



Hillsborough County Florida

SM STAFF REPORT

SUBJECT:	PD 20-1256	PLANNING AREA:	Lutz
REQUEST:	Rezoning to a Planned Development	SECTOR	Northwest
APPLICANT:	SISU Lutz, LLC		
Existing Zoning: AS-1		Comp Plan Category: RES-1	



Project Location Map RZ-PD 20-1256

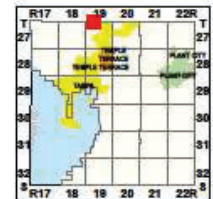
Folio: 32949.0200

- ▭ Application Site
- ▭ Parcels

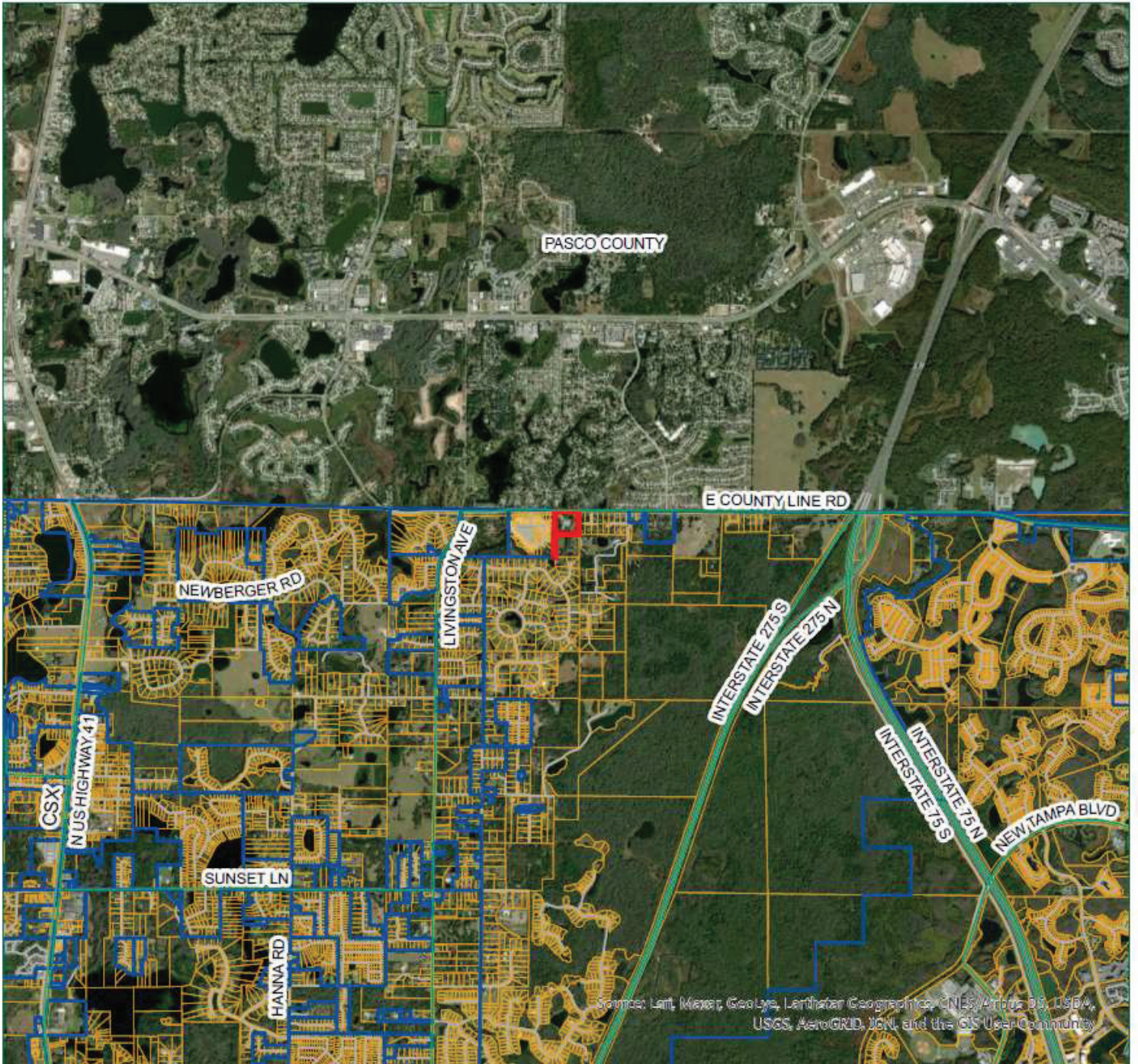


0 300 600 Feet

STR: 5-27-19



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Users of this map are hereby notified that the aforementioned public policy considerations herein should be considered for verification of the information contained in this map.
Date: 04/12/2021 File: 020190405000000.apx



Vicinity Map

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The applicant is requesting to rezone approximately 9.57 acres from AS-1 (Agricultural, Single-Family) to PD (Planned Development) to allow for a landscaping contractor's nursery with associated seasonal residential uses.

The subject site currently operates as a landscaping contractor's nursery with the proposal to allow 12 RV units to accommodate the site's seasonal workers. The contractor's nursery areas consist of 6.82 acres of the site. Within this 6.82 acres is 4.8 acres of plant growing areas (70% of the landscaping contractor's nursery area), 0.41 acres for an existing 18,000 sf warehouse which will remain and be used to store equipment and materials associated with the nursery, 0.28 acres of wetlands and 1.33 areas of stormwater ponds. The seasonal worker residential area will occur within 2.75 acres of the site. While the residential component will be comparable to Farm Worker Housing, RVs units, rather than conventional, manufactured, duplex or multi-family units will be used for the temporary housing.

The project area is located in the RES-1 Future Land Use (FLU) area and within the Rural Service Area.

The landscaping contractor's nursery component meets requirements found Land Development Code (LDC) Section 6.11.109.

- The site shall be 2.5 contiguous acres in size. The site is 9.57 acres in size total. Removing the 2.75 acreage to be used for residential, results in 6.82 acres. The site contains 0.28 acres of environmentally sensitive area, which is 4.1% of the landscaping contractor's nursery component area and 2.9% of the total acreage.
- A minimum 51% of the site shall be devoted to the reproduction, growth and/or significant increase in the value of plants. Of the 6.82 acres, 4.8 acres (or 70%) is used for the nursery.
- Services with pieces of equipment weighing more than 25,000 pounds that are utilized off-site shall have direct frontage access or easement access to a collector or arterial roadway. The site fronts County Line Road, an arterial roadway.
- No more than 20% of the site shall be utilized for the storage and/or maintenance of vehicles, equipment and materials. The existing 18,000 sf warehouse will be used for storage, which is 0.41 acres of the site. This represents 6% of the landscaping contractor's office acreage.
- All operational requirements of LDC Section 6.11.109 (such as types of sales, noise levels, etc.) are proposed to be met, as proposed by conditions of approval.

The farmworker housing component of the site will be a hybrid between an RV Park and Farm Worker Housing site. With the exception of the permitted housing types and internal roadways and length of stay, which will meet RV Park LDC Requirements instead, the farmworker housing component meets the requirements found in Land Development (LDC) Section 6.11.39 (Farmworker Housing).

- Farm worker housing may consist of single-family conventional, manufactured home, duplex or multi-family dwellings. This request will utilize RV units. In accordance with the RV Park

regulations, occupancy time limits are applicable.

- Farm worker housing may be provided on-site or off-site from a commercially productive farm. The proposed housing is on-site.
- Farm worker housing in rural and agricultural plan categories shall be limited to 8 units per acre. The RES-1 FLU category is rural and the residential component consists of 2.75 acres, allowing a maximum of 22 units. A total of 12 units are proposed.
- The farmworker housing sites shall provide a minimum 50 foot setback. The same setback is required for RV parks. The location exceeds this requirement to the north, south, west and east.
- When the farmworker housing site is located less than 200 feet from the zoning lot line, screening shall be provided. This requirement is not met to the west and south; therefore required screening will be provided. This requirement is met to the east; however, screening will still be provided.
- All dwelling units shall be located at least 10 feet apart. Proposed conditions require these internal setbacks.
- Water, wastewater and appearance requirements found in the LDC are conditioned to be met.
- Farmworker housing is valid for two years and requires renewal. Proposed conditions maintain this requirement.
- Internal drives for farmworker housing projects allow use of shell, gravel or similar materials. Given that the use will be RVs, the RV Park standards requiring a certain width and use of asphalt concrete or permeable paving block.
- As required for RV Parks, the site does have access to a collector or arterial road.

The site is located within the Lutz Community Plan Area and within the Rural Service Area; however, the Lutz Rural Development Standards are not applicable. The residential component is not a residential subdivision; therefore, LDC Section 3.09.05 does not apply. The landscaping contractor's office will utilize an existing warehouse, which is an agricultural structure given its association with nursery; therefore, the building is not required to meet enhanced building design standards. The use is categorized as an agriculture use and is therefore not subject to the fencing or parking requirements required of a commercial use.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The application does not require any variations to Land Development Code Parts 6.05.00 (Parking and Loading), 6.06.00 (Landscaping/Buffering) or 6.07.00 (Fences and Walls).

1.3 Evaluation of Existing and Planned Public Facilities

The project area is located in the Rural Service Area.

Estimated impact and mobility fees are as follows:

R.V Campground
(Per Site)
Mobility: \$862.00
Fire: \$299.00

Rural Mobility, Northwest Fire - RV campground - number of sites not specified

The site is located on the south side of East County Line Road. County Line Road is a 2-lane, undivided roadway maintained by Pasco County. Per the Hillsborough County Corridor Preservation Plan, County Line Road will be a 4-lane, divided roadway requiring a right of way of 110 feet. This project will be required to preserve 55 feet of right of way from the centerline of the road.

The project's sole access will occur on County Line Road. Currently, the site has two access points; however, the easternmost one will be removed. Access permits and any necessary road improvements will be made by Pasco County.

Transportation staff has no objections, subject to proposed conditions.

1.4 Natural Resources/Environmental

The Environmental Protection Commission has reviewed the application and finds that wetlands are present on the site. EPC staff has no objections, subject to proposed conditions.

The site is not located within a Wellhead Resource Protection Area Zone, a Surface Water Resource Protection Area Zone, a Potable Water Wellfield Protection Zone, a Significant Wildlife Habitat or within the Coastal High Hazard Area. Additionally, the site is not within or adjacent to any ELAPP property.

County Line Road is not a County designated Scenic Corridor.

1.5 Comprehensive Plan Consistency

The project is located within the RES-1 Future Land Use (FLU) category and within the Lutz Community Plan area. Planning Commission staff has found the proposed rezoning, with the proposed conditions of approval, to be **CONSISTENT** with the *Future of Hillsborough* Comprehensive Plan.

1.6 Compatibility

The site is located within a residential area in the northernmost area of the Lutz community.

- Property to the north is within Pasco County and separated from the site by County Line Road. The area is developed with a single-family neighborhood (Turtle Lakes). Homes along the north side of County Line Road are oriented away from the site with perimeter fencing, walls and/or vegetation along the roadway. The RV area will be located approximately 210 feet into the subject site. The project area closest to the road will consist of wetlands, stormwater ponds and portions of the plant growing areas.
- Properties to the east are zoned AS-1 with single-family homes developed on 1 acre lots. The subject site's eastern area will be used for the plant farm and provide a 6' high fence along the boundary. The subject site and eastern homes are separated by a 24+/- foot wide strip of property used as an access drive for property to the south. The RV area is approximately 216 feet from the eastern PD boundary with intervening nursery area.
- Property to the south is zoned AS-1 and consists of one 9.8 acre parcel developed with a single-family residence. The home is located approximately 300 feet south of the common property line. The southern area of the subject site will be used for 4.39 acres of nursery area. The RV area is located approximately 182 feet from the common boundary line. A six foot fence along this boundary will be provided.
- Property to the west is zoned PD (Planned Development) #18-0169. The site is approved for 33 single-family homes on 0.5 acre lots. The minimum rear yard setback along the common

boundary line is 25 feet. The site is currently under construction. The western area of the subject site will be used for nursery and stormwater pond areas and be screened with a 6' high fence. The subject site's RV housing area will be located approximately 173 feet from the boundary.

Staff has not identified any compatibility issues associated with this proposal.

1.7 Agency Comments

The following agencies have reviewed the application and offer no objections:

- Transportation
- Impact Fee
- Environmental Protection Commission
- Water Resource Services
- Conservation & Environmental Lands Management Department

1.8 Exhibits

Exhibit 1: Future Land Use Map

Exhibit 2: Aerial/Zoning Map – General Area

Exhibit 3: Aerial/Zoning Map – Immediate Area

Exhibit 4: Proposed Site Plan (PD 20-1256)

Requirements for Certification:

1. Site plan to delineate fence along the southern PD boundary.
2. Prior to PD site plan certification, the developer shall revise the PD site plan to:
 - a. Add, dimension and label the required right-of-way preservation as “ ___ ft of Right Of Way Preservation Per Hillsborough County Corridor Preservation Plan;
 - b. All uses not permitted to be located within the preservation area, consistent with Section 5.11.09 of the LDC, shall be removed from the PD site plan;
 - c. Revise the Project Data Table and any other portion of the PD site plan to remove the reference to “RV Park” as an allowable use. As requested, the applicant is seeking a hybrid use, and RV Parks in the traditional sense (as defined by the LDC) are prohibited. Labeling should reflect the unique use, so that future site plan reviewers are not confused as to what uses are permitted or which standards apply;
 - d. Revise the Project Data Table to specify a maximum of 20 hybrid (RV/Farm Worker Housing Units) consistent with the submitted transportation analysis; and,
 - e. Modify Note 20 of the General Notes section to reflect the information contained in staff's proposed parking condition.

2.0 Recommendation

Approvable, subject to the following conditions:

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted March 30, 2021.

1. The project shall be permitted for a landscaping contractor's nursery and associated farm worker housing.

2. Use areas, buildings, ponds, and roadways/driveways shall be generally located where depicted on the site plan.
3. The landscaping contractor's nursery shall comply with Land Development Code Section 6.11.109.
4. The RV area shall be utilized for associated farm worker housing to consist of a maximum of 12 RVs. These RV units and spaces shall not be sold or rented to anyone not associated with the subject landscaping contractor's nursery.
 - 4.1 The farmworker housing site (which includes, but is not limited to housing, parking areas, athletic fields, and/or storage areas) shall be located at least 175 feet from the western PD boundary, 215 feet from the northern PD boundary, 190 feet from the southern PD boundary (abutting folio 32949.0100), and 250 feet from the western PD boundary.
 - 4.2 All RVs shall be located a minimum of 10 feet apart.
 - 4.3 Internal roadways shall be a minimum of 30 feet in width with a minimum of 20 feet of pavement. Any cul-de-sacs shall have a minimum radius of 35 feet. All roadways shall consist of permanent paved material such as asphalt, concrete or a permeable paving block.
 - 4.4 All farming worker housing shall provide adequate sewage disposal and water supply systems which meet all Federal, State and local requirements.
 - 4.5 All farm worker housing shall be maintained in a neat, orderly and safe manner.
 - 4.6 The farm worker housing shall be renewed every two years per LDC Section 6.11.39.E.2.
 - 4.7 Rental of the spaces for RV farm worker housing may be done by the day or week. Occupancy of the RVs may not exceed 120 calendar days within any 360 day period, whether accumulated consecutively or intermittently.
5. A 6-foot high opaque PVC fence shall be provided along the western PD boundary (not inclusive of the southern 25 foot wide strip of property located to the west of folio 3249.0100).
6. A 6-foot high opaque PVC fence shall be provided along the eastern PD boundary.
7. A 6-foot high opaque PVC fence shall be provided along the southern PD boundary (where abutting the northern property line of folio 3249.0100).
8. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
9. The construction and location of any proposed wetland impacts are not approved by this


correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.

10. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
11. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
12. E. County Line Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 4-lane roadway which, in accordance with the Hillsborough County Transportation Technical Manual (TTM) Typical Section – 4, requires a minimum of 110 feet of right-of-way to accommodate a 4-lane urban roadway section. As such, the applicant shall preserve sufficient right-of-way necessary that 55 feet of right-of-way exists south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County LDC shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.
13. As E. County Line Rd. is owned and maintained by Pasco County, the developer shall be required to obtain right-of-way use or any other permits required by Pasco County. At its sole expense, the developer shall be required to construct any improvements required by Pasco County to E. County Line Rd. in order to facilitate project access.
14. The project shall be permitted one (1) vehicular connection to E. County Line Rd.
15. The developer shall construct a minimum 5-foot wide sidewalk along its E. County Line Rd. frontage.
16. Minimum parking for the nursery and warehousing uses shall be in accordance with the LDC. Parking for the special purpose RV units (i.e. Farm Worker Housing) shall be provided in the manner customary to Farm Worker Housing uses.
17. Notwithstanding anything on the PD site plan or herein these conditions to the contrary:
 - a. Bicycle and pedestrian access may be permitted anywhere along the PD boundaries;
 - b. Onsite Recreational Vehicles (RVs) shall be utilized as Farm Worker Housing units only. RV uses as defined by Section 12 of the LDC and reference within Section 6.11.110 of the LDC shall be prohibited;
 - c. Onsite Farm Worker Housing units shall only be permitted while the nursery component of the property is in operation. If the property converts to primary use as warehousing, the Farm Working Housing uses shall cease; and,

- d. The developer shall be required to design and construct internal drive aisles and parking as required by the Hillsborough County Land Development Code and Transportation Technical Manual, to the standard for Farm Worker Housing or Agricultural/Nursery uses, whichever is more stringent.
18. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the LDC regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

Staff's Recommendation: Approvable, subject to conditions

Zoning
Administrator
Sign-off:



J. Brian Grady
Mon Apr 12 2021 09:58:47

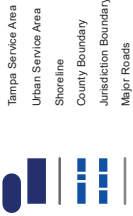
HILLSBOROUGH COUNTY 2020 FUTURE LAND USE

RZ PD 20-1256

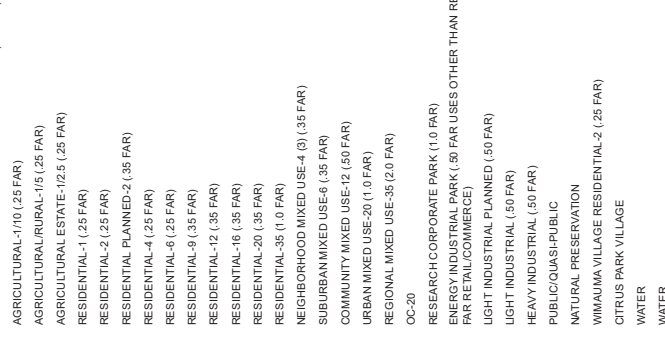
Rezoning

<all other values>

STATUS



Parcels



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. This map is intended for informational purposes only. It is not intended for use as a basis for any legal action. The user assumes all responsibility for any use of this map. Hillsborough County Planning Commission. ACCURACY: It is intended to be accurate. However, such accuracy is not guaranteed by the Hillsborough County City-County Planning Commission. This map is for informational purposes only. For the most current data and information, use the appropriate data source.

Map Printed from Rezoning System: 9/25/2020
 Author: Beverly F. Daniels
 File: C:\Rezoning\System\Map\Projects\HC\Reg_16\Rezoning.mxd

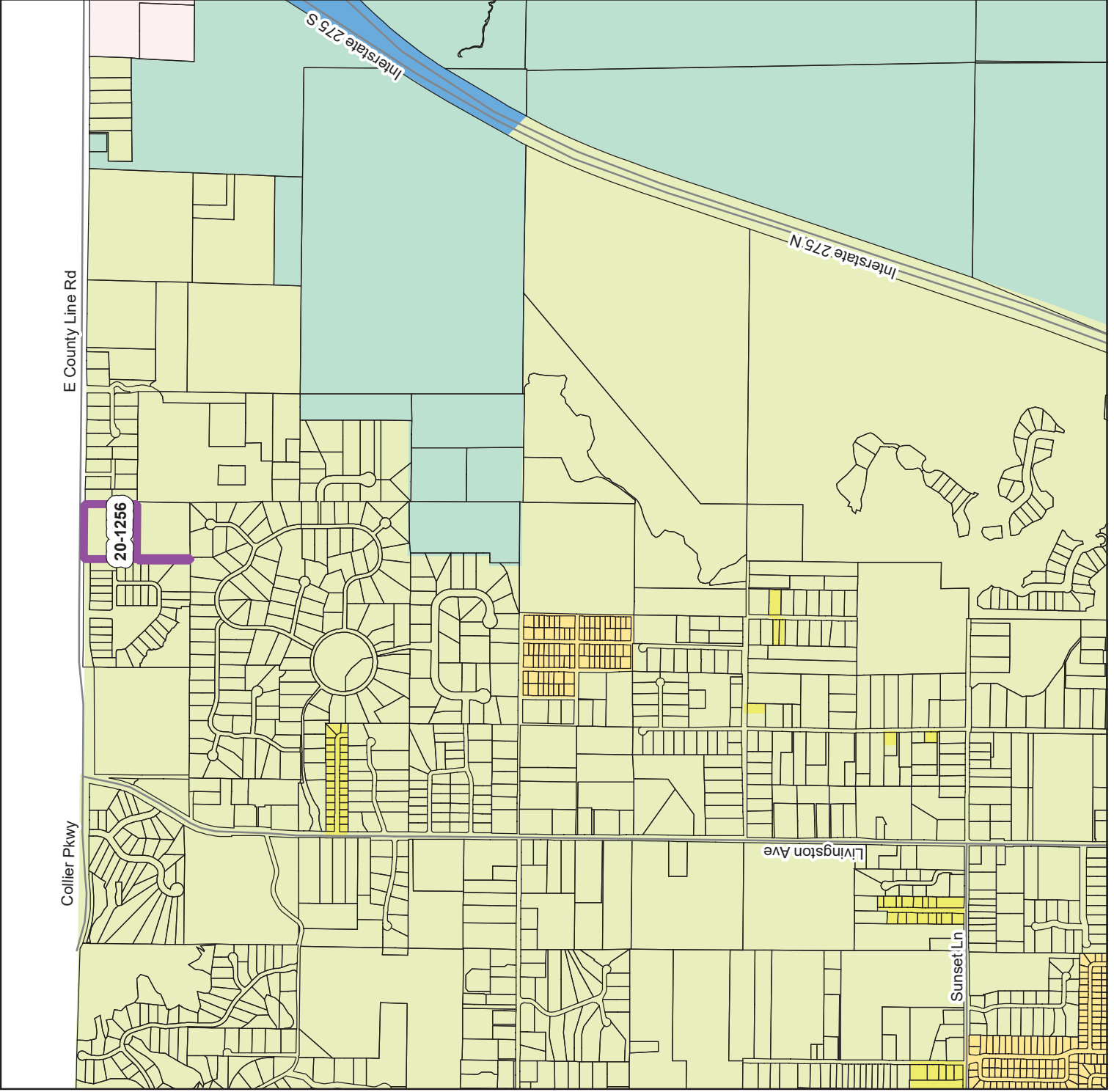




Exhibit 1

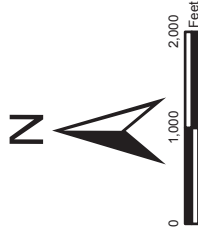


General Aerial Zoning Map

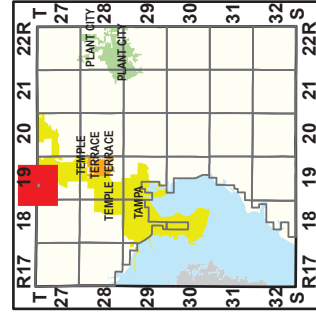
RZ-PD 20-1256

Folio: 32949.0200

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 5-27-19

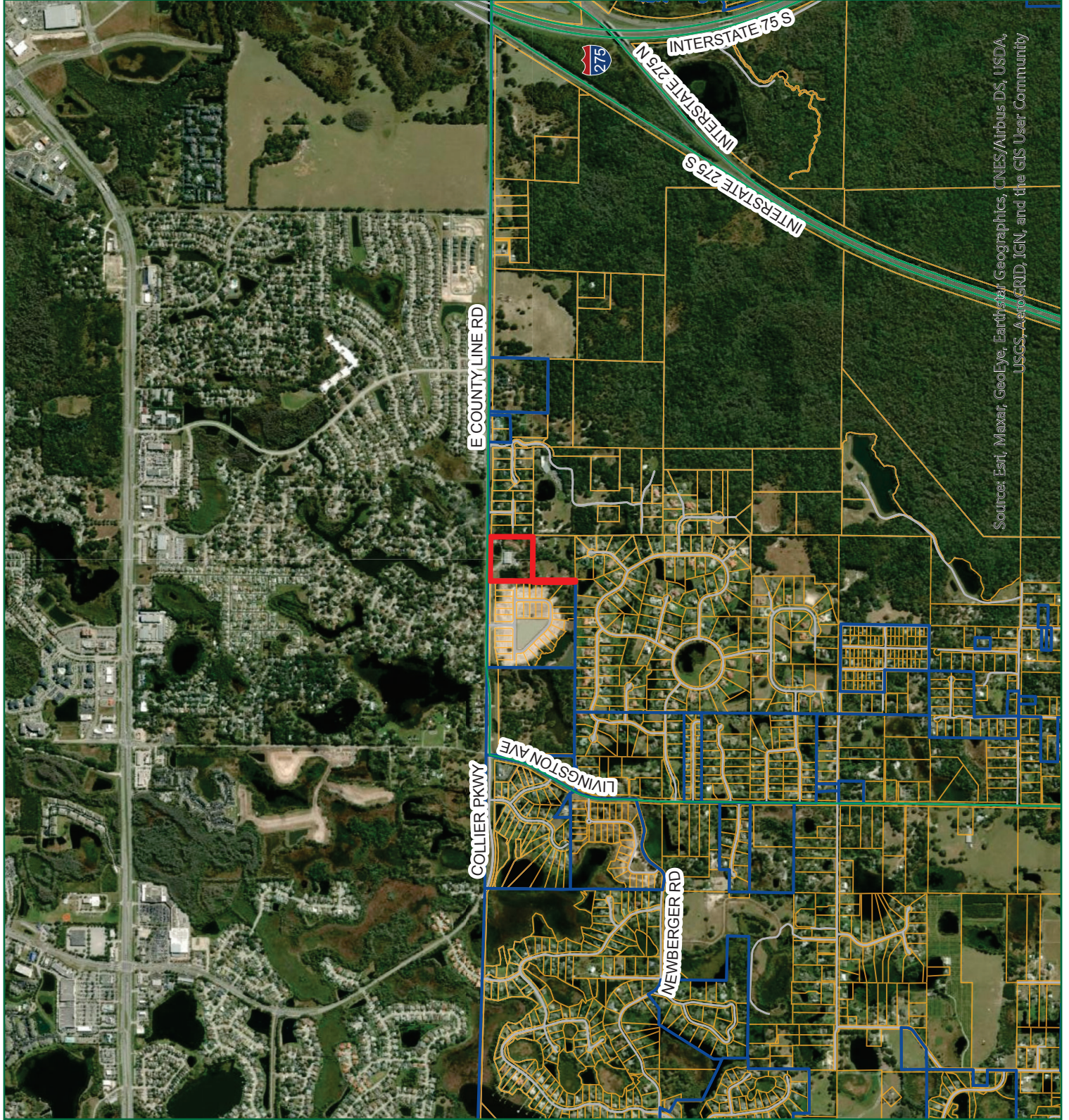


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Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

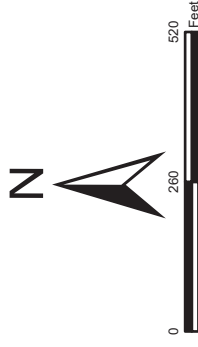


Immediate Aerial Zoning Map

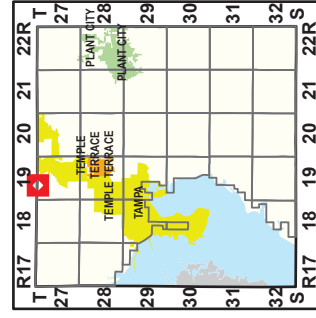
RZ-PD 20-1256

Folio: 32949.0200

- Application Site
- Zoning Boundary
- Parcels



STR: 5-27-19

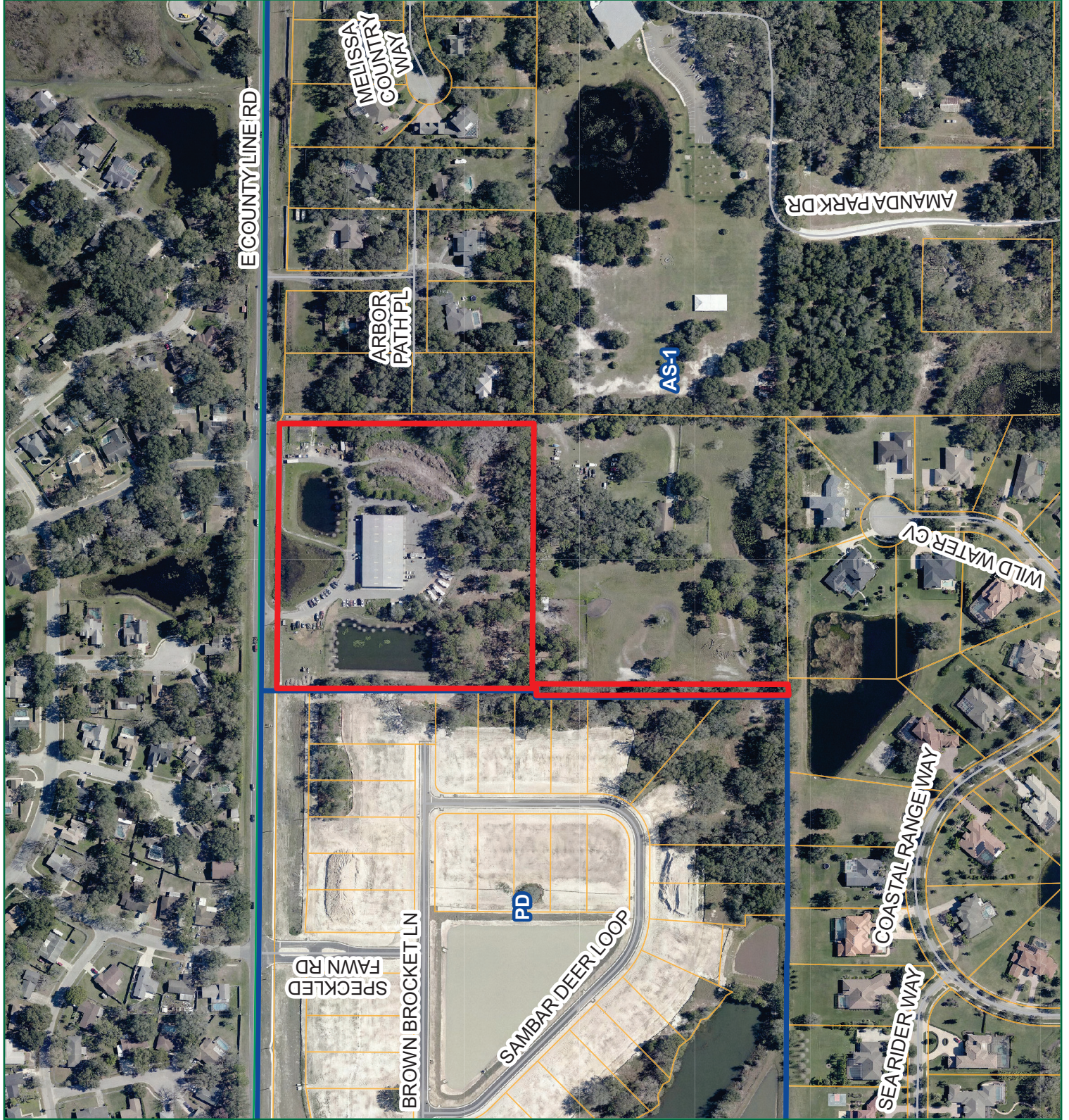


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HAMILTON
ENGINEERING & SURVEYING, INC.
3223 E. COUNTY LINE RD.
LUTZ, FLORIDA 33559-4500

GENERAL DEVELOPMENT PLAN

NO.	DATE	REVISION

DATE:	3/30/2021
SCALE:	AS SHOWN
DRAWN BY:	EPJ
CHECKED BY:	EPJ
DATE:	3/30/2021
SCALE:	AS SHOWN

OWNER/DEVELOPER
WESTLAKE REALTY, LLC
1800 LONE BERRY RD., SUITE 100
LUTZ, FLORIDA 33559-4500

ENGINEERS/SURVEYOR
HAMILTON ENGINEERING & SURVEYING, INC.
3223 E. COUNTY LINE RD., SUITE 100
LUTZ, FLORIDA 33559-4500

ATTORNEY
WELDEY & WELDEY, P.A.
11501 W. SANDHURST BLVD., SUITE 200
LUTZ, FLORIDA 33559-4500

SITE
THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 77 SOUTH, RANGE 19 EAST, IN HILLSBOROUGH COUNTY, FLORIDA, FOLIO 032949-0100. THE SITE COVERS 100.00 ACRES OF LAND. THE PROJECT IS LOCATED WITHIN THE BOUNDARY OF THE WESTLAND TRACT, PARCEL 10, HILLSBOROUGH COUNTY, FLORIDA.

