

TAB 4

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO. 08-970**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM RES-6 – RESIDENTIAL 6 UNITS PER ACRE (COUNTY), TO – RES-6, RESIDENTIAL 6 UNITS PER ACRE (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-04 Christopher & Tanya Lukowiak., PID # 2607800109, approximately 0.44 acres).

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, provides for and establishes municipalities and grants to those municipalities governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services and authorizes said municipalities to exercise any power for municipal purposes, except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, The Municipal Home Rule Powers Act, implements by general law the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes home rule for said municipalities; and,

WHEREAS, Chapter 163, Florida Statutes, Part II, known as the Local Government Comprehensive Planning and Land Development Regulation Act, requires, authorizes and empowers municipalities to plan for their future development and growth by adopting and amending comprehensive plans, implementing those plans through appropriate land development regulations, and establishing and maintaining procedures to carry out the provisions and purposes of said Act; and,

WHEREAS, the City Commission of the City of Palmetto, Florida, annexed certain property into the City limits of Palmetto which annexed property is the subject of the proposed Comprehensive Plan Amendment; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides that local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan; and

WHEREAS, the City's Planning and Zoning Board, acting as the Local Planning Agency (LPA) for the City of Palmetto, and City Commission have determined that the proposed Comprehensive Plan Amendment constitutes a Small Scale Development Amendment pursuant to Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, in preparation and consideration of the proposed Small Scale Development Amendment, the LPA and the City Commission have performed or caused to be performed, the necessary studies and surveys, the collection of appropriate data, the holding of such public hearings, work shops and meetings, as necessary, and have effectively provided for public participation, notice, opportunity for oral or written comments; and,

WHEREAS, pursuant to Section 163.3184 and Section 163.3187(1)(c), Florida Statutes, the LPA held the required public hearing on the proposed Small Scale Development Amendment providing proper public notice; and,

WHEREAS, the LPA, having reviewed and considered all comments received during said hearing and provided for necessary revisions, has recommended the proposed Comprehensive Plan Amendment to the City Commission for approval; and,

WHEREAS, based on the matters of record received by the City Commission at the required public hearing pursuant to Section 163.3187(1) (c), Florida Statutes, held on May 19, 2008, after proper public notice, the City Commission, in the exercise of its home rule and statutory authority, has determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt the proposed Small Scale Development Amendment to the Comprehensive Plan.

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

Section 1. Findings of Fact. The above “whereas” clauses are adopted herein as findings of fact.

Section 2. Amendment. The City of Palmetto 2010 Comprehensive Plan Future Land Use Element / Future Land Use Map is hereby amended by changing the future land use designation for the property legally described in **Exhibit A**, attached hereto and incorporated herein, from Res-6, Residential 6 units per acre (County) to Res-6, Residential, 6 units per acre (City).

Section 3. 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.

Section 4. Severability. In the event any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall not become effective, as provided by law, pursuant to Section 163.3187(3)(c), F.S., until thirty-one (31) days after adoption. If challenged, within thirty (30) days after adoption, this Small Scale Development Amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted Small Scale Development Amendment is in compliance.

PASSED AND DULY ADOPTED, by the City Commission, in open session,
with a quorum present and voting, this 2nd day of June, 2008.

First Reading:	May 19, 2008
Publication:	May 23, 2008 and May 30, 2008
Second Reading and Public Hearing:	June 2, 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,
City Clerk

By: _____
City Clerk/Deputy Clerk

Exhibit "A" Legal Description

Lot 22, Sunkist Acres as per plat thereof, recorded in Plat Book 9, Page 96, of the Public Records of Manatee County, Florida.