

**TAB 3**

**POINT PAPER**  
**COMPREHENSIVE PLAN TEXT AMENDMENT TO ORDINANCE # 06 - 898**  
**January 7, 2008**

**PROBLEM:** In order to facilitate the appropriate development of downtown Palmetto, it is necessary to make further amendments to the above referenced ordinance.

**BACKGROUND:** The City developed new design guidelines that promote good downtown development. Ordinance 06-898 included:

- A maximum density of 45 dwelling units/acre in the Planned Development Future Land Use Category.
- A maximum FAR of 10 in the Planned Development Future Land Use Category.

Staff has recognized that these previously adopted changes do not fully meet the intent of the City Commission, in that they might allow for the appearance of arbitrary decisions if a developer requests such a density or intensity outside of the Downtown Core. In fact, these higher densities and intensities were intended and approved solely for the downtown area.

Because the downtown area does not have a Planned Development Future Land Use Designation, the adopted ordinance would not accommodate the intended development of the Downtown Core.

The recommended changes will retain the limitations on Planned Development outside of the Downtown Core, while allowing for development in keeping with the Downtown Design Guidelines.

**ALTERNATIVES:**

1. Schedule 1<sup>st</sup> Reading and Advertising for changes to Ordinance # 06-898
2. Reject proposed changes to Ordinance # 06-898

**RECOMMENDATION:**

Staff recommends Alternative # 1 – Schedule 1<sup>st</sup> Reading and Advertising for changes to Ordinance # 06-898

**BUDGET IMPACT:** None

ORDINANCE NO. 08-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF PALMETTO, MANATEE COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE 2010 COMPREHENSIVE PLAN OF THE CITY OF PALMETTO, FLORIDA; PROVIDING TEXT AMENDMENTS TO POLICY 1.8.4, CLARIFYING THE MAXIMUM ALLOWABLE DENSITY FOR THE PD FUTURE LAND USE CATEGORY; PROVIDING TEXT AMENDMENTS TO POLICY 1.8.4, CLARIFYING DENSITY LIMITS WITHIN THE DOWNTOWN CORE AND THE IMPACT OF DENSITY BONUSES RELATED TO ATTAINABLE HOUSING; PROVIDING TEXT AMENDMENTS TO POLICY 1.8.6, PERTAINING TO THE MAXIMUM ALLOWABLE INTENSITY FOR THE PD FUTURE LAND USE CATEGORY; PROVIDING TEXT AMENDMENTS TO POLICY 1.8.6, CLARIFYING MAXIMUM ALLOWABLE INTENSITY WITHIN THE DOWNTOWN CORE; PROVIDING TEXT AMENDMENTS TO POLICY 1.8.7, CLARIFYING APPLICATION OF THE AVERAGING FORMULA WITHIN AND ADJACENT TO THE DOWNTOWN CORE; FINDING CONFORMITY WITH STATE STATUTES; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Palmetto, on October 8, 1988, by adoption of Ordinance No. 624, adopted the Comprehensive Plan of the City of Palmetto in accordance with the State of Florida Local Government Comprehensive Planning and Land Development Regulation Act; and,

WHEREAS, the City Commission of the City of Palmetto, on July 26, 2006, by adoption of Ordinance No. 06-892, authorized the award of additional density in connection with the provision of affordable housing; and

WHEREAS, the City Commission of the City of Palmetto, on May 21, 2007, by adoption of Ordinance No. 07-930, approved supplemental density and intensity regulations applicable to an area of the City defined as the "Downtown Core"; and

WHEREAS, the City has identified changes to the Comprehensive Plan deemed necessary to promote proper urban land planning while implementing Ordinance Nos. 06-892 and 07-930; and,

WHEREAS, the City of Palmetto Planning and Zoning Board, acting as Local Planning Agency on \_\_\_\_\_, 2008, held a duly noticed public hearing on the proposed amendments to the Comprehensive Plan, and has made recommendations to the City Commission regarding adoption of the amendments;

and,

WHEREAS, a public hearing on the proposed Comprehensive Plan amendments hereinafter described were duly advertised and held by the City Commission of the City of Palmetto on \_\_\_\_\_, 2008, and at such hearing interested parties and citizens for and against the proposed plan amendments were given the opportunity to be heard; and,

WHEREAS, the City of Palmetto, Florida, and its Land Planning Agency, have complied with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act in preparing and noticing the proposed amendments to the Comprehensive Plan; and,

WHEREAS, the proposed amendments to be adopted by this Ordinance comply with the statutory and regulatory requirements of the aforesaid Act.

NOW, THEREFORE, BE IT ENACTED by the City Commission of the City of Palmetto, Florida as follows:

1. This Ordinance is adopted in conformity with and pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3217, Florida Statutes (2005).

