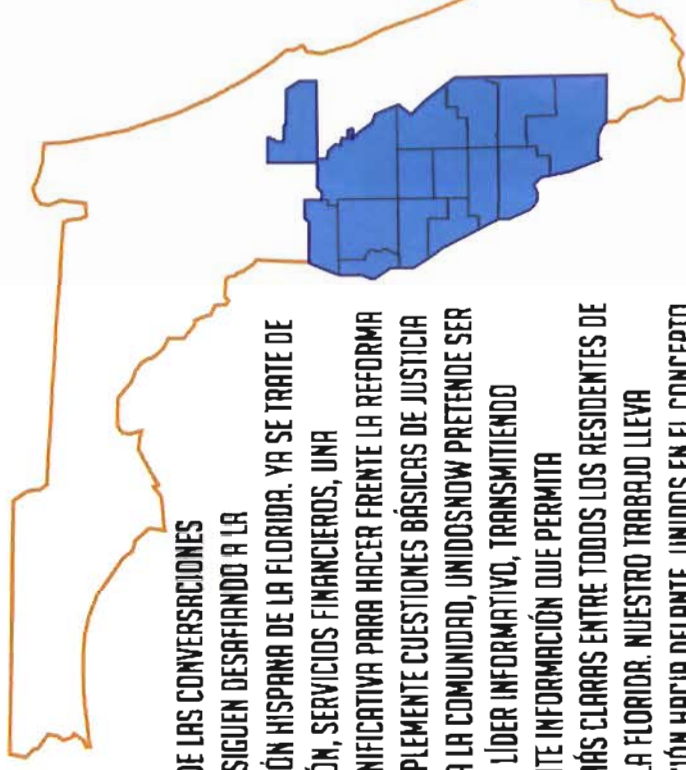
CONOZCA SUS DERECHOS

ESTOS FOMOS BILINGÜES SE LLEVAN A CABO A LO LARGO DEL SUDOESTE DE LA FLORIDA, TRAENDO EQUIPOS CON EXPERIENCIA LEGAL A LUGARES CON UNA ELEVARDA POBLACIÓN INMIGRANTE, EDUCANDO A LA COMUNIDAD LOCAL SOBRE SUS DERECHOS EN ESTE PAÍS, INCLUYENDO UN GRAN ESFUERZO PARA LA INTEGRACIÓN CÍVICA A TRAVÉS DE LA NATURALIZACIÓN.





VISIÓN



SER UN MEDIADOR DE LAS CONVERSACIONES DE LOS TEMAS QUE SIGUEN DESAFIANDO A LA CRECIENTE POBLACIÓN HISPANA DE LA FLORIDA. YA SE TRATE DE ACCESO A EDUCACIÓN, SERVICIOS FINANCIEROS, UNA PARTICIPACIÓN SIGNIFICATIVA PARA HACER FRENTE LA REFORMA MIGRATORIA, O SIMPLEMENTE CUESTIONES BÁSICAS DE JUSTICIA SOCIAL Y RESPETO A LA COMUNIDAD, UNIDOSNOW PRETENDE SER UN ORGANIZADOR Y LÍDER INFORMATIVO, TRANSMITIENDO HECHOS Y CONSTANTE INFORMACIÓN QUE PERMITA CONVERSACIONES MÁS CLARAS ENTRE TODOS LOS RESIDENTES DE LA COMUNIDAD DE LA FLORIDA. NUESTRO TRABAJO LLEVA NUESTRA GRAN NACIÓN HACIA DELANTE, UNIDOS EN EL CONCEPTO DE LOS ESTADOS UNIDOS DE AMÉRICA.

**"ONCE SOCIAL CHANGE BEGINS, IT CANNOT
BE REVERSED. YOU CANNOT UNEDUCATE THE
PERSON WHO HAS LEARNED TO READ. YOU
CANNOT HUMILIATE THE PERSON WHO FEELS
PRIDE. YOU CANNOT OPPRESS THE PEOPLE
WHO ARE NOT AFRAID ANYMORE..."**

CESAR CHAVEZ

VISION

TO BE A MEDIATOR OF CONVERSATIONS ON THE PANORAMA
OF ISSUES THAT CONTINUE TO CHALLENGE FLORIDA'S
RAPIDLY GROWING HISPANIC POPULATION. BE ITS ACCESS TO
EDUCATION; FINANCIAL SERVICES; MEANINGFUL
PARTICIPATION IN ADDRESSING IMMIGRATION REFORM; OR
JUST BASIC ISSUES OF SOCIAL JUSTICE AND RESPECT IN THE
COMMUNITY, UNIDOSNOW AIMS TO BE A CONVENOR AND AN
INFORMATION LEADER, CONVEYING FACTUAL AND CONSTANT,
UP-TO-DATE INFORMATION THAT EMPOWERS GREATER AND
MORE ENLIGHTENED CONVERSATIONS AMONG ALL RESIDENTS
OF FLORIDA'S COMMUNITY. OUR WORK PUSHES OUR GREAT
COUNTRY FORWARD, UNITED IN THE CONCEPT OF THESE
UNITED STATES OF AMERICA.