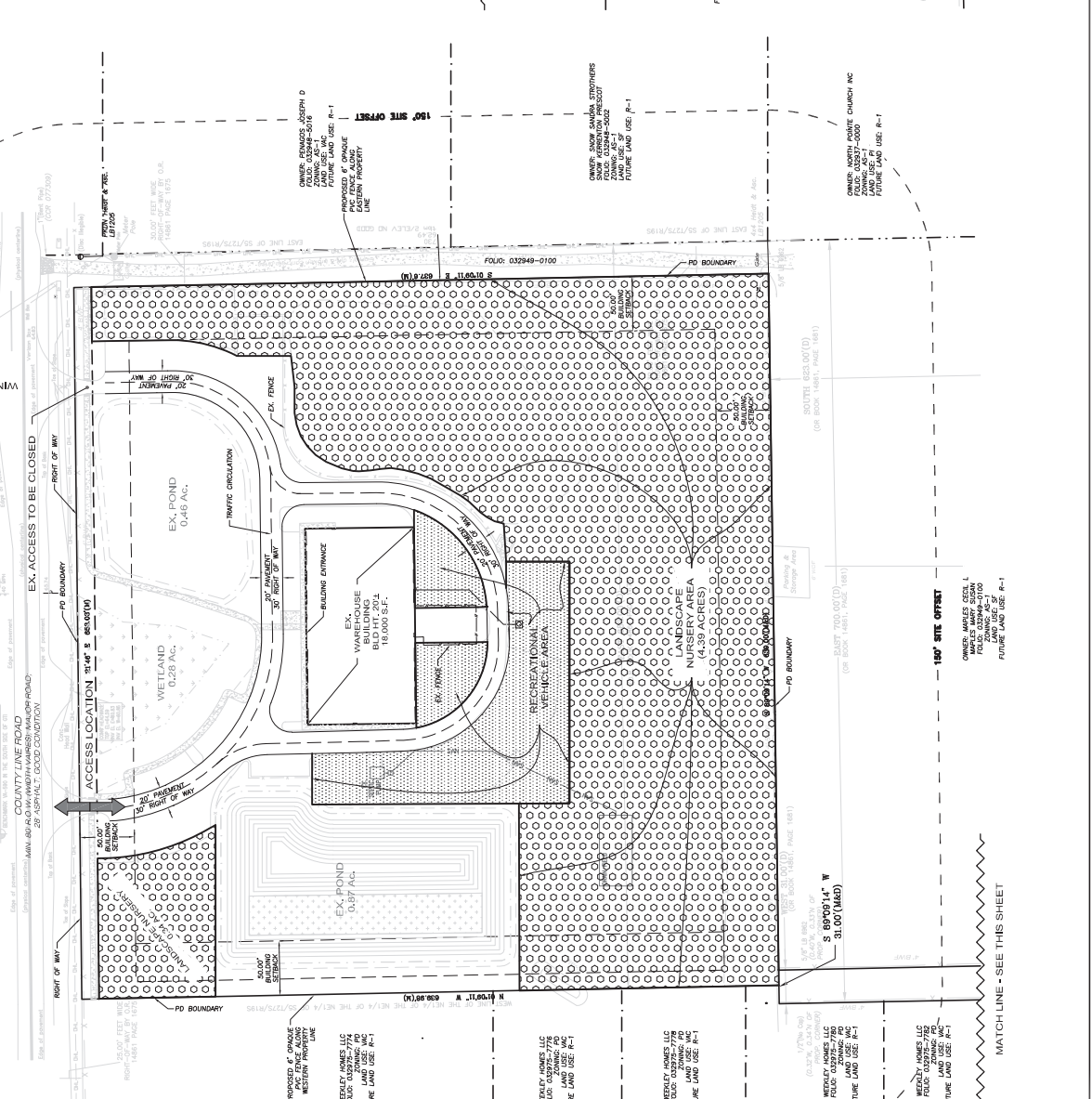
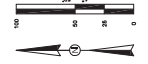
LEGAL DESCRIPTION
THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 77 SOUTH, RANGE 19 EAST, IN HILLSBOROUGH COUNTY, FLORIDA, FOLIO 032949-0100. THE SITE COVERS 100.00 ACRES OF LAND. THE PROJECT IS LOCATED WITHIN THE BOUNDARY OF THE WESTLAND TRACT, PARCEL 10, HILLSBOROUGH COUNTY, FLORIDA.

GENERAL NOTES

1. THE PROJECT IS LOCATED WITHIN THE LUTZ COMMUNITY PLANNING AREA.
2. THE PROJECT IS NOT LOCATED WITHIN ANY OVERLAY DISTRICTS.
3. THE PROJECT IS NOT LOCATED WITHIN ANY SCENIC BOUNDARY CORRIDORS.
4. THE PROJECT DOES NOT CONTAIN ANY ARCHAEOLOGICAL OR HISTORICAL LANDMARKS.
5. THE 150' PROJECT BOUNDARY BUFFER DOES NOT CONTAIN ANY ARCHAEOLOGICAL OR HISTORICAL LANDMARKS.
6. PLANS SHALL BE DESIGNED FOR CODE COMPLIANCE WITH LDC PART 6.1.0.00 AND IESNA OUTDOOR LIGHTING.
7. POSSIBLE WATER PROVIDED BY WELL.
8. BUFFERING AND SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LAND DEVELOPMENT CODE.
9. THE PLATTED PARCEL LINES AND PROPERTY FOLD NUMBERS FOR ALL PROPERTY WITHIN 150 LINEAR FEET OF THE PROJECT IS SHOWN ON THE PLAN.
10. POINTS OF ADDRESS/ADDRESS ARE IDENTIFIED ON THE SITE PLAN.
11. EXISTING AND PROPOSED DRIVEWAYS AND CURB CUT LOCATIONS ARE IDENTIFIED ON THE SITE PLAN.
12. THE PROJECT LIES WITHIN FLOOD ZONE 'X' & 'Y' ACCORDING TO FEMA PANEL 130252001A, DATED 6/26/06.
13. PROJECT SHALL BE DESIGNED IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE FOR STEWARDSHIP, TRANSPORTATION, PARKING, FERTILIZERS AND FRESHWATER STORAGE. COMPLIANCE WITH LDC PART 6.1.0.00 AND IESNA OUTDOOR LIGHTING.
14. WAREHOUSE TO BE USED FOR THE STORAGE OF COMMERCIAL LANDSCAPE EQUIPMENT, VEHICLES, FERTILIZERS, AND PESTICIDES. FERTILIZERS AND PESTICIDES STORAGE CAPACITY OF LESS THAN 500 SQUARE FEET OF STORAGE.

PROJECT DATA TABLE

SITE AREA:	417,936.57 / 9.57 AC. +/-
EXISTING ZONING:	AG-1
PROPOSED ZONING:	PD 20-125B
FUTURE LAND USE:	R-1
PROPOSED USES:	BY PARK LANDSCAPE NURSERY
LANDSCAPE NURSERY AREA:	4.0 AC. (9.7%)
WAREHOUSE:	4.0 AC. (9.7%)
RECREATIONAL VEHICLE AREA:	2.75 AC.
TOTAL RECREATIONAL VEHICLE AREA:	5.25 AC.
FRONT YARD SETBACK:	10'
SIDE YARD SETBACK:	50'
REAR YARD SETBACK:	50'
MINIMUM F.A.B.:	0.5'
MINIMUM F.A.B.:	3.0 FEET (1 STORY)
MAN MADE WATER BODY:	1.33 AC. +/-
ADDITIONAL:	
SENSITIVE AREA AVERAGE:	0.28 AC. +/-



OWNER: WETDEY, HOMES LLC
FOLIO: 032949-0200
LAND USE: R-1

OWNER: WELDEY, HOMES LLC
FOLIO: 032949-0200
LAND USE: R-1

OWNER: WELDEY, HOMES LLC
FOLIO: 032949-0200
LAND USE: R-1

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LAND USE: R-1

OWNER: WELDEY, HOMES LLC
FOLIO: 032949-0200
LAND USE: R-1

COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

APPLICATION NUMBER: RZ PD 20-1256

DATE OF HEARING: April 19, 2021

APPLICANT: Sisu Lutz, LLC

PETITION REQUEST: A request to rezone property from AS-1 to PD to permit a landscaping contractor's nursery with associated seasonal residential uses

LOCATION: 45 feet south the intersection of E. County Line Road and Windsor Way

SIZE OF PROPERTY: 9.83 acres, m.o.l.

EXISTING ZONING DISTRICT: AS-1

FUTURE LAND USE CATEGORY: RES-1

SERVICE AREA: Rural

COMMUNITY PLAN: Lutz

DEVELOPMENT REVIEW STAFF REPORT

1.0 Summary

1.1 Project Narrative

The applicant is requesting to rezone approximately 9.57 acres from AS-1 (Agricultural, Single-Family) to PD (Planned Development) to allow for a landscaping contractor's nursery with associated seasonal residential uses.

The subject site currently operates as a landscaping contractor's nursery with the proposal to allow 12 RV units to accommodate the site's seasonal workers. The contractor's nursery areas consist of 6.82 acres of the site. Within this 6.82 acres is 4.8 acres of plant growing areas (70% of the landscaping contractor's nursery area), 0.41 acres for an existing 18,000 sf warehouse which will remain and be used to store equipment and materials associated with the nursery, 0.28 acres of wetlands and 1.33 areas of stormwater ponds. The seasonal worker residential area will occur within 2.75 acres of the site. While the residential component will be comparable to Farm Worker Housing, RVs units, rather than conventional, manufactured, duplex or multi-family units will be used for the temporary housing.

The project area is located in the RES-1 Future Land Use (FLU) area and within the Rural Service Area.

The landscaping contractor's nursey component meets requirements found Land Development Code (LDC) Section 6.11.109.

- The site shall be 2.5 contiguous acres in size. The site is 9.57 acres in size total. Removing the 2.75 acreage to be used for residential, results in 6.82 acres. The site contains 0.28 acres of environmentally sensitive area, which is 4.1% of the landscaping contractor's nursery component area and 2.9% of the total acreage.
- A minimum 51% of the site shall be devoted to the reproduction, growth and/or significant increase in the value of plants. Of the 6.82 acres, 4.8 acres (or 70%) is used for the nursery.
- Services with pieces of equipment weighing more than 25,000 pounds that are utilized off-site shall have direct frontage access or easement access to a collector or arterial roadway. The site fronts County Line Road, an arterial roadway.
- No more than 20% of the site shall be utilized for the storage and/or maintenance of vehicles, equipment and materials. The existing 18,000 sf warehouse will be used for storage, which is 0.41 acres of the site. This represents 6% of the landscaping contractor's office acreage.
- All operational requirements of LDC Section 6.11.109 (such as types of sales, noise levels, etc.) are proposed to be met, as proposed by conditions of approval.

The farmworker housing component of the site will be a hybrid between an RV Park and Farm Worker Housing site. With the exception of the permitted housing types and internal roadways and length of stay, which will meet RV Park LDC Requirements instead, the farmworker housing component meets the requirements found in Land Development (LDC) Section 6.11.39 (Farmworker Housing).

- Farm worker housing may consist of single-family conventional, manufactured home, duplex or multi-family dwellings. This request will utilize RV units. In accordance with the RV Park regulations, occupancy time limits are applicable.
 - Farm worker housing may be provided on-site or off-site from a commercially productive farm.

The proposed housing is on-site.

- Farm worker housing in rural and agricultural plan categories shall be limited to 8 units per acre.

The RES-1 FLU category is rural and the residential component consists of 2.75 acres, allowing a maximum of 22 units. A total of 12 units are proposed.

- The farmworker housing sites shall provide a minimum 50 foot setback. The same setback is required for RV parks. The location exceeds this requirement to the north, south, west and east.
- When the farmworker housing site is located less than 200 feet from the zoning lot line, screening shall be provided. This requirement is not met to the west and south; therefore required screening will be provided. This requirement is met to the east; however, screening will still be provided.
- All dwelling units shall be located at least 10 feet apart. Proposed conditions require these internal setbacks.
- Water, wastewater and appearance requirements found in the LDC are conditioned to be met.
- Farmworker housing is valid for two years and requires renewal. Proposed conditions maintain this requirement.
- Internal drives for farmworker housing projects allow use of shell, gravel or similar materials.

Given that the use will be RVs, the RV Park standards requiring a certain width and use of asphalt concrete or permeable paving block.

- As required for RV Parks, the site does have access to a collector or arterial road.

The site is located within the Lutz Community Plan Area and within the Rural Service Area; however, the Lutz Rural Development Standards are not

applicable. The residential component is not a residential subdivision; therefore, LDC Section 3.09.05 does not apply. The landscaping contractor's office will utilize an existing warehouse, which is an agricultural structure given its association with nursery; therefore, the building is not required to meet enhanced building design standards. The use is categorized as an agriculture use and is therefore not subject to the fencing or parking requirements required of a commercial use.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The application does not require any variations to Land Development Code Parts 6.05.00 (Parking and Loading), 6.06.00 (Landscaping/Buffering) or 6.07.00 (Fences and Walls).

1.3 Evaluation of Existing and Planned Public Facilities

The project area is located in the Rural Service Area.

Estimated impact and mobility fees are as follows: R.V Campground
(Per Site)
Mobility: \$862.00

Fire: \$299.00

Rural Mobility, Northwest Fire - RV campground - number of sites not specified

The site is located on the south side of East County Line Road. County Line Road is a 2-lane, undivided roadway maintained by Pasco County. Per the Hillsborough County Corridor Preservation Plan, County Line Road will be a 4-lane, divided roadway requiring a right of way of 110 feet. This project will be required to preserve 55 feet of right of way from the centerline of the road.

The project's sole access will occur on County Line Road. Currently, the site has two access points; however, the easternmost one will be removed. Access permits and any necessary road improvements will be made by Pasco County.

Transportation staff has no objections, subject to proposed conditions.

1.4 Natural Resources/Environmental

The Environmental Protection Commission has reviewed the application and finds that wetlands are present on the site. EPC staff has no objections, subject to proposed conditions.

The site is not located within a Wellhead Resource Protection Area Zone, a Surface Water Resource Protection Area Zone, a Potable Water Wellfield

Protection Zone, a Significant Wildlife Habitat or within the Coastal High Hazard Area. Additionally, the site is not within or adjacent to any ELAPP property.

County Line Road is not a County designated Scenic Corridor.

1.5 Comprehensive Plan Consistency

The project is located within the RES-1 Future Land Use (FLU) category and within the Lutz Community Plan area. Planning Commission staff has found the proposed rezoning, with the proposed conditions of approval, to be CONSISTENT with the Future of Hillsborough Comprehensive Plan.

1.6 Compatibility

The site is located within a residential area in the northernmost area of the Lutz community.

- Property to the north is within Pasco County and separated from the site by County Line Road. The area is developed with a single-family neighborhood (Turtle Lakes). Homes along the north side of County Line Road are oriented away from the site with perimeter fencing, walls and/or vegetation along the roadway. The RV area will be located approximately 210 feet into the subject site. The project area closest to the road will consist of wetlands, stormwater ponds and portions of the plant growing areas.
- Properties to the east are zoned AS-1 with single-family homes developed on 1 acre lots. The subject site's eastern area will be used for the plant farm and provide a 6' high fence along the boundary. The subject site and eastern homes are separated by a 24+/- foot wide strip of property used as an access drive for property to the south. The RV area is approximately 216 feet from the eastern PD boundary with intervening nursery area.
- Property to the south is zoned AS-1 and consists of one 9.8 acre parcel developed with a single-family residence. The home is located approximately 300 feet south of the common property line. The southern area of the subject site will be used for 4.39 acres of nursery area. The RV area is located approximately 182 feet from the common boundary line. A six foot fence along this boundary will be provided.
- Property to the west is zoned PD (Planned Development) #18-0169. The site is approved for 33 single-family homes on 0.5 acre lots. The minimum rear yard setback along the common boundary line is 25 feet. The site is currently under construction. The western area of the subject site will be used for nursery and stormwater pond areas and be screened with a 6' high fence. The subject site's RV housing area will be located approximately 173 feet from the boundary.

Staff has not identified any compatibility issues associated with this proposal.

1.7 Agency Comments

The following agencies have reviewed the application and offer no objections:

Transportation

Impact Fee

Environmental Protection Commission

Water Resource Services

Conservation & Environmental Lands Management Department

1.8 Exhibits

Exhibit 1: Future Land Use Map

Exhibit 2: Aerial/Zoning Map – General Area Exhibit 3: Aerial/Zoning Map –

Immediate Area Exhibit 4: Proposed Site Plan (PD 20-1256)

Requirements for Certification:

1. Site plan to delineate fence along the southern PD boundary.
2. Prior to PD site plan certification, the developer shall revise the PD site plan to:
 1. Add, dimension and label the required right-of-way preservation as “ ___ ft of Right Of Way Preservation Per Hillsborough County Corridor Preservation Plan;
 2. All uses not permitted to be located within the preservation area, consistent with Section 5.11.09 of the LDC, shall be removed from the PD site plan;
 3. Revise the Project Data Table and any other portion of the PD site plan to remove the reference to “RV Park” as an allowable use. As requested, the applicant is seeking a hybrid use, and RV Parks in the traditional sense (as defined by the LDC) are prohibited. Labeling should reflect the unique use, so that future site plan reviewers are not confused as to what uses are permitted or which standards apply;
 4. Revise the Project Data Table to specify a maximum of 20 hybrid (RV/Farm Worker Housing Units) consistent with the submitted transportation analysis; and,
 5. Modify Note 20 of the General Notes section to reflect the information contained in staff’s proposed parking condition.

2.0 Recommendation

Approvable, subject to the conditions.

Zoning conditions, which were presented Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on April 19, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. William Molloy, 325 South Boulevard testified on behalf of the applicant. He stated that the request was unique as the use does not fit any one land use category. The primary use is a landscape contractor's nursery. He testified that the criteria as set forth in Land Development Code Section 6.11.109 has been satisfied. The landscape contractors use is existing. A Code Enforcement violation necessitated the rezoning but it has nothing to do with the existing landscape contractors use. Mr. Molloy testified that in 2018, a Conditional Use was approved for farmworker housing on the property. He submitted a copy of the permit into the record. Mr. Molloy testified that the permit expired last year due to the process time for the rezoning application. The County requires farm worker housing that are modular however the subject property housing is a recreational vehicle. Mr. Molloy explained the type of housing is the reason for the zoning violation. He referenced a legal memorandum attesting to the point that a recreational vehicle is an entirely legal means of providing housing. He stated that the housing component of the operation is completely voluntary. The recreational vehicles are fully functional for traveling which is important in the case of a disaster. The operator can load up his crews and go to areas hit by hurricanes, for example. The location of the RV's is specified in the conditions. The notices that went out to the neighbors may have been interpreted that there was a new workforce housing project proposed rather than the reality that the existing RV's have been there without an issue or a complaint. Mr. Molloy showed a copy of the site plan to discuss the location of the RV's. He stated that a 6-foot PVC fence will be installed along the eastern, western and southern boundaries. He concluded his presentation by stating that the request is essentially to have RV's for workforce housing.

Hearing Master Finch asked Mr. Molloy to confirm that a Conditional Use was issued for 12 units and asked if it was a misunderstanding from the property owner that RVs could be used for housing. Mr. Molloy replied yes and added that it was an honest mistake by the property owner. He added that the 12 units is the same that was approved by the Conditional Use.

Mr. Reinaldo Ray Rose, 114 South Westland Avenue Tampa testified as the property owner.

Ms. Michelle Heinrich Development Services Department testified regarding the County's staff report. Ms. Heinrich stated that the request is to rezone 9.5 acres

from AS-1 to PD to permit a landscaping contractor's nursery with associated seasonal residential uses. The property is located in the RES-1 land use category. The project meets or exceeds the requirement of the Land Development Code. A PD is required because a landscaping contractor's nursery does not account for on-site residential. Ms. Heinrich testified that farm worker housing is permitted in the RES-1 category but the housing type does not include RV's. The applicant proposes to retain the 12 RV units. The amount of time for stay and a requirement that residents must be employed by the nursery is stated in the farm worker housing regulations. Ms. Heinrich described the surrounding area as being large lot residential. She concluded her presentation by stating that staff recommends approval of the request.

Hearing Master Finch asked Ms. Heinrich if farm worker housing is permitted in the AS-1 zoning district which she confirmed as a part of her presentation.

Ms. Jiwaun Haley of the Planning Commission staff testified that the property is within the Residential-1 Future Land Use category and located in the Rural Service Area and the Lutz Community Planning Area. She testified that the request meets the intent of Objective 4 and Objective 16 regarding agricultural uses and compatibility with surrounding uses. The applicant proposes to reserve 4.39 acres along the southern and eastern boundary which will mitigate the impacts to the residential area. The proposed uses are in keeping with the rural area. She concluded her remarks by stating that the rezoning request is consistent with the Lutz Community Plan and the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application.

Mr. Frank Zasa 19887 Sambar Deer Loop Lutz testified in opposition. Mr. Zasa stated that his property is directly adjacent to the subject property with clear view of the RV's. He stated that he contacted Mr. Molloy's office two times and did not receive a phone call. Mr. Zasa questioned why the property owner needed farm workers to live on the property given the size of the property. He stated that there is no fence nor is there a nursery. Mr. Zasa testified that he believed the property owner could have removed the RV's as they were in violation but did not. He concluded his remarks by stating that he supports building a nursery in his backyard.

Mr. Grady stated that staff checked the notice list and did not see Mr. Zasa's name of the list but would check to ensure proper notice of the application.

Mr. Grady testified that there will be screening along the western boundary of the property.

Mr. Molloy testified during the rebuttal period that the workers can travel freely to other projects. The buffering and screening will be installed if the zoning is approved. He added that he is happy to meet with anyone to discuss the project.

The hearing was then concluded.

EVIDENCE SUBMITTED

Mr. Molloy submitted a copy of the Conditional Use Permit for 12 farmworker housing units, a copy of a legal opinion regarding the housing of temporary workers in RV's, a portion of Florida Statutes regarding farmworker housing and a copy of the County staff report into the record.

PREFACE

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The subject site is 9.83 acres in size and is zoned Agricultural Single-Family (AS-1). The property is designated RES-1 by the Comprehensive Plan and located in the Rural Service Area and the Lutz Community Planning Area.
2. The request to rezone from AS-1 to Planned Development (PD) is to permit a landscaping contractor's nursery with associated seasonal residential uses. The proposed zoning conditions limit the number of units to 12 Recreational Vehicle (RV) units.
3. No Planned Development variations are requested.
4. The Planning Commission supports the request and found it to be consistent with the intent of Objective 4 and Objective 16 regarding agricultural uses and compatibility with surrounding uses. Staff stated that the applicant's reservation of 4.39 acres along the southern and eastern boundary which will mitigate the impacts to the residential area. The Planning Commission determined that the request is consistent with the Lutz Community Plan and Comprehensive Plan.
5. The property was previously approved for a Conditional Use for 12 farm worker housing units. The applicant's representative testified that the operator made a mistake in believing that the housing units could be RV's. Therefore, the property was cited by Code Enforcement for the existing RV units. If the rezoning to Planned Development is approved, the violation will be resolved.

6. The surrounding area is developed with large lot single family residential land uses.
7. According to Development Services Department staff the proposed use meets or exceeds the Land Development Code standards for farm worker housing regarding buffering and screening.
8. One person testified in opposition to the request. Concerns were raised regarding the need to have on-site farm worker housing given the size of the property but that he supports the development of a nursery.

The testimony in opposition was provided by an adjacent property owner to the west. There is existing vegetation in between the subject property and the adjacent property owner. The application includes a zoning condition requiring a 6-foot high PVC fence. The western portion of the subject property will be developed with the nursery and stormwater pond. The RVs are located approximately 173 feet from the western property boundary. The proposed fence and intervening use of the nursery and stormwater pond mitigate any negative impacts of the 12 RV units.

9. Approval of the Planned Development zoning with the conditions proposed by the Development Services Department serves to recognize the previously approved 12 unit farm worker housing units and provides a compatible land use in the area.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH THE HILLSBOROUGH COUNTY COMPREHENSIVE PLAN

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The request is to rezone 9.83 acres from AS-1 to PD to permit a landscaping contractor's nursery with associated seasonal residential uses. The proposed zoning conditions limit the number of units to 12 Recreational Vehicle (RV) units.

The property was previously approved for a Conditional Use for 12 farm worker housing units. The applicant's representative testified that the operator made a mistake in believing that the housing units could be RV's. Therefore, the property was cited by Code Enforcement for the existing RV units. If the rezoning to Planned Development is approved, the violation will be resolved.

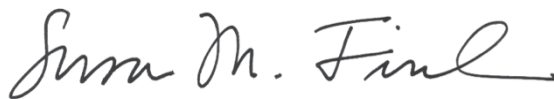
The Planning Commission supports the request and found it consistent with the Lutz Community Plan.

One person testified in opposition to the request. Concerns were raised regarding the need to have on-site farm worker housing given the size of the property but that he supports the development of a nursery. The testimony in opposition was provided by an adjacent property owner to the west. There is existing vegetation in between the subject property and the adjacent property owner. The application includes a zoning condition requiring a 6-foot high PVC fence. The western portion of the subject property will be developed with the nursery and stormwater pond. The RVs are located approximately 173 feet from the western property boundary. The proposed fence and intervening use of the nursery and stormwater pond mitigate any negative impacts of the 12 RV units.

The request serves to recognize the previously approved 12 unit farm worker housing units and provides a compatible land use in the area.

