

ORDINANCE 2017-004

FILE NO.: TLDC 620165027

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY AMENDING SECTION 2.00.00 DEFINITIONS TO CREATE A DEFINITION OF "AGRICULTURAL LABOR HOUSING": CREATING SECTION 7.10.08 AGRICULTURAL LABOR HOUSING TO ESTABLISH SUPPLEMENTAL STANDARDS FOR AGRICULTURAL LABOR HOUSING; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; AND PROVIDING FOR CODIFICATION.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, (Board) based on the testimony and evidence, including but not limited to the staff report, has made the following determinations:

1. On August 1, 1990, the Board of County Commissioners of St. Lucie County, Florida, adopted the St. Lucie County Land Development Code.
2. On January 19, 2017, the Planning and Zoning Commission held a public hearing on the proposed ordinance after publishing due notice in the St. Lucie News Tribune and recommended that the proposed ordinance be continued to the February 16, 2017 Planning and Zoning Commission public hearing.
3. On February 16, 2017 the Planning and Zoning Commission held a public hearing and recommended the proposed ordinance be forward to the Board of County Commissioners with a recommendation for approval.
4. On April 4, 2017, this Board held its first public hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune.
5. On April 18, 2017, this Board held its second public hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune.
6. The proposed amendments to the St. Lucie County Land Development Code are consistent with the general purpose, goals, objectives and standards of the St. Lucie County Comprehensive Plan and are in the best interest of the health safety and public welfare of the citizens of St. Lucie County, Florida.

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 4301444 04/26/2017 08:40:37 AM
OR BOOK 3988 PAGE 1663 - 1667 Doc Type: ORDN
RECORDING: \$44.00

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A.

The St. Lucie County Land Development code is hereby amended to by amending Section 2.00.00 (Definitions) to add the following definitions:

2.00.00 DEFINITIONS

Agricultural laborer: Any person employed in hand labor operations in planting, cultivation, or harvesting agricultural crops.

Agricultural labor housing: One or more buildings constructed and established as living quarters for seasonal or migrant agricultural laborers permitted by the Florida Department of Health as a migrant labor camp.

PART B.

The St. Lucie County Land Development Code is hereby amended to create Section 7.10.08 Rural and Farmworker Housing to read as follows:

7.10.08 AGRICULTURAL LABOR HOUSING

A. Purpose.

The purpose of this section is to recognize and provide temporary housing for farm agricultural laborers working at agricultural operations in St. Lucie County in the AG-1, AG-2.5, and AG-5 Zoning Districts. Agricultural Labor Housing is permitted as a Conditional Use subject to Section 11.07.00 and the requirements of this Section. It is the intent of these standards to meet the particular needs of the agricultural labor industry through design standards while protecting the health, safety and general welfare of the agricultural laborers and the general public. It is further the intent of this section that such housing will be used exclusively for agricultural housing purposes. Agricultural labor housing is encouraged to be clustered. Agricultural labor housing shall be subject to the Florida Building Code.

B. Housing types.

These standards apply to the following housing types as agricultural labor housing, either as principal buildings or accessory buildings in the AG-1, AG-2.5 and AG-5 Zoning Districts.

1. Duplexes
2. Multiple-family dwellings

C. Accessory Use.

Caretaker's residence

D. Conditional Use

No Agricultural Labor Housing shall be constructed until a request for Conditional Use has been approved by the Board of County Commissioners.

E. Standards

1. Agricultural labor housing shall be set back a minimum of 100 feet measured from the front property line and all public or private right of way lines.
2. No on-site agricultural labor housing shall exceed in land area three (3) percent of the gross acreage of the agricultural operation, or twenty (20) acres, whichever is less. Off-site agricultural labor housing shall have a land area of not less than five (5) acres.
3. Certification of compliance of structures built under this section with the Florida Department of Health, pursuant to Chapter 64E-14, F.A.C. (Florida Administrative Code), as a migrant labor camp shall be required. The St. Lucie County Planning and Development Services Director shall be copied on the written notice of intent to the Department of Health required in F.A.C. 64E-14.0003.
4. The owner of an Agricultural Labor Housing development shall provide copies of the Florida Department of Health biannual inspections to the Planning and Development Services Director to be filed with the Conditional Use Permit.
5. No agricultural labor housing structure licensed by the Florida Department of Health as a migrant labor camp shall be used as a permanent residence.
6. In the event of a change of ownership of an agricultural labor housing development, the new owner shall submit an application for a minor adjustment to the Conditional Use Permit within ninety (90) days of the date the change in ownership is recorded in the public records of St. Lucie County.
7. Agricultural labor housing shall comply with landscaping requirements in accordance with Section 7.09.00 of the County Land Development Code.
8. The maximum number of dwelling units shall not exceed one unit per gross acre.
9. The minimum setbacks for structures from property lines shall be consistent with the zoning district. Any existing or proposed non-residential building(s) on the overall parcel shall be shown along with the distance between the proposed housing and other existing or proposed structures.

F. Site plan

Every conditional use application for Agricultural Labor Housing must include a site plan consistent with Section 11.02.04, including the following additional information:

1. The site plan shall include a statement that the units shall solely be occupied by individuals on a temporary basis who are employed in active on-site agricultural operations or agricultural operations located on other properties leased by the owner or under the same ownership as the subject project site.
2. A map indicating the location and distance of both off-site agricultural operations at which the laborers will be working and the housing shall be provided.
3. The area and dimensions of the land to be devoted to the housing development.

4. The layout of building sites and type of proposed structures.
5. Location, size and type of utilities.
6. Environmental Impact Report, conforming to Section 11.02.09(A)(5) of the Land Development Code.
7. Traffic Impact Report or Study, as needed or required by Land Development Code Section 11.02.04.
8. The plan shall identify and label all common areas as defined in FAC 64-E-14.002.
9. The site plan shall include the following statement:

Notice of Conveyance. Wherever an interest in real property within an area covered by an approved conditional use for agricultural labor housing is sold, the seller shall attach to the instrument of sale, a notice directing the buyer's attention to such approval (including any amendment) and the area of the lot of record used as a basis for the agricultural labor housing. The notice shall also generally apprise the buyer of the development rights, requirements, and remedies provided under such approval, under this Code. Such notice shall be on a form approved by the Planning and Development Services Director.

10. The site plan shall include a designated transit stop shelter for residents' pickup, drop off and waiting to provide protection from the weather.

PART C. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART D. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART E. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the unincorporated area of St. Lucie County.

PART F. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART G. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State.

PART H. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

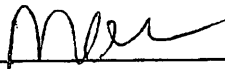
Chris Dzadoovsky, Chairman	AYE
Tod Mowery, Vice-Chairman	AYE
Frannie Hutchinson, Commissioner	AYE
Linda Bartz, Commissioner	AYE
Cathy Townsend, Commissioner	AYE

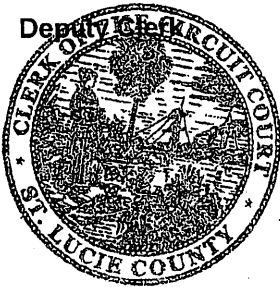
PART I. CODIFICATION.

Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts C through I shall not be codified.

PASSED AND DULY ENACTED this 18th day of April, 2017.

Attest:





Board of County Commissioners
St. Lucie County, Florida

By: 

Chairman

Approved As To Form
and Correctness:

By: 

County Attorney