

TAB 5

**CITY OF PALMETTO
ORDINANCE NO. 08-971**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM RSF-4.5 (Residential Single Family-4.5 units per acre) (County) TO RS-2, Residential Single Family-4.36 units per acre (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-08-04, Christopher & Tanya Lukowiak., PID # 2607800109, approximately 0.44 acres).

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and,

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, on June 2, 2008 the City Commission annexed the real property described in Exhibit A, attached hereto and incorporated herein, to the City limits of Palmetto; and,

WHEREAS, on June 2, 2008 the City Commission amended the City of Palmetto Comprehensive Plan Future Land Use Element / Future Land Use Map to include the real property described in Exhibit A; and,

WHEREAS, said Comprehensive Plan amendment requires a change of zoning to conform to the zoning categories established in the City of Palmetto Code of Ordinances; and,

WHEREAS, the City's Planning and Zoning Board held a hearing on April 14, 2008 after providing proper public notice; and,

WHEREAS, the City Commission has considered the recommendation of the Planning and Zoning Board; and,

WHEREAS, the City Commission held a public hearing on June 2, 2008 regarding said proposed change of zoning, after providing proper public notice; and,

WHEREAS, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City, in order to protect the public health, safety, and welfare, to adopt this Ordinance.

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. **Zoning Amendment.** The zoning for the real property described in Exhibit A is hereby changed from RSF-4.5 (County) to RS-2, Residential Single Family-4.36 units per acre (City).

Section 3. **Repeal Of Ordinance.** This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 4. **Severability.** It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 5. **Effective Date.** This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

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.