RECOMMENDATION

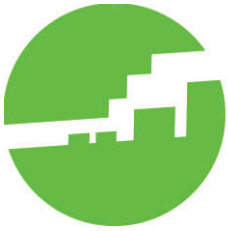
Based on the foregoing, this recommendation is for **APPROVAL** of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



May 10, 2021

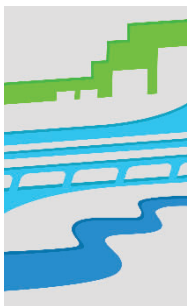
Susan M. Finch, AICP
Land Use Hearing Officer

Date



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: April 19, 2021 Report Prepared: April 9, 2021	Petition: 20-1256 3223 East County Line Road <i>Southside of County Line Road, east of Livingston Drive</i>
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Residential-1 (1du/ga 0.25 FAR)
Service Area	Rural
Community Plan:	Lutz
Requested Zoning:	Agricultural Single Family-1 (AS-1) to a Planned Development (PD) to allow for an existing Landscape contractor's nursery with a maximum of 18,000 sq. ft building and a maximum of 12 Recreational Vehicles used for farmworker housing
Parcel Size (Approx.):	9.57+/- acres (104,217 square feet)
Street Functional Classification:	County Line Road– County Arterial
Locational Criteria	N/A
Evacuation Zone	The subject property not in an evacuation zone.



Context

- The approximately 9.57+/- acre subject property is located on the southside of County Line Road and is east of Livingston Avenue. The subject property is developed with a warehouse building and is designated as a light industrial use as per Hillsborough County Property Appraiser's Office.
- The site is located within the Rural Area and within the limits of the Lutz Community Planning Area.
- The subject site's Future Land Use designation is Residential-1 (RES-1) which permits one dwelling unit per acre. Typical allowable uses in this Future Land Use Category include: farms, ranches, residential uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects.
- The subject property is zoned Agricultural Single Family-1 (AS-1). AS-1 surrounds the property on the east and south and is developed primarily with single family residential uses. Directly west of the site was approved for single family residential uses under PD 18-0169. On the north side of County Line Road is within the jurisdiction of Pasco County.
- The applicant is requesting to rezone the site from Agricultural Single Family-1 to a Planned Development (PD) to allow for an existing Landscape contractor's nursery and 12 Recreational Vehicles which will be used for farm worker housing.

Compliance with Comprehensive Plan:

The following Goals, Objectives, and Policies apply to this rezoning request and are used as a basis for a consistency finding.

Future Land Use Element

Policy 1.4: *Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.*

Rural Area

Objective 4: *The Rural Area will provide areas for long term, agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban encroachment, with the goal that no more than 20% of all population growth within the County will occur in the Rural Area.*

Policy 4.1: Rural Area Densities *Within rural areas, densities shown on the Future Land Use Map will be no higher than 1 du/5 ga unless located within an area identified with a higher density land use category on the Future Land Use Map as a suburban enclave, planned village, a Planned*

Development pursuant to the PEC ½ category, or rural community which will carry higher densities.

Neighborhood/Community Development

Objective 16: Neighborhood Protection *The neighborhood is a functional unit of community development. There is a need to protect existing neighborhoods and communities and those that will emerge in the future. To preserve, protect and enhance neighborhoods and communities, all new development must conform to the following policies.*

Policy 16.2: *Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering and screening techniques and control of specific land uses.*

Policy 16.3: *Development and redevelopment shall be integrated with the adjacent land uses through:*

- a) *the creation of like uses; or*
- b) *creation of complementary uses; or*
- c) *mitigation of adverse impacts; and*
- d) *transportation/pedestrian connections*

Policy 16.5: *Development of higher intensity non-residential land uses that are adjacent to established neighborhoods shall be restricted to collectors and arterials and to locations external to established and developing neighborhoods.*

Policy 20.7: *Group quarters, temporary housing, and other residential structures for the use of permanent and/or temporary farm workers may be permitted in areas of agricultural activity, although such uses may exceed the maximum densities specified in the applicable land use category on a site. In no case shall a density in excess of 8 dwelling units per gross acre be permitted. This provision is intended to preserve and promote agricultural uses by making it possible for farm workers to both work and reside on or near property devoted to agricultural uses. Land development regulations shall specify density limits for farm worker housing projects based on land use categories as well as other design standards.*

Livable Communities Element: Lutz Community Plan

The Lutz community has two distinct components. The majority of the community located east of Dale Mabry Highway, including the historic downtown, can be described as a semi-rural community. It is characterized by residential development on lots of ½ acre and larger scattered along curving narrow roadways woven around natural environmental features, which include many large and small lakes, and wetland systems.

The second component of the Lutz community is located west of Dale Mabry Highway, which can be described as suburban style, planned residential developments, including the communities of Calusa Trace, Cheval, Villa Rosa and Heritage Harbor. These planned communities are a part of the Lutz community, but have been generally planned, rezoned and are under construction or have been built. There is minimal opportunity for new developments of that type and scale in the western part of Lutz.

However, it should be noted that neither area is exclusively developed in either semi-rural or in a suburban style. There are several areas within the semi-rural portion of Lutz that have been developed with suburban style, walled residential subdivisions; and there are areas within the western area of Lutz that are developed in a rural or semi-rural, large lot pattern. The intent of this Community Plan is to recognize and protect those planned communities from incompatible land uses, but not to continue development in Lutz in a suburban manner. The strategies listed below have been developed to maintain a semi-rural character for the Lutz Community, as a whole. (The Lutz background documentation illustrates major features of the strategies in a graphic format.)

Semi-rural, Single-family Residential Community Character

Residents desire to maintain Lutz as a low density, semi-rural, single family community offering a variety of housing styles, lot sizes, configurations, and setbacks; while ensuring quality of life and sustainability. To do so residents want to:

- support existing agricultural uses for their importance as a historical component of the community, their economic importance to the County and for the open space they provide;

Staff Analysis of Goals, Objectives, and Policies:

The applicant is requesting to rezone the 9.5+/- acre site located on the south side of East County Line Road, east of Livingston Avenue from Agricultural Single Family-1 (AS-1) to a Planned Development. The intent is to allow for an existing landscape contractor's nursery with an existing building at 18,000 square feet and recreational vehicles which will be used for farmworker housing.

The subject site is located in the Residential-1 Future Land Use Category on the Future Land Use Map (FLUM). Objective 4 of the Future Land Use Element of the Comprehensive Plan (FLUE) and Policy 4.1 state that "the rural area provides areas for long term agricultural uses and large lot, low density rural residential uses." The proposed uses are all agriculturally related as the landscape nursery and building, including storage will be related to the agricultural operation of the site. The proposed Planned Development is therefore consistent with the intent of Objective 4 and its accompanying policies in the Rural Area.

Objective 16 and its accompanying policies 16.2, 16.3 and 16.5 provide direction on achieving compatibility with surrounding land uses through various transitions, buffering and site planning techniques. The applicant has provided several buffering and screening measures to mitigate for any adverse effects on the surrounding area. As per the site plan, 4.39 acres is being reserved for the landscape nursery area along the southern and eastern boundary of the site which will mitigate impacts to the residential in the area. Along the western boundary of the site the applicant is providing a 6-foot-high opaque fence. Policy 1.4 states that "compatibility does not mean "the same as". Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." In this case the proposed uses are in keeping with the character of the Rural Area and the activities and proposed uses are compatible with the surrounding area.

Group quarters, temporary housing, and other residential structures for the use of permanent and/or temporary farm workers may be permitted in areas of agricultural activity. This provision is intended to preserve and promote agricultural uses by making it

possible for farm workers to both work and reside on or near property devoted to agricultural uses. The proposed development meets the intent of Policy 20.7.

The request is consistent with the vision of the Lutz Community Plan, by developing and support existing agricultural uses.

Overall, the proposed Planned Development is consistent with the Goals, Objectives, and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and is compatible with the existing and planned development pattern found in the surrounding area.

Recommendation

Based upon the above considerations, the Planning Commission staff finds the proposed Planned Development **CONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, subject to conditions proposed by the Development Services Department.

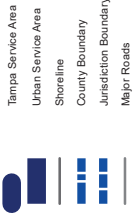
HILLSBOROUGH COUNTY 2020 FUTURE LAND USE

RZ PD 20-1256

Rezoning

<all other values>

STATUS

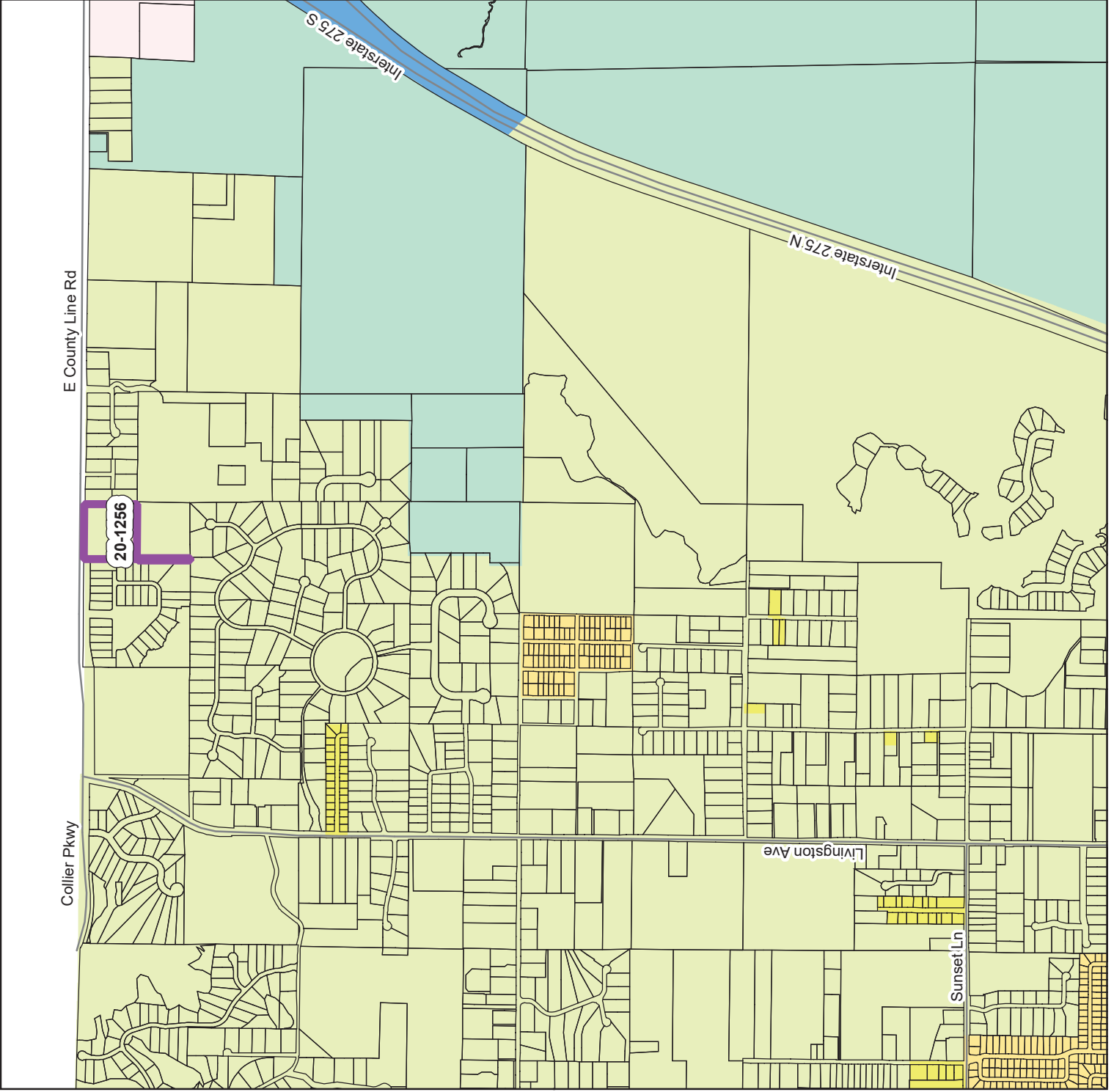


- AGRICULTURAL/MINING-1/20 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL/RURAL-1/15 (.25 FAR)
- AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- OC-20
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (.50 FAR)
- LIGHT INDUSTRIAL (.50 FAR)
- HEAVY INDUSTRIAL (.50 FAR)
- PUBLIC/QUASI-PUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE
- WATER
- WATER



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. This map is intended for informational purposes only. It is not intended for use as a legal document. It is not intended to be used for any legal or financial purposes without specific approval of the Hillsborough County City-County Planning Commission. ACCURACY: It is intended to be accurate to the best of our knowledge. However, such accuracy is not guaranteed by the Hillsborough County City-County Planning Commission. This map is for informational purposes only. For the most current data and information, use the appropriate data source.

Map Printed from Rezoning System: 9/25/2020
 Author: Beverly F. Daniels
 File: C:\Rezoning\System\Map\Projects\HC\Reg_16\Rezoning.mxd





**GENERAL
SITE PLAN
FOR
CERTIFICATION**



Hillsborough
County Florida

**BOARD OF COUNTY
COMMISSIONERS**

Harry Cohen
Ken Hagan
Pat Kemp

Gwendolyn "Gwen" Myers
Kimberly Overman
Mariella Smith
Stacy R. White

COUNTY ADMINISTRATOR

Bonnie M. Wise

COUNTY ATTORNEY

Christine M. Beck

INTERNAL AUDITOR

Peggy Caskey

DEVELOPMENT SERVICES

PO Box 1110, Tampa, FL 33601-1110

**HILLSBOROUGH COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

GENERAL SITE PLAN REVIEW/CERTIFICATION

DEPUTY COUNTY ADMINISTRATOR

Lucia E. Garsys

Project Name: _____

Zoning File: _____ **Modification:** _____

Atlas Page: _____ **Submitted:** _____

To Planner for Review: _____ **Date Due:** _____

Contact Person: _____ **Phone:** _____

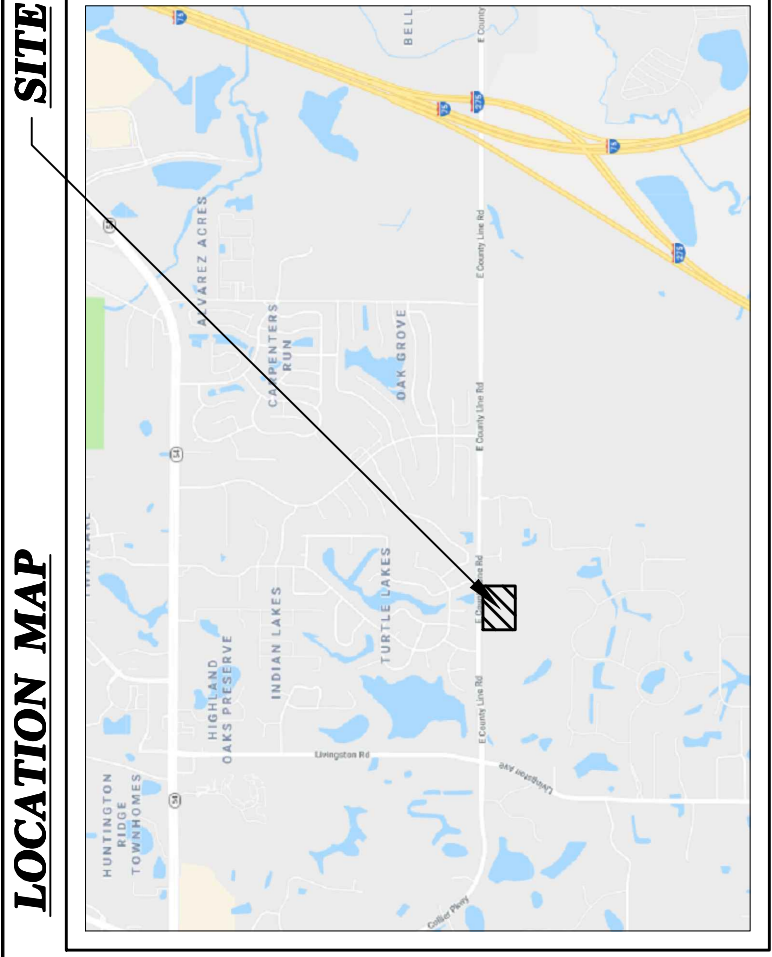
Right-Of-Way or Land Required for Dedication: Yes No

() The Development Services Department HAS NO OBJECTION to this General Site Plan.

() The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons:

Reviewed by: _____ **Date:** _____

Date Agent/Owner notified of Disapproval: _____



OWNER/DEVELOPER
SISU LUTZ LLC
1680 LONG BOW LN
CLEARWATER, FL 33764-6464
LUTZ, FL 33559-4500

ENGINEER/SURVEYOR
HAMILTON ENGINEERING & SURVEYING, INC.
ATTN: LUCAS CARLO, P.E.
3409 W. LEMON STREET
TAMPA, FL 33609
(813) 250-3535
(813) 250-3536 (FAX)

ATTORNEY
WILLIAM J. MOLLOY
MOLLOY & JAMES
732 SOUTH BOULEVARD
TAMPA, FL 33609
813-254-7157 (O)
813-625-8752 (M)
WMOLLOY@MOLLOY.US

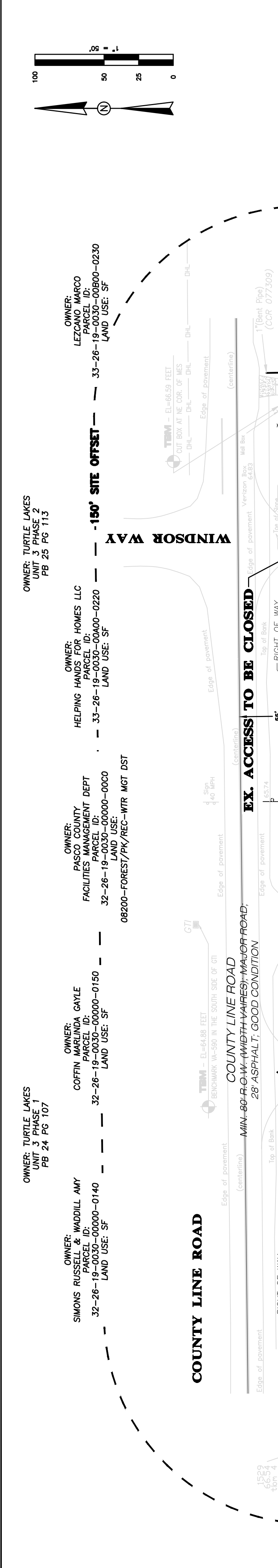
LEGAL DESCRIPTION

THE 637.00 FEET OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 29 SOUTH, RANGE 19 EAST, IN HILLSBOROUGH COUNTY, FLORIDA, LESS THE SOUTH 250 FEET THEREOF, AND LESS THE EAST 300.00 FEET OF THE EAST 180.00 FEET THEREOF, AND LESS THE NORTH 25 FEET FOR ROAD RIGHT OF WAY, AND LESS THE WEST 31.00 FEET OF THE EAST 700.00 FEET OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 27 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA.

- GENERAL NOTES**
- THE PROJECT IS LOCATED WITHIN THE LUTZ COMMUNITY PLANNING AREA.
 - THE PROJECT IS NOT LOCATED WITHIN ANY OVERLAY DISTRICTS.
 - THE PROJECT IS NOT LOCATED WITHIN ANY SPECIAL ZONING DISTRICTS.
 - THE PROJECT DOES NOT CONTAIN ANY DESIGNATED SCENIC ROADWAY CORRIDORS.
 - THE PROJECT DOES NOT CONTAIN ANY ARCHAEOLOGICAL OR HISTORICAL LANDMARKS.
 - THE 150' PROJECT BOUNDARY BUFFER DOES NOT CONTAIN ANY ARCHAEOLOGICAL OR HISTORICAL LANDMARKS.
 - PROJECT IS LOCATED WITHIN THE RURAL SERVICE AREA.
 - PLANS SHALL BE DESIGNED FOR CODE COMPLIANCE WITH LDC PART 6.10.00 AND IESNA OUTDOOR LIGHTING.
 - POTABLE WATER PROVIDED BY WELL.
 - WASTEWATER PROVIDED BY SEPTIC TANK.
 - SOLID WASTE PROVIDED BY SEPTIC TANK.
 - BUFFERING AND SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF LAND DEVELOPMENT CODE.
 - THE PLANTED PARCEL LINES AND PROPERTY FOLIO NUMBERS FOR ALL PROPERTY WITHIN 150 LINEAR FEET OF THE PROJECT IS SHOWN ON THE PLAN.
 - THE CURRENT LAND USE FOR ALL PROPERTY WITHIN 150 LINEAR FEET OF THE PROJECT IS SHOWN ON THE PLAN.
 - POINTS OF INGRESS/EGRESS ARE IDENTIFIED ON THE SITE PLAN.
 - EXISTING AND/OR PROPOSED DRIVEWAYS AND CURB CUT LOCATIONS ARE IDENTIFIED ON THE SITE PLAN.
 - PROPOSED BUILDING AND PARKING AREAS ARE IDENTIFIED ON THE SITE PLAN.
 - THE PROJECT LIES WITHIN FLOOD ZONE "X" & "A" ACCORDING TO FEMA FIRM PANEL 12057C00704, DATED 6/28/08.
 - PROJECT SHALL BE DESIGNED IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE FOR STORMWATER, TRANSPORTATION, WATER AND WASTEWATER REQUIREMENTS.
 - MINIMUM PARKING FOR THE NURSERY AND WAREHOUSING USES SHALL BE IN ACCORDANCE WITH THE LDC. PARKING FOR NURSERY USES SHALL BE PROVIDED IN UNITS (i.e. FARM WORKER HOUSING) SHALL BE PROVIDED IN THE MANNER CUSTOMARY TO FARM WORKER HOUSING USES.
 - WAREHOUSE TO BE USED FOR THE STORAGE OF COMMERCIAL LANDSCAPE EQUIPMENT, VEHICLES, FERTILIZERS, AND PESTICIDES. FERTILIZERS AND PESTICIDES STORAGE CONSISTS OF LESS THAN 500 SQUARE FEET OF BUILDING.

PROJECT DATA TABLE

SITE AREA:	417,130.82 SF / 9.57 AC +/-
PROJECT FOLIO #:	032949-0200
EXISTING ZONING:	AS-1
PROPOSED ZONING:	PD 20-1256
FUTURE LAND USE:	R-1
EXISTING USE:	U
PROPOSED USES:	SEASONAL RESIDENTIAL LANDSCAPE NURSERY & 18,000 SF WAREHOUSE
LANDSCAPE NURSERY AREA:	4.8 AC. (51%)
WAREHOUSE:	0.41 AC.
RECREATIONAL VEHICLE AREA:	2.75 AC.
TOTAL RECREATIONAL VEHICLE UNITS:	12 (20 max.)
FRONT YARD SETBACK:	50'
SIDE YARD SETBACK:	50'
REAR YARD SETBACK:	50'
MAXIMUM F.A.R.:	0.5
MAXIMUM HEIGHT:	35 FEET (1 STORY)
MAN MADE WATER BODY ACREAGE:	1.33 AC. +/-
ENVIRONMENTALLY SENSITIVE AREA ACREAGE:	0.28 AC. +/-





AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 4/11/20

REVIEWER: James Ratliff, AICP, PTP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: LU/ Northwest

PETITION NO: RZ 20-1256

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would increase the number of trips potentially generated by development of the subject parcel (by 89 average daily trips, 25 a.m. peak hour trips and 30 p.m. peak hour trips).
- E. County Line Rd. is owned, maintained and under the permitted authority of Pasco County. As such, the developer will be required to obtain access permits from Pasco County.
- The applicant shall be allowed one (1) vehicular connection to E. County Line Road.
- Transportation Review Section staff has no objection to this rezoning, subject to the conditions proposed hereinbelow.

CONDITIONS OF ZONING APPROVAL

1. E. County Line Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 4-lane roadway which, in accordance with the Hillsborough County Transportation Technical Manual (TTM) Typical Section – 4, requires a minimum of 110 feet of right-of-way to accommodate a 4-lane urban roadway section. As such, the applicant shall preserve sufficient right-of-way necessary that 55 feet of right-of-way exists south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County LDC shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.
2. As E. County Line Rd. is owned and maintained by Pasco County, the developer shall be required to obtain right-of-way use or any other permits required by Pasco County. At its sole expense, the developer shall be required to construct any improvements required by Pasco County to E. County Line Rd. in order to facilitate project access.
3. The project shall be permitted one (1) vehicular connection to E. County Line Rd.
4. The developer shall construct a minimum 5-foot wide sidewalk along its E. County Line Rd. frontage.
5. Minimum parking for the nursery and warehousing uses shall be in accordance with the LDC. Parking for the special purpose RV units (i.e. Farm Worker Housing) shall be provide in the manner customary to Farm Worker Housing uses.
6. Notwithstanding anything on the PD site plan or herein these conditions to the contrary:

- a. Bicycle and pedestrian access may be permitted anywhere along the PD boundaries;
- b. Onsite Recreational Vehicles (RVs) shall be utilized as Farm Worker Housing units only. RV uses as defined by Section 12 of the LDC and reference within Section 6.11.110 of the LDC shall be prohibited;
- c. Onsite Farm Worker Housing units shall only be permitted while the nursery component of the property is in operation. If the property converts to primary use as warehousing, the Farm Working Housing uses shall cease; and,
- d. The developer shall be required to design and construct internal drive aisles and parking as required by the Hillsborough County Land Development Code and Transportation Technical Manual, to the standard for Farm Worker Housing or Agricultural/Nursery uses, whichever is more stringent.

Other Conditions

- Prior to PD site plan certification, the developer shall revise the PD site plan to:
 - Add, dimension and label the required right-of-way preservation as “ ___ ft. of Right-of-Way Preservation Per Hillsborough County Corridor Preservation Plan;
 - All uses not permitted to be located within the preservation area, consistent with Section 5.11.09 of the LDC, shall be removed from the PD site plan;
 - Revise the Project Data Table and any other portion of the PD site plan to remove the reference to “RV Park” as an allowable use. As requested, the applicant is seeking a hybrid use, and RV Parks in the traditional sense (as defined by the LDC) are prohibited. Labeling should reflect the unique use, so that future site plan reviewers are not confused as to what uses are permitted or which standards apply;
 - Revise the Project Data Table to specify a maximum of 20 hybrid (RV/Farm Worker Housing Units) consistent with the submitted transportation analysis; and,
 - Modify Note 20 of the General Notes section to reflect the information contained in staff’s proposed parking condition.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a +/- 9.83 ac. parcel from Agricultural Single-Family – 1 (AS-1) to Planned Development (PD). The applicant is proposing nursery uses, an 18,000 s.f. warehouse, and an unspecified number of hybrid (RV/Farm Worker Housing units). Staff is requiring that these units be limited to 20, since that is the number studied in the submitted transpiration analysis which accompanied the rezoning request. As required by the Development Review Procedures Manual (DRPM), the developer submitted a trip generation letter indicating that a more detailed transpiration study was not required to process this request.

Utilizing data from the 10th Edition of the Institute of Transportation Engineer’s Trip General Manual, staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario.

Existing Zoning:

Land Use	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AS-1, 9 single-family detached dwelling units (ITE LUC 210)	85	7	9

Proposed Zoning:

Land Use		Total Peak
----------	--	------------

	24 Hour Two-Way Volume	Hour Trips	
		AM	PM
PD, 18,000 s.f. warehouse uses (ITE LUC 150)	74	27	30
PD, 20 Special Farm Worker Housing Units (ITE LUC 420)	100	5	9
Subtotal:	174	32	39

Trip Generation Difference:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(+) 89	(+) 25	(+) 30

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

E. County Line Road is presently a 2-lane, undivided collector roadway which is maintained by Pasco County. E. County Line Road is characterized by +/- 12-foot wide travel lanes in average condition. There are +/- 5-foot wide sidewalks along a portion of the south side of E. County Line Rd. in the vicinity of the proposed project. There are no bicycle facilities along E County Line Rd. in the vicinity of the project.

The Hillsborough County Corridor Preservation Plan designates E. County Line Road as a 4-lane divided road. As such, 110 feet of right of way will be required to complete the future improvement. The applicant shall be required to preserve 55 feet of right of way from the center line of the roadway.

SITE ACCESS

Principal vehicular and pedestrian access to the site will be from E. County Line Road. The applicant is requesting one full access driveway connection to E. County Line Road. The easternmost existing connection will be removed. As E. County Line. Rd. is owned and maintained by Pasco County, the developer will be required to obtain access permits from Pasco County and make any roadway improvements deemed necessary by Pasco County.

Heinrich, Michelle

From: Perry Cahanin, Jacqueline <cahaninj@epchc.org>
Sent: Wednesday, February 24, 2021 9:19 AM
To: Heinrich, Michelle
Subject: REZ 20-1256 Sisu Lutz LLC - EPC Comments

[External]

Good morning,

There are no changes to the 10/16/20 EPC comments for this revised rezoning application. Thank you.

