

TAB 1

JUNE 21ST, 2012 MINUTES

**DRAFT MINUTES
CITY OF PALMETTO
PLANNING AND ZONING BOARD
JUNE 21, 2012 – 5:30 P.M.**

516 8th Avenue West
Palmetto, FL 34221

www.palmettofl.org
941-723-4570

PLANNING AND ZONING BOARD MEMBERS

ERIC GILBERT, Chair
JAMES PASTOR, Vice Chair

JON MOORE
CHARLIE UGARTE

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

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

ORDER OF BUSINESS:

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

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

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

CONTINUED FROM MAY 17TH, 2012 PLANNING & ZONING BOARD MEETING.
Ordinance 2012-07 is an amendment to the City's Zoning Code to provide standards and criteria for farm worker housing and rooming/boarded houses as a Conditional Use in RM-5 and RM-6.

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

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

Lorraine Lyn, City Planner stated that this hearing is a continuation of the May 17th, 2012 P&Z hearing. She spoke regarding the amendment to the Zoning Ordinance to establish conditions or stipulations for a Conditional Use (CU) in the RM-5 and RM-6 zoning districts for farm worker housing. Currently the Code allows CU in the RM-6 only. The RM-5 which allows duplex and boarding houses will be added. The RM-6 allows apartments. The ordinance requires contact information of the property owner or the manager, a site plan of the premises, and a CPTED Review (Crime Prevention through Environmental Design). One of the changes that have been made is that security cameras can only be recommended, not required.

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

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

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

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

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

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

PUBLIC HEARING OPENED 5:56

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

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

With respect to some of these properties we are dealing with, that is residential structures in the CG zoning district, at the time those structures were built, they were legal structures, legal uses, and at some point in the distant past, the zoning district got changed to a CG district which apparently does not allow single family and duplex units. I heard your planner say that it allows multi-family. So we already have some non-conforming structures and then in 1989 you added another issue to the farmworker housing Ordinance so there are some structures depending when they were built, when they were put into farm worker housing use that will fall under this Section 7.4 and will become legal conforming uses.

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

The other issue in trying to deal with Mr. Taylors' properties is one that staff is not aware of and I need to bring to your attention. Many of these properties as he testified at the last hearing have been

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

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

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

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

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

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

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

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

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

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

PUBLIC HEARING CLOSED 6:35

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

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

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

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

4. Old Business
 - a. None
5. New Business
 - a. None
6. Adjournment 7:00 p.m.