2. Amendments to the City of Palmetto's Comprehensive Plan hereinafter described are hereby adopted and approved.

3. TEXT AMENDMENT. The City of Palmetto 2010 Comprehensive Plan, as amended, *Future Land Use Element*, Section 1.8, Policy 1.8.4, is hereby amended to read in its entirety as follows:

Policy 1.8.4: The maximum allowable density for each land use category shall be as follows:

RES-4	4 dwelling units per acre
RES-6	6 dwelling units per acre
RES-10	10 dwelling units per acre
RES-14	14 dwelling units per acre
MHP	10.89 dwelling units per acre
NCOM	Neighborhood Commercial 14 dwelling units per acre (except in CHHA)
GCOMM	14 dwelling units per acre (except in CHHA)

COMC	14 dwelling units per acre (except in CHHA)
HCOMIND	0 dwelling units per acre (residential inappropriate)
PD	16 dwelling units per acre (except in CHHA)
CONS	Conservation - 0 dwelling units per acre (residential inappropriate)
PU	Public Use - 0 dwelling units per acre (residential inappropriate)
PF	Public Facility - 0 dwelling units per acre (residential inappropriate)

The above maximum density limits may be exceeded only when one of the following exceptions is present:

(1) the City Code of Ordinances expressly authorizes additional density in connection with development in the "Downtown Core", as that term is defined in Appendix B, the Zoning Code; or

(2) the City Code of Ordinances expressly authorizes additional density in connection with the provision of affordable housing.

4. TEXT AMENDMENT. The City of Palmetto 2010 Comprehensive Plan, as amended, *Future Land Use Element*, Section 1.8, Policy 1.8.6, is hereby amended to read in its entirety as follows:

Policy 1.8.6: The maximum allowable intensity for each land use category (excluding residential, public and conservation) shall be as follows:

NCOM	0.75 FAR
GCOMM	0.75 FAR
COMC	1.00 FAR
HCOMIND	0.50 FAR
PD	1.00 FAR

The above maximum intensity limits may be exceeded only when the City Code of Ordinances expressly authorizes additional intensity in connection with development in the "Downtown Core", as that term is

defined in Appendix B, the Zoning Code.

5 TEXT AMENDMENT. The City of Palmetto 2010 Comprehensive Plan, as amended, *Future Land Use Element*, Section 1.8, Policy 1.8.7, is hereby amended to read in its entirety as follows:

**Policy 1.8.7:** The Planned Development (PD) land use category requires a Planned Development Zoning. The maximum density of the PD category is 16 dwelling units/acre exclusive of any applicable density bonus; however, existing densities and future land use plan category densities of adjacent and surrounding development shall be considered when determining the density permitted for a specific project. For purposes of this document, adjacent property shall include those properties an equal dimensional distance to the north, south, east and west of the subject property. For example, if the subject property is 250 feet wide by 287 feet deep with the width running east/west and the depth running north/south, all properties 250-feet east and west of the subject property shall be included in the averaging formula.

The averaging formula shall be applied as follows:

- a) If the adjacent property is developed or is controlled by an approved site plan, the existing density or approved site plan shall be used in the averaging formula.
- b) If the adjacent property is vacant, the average density shall be calculated from the adjacent property land use categories.
- c) If the subject property is located within the CRA district, application of the averaging formula may be modified to permit densities exceeding the calculated average so long as compatibility and concurrency requirements are met.
- d) If the adjacent property has been granted additional density in connection with (1) development in

the "Downtown Core", as that term is defined in Appendix B, the Zoning Code, or (2) the provision of affordable housing, then the maximum density permitted within the adjacent property's zoning category exclusive of such additional density shall be used in the averaging formula.

e) The averaging formula shall not be applied to determine the density of properties located within the Downtown Core and zoned Planned Development - Housing (PD-H) or Planned Development - Mixed Use (PD-MU).

This information shall be provided by the applicant for staff review and approval by the appropriate governing bodies.

6. TRANSMISSION. The City Clerk is hereby authorized and directed to transmit these comprehensive plan amendments to the Florida Department of Community Affairs, the Bureau of Local Planning, Plan Processing Team. The Clerk shall also transmit copies to the Tampa Bay Regional Planning Council, to the Southwest Florida Water Management District, to the Department of Environmental Protection, to the Florida Department of Transportation, and any other governmental agency in the State of Florida that has filed a written request with the City Commission for a copy of the comprehensive plan amendments.

7. APPLICABILITY. The applicability and effect of the City of Palmetto 2010 Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and this Ordinance. Except to the extent as amended hereby, the Comprehensive Plan is hereby ratified, confirmed and remains in full force and effect.

7. CONFLICTS. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

8. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

9. EFFECTIVE DATE. The effective date of this comprehensive plan amendment shall be the date a final order is issued by the state land planning

agency (Florida Department of Community Affairs) determining this adopted amendment to be in compliance in accordance with §163.3184(9), Florida Statutes, or until the Administration Commission issues a final order determining the adopted amendment to be in compliance in accordance with §163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent upon this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to state land planning agency.

FIRST READING

PUBLICATION DATE

SECOND READING

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF PALMETTO, FLORIDA, BY  
AND THROUGH THE CITY COMMISSION  
OF THE CITY OF PALMETTO

By: \_\_\_\_\_  
LAWRENCE E. BUSTLE, JR. MAYOR

ATTEST: James R. Freeman

By: \_\_\_\_\_  
City Clerk