Jackie Perry Cahanin, M.S.
Environmental Scientist II

Wetlands Division
(813) 627-2600 ext. 1241 | www.epchc.org

Environmental Protection Commission

3629 Queen Palm Drive, Tampa, FL 33619

Our mission is *"to protect our natural resources, environment, and quality of life in Hillsborough County."*

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 Sterlin Woodard, P.E. AIR DIVISION

AGENCY COMMENT SHEET

REZONING	
<p>HEARING DATE: December 14, 2020</p> <p>PETITION NO.: 20-1256</p> <p>EPC REVIEWER: Jackie Perry Cahanin</p> <p>CONTACT INFORMATION: (813) 627-2600 X 1241</p> <p>EMAIL: cahaninj@epchc.org</p>	<p>COMMENT DATE: October 19, 2020</p> <p>PROPERTY ADDRESS: 3223 E County Line Rd., Lutz, FL 33559</p> <p>FOLIO #: 032949-0200</p> <p>STR: 05-27S-19E</p>
<p>REQUESTED ZONING: AS1 to PD</p>	
FINDINGS	
<p>WETLANDS PRESENT</p>	<p>YES</p>
<p>SITE INSPECTION DATE</p>	<p>NA</p>
<p>WETLAND LINE VALIDITY</p>	<p>Approximate</p>
<p>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</p>	<p>YES</p>
<p>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:</p> <ul style="list-style-type: none"> • Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals. • The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property. • Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland 	

must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).

- Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

INFORMATIONAL COMMENTS:

The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.

- Chapter 1-11, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.

jpc/mst



NOTE: THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.

TO: Zoning Review, Development Services

DATE: 11/20/2020

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: SISU Lutz, LLC

PETITION NO: 20-1256

LOCATION: 3223 E County Line Rd

FOLIO NO: 32949.0200

Estimated Fees:

R.V Campground
(Per Site)
Mobility: \$862.00
Fire: \$299.00

Project Summary/Description:

Rural Mobility, Northwest Fire - RV campground - number of sites not specified

**WATER RESOURCE SERVICES
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER**

PETITION NO.: STD20-1256 **REVIEWED BY:** Randy Rochelle **DATE:** 9/25/2020

FOLIO NO.: 32949.0200

This agency would (support), (conditionally support) the proposal.

WATER

- The property lies within the _____ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- No Hillsborough County water line of adequate capacity is presently available.
- A ____ inch water main exists (adjacent to the site), (approximately ____ feet from the site) _____.
- Water distribution improvements may be needed prior to connection to the County's water system.
- No CIP water line is planned that may provide service to the proposed development.
- The nearest CIP water main (____ inches), will be located (adjacent to the site), (feet from the site at ____). Expected completion date is _____.

WASTEWATER

- The property lies within the _____ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- No Hillsborough County wastewater line of adequate capacity is presently available.
- A ____ inch wastewater force main exists (adjacent to the site), (approximately ____ feet from the site) _____.
- Wastewater distribution improvements may be needed prior to connection to the County's wastewater system.
- No CIP wastewater line is planned that may provide service to the proposed development.
- The nearest CIP wastewater main (____ inches), will be located (adjacent to the site), (feet from the site at ____). Expected completion date is _____.

COMMENTS: This site is located outside of the Hillsborough County Urban Service Area, therefore Hillsborough County Water and/or Wastewater Service will not be available to serve the subject property. If the applicant feels that the proposed development is located within the County Urban Service Area and can provide verification then it's possible that Hillsborough County Water and Wastewater Service could be provided .

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 23 Sep. 2020

REVIEWER: Bernard W. Kaiser, Conservation and Environmental Lands Management

APPLICANT: William Molloy

PETITION NO: RZ-PD 20-1256

LOCATION: 3223 E. County Line Rd, Lutz, FL 33559

FOLIO NO: 32949.0200

SEC: 05 TWN: 27 RNG: 19

- This agency has no comments.

- This agency has no objection.

- This agency has no objection, subject to listed or attached conditions.

- This agency objects, based on the listed or attached conditions.

COMMENTS: _____.



VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

-----X
)
 IN RE:)
)
 ZONE HEARING MASTER)
 HEARINGS)
)
 -----X

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, April 19, 2021

TIME: Commencing at 6:00 p.m.
Concluding at 8:03 p.m.

PLACE: Cisco Webex

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 100
Clearwater, FL 33762
(800) 337-7740

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

ZONING HEARING MASTER HEARINGS
April 19, 2021
ZONING HEARING MASTER: SUSAN FINCH

D2:
Application Number: RZ-PD 20-1256
Applicant: Sisu Lutz, LLC
Location: 45' South of Intersection E.
County Line Rd., Windsor Way
Folio Number: 032949.0200
Acreage: 9.83 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: AS-1
Request: Rezone to Planned Development

1 MR. GRADY: The next item is agenda item
2 D-2, Rezoning-Planned Development 20-1256. The
3 applicant is Sisu Lutz, LLC.

4 The request is to rezone from AS-1 to
5 Planned Development. Michelle Heinrich will
6 provide staff recommendation after presentation by
7 the applicant.

8 HEARING MASTER FINCH: All right. Good
9 evening.

10 MR. MOLLOY: Good evening. William Molloy,
11 325 South Boulevard, Tampa, Florida.

12 This is a unique rezoning request in that the
13 project before us does not neatly fit into a box of
14 any one Land Use category. The primary use is that
15 of a landscape contractor's nursery.

16 As the staff report indicates, all the
17 criteria for this particular use as per 6.11.109 of
18 the LDC is satisfied. That's the existing business
19 right now, the landscape contractor.

20 Again, I can go through the checklist of
21 criteria that's in the staff report. That's all
22 satisfied there. The nursery use, as I said, is
23 established and existing without problem, issue, or
24 complaint. We are here for a Code Enforcement
25 violation, but it has nothing to do with that part

1 of the use.

2 The secondary uses are more complicated.
3 Back in about 2018, my client applied for and was
4 granted a conditional use permit to allow for a
5 farm worker housing on the project.

6 Farm worker housing is an established,
7 legitimate use, and the conditions that are
8 required for its legal implementation are spelled
9 out in the LDC.

10 I have a copy of the permit for the record.
11 I got a whole packet of things that I'll hand over.
12 The permit you'll notice has expired as of last
13 year, but that's because we were in this process at
14 the time. No need to renew it if we have the
15 rezoning in the hopper.

16 At some point subsequent to the issuance of
17 the permit for farm worker housing, my client
18 received notice from Code Enforcement of an issue
19 with this permit. That being that the LDC calls
20 out specific forms of housing for farm workers.

21 They are prefab. They're barracks. They're
22 modular. And my client's form of housing which is
23 fully functional and more than adequate is actually
24 recreational vehicles. That's what he has on-site
25 for farm worker housing.

1 Hence, the zoning violation and today's
2 request, which is to allow for farm worker housing
3 in the form of recreational vehicles in a Planned
4 Development zoning district.

5 The first point I want to make is that
6 workforce or farm worker housing in the form of a
7 recreational vehicle is entirely legal means of
8 providing housing, and we have a legal memorandum
9 in this packet. It's the second exhibit, which
10 I'll hand over.

11 Secondly, the housing element of this
12 operation is entirely voluntary, and it's provided
13 as an optional benefit to employees. If there's
14 any, you know, idea that it's an untoward, you have
15 to live here kind of situation, that's absolutely
16 not it.

17 And then third, it's worth noting that the
18 recreational vehicles in question are fully
19 functional for travelling and are used as an
20 important facet of the project's operation, which
21 is disaster response and assistance.

22 This operator can load up his crews into
23 these RVs, go to areas hit by a hurricane, natural
24 disaster, etc., and provide on-site assistance.
25 I've got a letter signed by the owner to that end.

1 As to the governance of the RVs on-site, the
2 third element of this PD would be an element of a
3 recreational vehicle park and to that end, we've
4 agreed to conditions as to location of the RVs on
5 the project; to the utility connections, drive
6 aisle width, etc. All of it, again, is detailed in
7 the conditions.

8 So those are the three elements of this PD.
9 And as the zoning record will show, we've spent a
10 tremendous amount of time as has staff, which we
11 very much appreciate, in getting to a cohesive plan
12 that has support from Development Services, from
13 the Planning Commission, and from all reviewing
14 agencies.

15 We do understand that this project is
16 presented and reviewed de novo and that there were,
17 you know, plenty of neighbors that got a letter,
18 and I think they interpreted it as saying we plan
19 to begin a workforce housing project right now
20 rather than the reality of the situation, which has
21 been there for years without issue or complaint.

22 And we are very conscious of that request
23 and how it may be perceived and to that end on our
24 site plan -- it's right here -- we made some
25 concessions that, again, are in the conditions.

1 The housing area is this area here. This is where
2 the RVs would be parked. That's actually where
3 they are parked today.

4 From the western boundary, the RVs will be
5 no closer than 175 feet, 215 from the northern
6 boundary, 190 from the south, and 250 feet from the
7 west. That's the physical separation in addition
8 to all of the nursery materials, landscaping, etc.,
9 that's already on -- on the -- on-site.

10 We've also agreed to the standard 6-foot PVC
11 vinyl fence along the north -- pardon me, the east,
12 west, and southern boundaries. From the north,
13 there's really no buffering that we could make any
14 sense of because you can't see really past the
15 contractor's office and warehouse here. Everything
16 is effectively bordered and buffered from the
17 north.

18 So in summary, this is an entirely legal
19 proposal despite how it may sound supported by all
20 reviewing agencies, and the request as I see it is
21 really simple and that it boils down to that we're
22 asking that recreational vehicles stand in place of
23 the prefab or modular housing that's found in
24 traditional workforce housing.

25 With that, thank you. We kindly ask for

1 your support. I'm here to answer any questions,
2 and we do have one of the principals of the
3 operation, Mr. Ray Rose, who is just going to put
4 his name on the record so that he can testify maybe
5 later on.

6 HEARING MASTER FINCH: I just have a quick
7 question, just to make sure I understand. So
8 you've got the property was issued a conditional
9 use for farm worker housing for how many units?

10 MR. MOLLOY: That was for 12 units.

11 HEARING MASTER FINCH: Twelve units. And so
12 was it just a misunderstanding that he thought he
13 could use a recreational vehicle for that?

14 MR. MOLLOY: I can speak with absolute
15 certainty that it was an absolute honest, innocent
16 mistake.

17 HEARING MASTER FINCH: And so 12 units are
18 proposed, but it's really a recognition of that
19 conditional use that was already approved?

20 MR. MOLLOY: Correct. How -- if I had to
21 put it simply, it's street (unintelligible)
22 conditional use permit, more than anything else.

23 HEARING MASTER FINCH: Okay. All right.
24 Yes. If you could submit all that into the record,
25 that would be helpful. Thank you very much. And

1 you said your client wants to put his name on the
2 record. Yeah, absolutely. If you could just give
3 us your name and address, please.

4 MR. ROSE: Hello. My name is Reinaldo Rose.
5 I go by Ray, so that's why he called me Ray Rose.
6 I live at 114 South Westland Avenue, Tampa, Florida
7 33606, and I can answer any questions.

8 HEARING MASTER FINCH: I don't have any
9 additional questions but thank you. If you could,
10 please, sign in with the clerk's office.

11 MR. ROSE: Okay. Thank you very much.

12 HEARING MASTER FINCH: All right. We will
13 go to Development Services, please.

14 MS. HEINRICH: Good evening. Michelle
15 Heinrich, Development Services.

16 This is a rezoning of approximately 9.5 acres
17 from AS-1 to PD to allow for a landscaping
18 contractor's nursery with associated seasonal
19 residential uses.

20 The property is located in the RES-1 Future
21 Land Use area. A landscaping contractor's nursery
22 is a conditional use in the AS-1 zoning district.
23 The project meets or exceeds those requirements
24 which address the size of the operation and
25 mitigating for impacts to adjacent residentially

1 zoned or developed properties.

2 Landscaping contractor's nursery does not
3 account for the on-site residential beyond the
4 property owner that the applicant is looking to
5 approve, and for that reason, a PD rezoning is
6 necessary.

7 The type of residential that would be
8 associated with an agricultural operation would be
9 categorized as farm worker housing, which is
10 permitted on or off-site from a farm in the RES-1
11 Future Land Use category.

12 However, the housing units permitted for the
13 housing does not include RVs, which is another
14 reason for this PD rezoning.

15 The applicant proposes to retain the 12 RV
16 units to be used for workers associated with the
17 nursery. When reviewing this proposal against the
18 farm worker regulations, the project does meet or
19 exceed those requirements with the exception of the
20 permitted housing type, length of stay, and
21 internal roadways, which will instead follow those
22 use for RV parks.

23 Most importantly this includes the limited
24 time duration for stay and that residents must be
25 employed by the nursery.

1 The general area is within the northern
2 border of the Lutz community with property to the
3 north within Pasco County. Large lot single-family
4 residential is present to the north, south, west,
5 and east.

6 As shown on the site plan that was shown by
7 the applicant in his presentation, the RV park has
8 been internally located with the nursery areas,
9 ponds, and wetland areas around the perimeter of
10 the project.

11 Additionally, LDC required screening will
12 also be provided. Planning Commission staff found
13 the project be consistent with the plan and no
14 objections from reviewing agencies were received.

15 Therefore, staff does recommend approval
16 subject to proposed conditions, and I would like to
17 note on the record tonight that in those conditions
18 the requirements for certification 2-D, as in
19 David, and 2-E, as in Eric, no longer are
20 necessary. And we will provide you with a revised
21 staff report striking those two requirements.

22 I'm available if you have any questions.

23 HEARING MASTER FINCH: No. My only question
24 was whether AS-1 permits farm worker housing, and
25 you already answered that. So thank you,

1 appreciate it.

2 Planning Commission, please.

3 MS. HALEY: Jiwuan Haley, Planning
4 Commission.

5 The subject property is designated
6 Residential-1 on the Future Land Use Map. It is
7 located within the limits of the Lutz Community
8 Plan. Objective 4 of the Future Land Use Element
9 and Policy 4.1 states that Rural Area provides
10 areas for long-term agricultural uses in large lot,
11 low density rural residential uses.

12 The proposed uses are all agriculturally
13 related as the landscape, nursery, and building,
14 including storage will be related to the
15 agricultural operation on the site.

16 The proposed Planned Development is,
17 therefore, consistent with the intent of
18 Objective 4 and its accompanying policies in the
19 Rural Area.

20 Objective 16 and its accompanying policies
21 16.2, 16.3, and 16.5 provide direction on achieving
22 compatibility with surrounding land uses through
23 various transitions, buffering and site planning
24 techniques.

25 The applicant has provided several buffering

1 and screening measures to mitigate for any adverse
2 effects on the surrounding area. As per the site
3 plan, 4.39 acres are being reserved for the
4 landscape nursery area along the southern and
5 eastern boundary of the site, which will mitigate
6 impacts to the residential area.

7 Along the western boundary of the site, the
8 applicant is providing a 6-foot-high opaque fence.
9 Policy 1.4 of the Future Land Use Element states
10 that compatibility does not mean the same as,
11 rather it refers to the sensitivity of development
12 proposal in maintaining the character of the
13 existing development.

14 In this case, the proposed uses are in
15 keeping with the character of the Rural Area and
16 the activities and proposed uses are compatible
17 with the surrounding area. Temporary housing and
18 other residential structures for the use of
19 permanent and/or temporary farm workers may be
20 permitted in areas of agricultural activity.

21 This provision is intended to preserve and
22 promote agricultural uses by making it possible for
23 farm workers to both work and reside on or near
24 property devoted to agricultural uses.

25 The proposed development meets the intent of

1 Policy 20.7. The request is consistent with the
2 vision of the Lutz Community Plan by developing and
3 supporting existing agricultural uses.

4 Based upon these considerations, Planning
5 Commission staff finds the proposed Planned
6 Development consistent with the Future of
7 Hillsborough Comprehensive Plan for unincorporated
8 Hillsborough County subject to conditions proposed
9 by the Development Services Department.

10 Thank you, and I'm available if you have any
11 questions.

12 HEARING MASTER FINCH: I don't at this time
13 but thank you.

14 Anyone here that would like to testify in
15 support? Anyone in favor of this application?
16 Seeing no one in the room, any online?

17 All right. Anyone opposed to this
18 application? All right. We have one person
19 online; is that correct?

20 MR. LAMPE: We have Frank Zasa, who did sign
21 up as the applicant team, but he may have signed up
22 wrong. Frank, can you hear us?

23 MR. ZASA: Yes, I can.

24 MR. LAMPE: You will need to enable your
25 camera for this.

1 MR. ZASA: Okay. Is that working for you?

2 MR. LAMPE: Yes. We can see you now.

3 MR. ZASA: Thank you. This is Frank Zasa.

4 I reside at 19887 Sambar Deer Loop, Lutz, Florida
5 33559. I reside in a new community, Deer Run
6 Preserve, and my property is directly adjacent to
7 the proposed changes.

8 I am in clear view of the RVs that are on
9 the property. I appreciate Mr. Molloy clarifying a
10 few things. I wish he would have done that when I
11 called his office two times and did not receive a
12 return phone call. I recognize that this is a
13 business. I'm in support of business. I'm in
14 support of any business that wants to improve the
15 local area, but the RVs have grown in number.

16 Mr. Molloy admittedly said that they are, in
17 essence, have letters against him in terms of Code
18 Enforcement. They have RVs on property, yet I have
19 yet to see anything in regards to a nursery be
20 done.

21 I question why you would need 12 RVs to
22 cover 4.39 acres of nursery to begin with at could
23 house upwards of 24 different people. I'm not a
24 farmer. I wouldn't even consider myself a
25 gardener, but I've been to several nurseries

1 throughout my life, and there has yet to be one
2 that requires farm workers to live on property.

3 But again, that wouldn't be such an issue if
4 he or if the applicant complied with the other
5 restrictions, such as screening. Again, the RVs
6 are there, but there's no fencing. There was
7 mention of screening, but the only screening is
8 there anything that naturally existed, there's been
9 no attempt to screen it from the new properties.

10 So myself and my neighbors are concerned not
11 just about property value in a brand-new
12 development but about what is truly to come of
13 this.

14 Again, the mention or the cause of this is
15 to house farm workers for a nursery, but there is
16 no nursery on property at this particular point in
17 time. And, again, nor do I see the beginnings of a
18 nursery, and it literally backed up to my property,
19 so I think I would see that quite plainly.

20 We have no problem with people living next
21 door. We have no problem with RVs, if done
22 properly, if screened properly, both physically and
23 in terms of the people living there. Just like any
24 other neighborhood, you're concerned about your
25 neighbors, but this seems to be a short-term

1 rental, not necessarily farm worker housing.

2 And the belief that this is for disaster
3 recovery is somewhat funny to me because if the
4 permit was pulled from the initial application and
5 they were in violation, they could have easily
6 moved the RVs off the property, but they continued
7 to have them be there.

8 And, again, it doesn't seem like this
9 particular applicant has reached out to the
10 neighbors. I did not receive a notice. The only
11 thing we saw was the sign outside of the business.

12 Our community looks like in some of the
13 filings that I was able to pull up that they
14 submitted some notice to our homeowners association
15 through an attorney's office that is not affiliated
16 with our homeowners association at all.

17 They contacted the developer of the land,
18 but once the house is purchased, the developer
19 doesn't really have any say over our particular
20 property. So even though I am a neighbor, again,
21 directly connected, I received no notice.

22 I've called the attorney's office -- my
23 calls were not returned -- just to ask questions
24 before we even got to this particular point. I see
25 no signs of a nursery. I only see RVs.

1 And (unintelligible) someone who has not
2 attempted to comply with the current regulation,
3 who has not reached out to the neighbors that share
4 a property line.

5 So I don't know why we would think that if
6 this was approved, that they would comply with the
7 appropriate screening requirements and requirements
8 to have those type of properties -- excuse me,
9 those type of vehicles on their property.

10 I'm all for building a nursery in my
11 backyard. I think most neighbors would love to see
12 that connected to their yard. It would be
13 something beautiful to look at. But many of us
14 question whether or not that is the true intent of
15 this particular application. Thank you.

16 HEARING MASTER FINCH: Thank you, Mr. Zasa.
17 I appreciate it.

18 Anyone else that would like to speak in
19 opposition? Anyone else online? No. Okay.

20 All right. Then we should -- let's go back
21 to County Staff for just a moment. Did you have a
22 chance to verify the notice?

23 MR. GRADY: The notice list we have was
24 provided and -- through the property appraisers,
25 and they noticed everybody on the list. I'm not

1 sure, again, where Mr. Zasa lives when he says he's
2 adjacent to that, but his -- he was not on the list
3 of people notified.

4 I mean, we can certainly double-check that
5 post-hearing. If there's a notice issue, then
6 certainly that would cause a need for -- to rehear
7 the hearing. But at this point, we verified the
8 notice and believe the notices are in order. But
9 we'll double-check to make sure.

10 HEARING MASTER FINCH: And any additional
11 comments just from --

12 MR. GRADY: I would note there's an initial
13 regarding a 6-foot screening along the western
14 boundary of the subject property.

15 HEARING MASTER FINCH: All right.
16 Mr. Molloy, you have five minutes for rebuttal.

17 MR. MOLLOY: William Molloy again.

18 Just a few very quick points. As to the
19 question about whether or not the site requires
20 12 units of housing, it does not, obviously. Those
21 residents -- those workers can travel freely
22 throughout the county on different projects
23 on-site, etc., etc.

24 So it's not all located geographically on
25 the project site. That's just where the housing

1 occurs. That's the reason for 12 RVs. Buffering
2 and screening, of course, will come with approval
3 of the zoning if it is approved.

4 And then as to the idea of, you know, if we
5 don't do it, if it's an empty promise, that's why
6 we're here. Code enforcement will come and fine my
7 client, and we'll be back here again.

8 So I am happy to meet with anyone or speak
9 to anyone, if they're still listening, between now
10 and the Board hearing if they care to reach out
11 again. I'd just like to put that out there. Thank
12 you.

13 HEARING MASTER FINCH: All right. Thank you
14 for that. I appreciate it.

15 Then we'll close Rezoning-PD 20-1256 and go
16 to the last case.

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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 IN RE:)
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 ZONE HEARING MASTER)
 HEARINGS)
)
 -----X

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, March 15, 2021

TIME: Commencing at 6:00 p.m.
Concluding at 10:35 p.m.

PLACE: Webex Videoconference

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 100
Clearwater, FL 33762
(800) 337-7740

1 Hearing Master process.

2 Item A-5, Major Mod Application 20-0377.

3 This application is being withdrawn by the Zoning
4 Administrator in accordance with LDC Section
5 10.03.02.C.2.

6 Item A-6, Rezoning-PD 20-1071. This
7 application is being continued by the applicant to
8 the May 17th, 2021, Zoning Hearing Master Hearing.

9 Item A-7, Major Mod Application 20-1138.
10 This application is being withdrawn from the Zoning
11 Hearing Master process.

12 Item A-8, Rezoning-PD 20-1198. This
13 application is out of order to be heard and is
14 being continued to the April 19th, 2021, Zoning
15 Hearing Master Hearing.

16 Item A-9, Rezoning-PD 20-1256. This
17 application has been continued by the applicant to
18 the April 19th, 2021, Zoning Hearing Master
19 Hearing.

20 Item A-10, Major Mod Application 21-0038
21 (sic). This application is continued by staff to
22 the April 19th, 2021, Zoning Hearing Master
23 Hearing.

24 Item A-11, Rezoning-PD 21-0110. This
25 application is being continued by the applicant to

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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IN RE: )
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ZONE HEARING MASTER )
HEARINGS )
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, February 15, 2021

TIME: Commencing at 6:00 p.m.
Concluding at 11:35 p.m.

PLACE: Appeared via Cisco Webex
Videoconference

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 100
Clearwater, FL 33762
(800) 337-7740

1 statement that we included in the backup listed
2 this incorrectly as a staff -- as an
3 applicant-requested continuance when, in fact, it's
4 an out-of-order continuance to the April 19th,
5 2021, Zoning Hearing Master Hearing.

6 Item A-10, Major Mod 20-1138. This
7 application is being continued by the applicant to
8 the March 15th, 2021, Zoning Hearing Master
9 Hearing.

10 Item A-11, Rezoning-PD 20-1198. This
11 application is out of order to be heard and is
12 being continued to the March 15th, 2021, Zoning
13 Hearing Master Hearing.

14 Item A-12, Rezoning-PD 20-1252. This
15 application is being continued by staff to the
16 March 15th, 2021, Zoning Hearing Master Hearing.

17 Item A-13, RZ-PD 20-1255. This application
18 is being continued by staff to the March 15th,
19 2021, Zoning Hearing Master Hearing.

20 Item A-14, Rezoning-PD 20-1256. This
21 application is being continued by the applicant to
22 the March 15th, 2021, Zoning Hearing Master
23 Hearing.

24 Item A-15, Rezoning-PD 20-1264. This
25 application is out of order to be heard and is

1 2021, Zoning Hearing Master Hearing at 6:00 p.m.

2 Item A-15, Rezoning-PD 20-1253. This
3 application is being continued by the applicant to
4 the May 17th, 2021, Zoning Hearing Master Hearing
5 beginning at 6:00 p.m.

6 Item A-16, Rezoning-PD 20-1255. This
7 application is being continued by staff to the
8 February 15th, 2021, Zoning Hearing Master Hearing
9 beginning at 6:00 p.m.

10 Item A-17, Rezoning-PD 20-1256. This
11 application is being continued by the applicant to
12 the February 15th, 2021, Zoning Hearing Master
13 Hearing beginning at 6:00 p.m.

14 Item A-18, Rezoning-PD 20-1257. This
15 application is being withdrawn from the Zoning
16 Hearing Master process.

17 Item A-19, RZ-PD 20-1264. This application
18 is out of order to be heard and is being continued
19 to the February 15th, 2021, Zoning Hearing Master
20 Hearing beginning at 6:00 p.m.

21 Item A-20, Rezoning-PD 20-1266. This
22 application is being continued by staff to the
23 February 15th, 2021, Zoning Hearing Master Hearing
24 beginning at 6:00 p.m.

25 Item A-21, Rezoning-PD 20-1270. This

1 application is being continued by staff to the
2 January 19, 2021, Zoning Hearing Master Hearing.

3 Item A-18, Rezoning PD 20-1253. This
4 application is being continued by the applicant to
5 the January 19, 2021, Zoning Hearing Master
6 Hearing.

7 Item A-19, Rezoning-PD 20-1255. This
8 application is being continued by the applicant to
9 the January 19, 2021, Zoning Hearing Master
10 Hearing.

11 Item A-20, Rezoning PD 20-1256. This
12 application is being continued by the applicant to
13 the January 19, 2021, Zoning Hearing Master
14 Hearing.

15 Item A-21, Rezoning-PD 20-1257. This
16 application is being continued by the applicant to
17 the January 19, 2021, Zoning Hearing Master
18 Hearing.

19 Item A-22, Major Mod Application 20-1258.
20 This application is being continued by the
21 applicant to the January 19, 2021, Zoning Hearing
22 Master Hearing.

23 Item A-23, Rezoning-PD 20-1264. This
24 application is out of order to be heard and is
25 being continued to the January 19, 2021, Zoning



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

DATE/TIME: 4/19/21HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>21-0242</u>	PLEASE PRINT NAME <u>Tu Mai (H.T. MAI, Inc.)</u> ADDRESS <u>14031 N. Dale Mabry Highway</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33619</u> PHONE <u>(813) 962-6230</u>
APPLICATION # <u>21-042a</u>	PLEASE PRINT NAME <u>William L Brown III</u> ADDRESS <u>2810 Broken Rd</u> CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33546</u> PHONE <u>813 335 4765</u>
APPLICATION # <u>19-1458</u>	PLEASE PRINT NAME <u>Kami Corbett</u> ADDRESS <u>101 E Kennedy Blvd, Ste 3700</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-830-3442</u>
APPLICATION # <u>19-1458</u>	PLEASE PRINT NAME <u>Isabelle Albert</u> ADDRESS <u>1000 Washley Dr</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813 620 4500</u>
APPLICATION # <u>19-1458</u>	PLEASE PRINT NAME <u>STEVE HENRY</u> ADDRESS <u>5023 W. LAUREL ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289 0039</u>
APPLICATION # <u>19-1458</u>	PLEASE PRINT NAME <u>STEVEN K LUCE</u> ADDRESS <u>111 S. ARMENIA Ave</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33629</u> PHONE <u>813-767-5263</u>

DATE/TIME: 4/19/21

HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

<p>APPLICATION # 20 - 1256</p>	<p>PLEASE PRINT NAME <u>William J Molloy</u></p> <p>ADDRESS <u>308 S Blvd</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP _____ PHONE <u>254-7157</u></p>
<p>APPLICATION # 20 - 1256</p>	<p>PLEASE PRINT NAME <u>Reinaldo (RAY) Rose</u></p> <p>ADDRESS <u>114 S. Westland Ave</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>813 245 1069</u></p>
<p>APPLICATION # 20 - 1256 VS</p>	<p>PLEASE PRINT NAME <u>Frank Zasa</u></p> <p>ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION # 21 - 0024</p>	<p>PLEASE PRINT NAME <u>DIEGO DURAN</u></p> <p>ADDRESS <u>12100 RACETRACK RD</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33626</u> PHONE <u>7276571789</u></p>
<p>APPLICATION # 21 - 0024</p>	<p>PLEASE PRINT NAME <u>Taylor Moser</u></p> <p>ADDRESS <u>12100 Racetrack Road</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33626</u> PHONE <u>9042480839</u></p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>

HEARING TYPE: **ZHM**, PHM, VRH, LUHO

DATE: 4//19/2021

HEARING MASTER: Susan Finch

PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 21-0024	Brian Grady	1. Revised Staff Report	Yes (copy)
RZ 21-0242	Tu Mai	1. Applicant Presentation Packet	No
RZ 19-1458	Steve Henry	1. Applicant Presentation Packet	No
RZ 19-1458	Isabelle Albert	2. Applicant Presentation Packet	No
RZ 19-1458	Kami Corbett	3. Applicant Presentation Packet	No
RZ 20-1256	William Molloy	1. Applicant Presentation Packet	No

APRIL 19, 2021 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, April 19, 2021, at 6:00 p.m., held virtually.

