

TAB 5

**CITY OF PALMETTO
ORDINANCE NO. 08-973**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PDMU (PLANNED DEVELOPMENT-MULTI USE); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0803, Sanctuary Development Partners, L.L.C. PID # 2607800159, approx. 1.15 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, the City Commission of the City of Palmetto has certain regulatory authority granted to it by the Florida Constitution, the Florida Statutes and the City Charter to regulate the use of land within its corporate boundaries; and,

WHEREAS, the City of Palmetto has received a complete and timely application for approval of a proposed Amended General Development Plan for Sanctuary Cove including Parcel PID # 2607800159 ("Rogers), approx. 1.15 acres ("Project"), more particularly described in **Exhibit A**; and,

WHEREAS, the Planning and Zoning Board of the City of Palmetto reviewed the proposed Amended General Development Plan, held a properly noticed public hearing on March 10, 2008, received public comment and testimony, and provided its recommendation to the City Commission of the City of Palmetto; and,

WHEREAS, the City Commission of the City of Palmetto held a properly noticed public hearing on June 16, 2008, and received public comment and testimony at said hearing; and,

WHEREAS, the City Commission of the City of Palmetto finds that approval of the proposed Amended General Development Plan benefits the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:

Section 1. Finding of Fact.

A. The above-referenced “WHEREAS” clauses are adopted herein as findings of fact.

B. The Planning and Zoning Board, acting as the Local Planning Agency, has recommended approval of the proposed Amended General Development Plan, a copy of which is attached hereto and incorporated herein as **Exhibit B**.

C. The proposed Amended General Development Plan is compatible with adjacent land uses and complies with all pertinent provisions of the City of Palmetto’s Zoning Code.

Section 2. Zoning Amendment. The zoning for the real property described in **Exhibit A** is hereby changed from Residential Single Family-4.5 (RSF-4.5) to Planned Development-Multi Use (PDMU).

Section 4. Repeal of Ordinance. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 5. Severability. If any section, sub-section, paragraph, sentence, clause or phrase in this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions hereof.

Section 6. 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 16th day June, 2008.

First Reading: June 2, 2008
Publication: June 6, 2008
Second Reading and
Public Hearing: June 16, 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

Rogens

EXHIBIT "A"

PARCEL ONE:

COMMENCE AT THE NE CORNER OF LOT 21, SUNKIST ACRES SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 96, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID LOT TO THE NW CORNER OF SAID LOT FOR A POINT OF BEGINNING; THENCE CONTINUE ON AN EXTENSION OF SAID LOT LINE 251 FEET MORE OR LESS TO THE BANK OF A CANAL; THENCE SOUTHERLY ALONG BANK OF CANAL 100 FEET TO A POINT 252.46 FEET MORE OR LESS WEST OF SW CORNER OF SAID LOT 21; THENCE EAST ALONG THE EXTENDED SOUTH LINE OF SAID LOT 21, A DISTANCE OF 252.46 FEET MORE OR LESS TO THE SW CORNER OF SAID LOT 21; THENCE ALONG THE WESTERLY LINE OF SAID LOT 21, NORTHERLY, A DISTANCE OF 100.15 FEET TO THE P.O.B., LYING AND BEING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

PARCEL TWO:

COMMENCE AT THE NE CORNER OF LOT 21, SUNKIST ACRES SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 96, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID LOT TO THE NW CORNER OF SAID LOT FOR A POINT OF BEGINNING; THENCE CONTINUE ON AN EXTENSION OF SAID LOT LINE 251 FEET MORE OR LESS TO THE BANK OF A CANAL; THENCE NORTHERLY ALONG BANK OF CANAL 100 FEET TO A POINT 246.8 FEET MORE OR LESS WEST OF NW CORNER OF LOT 22, THENCE EAST ALONG THE EXTENDED NORTH LINE OF SAID LOT 22, A DISTANCE OF 246.8 FEET MORE OR LESS TO THE NW CORNER OF SAID LOT 22; THENCE ALONG THE WESTERLY LINE OF SAID LOT 22 SOUTHERLY A DISTANCE OF 100.15 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 13, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

TOGETHER WITH:

A 20' EASEMENT FOR INGRESS/EGRESS ACROSS THE SOUTHERLY 20' OF LOT 22, SUNKIST ACRES SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 9, PAGE 96, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.