▶ Susan Finch, ZHM, called the meeting to order and led in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

▶ Brian Grady, Development Services, reviewed changes/withdrawals/continuances.

▶ Susan Finch, ZHM, overview of ZHM process.

▶ Mary Dorman, Senior Assistant County Attorney, overview of oral argument/ZHM process.

▶ Susan Finch, ZHM, Oath

B. REMANDS - Not Addressed.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 21-0242

▶ Brian Grady, Development Services, calls RZ 21-0242.

▶ Tu Mai, applicant rep, presents testimony.

▶ Susan Finch, ZHM, questions to applicant rep.

▶ Tu Mai, applicant rep, answers ZHM questions and continues testimony.

▶ Susan Finch, ZHM, questions to applicant rep.

▶ Tu Mai, applicant rep, answers ZHM questions.

▶ Isis Brown, Development Services, staff report.

▶ Susan Finch, ZHM, questions to Development Services Staff.

▶ Isis Brown, Development Services, answers ZHM questions.

▶ Brian Grady, Development Services Staff, answers ZHM questions.

▶ Jiwuan Haley, Planning Commission, staff report.

MONDAY, APRIL 19, 2021

- ▶ Susan Finch, ZHM, questions to Planning Commission Staff.
- ▶ Jiwuan Haley, Planning Commission, answers ZHM questions.
- ▶ Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep.
- ▶ Tu Mai, applicant rep, provides rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 21-0242.

C.2. RZ 21-0429

- ▶ Brian Grady, Development Services, calls RZ 21-0429.
- ▶ William L. Brown III, applicant, presents testimony.
- ▶ Christopher Grandienard, Development Services, staff report.
- ▶ Susan Finch, ZHM, questions to Development Services Staff.
- ▶ Christopher Grandienard, Development Services, answers ZHM questions.
- ▶ Brian Grady, Development Services, answers ZHM questions.
- ▶ James Ratliff, Development Services Transportation, answers ZHM questions.
- ▶ Jiwuan Haley, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant/closes RZ 21-0429.

D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

D.1. RZ 19-1458

- ▶ Brian Grady, Development Services, calls RZ 19-1458.
- ▶ Susan Finch, ZHM, questions to County Attorney.
- ▶ Cameron Clark, Senior Assistant County Attorney, answers ZHM.
- ▶ Kami Corbett, applicant rep, presents testimony.
- ▶ Susan Finch, ZHM, questions applicant rep.

MONDAY, APRIL 19, 2021

- ▶ Kami Corbett, Isabelle Albert, Steve Henry, and Steve Luce, applicant reps, answer ZHM questions and continue testimony.
- ▶ Cameron Clark, Senior Assistant County Attorney, answers applicant rep.
- ▶ Michelle Heinrich, Development Services, staff report.
- ▶ Jiwuan Haley, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, questions County Attorney.
- ▶ Susan Finch, ZHM, calls proponents/opponents/Development Services.
- ▶ Susan Finch, ZHM, questions County Attorney.
- ▶ Cameron Clark, Senior Assistant County Attorney, answers ZHM questions.
- ▶ Kami Corbett, applicant rep, provides rebuttal.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Kami Corbett, applicant rep, answers ZHM questions and continues rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 19-1458.

D.2. RZ 20-1256

- ▶ Brian Grady, Development Services, calls RZ 20-1256.
- ▶ William Molloy, applicant rep, presents testimony.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ William Molloy, applicant rep, answers ZHM questions and continues testimony.
- ▶ Reinaldo Rose, applicant rep, presents testimony.
- ▶ Michelle Heinrich, Development Services, staff report.
- ▶ Jiwuan Haley, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls proponents/opponents.
- ▶ Frank Zasa, opponent, presents testimony.
- ▶ Susan Finch, ZHM, questions Development Services Staff.

MONDAY, APRIL 19, 2021

- ▶ Brian Grady, Development Services, answers ZHM questions.
- ▶ William Malloy, applicant rep, provides rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 20-1256.

D.3. MM 21-0024

- ▶ Brian Grady, Development Services, calls MM 21-0024.
- ▶ Taylor Moser, applicant rep, presents testimony.
- ▶ Brian Grady, Development Services, statement for the record.
- ▶ Diego Duran, applicant rep, provides authorization.
- ▶ Taylor Moser, applicant rep, continues testimony.
- ▶ Steve Beachy, Development Services, staff report.
- ▶ Jiwuan Haley, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls proponents/opponents/Development Services.
- ▶ Brian Grady, Development Services, statement for record.
- ▶ Susan Finch, ZHM, calls applicant rep/closes MM 21-0024.

ADJOURNMENT

- ▶ Susan Finch, ZHM, adjourns meeting.



Hillsborough County Florida

DEVELOPMENT SERVICES

PO Box 1110 Tampa, FL 33601-1110

October 16, 2018

James Sciandra
1680 Long Bow Lane
Clearwater, FL 33764

Application No. 20-1256
Name: William Molloy
Entered at Public Hearing: ZIM
Exhibit # 1 Date: 4/19/21

Subject: Conditional Use Permit 18-1534 (Farm Worker Housing); 3223 E. County Line Rd.; Tax Folio Number: 32949.0200.

BOARD OF COUNTY COMMISSIONERS
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CHIEF DEVELOPMENT & INFRASTRUCTURE SERVICES ADMINISTRATOR
Lucia E. Garsys

To Whom It May Concern:

Please be advised this office has **APPROVED** your request for farm worker housing at the above location based upon the September 28, 2018 application and revised site plan received October 10, 2018.

Per Section 6.11.39 (Farm Worker Housing) of the Hillsborough County Land Development Code (LDC), the use shall follow the requirements listed below. Failure to comply with any of these requirements and/or all other applicable regulations may constitute grounds for revocation of this permit by Hillsborough County.

1. This is an approval for the Conditional Use Permit with the Community Development Division of the Development Services Department. **In addition to a Conditional Use Permit, site development review and approval with the Site Development/Plan Review Department may be required.** Please contact them to initiate a site development review of your proposed use. They can be reached at 272-5920 or in person at 601 E. Kennedy Boulevard, 19th Floor.
2. This approval permits a maximum of **12** manufactured farm worker housing units at the above location.
3. Farm worker housing sites, which includes, but is not limited to, housing, parking areas, athletic fields, and/or storage structures shall provide required front, side, and rear yards of **50 feet**. The site plan submitted with this application shows the setback requirement as being met.
4. Screening equal to that specified under 6.06.06 shall be provided between the farm worker housing and adjacent properties with residences, if the farm worker housing is located within 200 feet of the zoning lot line and if the residences located on adjacent properties are under different ownership. The abutting properties to the west are vacant. The property abuts single family to the south and east, which will require screening in accordance with Section 6.06.06.

5. All structures containing dwelling units shall be located a minimum of ten feet apart.
6. All access drives serving the farm worker housing site shall be packed shell, gravel, or a similar material which will provide a relatively dust free surface.
7. All farm worker housing shall provide adequate sewage disposal and water supply systems which meet all Federal, State, and local requirements.
8. All farm worker housing shall be maintained in a neat, orderly and safe manner.
9. **This farm worker housing approval is valid for two (2) years. Farm worker housing extension shall be renewed upon certification in the form of an affidavit that the housing continues to be farm worker housing only. It shall be the responsibility of the housing provider or property owner to provide the certification in a timely manner.**
10. If for any reason the approval is not renewed, the dwelling units which exceed the density of the Comprehensive Plan must be removed within 90 days of written notification from the County, or certain units may remain if converted for sale or rent as Affordable Housing in accordance with 6.11.07.

If you have further questions, please contact Cara Woods of my staff at (813) 276-8396.

Sincerely,



J. Brian Grady, AICP, Executive Planner
Community Development Section
Development Services Department

cc: Andy Pfeiffer, Code Enforcement ;



Orsini Law
Group
LLC

November 24, 2020

William J. Molloy
Molloy & James
325 South Boulevard
Tampa, Florida 33606

RE: Opinion as to whether it is lawful to house temporary workers in RV type accommodations.

Dear Mr. Molloy,

This will confirm that it is my opinion that it is lawful to house temporary workers in RV style trailers subject to regulations under both the Florida Administrative Code (Chapter 64E-14 and 64E-15) Statutes (copies of which are attached hereto) and Sections 381.008-381.00897, Florida. These regulations provide for the sanitation and housing guidelines for housing migrant workers which are analogous to the temporary workers employed by U.S. Lawns. 64-E-15.010 (2) (a) specifically references applications and renewals for "migrant parks". 64E-15.010 (1) (b) specifically references inspection standards for migrant farmworkers housed in units in a park. Units are defined in 64E-15.001(7) as "Non Self-Contained Unit" – means a recreational vehicle which does not have a flush toilet, bathtub, or shower. The term non self-contained unit includes tents. "and in 64E-15.001(11) "Self-Contained Unit" – means a recreational vehicle which has a flush toilet, bathtub or shower, handwashing compartment, and internal storage compartments of potable water supply and sewage holding.

The fact that migrant workers, units and recreational vehicle parks are addressed in the statutes and administrative code would confirm that as a general proposition, it is lawful and legal, to house temporary workers in recreational vehicle style trailers.

Sincerely,

A handwritten signature in blue ink that reads "Scott T. Orsini".

Scott T. Orsini

CHAPTER 64E-14
CAMPS

64E-14.001	Migrant Farmworker Housing – General (Repealed)
64E-14.002	Definitions
64E-14.003	Construction Procedures, Variances
64E-14.004	Standards, Permits, Inspections, Violations, Complaints and Retaliation
64E-14.005	Application and Variance Fees
64E-14.006	Sites
64E-14.007	Buildings and Structures
64E-14.008	Water Supply
64E-14.009	Garbage and Refuse Disposal
64E-14.0095	Pesticide Use, Storage and Disposal
64E-14.010	Vermin Control
64E-14.011	Heating
64E-14.012	Lighting
64E-14.013	Sewage and Liquid Waste Disposal
64E-14.014	Plumbing
64E-14.015	Personal Hygiene Facilities
64E-14.016	Field Sanitation Facilities
64E-14.017	Food Service Facilities
64E-14.018	Sleeping Facilities, Beds and Bedding
64E-14.019	Fire Protection (Repealed)
64E-14.020	Citations, Fines
64E-14.021	Responsibility of Operator and Owners
64E-14.022	Supervision
64E-14.023	Enforcement
64E-14.024	Animal Health and Safety

64E-14.001 Migrant Farmworker Housing - General.

Rulemaking Authority 381.006(5), 381.0086 FS. Law Implemented 381.0081 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.51, Amended 8-6-92, 11-17-94, Formerly 10D-25.051, Repealed 12-29-16.

64E-14.002 Definitions.

As used in this chapter, the following meanings shall apply:

- (1) "Barracks" – A large building used for temporary occupancy and synonymous with the term dormitory.
- (2) "Common areas" – That portion of a migrant labor camp or residential migrant housing not included within private living quarters and where migrant labor camp or residential migrant housing residents generally congregate.
- (3) "Department" – For the purpose of this rule, the term "Department" has the same meaning as the definition that appears in Section 381.008(2), F.S.
- (4) "Family" – Includes spouse, children, stepchildren, foster children, parents, stepparents, fosterparents, brothers and sisters.
- (5) "Field" – A cultivated expanse of land, especially one devoted to a particular crop. For example, a farm producing, wheat, rice, corn, soybeans, barley, beans, rye, sorghum, cotton, tobacco, potatoes, sugar crops, hay, peanuts, mint, hops, tomatoes, strawberries, and other such crops.
- (6) "Garbage disposal" – For the purpose of this rule, the term "Garbage disposal" has the same meaning as the definition that appears in Section 381.008(12), F.S.
- (7) "Group toilets" – A room providing a suite of water closets or toilets and lavatories.
- (8) "Hand-labor operations" – Agricultural activities or agricultural operations performed by hand or with hand tools. Hand labor operations also include activities or operations performed in conjunction with hand labor in the field. Examples of "hand labor

operations” are the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings, or other crops, including mushrooms, plant (nursery) farms, sod farms, and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field. “Hand-labor” does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses), or the operation of a machine, such as a picker or tractor.

(9) “Hand tools” – any hand-held implement used in agriculture by manual laborers to prepare and plant field crops for harvest.

(10) “Incident of employment” – Something that is contingent upon or related to being employed. For the purpose of this rule, this term shall also mean the same as condition of employment. Examples include housing provided by farm labor contractors or growers for the migrant and seasonal farmworkers they employ or that are employed by any other farm labor contractors.

(11) “Lighting” – For the purpose of this rule, the term “Lighting” has the same meaning as the definition that appears in Section 381.008(10), F.S.

(12) “Major Deficiency” – Non compliance of a standard or numerous violations of the standards of this chapter which solely or collectively cause an imminent threat to public health or cause a high risk of injury. Examples of major deficiencies are untreated sewage on the ground, unsafe or deteriorated housing, contaminated water supply, holes in floors extending completely through the original designed exterior, unsafe stairs and flooring posing a risk of persons falling, unsafe ceiling with risk of imminent collapse, ceiling or roof leaks, gas leaks, exposed or cross connection of electrical wires, boarded windows where the 10 percent window area requirement is not met, boarded doorways providing egress or ingress.

(13) “Migrant farmworker” – A person who is or has been employed in hand-labor operations in planting, cultivating, or harvesting agriculture crops within the last 12 months and who has changed residence for purposes of employment in agriculture within the last 12 months.

(14) “Migrant labor camp” – For the purpose of this rule, the term “Migrant labor camp” has the same meaning as the definition that appears in Section 381.008(5), F.S.

(15) “Personal hygiene facilities” – For the purpose of this rule, the term “Personal hygiene facilities” has the same meaning as the definition that appears in Section 381.008(9), F.S.

(16) “Potable water” – Water which is satisfactory for drinking, food preparation, bathing, and meets drinking water standards of Chapter 62-550, 62-555, 62-560, or 64E-8, F.A.C.

(17) “Private living quarters” – A building or portion of a building, dormitory or barracks, including its bathroom facilities, or a similar type of sleeping and bathroom area, which is a home, residence, or a sleeping place for a resident of a migrant labor camp or residential migrant housing.

(18) “Residential migrant housing” – For the purpose of this rule, the term “Residential migrant housing” has the same meaning as the definition that appears in Section 381.008(8), F.S.

(19) “Seasonal farmworker” – A person who, within the last 12 months, is or has been employed where a minimum of 50 percent of their time in that position involves hand-labor operations and who has not changed residence for the purpose of employment in agriculture. This term includes seasonal workers employed in alternative positions not related to hand-labor operations once the harvesting season has ended. For example, the term seasonal worker includes persons employed operating a machine, such as a picker or tractor, during periods when the hand-labor operations have ended for the season.

(20) “Sewage disposal” – For the purpose of this rule, the term “Sewage disposal” has the same meaning as the definition that appears in Section 381.008(11), F.S. The standards by which a facility is “approved” for “satisfactory treatment and disposal of human excreta and liquid waste” are found in Chapter 64E-6 or 62-600, F.A.C. All facilities shall be constructed and maintained in compliance with the requirements established in these chapters, as appropriate, before receiving a permit.

(21) “Single Family Residence” – A structure that is designed and built to house only one family rather than several unrelated persons (such as barracks) or multiple families (such as rooming houses).

(22) “Structure” – For the purpose of this chapter, the term shall mean any building or municipality approved housing which offers protection from the elements for migrant and seasonal farmworkers and includes family residential units, multi-family units, barracks, and rooming houses.

(23) “Substantially renovated” – Migrant farmworker housing which has been remodeled or enlarged to comply with current local building, plumbing, electrical, or fire safety codes and the water supply and sewage disposal sections of this chapter. This does not apply to cosmetic repairs or routine maintenance.

(24) “Vermin” – Any of various small animals or insects that are destructive, or injurious to health, such as cockroaches or rats.

(25) "Water closet" – A room or booth containing a toilet and often a washbowl or basin.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.008 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.52, Amended 8-6-92, 11-17-94, Formerly 10D-25.052, Amended 4-25-99, 9-12-99, 9-30-08.

64E-14.003 Construction Procedures, Variances.

(1) Notice of Construction. Any and each person who is planning to construct, enlarge, remodel and occupy, or use a migrant labor camp or residential migrant housing or to convert a property for use or occupancy as a migrant labor camp or residential migrant housing shall give notice in writing of intent to do so to the department at least 45 days before the date of beginning such construction, enlargement or renovation. The notice shall give the location of the property within that county, a proposed construction plan, enlargement or renovation drawn to scale for the department to determine compliance with all rules and the name and mailing address of the person giving the notice. The plan shall include the location and description of the type of water supply and sewage disposal systems if the facility is not planned for connection to municipal systems.

(2) Variances. A person may apply for a permanent, structural variance from specific standard(s) by filing an application for such a variance with the Department of Health. The variance request shall be in writing and it must:

(a) Clearly specify the standard(s) from which the variance is desired;

(b) Provide adequate justification that the variance is necessary to obtain a beneficial use of an existing facility, and to prevent a practical difficulty or unnecessary hardship; and,

(c) Clearly set forth the specific alternative measures that the owner or operator has taken to protect the health and safety of occupants and adequately show that such alternative measures have achieved the same result as the standard from which the variance is sought.

(3) Each request for a variance shall be accompanied with a check for \$100.00, made payable to the Bureau of Community Environmental Health, and it shall be sent to the local County Health Department for the county in which the variance is requested.

(4) Within 30 days after receipt of the variance application, the department shall review the application and request from the applicant submission of all additional information necessary for the department to make a determination on the variance request. The department shall, in writing, grant or deny the variance within (90) days of receipt of the variance application, or within 90 days of receipt of all additional information necessary to complete the application when a request for additional information has been made by the department in accordance with this section. Failure of the department to grant or deny the variance within 90 days, shall constitute harmless error, and shall not provide the basis for an argument that the variance was, in fact, granted.

(5) For the purpose of the rule, this subsection has the same meaning as Section 381.0086(6), F.S.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0083, 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.53, Amended 8-6-92, 11-17-94, Formerly 10D-25.053, Amended 9-12-99, 9-30-08.

64E-14.004 Standards, Permits, Inspections, Violations, Complaints and Retaliation.

(1) Standards. Before any person establishes, operates, or allows occupancy of a migrant labor camp or residential migrant housing, the operator shall ensure that the camp or housing complies with the minimum standards of construction, sanitation, and, equipment established in Sections 381.008 through 381.00897, F.S. the rules of this chapter, and the Occupational Safety and Health Act of 1970, 29 U.S.C. s. 655, or the Housing and Urban Development (HUD) Chapter 10 Housing Quality Standards as referenced in the Housing Choice Voucher Program Guidebook 7420.10G effective as of April 2001. The Occupational Safety and Health Administration's (OSHA) standards for Temporary Labor Camps in 29 U.S.C. s. 655, and HUD's Chapter 10 Housing Quality Standards in the Housing Choice Voucher Program Guidebook 7420.10G, are herein adopted and incorporated by reference. A copy of the OSHA Standards can be obtained at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9791, or U.S. Government Printing Office, 732 N. Capital Street, Washington, DC 20401. A copy of the Chapter 10 HUD Housing Quality Standards referenced in the Housing Choice Voucher Program Guidebook can be obtained at the U.S. Department of Housing and Urban Development Office located at Brickell Plaza 909 S.E. 1st Ave., Room 500, Miami, Florida 33313, or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>. Any housing that is furnished as a condition of employment so as to subject it to the requirements of OSHA shall only be inspected under the OSHA standards. This applies to migrant labor camps as that term is defined in subsection 64E-14.002(14), F.A.C. The HUD standards are applicable only to housing authority projects funded to house migrant and seasonal farmworkers. Mobile Home Parks that have 5 or more seasonal or migrant

farmworkers as occupants of the park will be issued a revised Mobile Home/RV Park and Residential Migrant Housing Permit.

(2) Application for Permits.

(a) All applications for a permit to operate a migrant labor camp or residential migrant housing shall be filed with the department at least 30 days prior to the date of operation on DH Form 4082, Application For A Migrant Labor Camp Permit, Sept. 98, incorporated herein by reference. DH Form 4082 is available at county health departments located in each county or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>. Completed applications required in this subsection shall be submitted to the county health department where the farmworker housing is located and shall be accompanied by the fee specified in Rule 64E-14.005, F.A.C.

(b) In the event of a change of ownership of a migrant labor camp or residential migrant housing, the new owner shall file DH Form 4082 with the department at least 15 days before the change of ownership occurs and pay the application fee amount designated in subsections 64E-14.005(1)-(3), F.A.C.

(3) Permit. Prior to the issuance of a permit, the department shall perform an initial inspection to determine whether the proposed migrant labor camp or residential migrant housing operation conforms to the minimum standards established in subsection (1), of this rule. The department shall issue a permit for operation of the migrant labor camp or residential migrant housing upon all violations being successfully corrected after the initial inspection. The department will accept a recent (within three months) satisfactory federal sanitation inspection report, form HUD 9822, as a substitute for a pre-occupancy inspection of housing authority projects. A permit shall be required and must be obtained annually for each such migrant labor camp or residential migrant housing. Permits shall expire on September 30 next after the date of issuance and shall not be transferable.

(4) Inspections.

(a) Migrant labor camps and residential migrant housing occupied 6 weeks or more during a quarter shall be inspected at least twice quarterly during periods of occupancy. Migrant labor camps and residential migrant housing occupied less than 6 weeks during the quarter shall be inspected at least once during the quarter within that 6 week period. Proper documentation must be provided from the owner, operator or person in charge, clearly indicating the period of occupancy. Such documentation may include letters, memos, applications, or inspection forms.

(b) HUD Housing Authorities shall only be inspected twice annually.

(c) Migrant farmworker occupied mobile homes in a mobile home park meeting the 5 or more seasonal or migrant farmworker requirement, will be inspected and required to meet the migrant program standards when issued a revised Mobile Home/RV Park and Residential Migrant Housing Permit. Inspections shall be conducted using inspection form DOH 4060, effective 01/05, Migrant Labor Camp or Residential Migrant Housing Inspection Report, herein incorporated by reference, in accordance with this paragraph. The form may be obtained at the county health departments located in each county, or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>. Department personnel shall conduct inspections at reasonable hours and in accordance with Section 381.0088, F.S.

(d) Field sanitation facilities inspections as defined in Rule 64E-14.016, F.A.C., shall be made at random in the normal course of staff activities.

(5) Violations.

(a) When a major deficiency as defined in subsection 64E-14.002(12), F.A.C., is reported to housing permittees or supervisors, a maximum of 48 hours shall be given to make corrections or provision for corrections that meet the requirements of this chapter. The permittees or supervisors must submit proof (i.e., receipt, estimates or cost analysis sheet, etc.,) to the department's staff at the time of the reinspection to show that the major deficiency has been corrected or is in the process of being corrected within the 48 hours timeframe allotted by this rule. The documents presented to the department's staff must come from companies or persons licensed to provide the required services (i.e., licensed septic tank contractors, licensed plumbers, contractors licensed in building trades and other professions). If the department grants the permittee a time extension to correct the violation, the permittee must provide documentation showing that provisions have been made to correct the major deficiency within 48 hours from the issuance of the extension issued by the county health department staff. The documentation must include a start and completion date by which the major deficiency will be corrected. The major violation must be corrected on or by the date indicated in the documentation, otherwise, the department will issue a citation with a fine. Three or more violations which constitute major deficiencies as defined in subsection 64E-14.002(12), F.A.C., cited during an inspection shall be cause for the department to seek legal remedy in accordance with Rule 64E-14.023, F.A.C.

(b) Continual or repeat violations of the same inspection items related to migrant farmworker housing are cause for the issuance

of a citation imposing a fine. A continual or repeat violation is a violation that occurs 3 or more times during a permit year.

(6) **Complaints.** Any person may file a complaint when they believe that any occupied migrant labor camp or residential migrant housing is in violation of any housing standard contained herein. Such complaint may be made to a county health department or to the Bureau of Community Environmental Health. Upon receipt of the complaint, county health department staff shall inspect the housing identified to determine if a violation does exist. Should the complaint allege a major deficiency at the migrant labor camp or residential migrant housing, the inspection shall be made as soon as practicable. All other complaints will result in a notification to the owner and operator advising them of the complaint and that the alleged violation must be remedied within 3 business days. The department shall conduct an inspection as soon as practicable following such three day period to confirm that the violations have been corrected. When the alleged violations have been corrected, the complainant and the owner and operator shall be notified in writing within 15 working days of the outcome of the complaint and the closure of the complaint process. Upon request of the complainant, the department shall conduct the inspection so as to protect the confidentiality of the complainant.

(7) **Retaliation Prohibited.** Migrant labor camp and residential migrant housing residents and occupants who make complaints in good faith about housing and sanitary conditions shall not be retaliated against by the owner or operator. Examples of conduct for which an owner or operator may not retaliate are stated in Section 381.00895, F.S.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0081, 381.0082, 381.0083, 381.00893 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.54, Amended 8-6-92, 11-17-94, Formerly 10D-25.054, Amended 6-23-98, 9-12-99, 9-30-08.

64E-14.005 Application and Variance Fees.

The following application fees for migrant labor camp and residential migrant housing operations shall be assessed annually, with the exception of those facilities meeting the criteria in subsection (4), of this rule:

- (1) Camps or housing with facilities for 5 to 50 occupants: \$125.00.
- (2) Camps or housing with facilities for 51 to 100 occupants: \$225.00.
- (3) Camps or housing with facilities for 101 or more occupants: \$500.00.

(4) Migrant labor camps and residential migrant housing, which have been newly constructed and those which have been substantially renovated are exempt from the annual application fee required in this rule for the next annual permit after the renovation or construction occurred. The owner or operator of a mobile home/RV park as defined in Chapter 513, F.S., that is also regulated as migrant farmworker housing, shall only be required to pay a single park fee, unless there have been major deficiencies or uncorrected deficiencies cited by the department, or administrative action taken within the past year regarding the requirements for migrant labor camps and residential migrant housing set forth in Chapter 381, F.S., in which case the applicant shall pay the fee required in Section 381.0084, F.S.

(5) Permitted migrant labor camps and residential migrant housing are exempt from the application fee when the following three conditions have been met during the inspection year:

- (a) Had no uncorrected violations after reinspection by the department;
- (b) Had no pending administrative complaint or citation final orders;
- (c) Had no major deficiencies cited by the department.

(6) Each \$100 fee collected for requests for variances shall be deposited to a unique revenue code and shall be used solely for the enhancement of the Migrant Labor Camp and Residential Migrant Housing Program.

Rulemaking Authority 381.006(5), 381.0086 FS. Law Implemented 381.0084 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.55, Amended 8-6-92, 11-17-94, Formerly 10D-25.055, Amended 6-23-98, 9-12-99, 9-30-08.

64E-14.006 Sites.

(1) All sites shall be well drained, free from standing water, and maintained to inhibit the breeding of mosquitoes. Natural sinkholes, swamps, pools, or other surface collections of water are not allowed within 200 feet of the periphery of the outermost building, unless such quiescent water surfaces can and will be subjected to mosquito control measures. A government created surface water diversion pool built within 200 feet of the outermost shelter after the origination of the housing shall not disqualify the housing from meeting this location standard.

(2) Structures in which food is prepared or served and where sleeping quarters are located shall be more than 500 feet from any area where livestock is kept.

(3) All shelter sites shall be adequate in size to permit locating of buildings so as to minimize the hazards of fire.

(4) Roads – Roads shall be designed and maintained to accommodate in a safe manner the vehicles accessing the facilities.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.57, Amended 8-6-92, 11-17-94, Formerly 10D-25.057, Amended 9-30-08.

64E-14.007 Buildings and Structures.

(1) Buildings and structures of migrant labor camps and residential migrant housing shall be weather-tight and shall provide protection from the elements. Steps, porches, hallways and other means of egress shall be sturdy and safe. At least one-half of the floor area of private living quarters shall have a minimum ceiling height of seven feet, except for manufactured trailers which must have a minimum ceiling height of six and one-half feet. All private living quarters of migrant labor camps and residential migrant housing constructed, enlarged, or renovated after September 1, 1992, shall have ceiling heights of seven feet or more. Floors used in private living quarters shall be constructed of wood, concrete or other comparable material. Wooden floors shall be of tight durable construction with a cleanable finish. Floor coverings shall be easily cleanable and maintained in good condition, free from obvious soiling.

(2) Buildings and structures in all migrant labor camps and residential migrant housing shall have the corresponding utility connections for equipment required by this rule during occupancy. The owner or operator responsible for the building or structure shall ensure that all required heating, cooking, and water heating equipment is provided. The owner or operator is responsible for ensuring that the equipment is installed in accordance with state and local ordinances, codes, and regulations governing such installations.

(3) Every room used for sleeping purposes in private living quarters shall provide a minimum of 50 square feet of floor space for each occupant. In a room where workers cook, live, and sleep, a minimum of 100 square feet of floor space per person shall be provided.

(4) The floors, roofs, and exterior walls, and ceilings of all buildings and structures shall be sound and in good repair. Wooden exteriors of shelters shall either be constructed of decay resistant wood, painted with a lead-free paint, or covered with another type of protective coating.

(5) Rooms used for sleeping purposes and common areas in private living quarters shall have at least one window opening directly to the outside. The minimum total window area of a migrant labor camp or residential migrant housing shall equal ten percent of the floor area of each room. In addition, at least one-half of each window shall be constructed so that it can be easily opened for ventilating the room except where department approved mechanical ventilation is provided. In computing total window area and openable window area, jalousie doors may be counted.

(6) Facilities established as migrant labor camps prior to 1980 which were in compliance with the U.S. Department of Labor, Employment Training Administration's standards of 20 C.F.R., Section 620, shall be deemed in compliance with the space requirement.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.58, Amended 8-6-92, 11-17-94, Formerly 10D-25.058, Amended 9-30-08.

64E-14.008 Water Supply.

(1) An approved or permitted supply of potable water under pressure that conforms with the requirements of Chapters 62-550, 62-555, and 62-560, or 64E-8, F.A.C., shall be available at all times during occupancy in each migrant labor camp and residential migrant housing for drinking, culinary, bathing, dishwashing, and laundry purposes.

(2) The water supply shall be capable of providing at least 50 gallons per person per day.

(3) Adequate facilities for providing hot water at a minimum 110 degrees Fahrenheit for bathing and dishwashing purposes shall be available at all times during periods of occupancy.

Rulemaking Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.59, Amended 8-6-92, 11-17-94, Formerly 10D-25.059.

64E-14.009 Garbage and Refuse Disposal.

(1) Garbage shall be retained in cleanable, watertight receptacles of impervious material which are provided with tight fitting covers suitable to protect the contents from flies, insects, rodents and other animals. Receptacles shall be provided in sufficient

quantity to store garbage from all buildings and housing units.

(2) Garbage containers shall be kept clean and shall be emptied on a regular basis, but not less than twice weekly.

(3) Provisions shall be made for disposing of the garbage, kitchen wastes and other refuse in accordance with Chapter 62-701, F.A.C., and local codes, as applicable.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.60, Amended 8-6-92, 11-17-94, Formerly 10D-25.060, Amended 9-30-08.

64E-14.0095 Pesticide Use, Storage and Disposal.

(1) All empty pesticide containers shall be securely placed in a plastic bag and properly disposed into a garbage receptacle or in accordance with EPA pesticide disposal guidelines found at: <http://www.epa.gov/pesticides/regulating/disposal.htm>, or disposed of according to the label on the product. Empty pesticide containers must not be reused to store any other substance other than the same kind of pesticide that originally came in the container.

(2) All common household pesticides, such as roach spray, chlorine bleach, kitchen and bathroom disinfectants, rat poison, insect and wasp sprays, repellents, baits, flea and tick shampoos, dips for pets and any other pesticide products applied in the migrant housing unit must be used according to the distributor or manufacturer's label on the product. All pesticide containers shall contain their original product and the containers shall be properly labeled. Pesticide containers found with products other than the original contents shall be discarded immediately.

(3) Containers containing common household pesticides used within migrant and seasonal farmworker housing units must be properly stored in a safe place, such as in a closet or cabinet away from food and other consumable items. In housing units where children reside, the common household pesticides must be stored out of the reach of children in a locked cabinet or closet away from children. Toxic chemicals must be stored out of the reach of children and in a locked area if children are residing in the home.

(4) Farming tools shall not be stored in the migrant and seasonal farmworker housing units.

Rulemaking Authority 381.006, 381.0086(1) FS. Law Implemented 381.0086(1) FS. History--New 9-30-08.

64E-14.010 Vermin Control.

Effective measures shall be taken to prevent infestation by and harborage of vermin. All migrant and seasonal farmworker housing units shall be free of all vermin and maintained in a vermin free and vermin proof condition. All outside openings shall be effectively sealed or screened with a 16 mesh screen or equivalent in order to prevent entry of insects, rodents, or other vermin. If evidence shows that an infestation of vermin is found in the housing units, the owner or operator of the housing unit will be required to hire a licensed or certified exterminator to exterminate the vermin found in the housing unit. The owner or operator shall inform the migrant or seasonal farmworkers by posting a notice in the camp or housing unit to which it applies of any indoor application of pesticides prior to the application. When a licensed or certified exterminator applies pesticides in the home unit, the owner or operator shall obtain from the licensed or certified exterminator information about the potential risks and safety precautions that must be taken. The owner or operator shall share the information with the farmworkers and other household occupants. The owner or operator shall provide proof to the county health department official at the next inspection that the housing unit was exterminated by a certified exterminator, with a receipt for the extermination service rendered. Failure by the owner or operator to provide proof to the department that measures taken to control vermin in the housing unit are department approved, shall constitute a violation of this chapter.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.61, Amended 8-6-92, 11-17-94, Formerly 10D-25.061, Amended 9-30-08.

64E-14.011 Heating.

(1) All private living quarters, and bathrooms of migrant labor camps and residential migrant housing shall be equipped with heat producing devices to maintain a room temperature of 68 degrees Fahrenheit.

(2) Heating appliances, other than electrical, shall be provided with a flue pipe or vent connected to the appliance and discharging to the outside air. Cooking facilities shall not be considered heating equipment.

(3) Automatically operated heat producing equipment shall be provided with controls to cut off the fuel supply upon the failure or interruption of flame or ignition or whenever a predetermined safe temperature or pressure is exceeded. All steam and hot water

systems shall be provided with safety devices designed to prevent hazardous pressures and excessive temperatures.

Rulemaking Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.62, Amended 8-6-92, 11-17-94, Formerly 10D-25.062.

64E-14.012 Lighting.

Each private living quarter in a migrant labor camp or residential migrant housing shall be provided with at least one ceiling or wall type light fixture capable of providing 30 foot candles of light at a point 30 inches from the floor and at least one separate double electric wall outlet. Interior areas in which people congregate, laundry rooms, shower rooms and toilet rooms shall be provided with a minimum of one ceiling or wall type fixture capable of providing at least 20 foot candles of light at a point 30 inches from the floor. Electric wiring shall be installed in accordance with the provisions of city or county electrical codes. Light bulbs shall be furnished in all facilities.

Rulemaking Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.63, Amended 8-6-92, 11-17-94, Formerly 10D-25.063.

64E-14.013 Sewage and Liquid Waste Disposal.

(1) Approved facilities shall be provided and maintained in all migrant labor camps and residential migrant housing for the satisfactory disposal and treatment of excreta and liquid waste.

(2) Such facilities shall be constructed and maintained in compliance with Chapter 64E-6 or 62-600, F.A.C.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.64, Amended 8-6-92, Repromulgated 11-17-94, Formerly 10D-25.064, Amended 9-30-08.

64E-14.014 Plumbing.

All plumbing in migrant labor camps and residential migrant housing shall be in compliance with provisions of local plumbing codes.

Rulemaking Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.65, Amended 8-6-92, Repromulgated 11-17-94, Formerly 10D-25.065.

64E-14.015 Personal Hygiene Facilities.

(1) Personal Hygiene Facilities Requirements for Migrant Labor Camps and Residential Migrant Housing Ratio Chart of Number of Facilities to Number of People.

	Constructed Prior September 1, 1992		Constructed/Renovated (or facilities permitted for the first time) After September 1, 1992	
	Male	Female	Male	Female
Toilets	1:15	1:20	1:12 Up to 84 Above 84	1:8 Up to 64 Above 64
Urinals	1:25		1:20 Up to 160 Above 160	1:12
Showers or Baths	1:20	1:20	1:15	1:15
Handwash	1:20	1:20	1:6	1:6
Drinking Fountain		None		1:50
Laundry		1:25 Families		1:30 Farmworkers

(Note: Drinking water fountain ratio pertains to dormitories and barracks only)

(2) A toilet, hand washing, and bathing facility shall be located within 200 feet of each sleeping area of a migrant labor camp.

(3) Where toilet rooms are shared, such as in multi-family housing units and barracks, toilet facilities shall be provided for each sex. These rooms shall be distinctly marked “Men” and “Women” by signs printed in English and in the native language of the persons occupying the camp. If the facilities for each sex are in the same building, they shall be separated by a solid wall or partition extending from the floor to the roof or ceiling. All group toilet rooms in migrant labor camps and residential migrant housing shall be constructed with privacy partitions between each water closet to block the occupants from view. All privacy partitions for toilets shall have doors. All toilet facilities shall be equipped with a self closing entrance door and maintained in good repair, cleaned with a disinfectant and provided with toilet paper and a garbage receptacle.

(4) Each individual family unit shall contain at least one flush toilet, bathing facility and hand washing unit. If there are minor children in the family, there must be private bathing and toilet facilities provided within the individual living quarters of the family.

(5) Toilet rooms in individual family units shall be so located that no individual is required to pass through a sleeping area, other than their own, in order to use toilet facilities. Adequate lighting shall be provided in all toilet rooms. Toilet rooms shall be ventilated to the outside when there is no window. No flush toilet fixture or urinal shall be located in a sleeping room.

(6) The floors of hand washing, bathing and laundry facilities in migrant labor camps and residential migrant housing shall be of smooth but non-skid finish, impervious to moisture, and sloped to drain.

(7) A laundry facility shall consist of a two compartment stationary tub or an electric washer and dryer. Except as provided elsewhere in this rule, there must be at least one laundry facility provided at each migrant labor camp and residential migrant housing establishment. In the event the laundry facility is not located on the premises of residential migrant housing establishments, the owner or operator of the residential migrant housing must either install a laundry facility on the premises or provide transportation to the laundry facility for the migrant or seasonal farmworkers occupying the permitted residential migrant housing. The owner or operator must provide transportation to the laundry facility at least twice a week for the migrant or seasonal farmworkers.

(8) A separate laundry basket shall be provided by the owner or operator for farmworkers to separate the workers’ soiled clothing worn in the fields from other clothing worn in the home. The laundry basket must be labeled in the native language of the majority of the farmworkers and in English (for example, Spanish and English, Haitian Creole and English, Vietnamese and English) as: “Dirty Field Clothing, Wash Separately”. The owners and operators shall obtain a copy of the United States Environmental Protection Agency’s mini booklet entitled “Steps to Protect Yourself from Pesticides,” at <http://www.cdc.gov/nasd/docs/d000701-d000800/d000732/d000732.html>, or from the county health department to distribute to the migrant and seasonal farmworkers. The booklet contains educational material in Spanish, English and Haitian Creole, explaining the precautionary measures that must be taken to prevent pesticide poisoning in the home as well as explaining the importance of separating soiled field clothing from other clothing worn in the home. The booklets provided must be in the native language of the migrant and seasonal farmworkers. The owners or operators shall obtain a list of contact information for the migrant and seasonal farmworkers directing them where to seek medical attention and where to report a poisoning incident. The list shall be displayed in a conspicuous place in a common area in the migrant labor camp or residential migrant housing units for the health official to view during the inspections.

(9) Floor drains properly trapped shall be provided in all shower baths and shower rooms to remove waste water and facilitate cleaning. The walls and partitions of shower rooms shall be smooth and impervious to moisture. A hose bib equipped to prevent backflow is required in each communal shower area. Soap and single service hand drying facilities shall be provided at communal personal hygiene facilities.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History--New 1-1-77, Amended 10-7-84, Formerly 10D-25.66, Amended 8-6-92, 11-17-94, Formerly 10D-25.066, Amended 9-30-08.

64E-14.016 Field Sanitation Facilities.

Field Sanitation Facilities Requirements:

Number of persons	Toilets	Hand Washing Units	Drinking Water
5-10	1	1	Yes

(1) Where 5 to 10 hand-laboring farmworkers are employed in one location at one time, a field sanitation facility, consisting of 1 toilet facility and 1 hand washing unit shall be provided. The toilet and hand washing unit shall be located adjacent to each other. The facility shall be located within a one-quarter-mile walk of any hand-laborer's place of work in the field. Where it is not feasible to locate facilities as required above due to terrain, the facilities shall be located at the point of closest vehicular access.

(2) Field toilet facilities shall be constructed and maintained in accordance with provisions of Rule 64E-6.0101, F.A.C., emptied at least weekly, and provide a minimum storage capacity of 50 gallons per unit. Waste from all field toilet facilities shall be disposed by a method approved by the county health department. The department shall approve portable water flushed units when determined appropriate for a particular situation. Toilet facilities shall have a screened ventilation opening and self-closing doors that can be closed and latched from the inside and shall be constructed to ensure privacy.

(3) Field hand washing units shall be convenient and supplied with potable water in portable containers and shall be provided with soap or other cleanser and single use hand-drying towels. A waste container shall be provided for the used towels, and the wastewater from the hand washing unit shall not cause a sanitary nuisance.

(4) Drinking water shall be potable and provided in containers constructed of smooth, impervious, corrosion resistant material Hydrocoolers or water coolers constructed as such are acceptable for use. Potable water containers shall be maintained by sanitary methods. The interiors of potable water containers shall be cleaned and sanitized at least daily. The containers shall be marked with the words "Drinking Water," in English and in the native language of the majority of the workers. Single service cups shall be provided unless bottled water is provided or water is dispensed from a fountain equipped with an angled, protected jet outlet. Ice used for cooling drinking water shall be made from potable water. The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees. County health department staff, during the normal course of their work, shall take water samples at random to ensure the potability of the drinking water.

(5) The owners, operators, crewleaders, or primary persons in charge shall ensure that sanitary facilities are available (handwashing receptacles, soap, water, etc.) to allow for washing of hands after working in the fields and before drinking, eating or smoking tobacco. Farmworkers shall be reminded not to eat unwashed produce from the field or use pesticide containers or other items from the field for food or drinking containers to prevent accidental ingestion of pesticide residues.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77. Amended 10-7-84, Formerly 10D-25.67, Amended 8-6-92, 11-17-94, Formerly 10D-25.067, Amended 9-12-99, 9-30-08.

64E-14.017 Food Service Facilities.

(1) In each individual family unit, there shall be provided a range, a sink supplied with hot and cold water under pressure, and a refrigerator-freezer capable of maintaining temperatures at or below 41 degrees Fahrenheit for the refrigerator and at or below 0 degrees Fahrenheit for the freezer.

(2) In structures without a central mess, cooking facilities shall be provided for use by all occupants. Ranges, refrigerator-freezers, and sinks supplied with hot and cold water under pressure shall be provided in a ratio of one to 10 persons or fraction thereof. Provision shall be made for safe storage and refrigeration of food. Commissaries operated for the use of the occupants of the housing and not permitted by the Department of Business and Professional Regulation shall be inspected by department staff.

(3) In facilities where there is a central mess servicing a dining room or mess hall, the central mess shall be operated and equipped in compliance with Chapter 64E-11, F.A.C. A separate permit for operation of the central mess in the migrant labor camp shall be required.

(4) Field kitchens shall be inspected and shall comply with Chapter 64E-11, F.A.C.

(5) Field kitchens, dining rooms, mess halls for migrant labor camps and other areas where food is prepared or served shall be protected with screening of not less than 16 mesh. All screen doors shall be self closing and open outward.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77. Amended 10-7-84, Formerly 10D-25.68, Amended 8-6-92, 11-17-94, Formerly 10D-25.068, Amended 9-30-08.

64E-14.018 Sleeping Facilities, Beds and Bedding.

(1) Sleeping facilities shall be available to each migrant labor camp and residential migrant housing occupant. Barracks type facilities which are designed or operated for both sexes shall contain separate sleeping facilities for each sex. Sleeping facilities shall consist of beds, or, cots or bunks complete with mattresses. The operator shall monitor the sleeping facilities to ensure the areas are clean and that bedding is clean and free from rips and holes. All mattresses must either be replaced or cleaned when soiled or include a clean protective mattress covering made of a material, such as cloth. The covering shall also be smooth and easily cleanable. The covering must be designed to remain intact and protect the mattress from getting soiled. Bed coverings shall be kept clean and in good repair. The owners and operators of the migrant labor camps or residential migrant housing will be responsible for ensuring the

protective mattress covers remain intact over the mattresses in use during the periods of occupancy.

(2) Weekly inspection of beds and bedding by the operator shall be made to ensure control of vermin. When vermin are found or reported, effective extermination measures shall be undertaken immediately.

(3) Every bed, cot or bunk in migrant labor camps and residential migrant housing covered by this chapter shall be elevated from the floor. There shall be a clear ceiling height of not less than 36 inches above any mattress and there shall be a clear space of not less than 27 inches between the top of the lower mattress and the bottom of the upper bunk of a double deck bed in facilities regulated under this chapter. Triple deck facilities shall be prohibited. Single beds or bunks shall be provided for each of the occupants in barracks facilities.

(4) Single beds, cots or bunks shall be spaced not less than 36 inches laterally or end to end and double-deck facilities shall be spaced not less than 36 inches laterally or end to end. A minimum of four feet of clear aisle space shall be provided in all barracks type facilities.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.69, Amended 8-6-92, 11-17-94, Formerly 10D-25.069, Amended 9-30-08.

64E-14.019 Fire Protection.

Rulemaking Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.70, Amended 8-6-92, 11-17-94, Formerly 10D-25.070, Amended 9-12-99, Repealed 12-29-16.

64E-14.020 Citations, Fines.

(1) Citations shall describe the particular nature of the violation, including a specific reference to the provisions of statute or rule allegedly violated. Each day the violation exists without being corrected constitutes a separate violation for which a citation may be issued. The citation shall be issued to the owner, supervisor, or operator of the migrant farmworker housing or to the responsible person for remedying the field sanitation facilities' violation including the crew leader, the harvesting company, or the property owner and when a responsible person cannot be identified, any of the above may be cited. The fines imposed by a citation issued by the department may not exceed \$500.00 for each violation.

(2) Field Sanitation Citation Fines.

- | | |
|---|--|
| (a) No soap, hand drying towels, or waste container for towel disposal. | \$50.00 |
| (b) Toilet facilities are not screened or self-closing and do not ensure privacy. | \$75.00 |
| (c) Hand washing facilities not available or not located adjacent to the toilet. Facilities not located within a quarter mile walking distance from farmworkers. | \$100.00 |
| (d) Water containers improperly constructed or not marked in English and the native language of the majority of the workers. Single service cups not provided and ice not from an approved source. | \$100.00 |
| (e) Waste water from hand washing facility causes a sanitary nuisance. The amount of drinking water available is not sufficient to prevent dehydration or disease. Toilet facilities do not provide a minimum 50 gallon storage capacity. | \$250.00 |
| (f) Sewage from toilet facilities is not properly disposed or toilet and drinking water facilities are not provided. | First Offense \$250.00 Additional Offenses \$500.00. |

(3) To have the amount of the imposed fine reduced up to one-half, the citation recipient must submit physical proof to the department's county health department director, administrator, or other authorized staff that the violation was corrected within 48 hours from the time of the citation. In determining whether to reduce or waive the fine, the department shall give due consideration to such factors as the gravity of the violation, the good faith in correcting the violation demonstrated by the person who has allegedly committed the violation, and the person's history of previous violations, including violations for which enforcement actions were taken under this section or other provisions of state law.

(4) The citation recipient may request an administrative hearing within 21 days of the date of receipt of the citation by following procedures listed on the citation DOH Form 4084.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086, 381.0087 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.71, Amended 8-6-92, 11-17-94, Formerly 10D-25.071, Amended 9-12-99, 9-30-08.

64E-14.021 Responsibility of Operator and Owners.

(1) The operator and owner shall be responsible for complying with all statutory requirements and rules issued thereunder relating to migrant labor camps and residential migrant housing. Migrant housing owners or operators who have established rules for access and visitation shall provide a copy of those rules to the county health department. The county health department shall maintain on file a copy of the access and visitation rules provided by the housing management.

(2) The entire premises of a migrant labor camp and residential migrant housing shall be free from rubbish, waste paper, garbage and other litter. When migrant farmworker housing is closed for the season, all garbage, litter and debris shall be removed from the site.

(3) The owner, operator or his agent shall inspect daily or provide a competent individual to inspect daily the grounds and common-use areas including toilets, showers, laundries, mess halls, dormitories, kitchens or any facilities relating to the operation of the facility and ensure that each is maintained in a clean, satisfactory operating condition and kept in good repair.

Rulemaking Authority 381.006, 381.0086 FS. Law Implemented 381.0086, 381.0087 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.72, Amended 8-6-92, 11-17-94, Formerly 10D-25.072, Amended 9-12-99, 9-30-08.

64E-14.022 Supervision.

Facilities occupied by 50 or more persons shall be supervised by a resident supervisor who may be the operator or the operator's agent or employee. All persons designated as camp supervisors shall be jointly responsible with the camp operator for the maintenance of the facility. The name, telephone number, address or instructions on how to locate the operator and supervisor shall be kept posted in a prominent and conspicuous location in the camp at all times. A telephone easily accessible to all occupants of the facility shall be maintained during periods of operation. Operable pay phones will meet this requirement.

Rulemaking Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.73, Amended 8-6-92, 11-17-94, Formerly 10D-25.073.

64E-14.023 Enforcement.

(1) Civil and Criminal Remedies. Any person who constructs, maintains, or operates a migrant labor camp or residential migrant housing without first obtaining a permit or who maintains or operates a facility after revocation of the permit is subject to the remedies and penalties described in Section 381.0012, 775.082, 775.083(1), (2), 381.0061, 381.0081(1)-(5) or 381.0087, F.S. This includes a third degree felony offense for operating migrant housing without a permit and in violation of the provisions of Personal Hygiene Facilities, Lighting, Sewage Disposal, or Garbage Disposal sections of this chapter. Migrant farmworker housing properties owned or operated by persons convicted of a third degree felony for non-compliance with the provisions listed in the previous sentence are subject to seizure by the department. Operators of migrant labor camps and residential migrant housing convicted of a misdemeanor for violation of this chapter or issued cease and desist orders through civil injunctive processes for violations of this chapter may have the permits revoked by the department. The department shall notify the operator in writing when such action is taken. Cease and desist complaints shall be filed simultaneously when a county public health unit director or administrator declares that a violation of this rule constitutes an immediate threat to the occupant's or public's health.

(2) Any person who interferes with, hinders, or opposes any employee of the department in the discharge of his or her duties pursuant to the provisions of Chapter 381, 386, 513, or 514, F.S., or who impersonates an employee of the department, is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, F.S.

Rulemaking Authority 381.008-381.0086 FS. Law Implemented 381.0012, 381.0025, 381.0061, 381.0087 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.74, Amended 8-6-92, 11-17-94, Formerly 10D-25.074, Amended 9-30-08.

64E-14.024 Animal Health and Safety.

(1) Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of a current vaccination certificate shall be kept by the owner/operator of migrant labor camps or residential migrant housing and shall be made available to the department upon department request.

(2) All animals must be kept free from disease and in good health or under treatment by a licensed veterinarian.

(3) Aggressive, venomous, or potentially dangerous animals are not allowed in migrant labor camps or residential migrant housing units.

Rulemaking Authority 381.006, 381.0086(1) FS. Law Implemented 381.0086(1) FS. History—New 9-30-08.

Chapter 64E-15, Florida Administrative Code Mobile Home, Lodging, and Recreational Vehicle Parks and Recreational Camps

64E-15.001 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings indicated:

(1) "Easily Cleanable" – surfaces that are readily accessible and of such material, finish and so fabricated that residue may be effectively removed by normal cleaning methods.

(2) "Family Residential Unit" – means a habitable room of rooms set aside in either a single building or a multi-unit building for the exclusive use of a single family.

(3) "Group Camp Site" – means campsites open to the public which provide housing for transient occupancy. Occupants of such campsites are housed in tents or similar housing which provide protection from the elements to transient, overnight campers. The term also includes sites utilized by organizations such as Boy Scouts, Girl Scouts, church or other non profit groups whose memberships are open to the public.

(4) "Habitable Room" – means a room or enclosed floor space of a permanent living quarter used or intended to be used at a recreational camp for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets or other storage space.

(5) "Mobile Home Space" – means a designated parcel of land designed for the accommodation of a mobile home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.

(6) "Modification" – means an increase in the number of a park's spaces or a camp's capacity or a change in the configuration of the park or camp. Reduction of the total number of spaces by consolidation of existing adjacent spaces is not considered a modification.

(7) "Non Self-Contained Unit" – means a recreational vehicle which does not have a flush toilet, bathtub, or shower. The term non self-contained unit includes tents.

(8) "Potable Water Supply Station" – means a facility used to fill the water storage tanks of recreational vehicles with potable water from an approved water system pursuant to the provisions of Chapter 64E-8, 62-550 or 62-555, F.A.C.

(9) "Recreational Vehicle Space" – means a parcel of land in a recreational vehicle park designated for the placement of one recreational vehicle, one park model recreational vehicle or one tent for the exclusive use of its occupants. A site may also contain such temporary structures as screened enclosures and storage sheds, or it may contain a combination of one recreational vehicle and tents for the exclusive use of a single family.

(10) "Sanitary Dump Station" – means a properly designed facility used for receiving and disposing of liquid wastes from recreational vehicle holding tanks.

(11) "Self-Contained Unit" – means a recreational vehicle which has a flush toilet, bathtub or shower, handwashing compartment, and internal storage compartments of potable water supply and sewage holding.

(12) "Semi-Primitive Wilderness Camp" – means camp sites open to the public accessible only by walk-in, equestrian, or motorized trail vehicles that do not contain facilities for overnight stay as do group camp sites.

(13) "Shelter" – means any building of one or more rooms, mobile homes, and recreational vehicles used for sleeping or living quarters at a recreational camp.

(14) "Tent" – means a collapsible shelter made of canvas or other fabric supported by ropes or poles.

Specific Authority 381.0011(13), 513.05 FS. Law Implemented 513.01, 513.05 FS. History—New 5-20-96, Formerly 10D-26.100.

64E-15.002 Sites – Mobile Home, Lodging, and Recreational Vehicle Parks.

(1) General.

(a) Each site of a new or modified mobile home, lodging or recreational vehicle park shall be evaluated by the county public health unit to determine that it is not subject to environmental hazards. Park spaces shall be graded so

that water drainage will not cause standing water under the unit.

(b) The area of a new or modified mobile home, lodging, or recreational vehicle park shall be planned to accommodate the designated number of mobile home or recreational vehicle spaces, tents, buildings, necessary streets, roadways and parking areas for motor vehicles in accordance with the provisions of this rule. Every park shall provide space so that the parking, loading or maneuvering of manufactured and recreational housing shall not necessitate the use of sidewalks or rights-of-way or any private ground not part of the park.

(c) All spaces of existing parks shall be deemed to comply with the space requirements of this rule on its effective date, if the space does not adversely impact public health through overcrowding, overloading the sewage treatment and disposal system, overload of the solid waste storage system, overload of the water supply system, or the creation a sanitary nuisance.

(2) Mobile Home and Lodging Parks. The minimum area requirements of each mobile home space constructed or developed after the effective date of this rule shall be as follows:

(a) Each mobile home space designated for a single section mobile home shall contain a minimum of 2400 square feet with a minimum 35 foot width.

(b) Spaces to be utilized for a double-wide mobile home shall contain no less than 3500 square feet with a minimum 50 foot width.

(c) All mobile home and lodging park spaces and their appurtenances shall be located a minimum of 5 feet or more from the exterior boundaries, from the water of any canal, lake, or other body of water within the park.

(3) Recreational Vehicle Parks. The minimum size and location of each recreational vehicle space constructed or developed after the effective date of this rule shall be as follows:

(a) Each recreational vehicle space shall contain a minimum of 1200 square feet.

(b) The density shall not exceed 25 recreational vehicle units per acre of gross site.

(c) Each tent space shall contain a minimum of 500 square feet.

(d) Each recreational vehicle space shall be clearly identified.

Rulemaking Authority 381.0011(13), 513.05 FS. Law Implemented 513.03 FS. History—New 5-20-96, Formerly 10D-26.110, Amended 12-30-09.

64E-15.003 Water Supply.

(1) The water supply for each Mobile Home Park, Lodging Park, Recreational Vehicle Park, or Recreational Camp, shall comply with the provisions of Chapter 64E-8, F.A.C., Drinking Water Systems, or Chapter 62-550, F.A.C., Drinking Water Standards, Monitoring and Reporting, 40 CFR 141, Subpart I – Control of Lead and Copper, Edition of July, 2000, which is incorporated herein by reference and available free on the internet, 40 CFR 141 Subpart L – Disinfection and Residuals, Disinfection Byproducts and Disinfection Byproduct Precursors, Edition of July 1, 2003, which is incorporated herein by reference and available free on the internet, 40 CFR 141 Subpart O – Consumer Confidence reports, Edition of July 1, 2004, which is incorporated herein by reference and available free on the internet, Chapter 62-555, F.A.C., Permitting, Construction, Operation, and Maintenance of Public Water Systems, and Chapter 62-560, F.A.C., Requirements for Public Water Systems That Are Out of Compliance. The system for each park shall be designed for the maximum water demand.

(2) In a mobile home or lodging park, at least one water supply service connection shall be provided to each mobile home space and shall be so designed and constructed as to prevent backflow or back-siphonage. The water connections shall be protected from damage by the parking of mobile homes. Multi-family mobile home units shall be provided an individual water supply connection to each family residential unit served.

(3) Every building in a recreational vehicle park which provides personal hygiene or cooking facilities shall be connected to an approved, potable water supply which meets the minimum requirements of subsection (1) above. Recreational vehicle parks shall also comply with the following additional requirements:

(a) In recreational vehicle parks, where each space is served by a water supply service connection, the connection shall be protected against the hazards of backflow and back-siphonage.

(b) All recreational vehicle parks shall provide at least one easily accessible, backflow and back-siphonage

protected potable water supply station with a water supply outlet for filling vehicle storage tanks. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 100 spaces, or fraction thereof, that do not have water hookups at the site. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 250 spaces, or fraction thereof, when more than 50 percent of the spaces have water and sewer hookups.

(c) Non-potable water accessibility shall not be co-located with potable water access points (hydrants, taps, or hose bibbs). Non-potable water access shall be designated and secured to prevent use as a potable water supply. Residents and guests shall be informed how to identify any non-potable water accessibility points within a park or camp.

Rulemaking Authority 381.011(13), 513.05 FS. Law Implemented 381.006(1), 386.041, 513.12, 513.05 FS. History—New 5-20-96, Formerly 10D-26.120, Amended 12-30-09.

64E-15.004 Sewage Disposal.

(1) A safe method of sewage collection, disposal, or treatment and disposal shall be provided at each park or camp and shall be in compliance with either Chapter 64E-6, Standards for Onsite Sewage Treatment and Disposal Systems, or Chapter 62-600, F.A.C., Domestic Wastewater Facilities. Transportable wastewater containers and cassette-type toilets may be used under the following conditions:

(a) The transportable wastewater container and cassette-type toilet must be specifically designed and sold for holding and transporting wastewater, and must have a tight-capping lid and watertight connections that under normal use will not leak or spill.

(b) Waste from hand washing sinks, kitchen sinks, and showers may be disposed of into transportable wastewater containers. Toilet waste may not be placed into a transportable wastewater container.

(c) Cassette-type portable toilets are acceptable for the holding and transportation of toilet waste, provided the storage container can be sealed in such a manner as to preclude leaking or spillage during transportation.

(d) Transportable wastewater containers and cassette-type toilets shall be transported to an approved disposal site in such a manner as to preclude leakage, spillage or the creation of a sanitary nuisance.

(e) Should waste spill onto the ground from a transportable wastewater container or cassette-type toilet, the person transporting the tank shall immediately notify the park's management.

(f) Park managers are responsible for enforcement of these provisions. Parks or camps agreeing to the use of transportable wastewater containers and/or cassette-type toilets shall post a sign or otherwise notify camp residents of a phone number where any transportable wastewater containers or cassette toilet spills can be reported to management. Park management shall have on file a protocol for disinfecting spills, and will take action to disinfect the spill area.

(2) Each mobile home site shall be provided with a sanitary sewer connection point. The waste line connector between the mobile home unit and the park's sewer system shall be self draining and leak proof from liquids and gases and be connected by means of a rigid, acid resistant connector.

(3) In recreational vehicle parks, where each space is provided a sanitary sewer disposal connection, the connection shall be self draining and leak proof from liquids and gases and be connected by means of a readily removable, acid resistant material.

(4) The connection point for all sewer outlets shall be tightly capped when not in use.

(5) All recreational vehicle parks shall be provided with at least one easily accessible sanitary dump station for the use of occupants or patrons. Recreational vehicle parks, constructed after the effective date of this rule shall provide a sanitary dump station for each 100 spaces, or fraction thereof, or for each 250 spaces, or fraction thereof, when more than fifty percent of the spaces have sewage disposal hookups.

(6) Sanitary dump stations shall consist of a trapped four inch sewer riser pipe that is connected to an approved sewage system. It shall be surrounded at the inlet end by a concrete apron sloped to the drain and provided with a suitably sized and hinged cover. A water supply outlet for wash down shall be provided with a water source which is protected from backflow and back-siphonage, and retractable, spring coiled water delivery device or other system

approved by the local plumbing jurisdiction.

(7) A sign shall be posted immediately adjacent to the wash down hose stating in letters of at least three inches height, WATER NOT SAFE FOR DRINKING.

Rulemaking Authority 381.011, 513.05 FS. Law Implemented 381.006(7), (14), 381.0065, 386.041, 513.08 FS. History—New 5-20-96, Formerly 10D-26.130, Amended 1-6-03, 12-30-09.

64E-15.005 Sanitary Facilities.

(1) Existing recreational vehicle parks shall be deemed in compliance with the sanitary facilities requirements of this Chapter if no reported and confirmed sanitary nuisances or communicable diseases have been reported due to insufficient numbers of sanitary facilities since January 1, 1993.

(2) All recreational vehicle parks constructed after the effective date of this rule shall provide a minimum of one toilet, one urinal, one handwashing fixture, and one shower for males and two toilets, one handwashing fixture, and one shower for females.

(3) Recreational vehicle parks constructed after the effective date of this rule which offer spaces to non self-contained units, shall provide the minimum required sanitary fixtures for each 25 non self-contained spaces or fractions thereof. For the purpose of this chapter, non self-contained units shall be considered to house two people equally divided as to gender. One of the required showers may be designated as gender neutral if interior locking devices and a private dressing room are available. Gender neutral facilities must be enclosed from floor to ceiling.

(4) Recreational vehicle parks, where water and sewage connections are available at each space and serve only self-contained units, are required to provide the minimum number of sanitary facilities for its patrons.

(5) Fixtures in sanitary facilities shall be maintained in working order and accessible. Toilet paper, soap, and single use hand towels or hand drying devices shall be provided at toilets and handwashing facilities.

(6) If a park owner files a letter with the county health department stating the recreational vehicle park has a potable water and sewer hook-up at each site and the park only rents to recreational vehicles that are self contained units, the park will be exempt from the sanitary facilities requirements in subsections 64E-15.005(2), (4), F.A.C., the sewage disposal requirements in subsections 64E-15.004(5), (6), (7), F.A.C., and the water requirements in paragraph 64E-15.003(3)(b), F.A.C.

Specific Authority 381.011, 513.05 FS. Law Implemented 381.006(6), (14), 386.041, 513.012 FS. History—New 5-20-96, Formerly 10D-26.140, Amended 6-7-07.

64E-15.006 Plumbing.

Plumbing shall be in compliance with the plumbing requirements of the 2007 edition of the Florida Building Code, herein incorporated by reference and available free on the internet at http://www2.iccsafe.org/states/florida_codes/.

Rulemaking Authority 381.011, 513.05 FS. Law Implemented 381.006(6), (14), 386.041, 513.05, 513.08, 553.73 FS. History—New 5-20-96, Formerly 10D-26.150, Amended 12-30-09.

64E-15.007 Garbage and Refuse Disposal.

(1) Garbage and refuse shall be stored, collected and disposed of in a manner that does not create nuisances, odors, rodent harborage, insect breeding, accident hazards, or air pollution.

(2) All garbage shall be stored in containers that are impervious to water and rodent vectors and have tight-fitting lids. Containers shall be provided in number to prevent garbage overflow. Portable bulk units for central storage shall be covered when not in use and cleaned on a scheduled basis.

(3) All garbage shall be collected twice weekly or in accordance with the frequency of the collection jurisdiction and transported in covered vehicles or covered containers. Burning of refuse in the park or camp is prohibited, except in incinerators for which the design and location has been approved by the Department of Environmental Protection. Refuse shall be transported and disposed of in accordance with provisions of Chapter 62-

701, F.A.C., Solid Waste Management Facilities.

Rulemaking Authority 381.011, 513.05 FS. Law Implemented 381.006(4), (14), 386.041, 513.012 FS. History--New 5-20-96, Formerly 10D-26.160, Amended 12-30-09.

64E-15.008 Insect and Rodent Control.

All park sites shall be well drained, free from standing water, and maintained to inhibit the breeding of mosquitoes. The premises shall be kept free of refuse, debris, garbage, waste paper and rubble which may provide harborage for rodents. Approved methods shall be used to reduce harmful rodents, insects, and arachnids such as rats, spiders, flies, ants, and ticks.

Specific Authority 381.011, 513.05 FS. Law Implemented 381.006(4), (14), 386.041, 513.05 FS. History--New 5-20-96, Formerly 10D-26.170.

64E-15.009 Recreational Camp Standards.

(1) Sites.

(a) Group camp sites shall be well drained and maintained to inhibit the breeding of mosquitoes. Cabins and sleeping quarters shall not be developed within 200 feet of marshes, bottom lands, natural sinkholes, swamps, stagnant water pools or other surface collectors of water.

(b) Eating and sleeping structures shall be located more than 200 feet from barns, pens or similar quarters of livestock or poultry.

(c) The total area required of a tent space shall be a minimum area of 500 square feet.

(d) Semi-primitive wilderness camps are not required to provide any of the facilities offered by this chapter. When offered, the facilities shall comply with the provisions of this chapter.

(2) Shelters.

(a) All rooms designed or used for sleeping purposes shall provide a minimum of 300 cubic feet of air space for each occupant. In computing the cubic footage of sleeping rooms, ceiling heights shall be counted to a maximum of 9 feet and no floor area shall be counted where the ceiling height is less than 6 feet.

(b) All shelters used as family residential units shall contain a minimum of 50 square feet of floor space for each occupant. Sleeping rooms in such family residential units shall also meet the air space requirements of this section.

(c) Separate sleeping quarters shall be provided for each gender except in the housing of families.

(d) All openable windows of the camp shall be screened with screening of not less than 16 mesh. Mechanical ventilation facilities shall be cleaned and maintained at least every six months.

(3) Heating-Recreational Camps.

(a) Heating appliances shall be provided in all non-transient shelters to maintain a minimum room temperature of 68 degrees Fahrenheit during the months of September through April.

(b) Heating appliances, other than electrical, shall be provided with a vent pipe or vent connected to the appliance and discharging to the outside air or chimney.

(4) Electric Wiring-Recreational Camps. Electric wiring shall be installed in accordance with the electrical requirements of the 2008 version of the National Electrical Code which is incorporated herein by reference and available from NFPA, One Batterymarch Park, Quincy, Massachusetts 02169-7471.

(5) Beds and Bedding-Recreational Camps.

(a) Sleeping facilities shall be provided for each camp occupant when alternative arrangements have not been made. Such facilities shall consist of beds, cots or bunks and shall include clean mattresses and mattress covers.

(b) Blankets and other bed coverings provided by the camp operator shall be laundered or otherwise sanitized between assignment to different camp occupants.

(c) Regular inspection of beds and bedding shall be made to ensure freedom from vermin. The extermination of vermin found in bedding shall be accomplished before anyone is allowed to use the bedding again.

(d) Every bed, cot or bunk shall have a clear space of at least 12 inches from the floor. There shall be a clear

ceiling height of not less than 36 inches above any mattress and there shall be clear space of not less than 27 inches between the top of the lower mattress and the bottom of the upper bunk of a double deck facility. Triple deck facilities shall be prohibited, and in sleeping rooms provided for other than family groups, double beds shall be prohibited.

(e) Beds, cots or bunks shall be spaced not less than 30 inches laterally or end to end. A minimum of 4 feet of clear aisle space shall be provided in all dormitories.

(6) Food Service Facilities-Recreational Camps.

(a) In camps where there is a central mess or multi-family feeding facility such as a dining room or mess hall, it shall be operated in compliance with Chapter 64E-11, F.A.C.

(b) Other food service operations shall be inspected and approved by the department.

(7) Sanitary Facilities and Sewage Disposal-Recreational Camps.

(a) For new construction after the effective date of this rule, the number of sanitary fixtures provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time. All shower and wash basin fixtures shall be provided with water under pressure. Tents shall be considered to house 2 people equally divided as to gender. Sanitary facilities ratios shall be provided for the following number of persons or fraction thereof:

	Females	Males
Toilets	1:10	1:15
Wash Basins	1:10	1:15
Showers	1:15	1:15
Urinals		1:25

(b) In dormitory or barracks type sleeping facilities, separate personal hygiene facilities shall be provided for each gender. The rooms shall be distinctly marked for male or female use. If the facilities for both genders are in the same building, the rooms shall be separated by partitions extending from the floor to the roof or ceiling. Provisions shall be made for adequate dressing space adjacent to each bathing facility.

(c) Every water closet or flush toilet installed shall be located in a toilet room and shall be properly connected to a satisfactory sewage treatment and disposal system which complies with the requirements of the department or the Florida Department of Environmental Protection. Each water closet shall have a privacy partition.

(d) Laundry facilities or another laundering alternative approved by the department shall be provided to meet the needs and purposes of the camp. Laundry facilities shall not be used for kitchen waste disposal. Laundry waste shall be disposed of in accordance with Rule 64E-15.004, F.A.C., of this rule.

(e) Toilet, handwashing, and bathing facilities contained in family residential units shall not be considered when establishing the required number of fixtures of communal sanitary facilities. Each family residential unit of a camp, excluding tents and recreational vehicles, shall contain at least a flush toilet, bathtub or shower, and a wash basin.

(f) The floors of toilet, handwashing, bathing, and laundry facilities shall be of easily cleanable, non-skid finish, impervious to moisture and sloped to a drain. Trapped floor drains shall be provided in all shower baths and shower rooms to remove waste water and facilitate cleaning. The walls and partitions of shower rooms shall be easily cleanable and impervious to moisture. When hose bibs are used to clean communal sanitary facilities, the hose bib is required to have a backflow prevention device. The wall and floor space to a point of 1 foot in front of the urinal lip and rising 4 feet on the sides of the urinal shall be faced with a non-absorbent material.

(g) In permanent buildings, each toilet room shall be so located that no individual is required to pass through a sleeping area, other than his own, in order to use toilet facilities. Toilet fixtures shall have privacy partitions. Toilet rooms shall be ventilated to the outside. A toilet facility shall be located no farther than 200 feet from the door of each sleeping room.

(8) Water Supply-Recreational Camps.

(a) A supply of water under pressure that conforms with the requirements of subsection 64E-15.003(1), F.A.C., shall be available for drinking, culinary purposes, and sanitary facilities.

(b) Where water is not provided in the habitable room of a shelter, water outlets shall be located such that no shelter or habitable room is more than 100 feet from such an outlet. Drainage from the overflow or spillage from

such outlets shall be plumbed to an approved sewage system.

(c) Where drinking fountains are provided, the construction shall be the angle jet type.

Rulemaking Authority 381.0011, 513.05 FS. Law Implemented 381.006(6), (14), 381.0072, 513.05 FS. History—New 5-20-96, Formerly 10D-26.180, Amended 12-30-09.

64E-15.010 Permits and Fees.

(1) Permit Required.

(a) A mobile home park or lodging park which also has 5 or more sites set aside for recreational vehicles, shall comply with all permitting requirements of recreational vehicle parks included in this chapter. Parks allowing less than 5 non self-contained recreational vehicles shall be required to provide sanitary facilities in the ratios of subsection 64E-15.005(3), F.A.C., Sanitary Facilities.

(b) Where 5 or more migrant farmworkers are housed in units of a park, the units which house the migrant farmworkers shall be inspected in accordance with the standards of Chapter 64E-14, F.A.C., Migrant Labor Camps, under the statutory authority of 381.008-.00897, F.S. The department shall issue a revised operating permit that will serve as both the park permit and the residential migrant housing permit.

(c) Any person holding a permit shall notify the local county health department in writing at least 30 days prior to the modification of any park or camp.

(2) Permit Application.

(a) Applications for first time permits, migrant parks, change of ownership and modification of existing parks, shall be made on DH Form 4037, Application for Mobile Home Park, Mobile Home Park Housing, Migrant Farmworkers, Lodging Park, Recreational Vehicle Park and Recreational Camp, 09/98, which is incorporated herein by reference and furnished by the department through the county health departments. Applications for first time permits shall be filed with the department at least 30 days before a park or camp's operations are scheduled to begin. Applications for renewal of a park or camp permit are not required except for a migrant park.

(b) Parks and camps that do not have a valid set of plans on file at the county public health unit on the effective date of this rule, must submit them at the time of permit application. The plans must include a drawing of the park or camp that includes the area and dimensions of the tract of land; the space number or other designation of the space; the location and size of all mobile home spaces, recreational vehicle spaces, and tent spaces; and the location of all roadways. The drawing does not have to be drawn to scale or completed by an engineer if the space dimensions are shown. For permanent buildings located within the park or camp, a floor plan shall be submitted showing the number, types and distribution of all plumbing fixtures.

(c) Persons planning to construct new mobile home, lodging, and recreational vehicle parks and recreational camps, and persons who plan modification of a park or camp shall submit a set of plans drawn to scale and include the area and dimensions of the tract of land; the space number or other designation of the space; the location and size of all proposed mobile home, recreational vehicle, or tent spaces; the location of roadways; and the location of any added service buildings.

(d) Persons who plan to consolidate and decrease the number of existing spaces in a park or camp shall provide the county public health unit with a drawing or drawings showing the changes to be made to the existing plans on file at the county public health unit. The drawing or drawings do not have to be drawn to scale or completed by an engineer if the dimensions of the enlarged space or spaces are shown on the drawing. The proposed action shall be approved, if the county public health unit does not object to the proposed consolidation of spaces, either in writing or by telephone, within five working days of the dated receipt of the plans.

(e) Plans for drinking water supplies shall conform with and be submitted in a manner prescribed by Chapter 64E-8 or 62-550, Chapters 62-555 and 62-560, F.A.C.

(f) Plans for sewage collection and treatment systems shall conform with and be submitted in a manner prescribed by Chapter 64E-6 or 62-600, F.A.C.

(3) Fees.

(a) Existing parks and camps that are renewing their annual permits shall pay the annual fee. All other permit

applicants, such as those for a change of ownership, reinstatement after revocation of permit, modification of an existing park, those parks qualifying as migrant parks or new establishments permitted after the first quarter shall pay a prorated fee on the remaining quarters of operation. The applicant who operates a park as defined in Chapter 64E-15, F.A.C., that is also regulated as migrant farmworker housing shall only be required to pay a single park fee, unless there have been major deficiencies or uncorrected deficiencies cited by the department or administrative action taken within the past year regarding the requirements for residential migrant housing set forth in Chapter 381, F.S., in which case the applicant shall pay the fee required in Section 381.0084, F.S.

(b) In determining the fee of a recreational camp operating as a commercial establishment, each 2 campers shall be considered equivalent to the occupancy of a tent space or a non self-contained recreational vehicle space. A commercial recreational camp shall pay an annual fee based on \$4.00 per equivalent space which shall not be less than \$100 nor more than \$600. Commercial recreational camp permits for changes of ownership, reinstatements after revocation of permit, or new establishments permitted after December 31, shall pay a prorated fee based on the remaining quarters of an annual operation.

(c) Permit fees shall not be refunded once the permit has been issued.

(d) A mobile home, recreational vehicle and/or lodging park shall pay an annual fee based on \$4.00 per space which shall not be less than \$100 nor more than \$600.

(4) Enforcement. Supplemental to other enforcement remedies, citations for violation of applicable rules shall be issued on DH Form 3159, Citation for Violation, Mobile Home, Recreational Vehicle, and Lodging Park and Recreational Camps Program, which is incorporated herein by reference and furnished by the department through the county health departments.

(5) Inspections. DH Form 4039, 10/09. Mobile Home, Lodging, Recreational Vehicle Park, Recreational Camp and Migrant Park Inspection Report shall be used for inspections of all parks or camps and is herein incorporated by reference and may be obtained from the department at any of the 67 local county health departments in the state.

Rulemaking Authority 381.0011(13), 381.006, 381.0084, 513.05 FS. Law Implemented 381.006(14), 381.0061, 381.008-.00895, 386.03, 512.065 513.012, 513.02, 513.03, 513.045, 513.05 FS. History—New 5-20-96, Formerly 10D-26.190, Amended 6-23-98, 1-6-03, 3-4-08, 12-30-09.

64E-15.011 Owner's and Operator's Responsibility.

(1) The recreational vehicle park or camp operator shall inspect daily or provide an individual to inspect daily during periods of operation, the grounds and common use spaces of buildings, structures and tents, including toilets, showers, laundries, mess halls, dormitories, kitchens or any facilities relating to the operation of the park or camp and ensure that each is maintained in a clean and working condition and the buildings are maintained in good repair.

(2) The name(s), telephone number, address or instructions how to locate the camp operator at all times shall be kept posted in a prominent location in the camp.

(3) The recreational camp operator shall be informed of the requirements relative to the reporting and control of communicable diseases and shall notify the county public health unit immediately when outbreaks of communicable disease are suspected or determined.

(4) All recreational camp employees and occupants shall have access to medical care and treatment through the 911 emergency telephone number.

Specific Authority 381.0011(13), 513.05 FS. Law Implemented 381.006(14), 513.02, 513.05 FS. History—New 5-20-96, Formerly 10D-26.200.

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TELEPHONE: (813) 254-7157

JUDITH L. JAMES

DANIEL L. MOLLOY

April 19, 2021

Board of County Commissioners
Zoning Hearing Master
Development Services

Re: Disaster and relief services and assistance.

USA Lawns Inc provides disaster relief and assistance to neighboring counties and states in response to large storm events such as hurricanes. Our ability to mobilize quickly along with being able to set up mobile housing for workers allows us to be successful. Most times we are onsite, completely set up to work, within 24 to 48 hours after the storm clears.

The temporary mobile house is the cornerstone to this effort. In a hurricane aftermath there is usually no power or utility access. With our housing will are 100 percent self-contained and self-sufficient. This housing is the base of our operations.

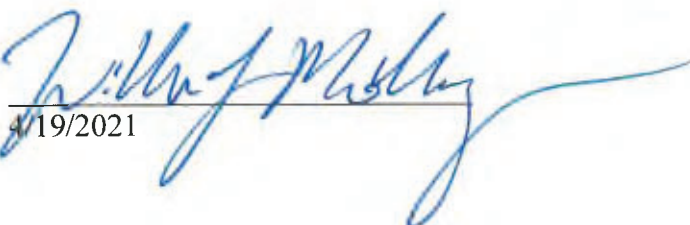
We have been able to serve communities that have suffered from hurricanes. Most recently we worked in the Pan Handle in response to the 2020 storms. Before that we worked extensively for many months in Panama City in response to Hurricane Michael.

We have been working in this capacity and have been helping communities going to Hurricane Charlie in 2004. Our crews were the first in after Hurricane Katrina and were onsite in the storm for Hurricane Rita."

Gratefully,

James Sciandra

William J. Molloy, as authorized representative:

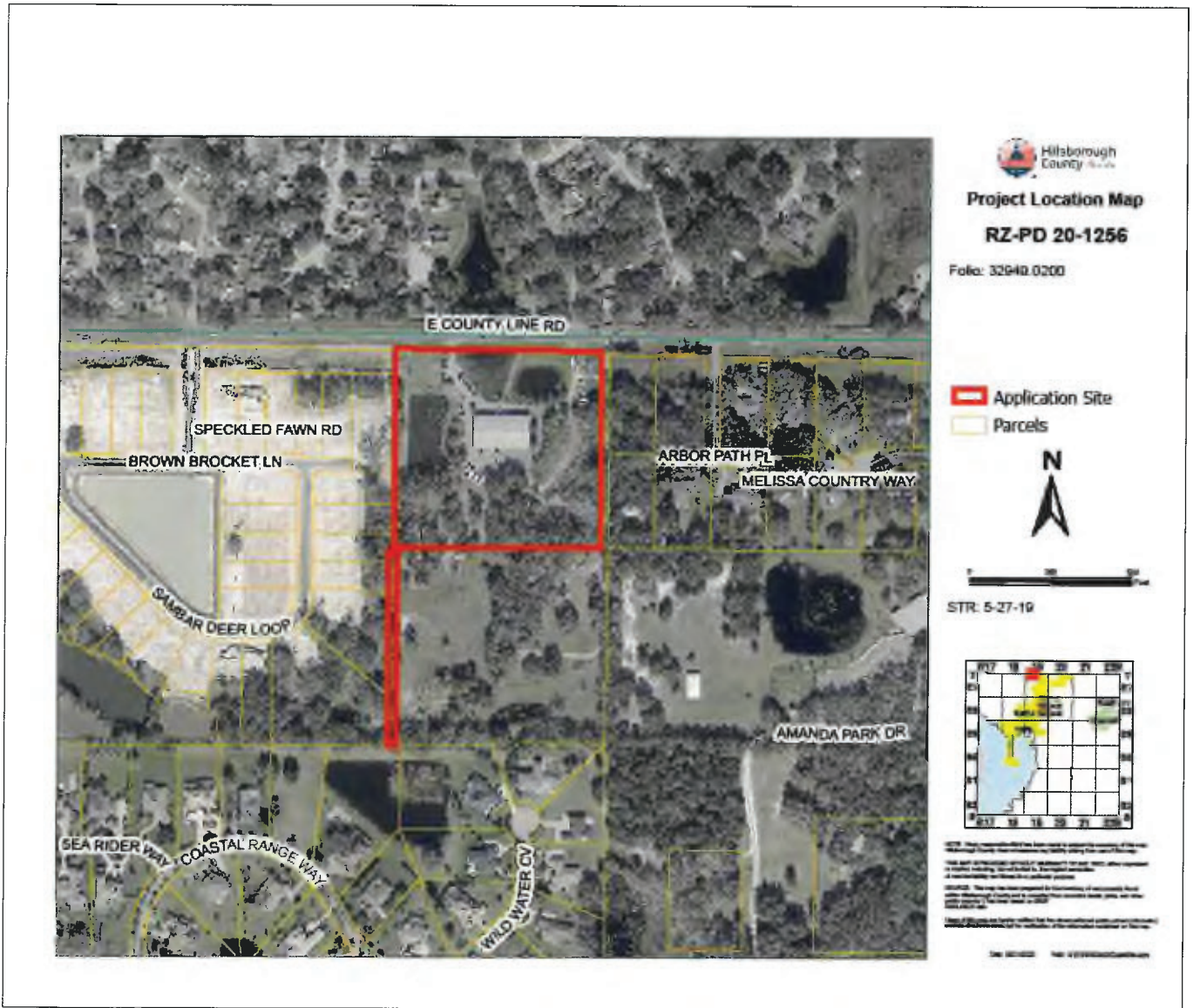
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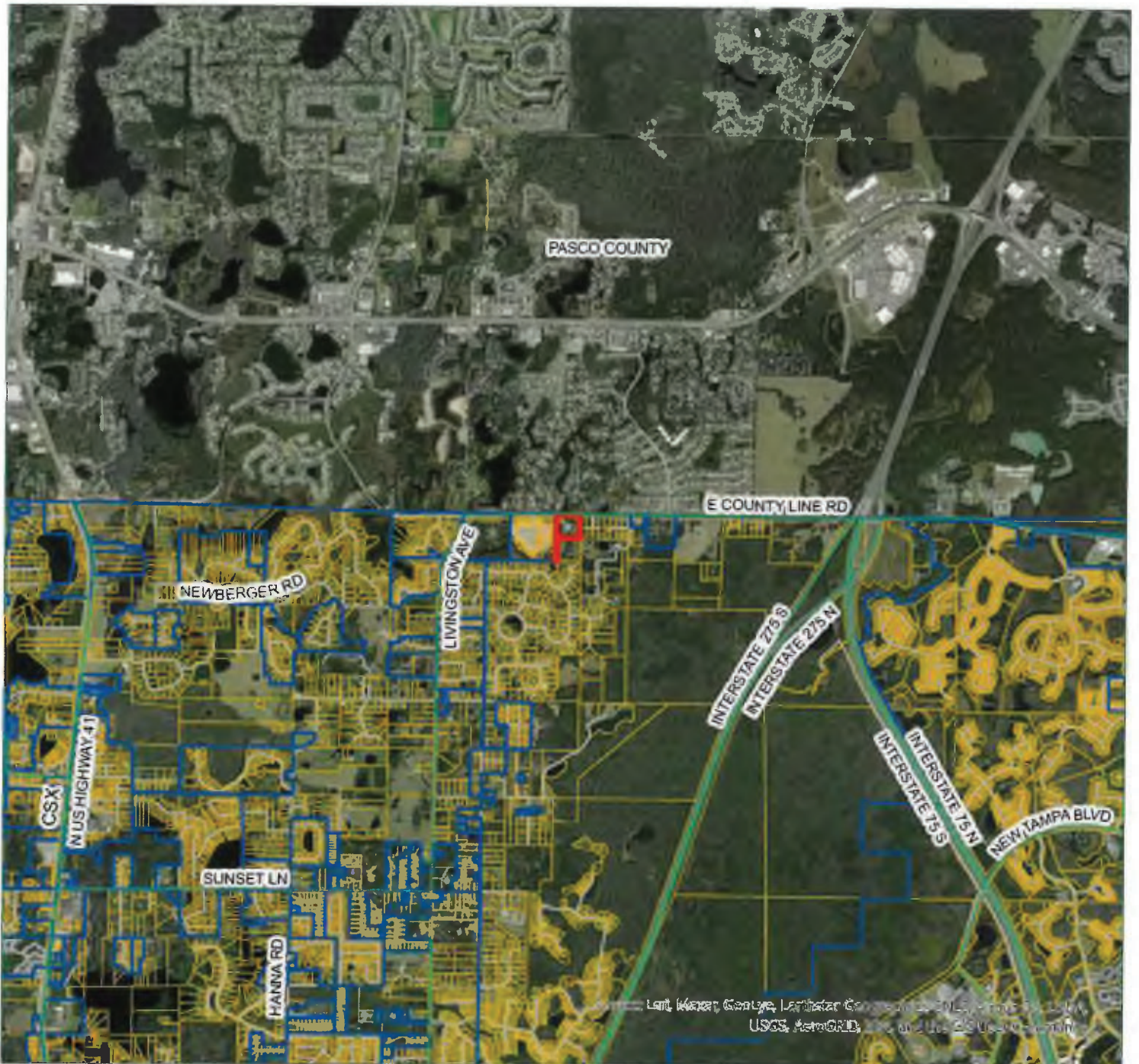


Hillsborough County Florida

SM STAFF REPORT

SUBJECT:	PD 20-1256	PLANNING AREA:	Lutz
REQUEST:	Rezoning to a Planned Development	SECTOR	Northwest
APPLICANT:	SISU Lutz, LLC		
Existing Zoning: AS-1		Comp Plan Category: RES-1	





Vicinity Map

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The applicant is requesting to rezone approximately 9.57 acres from AS-1 (Agricultural, Single-Family) to PD (Planned Development) to allow for a landscaping contractor's nursery with associated seasonal residential uses.

The subject site currently operates as a landscaping contractor's nursery with the proposal to allow 12 RV units to accommodate the site's seasonal workers. The contractor's nursery areas consist of 6.82 acres of the site. Within this 6.82 acres is 4.8 acres of plant growing areas (70% of the landscaping contractor's nursery area), 0.41 acres for an existing 18,000 sf warehouse which will remain and be used to store equipment and materials associated with the nursery, 0.28 acres of wetlands and 1.33 areas of stormwater ponds. The seasonal worker residential area will occur within 2.75 acres of the site. While the residential component will be comparable to Farm Worker Housing, RVs units, rather than conventional, manufactured, duplex or multi-family units will be used for the temporary housing.

The project area is located in the RES-1 Future Land Use (FLU) area and within the Rural Service Area.

The landscaping contractor's nursery component meets requirements found Land Development Code (LDC) Section 6.11.109.

- The site shall be 2.5 contiguous acres in size. The site is 9.57 acres in size total. Removing the 2.75 acreage to be used for residential, results in 6.82 acres. The site contains 0.28 acres of environmentally sensitive area, which is 4.1% of the landscaping contractor's nursery component area and 2.9% of the total acreage.
- A minimum 51% of the site shall be devoted to the reproduction, growth and/or significant increase in the value of plants. Of the 6.82 acres, 4.8 acres (or 70%) is used for the nursery.
- Services with pieces of equipment weighing more than 25,000 pounds that are utilized off-site shall have direct frontage access or easement access to a collector or arterial roadway. The site fronts County Line Road, an arterial roadway.
- No more than 20% of the site shall be utilized for the storage and/or maintenance of vehicles, equipment and materials. The existing 18,000 sf warehouse will be used for storage, which is 0.41 acres of the site. This represents 6% of the landscaping contractor's office acreage.
- All operational requirements of LDC Section 6.11.109 (such as types of sales, noise levels, etc.) are proposed to be met, as proposed by conditions of approval.

The farmworker housing component of the site will be a hybrid between an RV Park and Farm Worker Housing site. With the exception of the permitted housing types and internal roadways and length of stay, which will meet RV Park LDC Requirements instead, the farmworker housing component meets the requirements found in Land Development (LDC) Section 6.11.39 (Farmworker Housing).

- Farm worker housing may consist of single-family conventional, manufactured home, duplex or multi-family dwellings. This request will utilize RV units. In accordance with the RV Park

regulations, occupancy time limits are applicable.

- Farm worker housing may be provided on-site or off-site from a commercially productive farm. The proposed housing is on-site.
- Farm worker housing in rural and agricultural plan categories shall be limited to 8 units per acre. The RES-1 FLU category is rural and the residential component consists of 2.75 acres, allowing a maximum of 22 units. A total of 12 units are proposed.
- The farmworker housing sites shall provide a minimum 50 foot setback. The same setback is required for RV parks. The location exceeds this requirement to the north, south, west and east.
- When the farmworker housing site is located less than 200 feet from the zoning lot line, screening shall be provided. This requirement is not met to the west and south; therefore required screening will be provided. This requirement is met to the east; however, screening will still be provided.
- All dwelling units shall be located at least 10 feet apart. Proposed conditions require these internal setbacks.
- Water, wastewater and appearance requirements found in the LDC are conditioned to be met.
- Farmworker housing is valid for two years and requires renewal. Proposed conditions maintain this requirement.
- Internal drives for farmworker housing projects allow use of shell, gravel or similar materials. Given that the use will be RVs, the RV Park standards requiring a certain width and use of asphalt concrete or permeable paving block.
- As required for RV Parks, the site does have access to a collector or arterial road.

The site is located within the Lutz Community Plan Area and within the Rural Service Area; however, the Lutz Rural Development Standards are not applicable. The residential component is not a residential subdivision; therefore, LDC Section 3.09.05 does not apply. The landscaping contractor's office will utilize an existing warehouse, which is an agricultural structure given its association with nursery; therefore, the building is not required to meet enhanced building design standards. The use is categorized as an agriculture use and is therefore not subject to the fencing or parking requirements required of a commercial use.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The application does not require any variations to Land Development Code Parts 6.05.00 (Parking and Loading), 6.06.00 (Landscaping/Buffering) or 6.07.00 (Fences and Walls).

1.3 Evaluation of Existing and Planned Public Facilities

The project area is located in the Rural Service Area.

Estimated impact and mobility fees are as follows:

R.V Campground

(Per Site)

Mobility: \$862.00

Fire: \$299.00

Rural Mobility, Northwest Fire - RV campground - number of sites not specified

The site is located on the south side of East County Line Road. County Line Road is a 2-lane, undivided roadway maintained by Pasco County. Per the Hillsborough County Corridor Preservation Plan, County Line Road will be a 4-lane, divided roadway requiring a right of way of 110 feet. This project will be required to preserve 55 feet of right of way from the centerline of the road.

The project's sole access will occur on County Line Road. Currently, the site has two access points; however, the easternmost one will be removed. Access permits and any necessary road improvements will be made by Pasco County.

Transportation staff has no objections, subject to proposed conditions.

1.4 Natural Resources/Environmental

The Environmental Protection Commission has reviewed the application and finds that wetlands are present on the site. EPC staff has no objections, subject to proposed conditions.

The site is not located within a Wellhead Resource Protection Area Zone, a Surface Water Resource Protection Area Zone, a Potable Water Wellfield Protection Zone, a Significant Wildlife Habitat or within the Coastal High Hazard Area. Additionally, the site is not within or adjacent to any ELAPP property.

County Line Road is not a County designated Scenic Corridor.

1.5 Comprehensive Plan Consistency

The project is located within the RES-1 Future Land Use (FLU) category and within the Lutz Community Plan area. Planning Commission staff has found the proposed rezoning, with the proposed conditions of approval, to be **CONSISTENT** with the *Future of Hillsborough* Comprehensive Plan.

1.6 Compatibility

The site is located within a residential area in the northernmost area of the Lutz community.

- Property to the north is within Pasco County and separated from the site by County Line Road. The area is developed with a single-family neighborhood (Turtle Lakes). Homes along the north side of County Line Road are oriented away from the site with perimeter fencing, walls and/or vegetation along the roadway. The RV area will be located approximately 210 feet into the subject site. The project area closest to the road will consist of wetlands, stormwater ponds and portions of the plant growing areas.
- Properties to the east are zoned AS-1 with single-family homes developed on 1 acre lots. The subject site's eastern area will be used for the plant farm and provide a 6' high fence along the boundary. The subject site and eastern homes are separated by a 24+/- foot wide strip of property used as an access drive for property to the south. The RV area is approximately 216 feet from the eastern PD boundary with intervening nursery area.
- Property to the south is zoned AS-1 and consists of one 9.8 acre parcel developed with a single-family residence. The home is located approximately 300 feet south of the common property line. The southern area of the subject site will be used for 4.39 acres of nursery area. The RV area is located approximately 182 feet from the common boundary line. A six foot fence along this boundary will be provided.
- Property to the west is zoned PD (Planned Development) #18-0169. The site is approved for 33 single-family homes on 0.5 acre lots. The minimum rear yard setback along the common

boundary line is 25 feet. The site is currently under construction. The western area of the subject site will be used for nursery and stormwater pond areas and be screened with a 6' high fence. The subject site's RV housing area will be located approximately 173 feet from the boundary.

Staff has not identified any compatibility issues associated with this proposal.

1.7 Agency Comments

The following agencies have reviewed the application and offer no objections:

- Transportation
- Impact Fee
- Environmental Protection Commission
- Water Resource Services
- Conservation & Environmental Lands Management Department

1.8 Exhibits

Exhibit 1: Future Land Use Map

Exhibit 2: Aerial/Zoning Map – General Area

Exhibit 3: Aerial/Zoning Map – Immediate Area

Exhibit 4: Proposed Site Plan (PD 20-1256)

Requirements for Certification:

1. Site plan to delineate fence along the southern PD boundary.
2. Prior to PD site plan certification, the developer shall revise the PD site plan to:
 - a. Add, dimension and label the required right-of-way preservation as “ ___ ft of Right Of Way Preservation Per Hillsborough County Corridor Preservation Plan;
 - b. All uses not permitted to be located within the preservation area, consistent with Section 5.11.09 of the LDC, shall be removed from the PD site plan;
 - c. Revise the Project Data Table and any other portion of the PD site plan to remove the reference to “RV Park” as an allowable use. As requested, the applicant is seeking a hybrid use, and RV Parks in the traditional sense (as defined by the LDC) are prohibited. Labeling should reflect the unique use, so that future site plan reviewers are not confused as to what uses are permitted or which standards apply;
 - d. Revise the Project Data Table to specify a maximum of 20 hybrid (RV/Farm Worker Housing Units) consistent with the submitted transportation analysis; and,
 - e. Modify Note 20 of the General Notes section to reflect the information contained in staff's proposed parking condition.

2.0 Recommendation

Approvable, subject to the following conditions:

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted March 30, 2021.

1. The project shall be permitted for a landscaping contractor's nursery and associated farm worker housing.

2. Use areas, buildings, ponds, and roadways/driveways shall be generally located where depicted on the site plan.
3. The landscaping contractor's nursery shall comply with Land Development Code Section 6.11.109.
4. The RV area shall be utilized for associated farm worker housing to consist of a maximum of 12 RVs. These RV units and spaces shall not be sold or rented to anyone not associated with the subject landscaping contractor's nursery.
 - 4.1 The farmworker housing site (which includes, but is not limited to housing, parking areas, athletic fields, and/or storage areas) shall be located at least 175 feet from the western PD boundary, 215 feet from the northern PD boundary, 190 feet from the southern PD boundary (abutting folio 32949.0100), and 250 feet from the western PD boundary.
 - 4.2 All RVs shall be located a minimum of 10 feet apart.
 - 4.3 Internal roadways shall be a minimum of 30 feet in width with a minimum of 20 feet of pavement. Any cul-de-sacs shall have a minimum radius of 35 feet. All roadways shall consist of permanent paved material such as asphalt, concrete or a permeable paving block.
 - 4.4 All farming worker housing shall provide adequate sewage disposal and water supply systems which meet all Federal, State and local requirements.
 - 4.5 All farm worker housing shall be maintained in a neat, orderly and safe manner.
 - 4.6 The farm worker housing shall be renewed every two years per LDC Section 6.11.39.E.2.
 - 4.7 Rental of the spaces for RV farm worker housing may be done by the day or week. Occupancy of the RVs may not exceed 120 calendar days within any 360 day period, whether accumulated consecutively or intermittently.
5. A 6-foot high opaque PVC fence shall be provided along the western PD boundary (not inclusive of the southern 25 foot wide strip of property located to the west of folio 3249.0100).
6. A 6-foot high opaque PVC fence shall be provided along the eastern PD boundary.
7. A 6-foot high opaque PVC fence shall be provided along the southern PD boundary (where abutting the northern property line of folio 3249.0100).
8. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
9. The construction and location of any proposed wetland impacts are not approved by this

- correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.
10. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
 11. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
 12. E. County Line Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 4-lane roadway which, in accordance with the Hillsborough County Transportation Technical Manual (TTM) Typical Section – 4, requires a minimum of 110 feet of right-of-way to accommodate a 4-lane urban roadway section. As such, the applicant shall preserve sufficient right-of-way necessary that 55 feet of right-of-way exists south of the existing right-of-way centerline. Only those interim uses allowed by the Hillsborough County LDC shall be permitted within the preserved right-of-way. The right-of-way preservation area shall be shown on all future site plans, and building setbacks shall be calculated from the future right-of-way line.
 13. As E. County Line Rd. is owned and maintained by Pasco County, the developer shall be required to obtain right-of-way use or any other permits required by Pasco County. At its sole expense, the developer shall be required to construct any improvements required by Pasco County to E. County Line Rd. in order to facilitate project access.
 14. The project shall be permitted one (1) vehicular connection to E. County Line Rd.
 15. The developer shall construct a minimum 5-foot wide sidewalk along its E. County Line Rd. frontage.
 16. Minimum parking for the nursery and warehousing uses shall be in accordance with the LDC. Parking for the special purpose RV units (i.e. Farm Worker Housing) shall be provided in the manner customary to Farm Worker Housing uses.
 17. Notwithstanding anything on the PD site plan or herein these conditions to the contrary:
 - a. Bicycle and pedestrian access may be permitted anywhere along the PD boundaries;
 - b. Onsite Recreational Vehicles (RVs) shall be utilized as Farm Worker Housing units only. RV uses as defined by Section 12 of the LDC and reference within Section 6.11.110 of the LDC shall be prohibited;
 - c. Onsite Farm Worker Housing units shall only be permitted while the nursery component of the property is in operation. If the property converts to primary use as warehousing, the Farm Working Housing uses shall cease; and,

APPLICATION: PD 20-1256

ZHM HEARING DATE: April 19, 2021

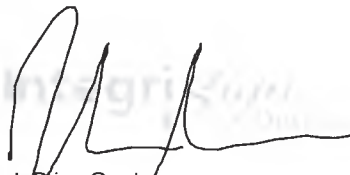
BOCC MEETING DATE: June 8, 2021

CASE REVIEWER: Michelle Heinrich, AICP

- d. The developer shall be required to design and construct internal drive aisles and parking as required by the Hillsborough County Land Development Code and Transportation Technical Manual, to the standard for Farm Worker Housing or Agricultural/Nursery uses, whichever is more stringent.
- 18. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the LDC regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

Staff's Recommendation: Approvable, subject to conditions

Zoning
Administrator
Sign-off:



J. Brian Grady
Mon Apr 12 2021 09:58:47

HILLSBOROUGH COUNTY 2020 FUTURE LAND USE RZ PD 20-1256

Rezoning

<all other values>

STATUS

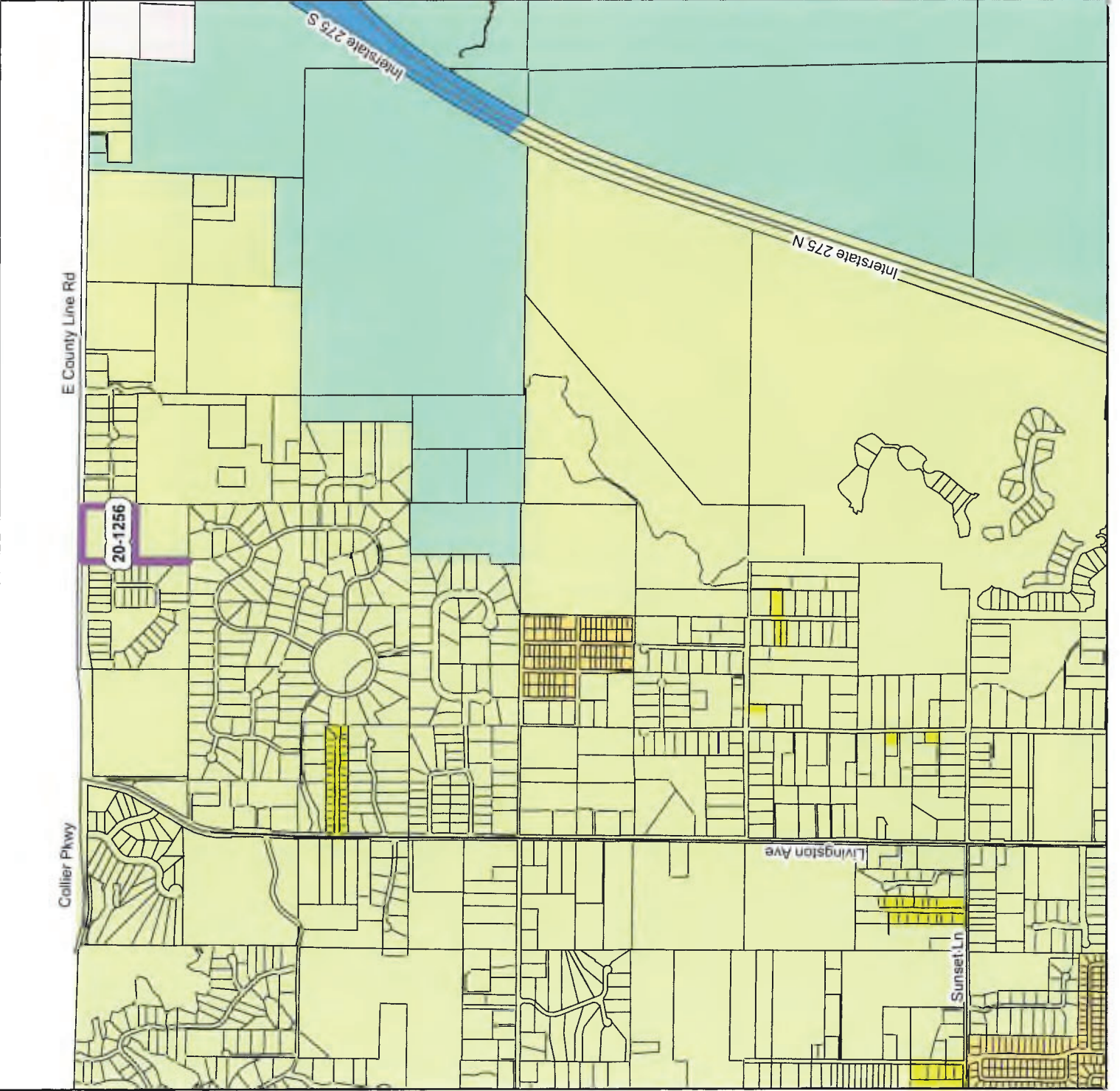
- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

- Tampa Service Area
- Urban Service Area
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Major Roads
- Parcels

- AGRICULTURAL/MIXING-120 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL-1/15 (.25 FAR)
- AGRICULTURAL-1/25 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-8 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- OC-20
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (50 FAR USES OTHER THAN RETAIL, 25 FAR RETAIL/COMMERCIAL)
- LIGHT INDUSTRIAL PLANNED (50 FAR)
- LIGHT INDUSTRIAL (50 FAR)
- HEAVY INDUSTRIAL (50 FAR)
- PUBLIC QUASI-PUBLIC
- NATURAL PRESERVATION
- WIMALUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE
- WATER
- WATER



Map Printed from Rezoning System: 9/25/2020
 Author: Beverly F. Daniels
 File: G:\Rezoning\SystemMap\projects\HC\Gres_HofRezoning.mxd





General Aerial Zoning Map

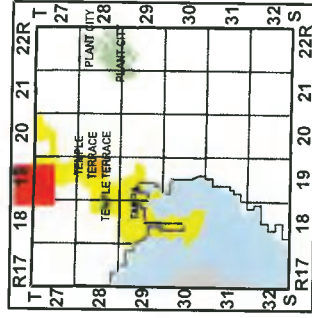
RZ-PD 20-1256

Folio: 32949.0200

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 5-27-19

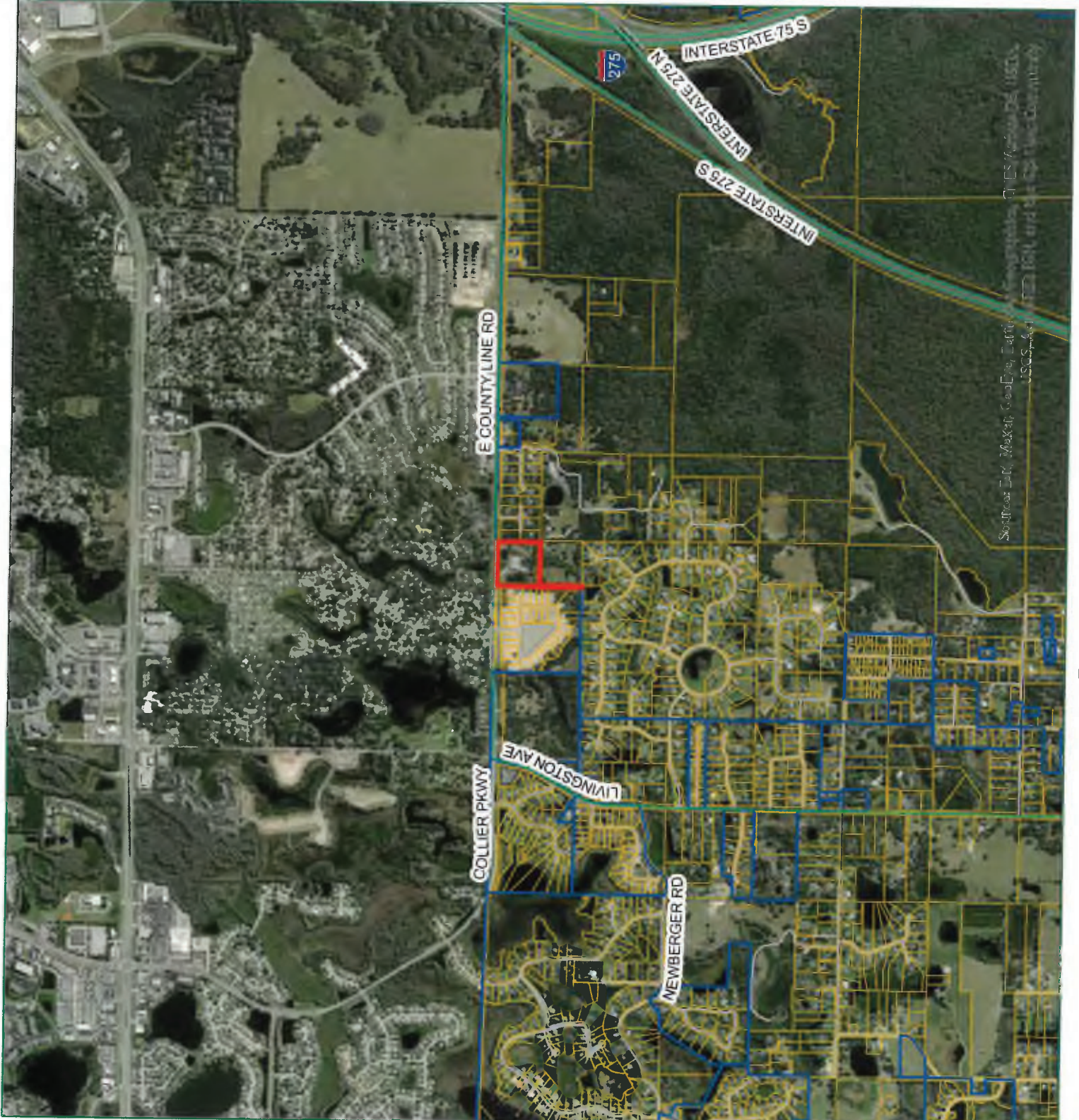


NOTE: Every reasonable effort has been made to assure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to the warranties of merchantability and fitness for a particular purpose.

SOURCE: This map has been prepared for the inventory of real property found within Hillsborough County, Florida, from recorded deeds, plats, and other public records; it has been based on BEST AVAILABLE data.

Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this map.








Immediate Aerial Zoning Map

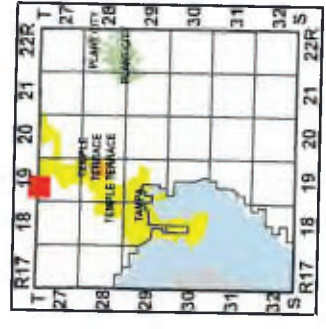
RZ-PD 20-1256

Folio: 32949.0200

-  Application Site
-  Zoning Boundary
-  Parcels



STR: 5-27-19



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**PARTY OF
RECORD**

From: [Hearings](#)
To: [Timoteo, Rosalina](#)
Subject: FW: Zoning Meeting 1-19-21 #20-1256
Date: Wednesday, January 6, 2021 1:02:50 PM
Attachments: [Zoning Letter #20-1256.pdf](#)
[image001.png](#)

Connor MacDonald, MURP
Planning & Zoning Technician
Development Services Department (DSD)

P: (813) 829-9602 | VoIP: 39402
M: (813) 272-5600
E: macdonaldc@hillsboroughcounty.org
W: HillsboroughCounty.Org

Hillsborough County
601 E. Kennedy Blvd., Tampa, FL 33602

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [HCFL Stay Safe](#)

Please note: All correspondence to or from this office is subject to Florida's Public Records law.

From: will [mailto:will@wjbachman.com]
Sent: Wednesday, January 6, 2021 10:51 AM
To: Hearings <Hearings@HillsboroughCounty.ORG>
Cc: Wjbinc01@aol.com
Subject: Zoning Meeting 1-19-21 #20-1256

[External]

Hello,
Please confirm receipt, see attached

thank you

Will Bachman



1844 Tappan Blvd.
Tampa, FL 33619

(239) 242-0584 PH
(239) 242-0584 FAX
(877) 216-2798 TOLL FREE
www.wjbachman.com

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Willard & Vicki Bachman
19712 Wild Water cv
Lutz, FL 33559

January 4, 2021

DSD – COMMUNITY DEVELOPMENT DIVISION
PO BOX 1110
TAMPA, FL 33601

RE: ZONING HEARING #20-1256

We are writing to oppose the Re-Zoning noted in this application

Respectfully,



Willard & Vicki Bachman
19712 Wild Water Cv
Lutz, FL 33559

From: [Hearings](#)
To: [Timoteo, Rosalina](#)
Subject: FW: RZ 20-1256 OPPOSE
Date: Monday, December 7, 2020 1:34:27 PM
Attachments: [image001.png](#)

Connor MacDonald, MURP
Planning & Zoning Technician
Development Services Department (DSD)

P: (813) 829-9602 | VoIP: 39402
M: (813) 272-5600
E: macdonaldc@hillsboroughcounty.org
W: HillsboroughCounty.Org

Hillsborough County
601 E. Kennedy Blvd., Tampa, FL 33602

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From: Charlotte Greenbarg [mailto:cgreenbarg@outlook.com]
Sent: Monday, December 7, 2020 1:03 PM
To: Hearings <Hearings@HillsboroughCounty.ORG>
Cc: Mohammed Ali (maliatsanctuary@gmail.com) <maliatsanctuary@gmail.com>; Sam Wax (sam@myeasymortgage.com) <sam@myeasymortgage.com>; Susan Tarabishy <zoukary@yahoo.com>; Willard Bachman (willhoasanctuary@gmail.com) <willhoasanctuary@gmail.com>
Subject: 20-1256 OPPOSE

[External]

Public Hearing date 12/14/2020

I'm the president of the Sanctuary on Livingston HOA located at Livingston Road and Wildlife Run. The Board of Directors has voted to oppose the rezoning in the above.

This would be setting an unacceptable precedent for the County. This backs directly onto part of our development.

If the owner needs to provide permanent housing for employees, than that's what should be done.

We urge that t his request be denied In total.

Charlotte Greenbarg
President
Sanctuary on Livingston HOA
954-258-2018

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Use caution when clicking on links and attachments from outside sources.

Rome, Ashley

From: Medrano, Maricela
Sent: Friday, April 9, 2021 11:41 AM
To: Timoteo, Rosalina; Rome, Ashley
Subject: FW: (WEB mail) - Rezoning Application Number 20-1256

For the POR. Thank you.

From: Yunk, David <YunkD@hillsboroughcounty.org>
Sent: Friday, April 9, 2021 11:17 AM
To: Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>
Subject: FW: (WEB mail) - Rezoning Application Number 20-1256

For optix thanks

From: formstack@hillsboroughcounty.org <formstack@hillsboroughcounty.org>
Sent: Friday, April 09, 2021 10:53 AM
To: Commissioner District 5 <ContactDistrict5@hillsboroughcounty.org>
Subject: (WEB mail) - Rezoning Application Number 20-1256

The following Commissioner(s) received a direct copy of this email:

- 2 | Commissioner Ken Hagan (District 2)
- 5 | Commissioner Mariella Smith (District 5)
- 6 | Commissioner Pat Kemp (District 6)

Date and Time Submitted: Apr 9, 2021 10:53 AM

Name: Frank Zasa

Address: 19887 Sambar Deer Loop
Lutz, FL 33559

Phone Number: (813) 943-4801

Email Address: zasafrank@gmail.com

Subject: Rezoning Application Number 20-1256

Message: Mr Hagan and at large commisiononers. I live in a new community in Lutz (Deer Run) of County Line Road. I share a property line with a landscaping company. The company has filed application 20-1256, to utilize RV's to house seasonal laborers. Besides the impact on home value in having a property like that

adjacent to our community and my property there are several other issues at hand.

* The company has already moved forward with their plans despite not being approved (they have recived 250k in fines)

* They are not complying with their own application (visible from the street, no screening, not properly distanced, no roads etc)

* The community is concerned about the background checks being done on residents

* They claim it is for a landscaping nursery yet there is no such nursery on property

In short the company continues to be out of compliance, have delayed voting time and time again all while they ignore regulations.

790191668

Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/89.0.4389.114 Safari/537.36