

TAB 6

**CITY OF PALMETTO
ORDINANCE NO. 08-974**

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 (Z0802, Sanctuary Development Partners East, L.L.C. and Sanctuary Residential Partners, LLC, PID # 1016400359 and # 1016400409 respectively, approx. 8.44 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, 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 an Amended General Development Plan for Sanctuary Cove including Parcel PID

#1016400359 and #1016400409 (“BOMA”), approx. 8.44 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 Planned Development Residential (PDR) to Planned Development-Multi Use (PDMU).

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. 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 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 16th day of 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

Sanctuary Dev. Partners East
1016400359

LEGAL DESCRIPTION (PHASE D EAST)(REV. 05-21-07)

A PARCEL OF LAND LYING AND BEING IN SECTION 19, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

COMMENCE AT THE SOUTHWEST CORNER SECTION 18, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N.00°07'57"E., A DISTANCE OF 76.30 FEET; THENCE S.89°48'21"E., A DISTANCE OF 2,769.09 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.89°48'21"E., A DISTANCE OF 751.56 FEET; ; THENCE S.00°00'20"E., A DISTANCE OF 174.11 FEET; THENCE S.64°40'54"W., A DISTANCE OF 51.50 FEET; THENCE S.20°41'44"W., A DISTANCE OF 15.39 FEET; THENCE S.45°26'47"W., A DISTANCE OF 74.42 FEET; THENCE S.42°54'25"W., A DISTANCE OF 23.43 FEET; THENCE N.57°34'10"W., A DISTANCE OF 30.28 FEET; THENCE S.39°25'31"W., A DISTANCE OF 26.42 FEET; THENCE S.38°35'12"W., A DISTANCE OF 3.02 FEET; THENCE S.88°54'21"W., A DISTANCE OF 200.88 FEET TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE SOUTH, OF WHICH THE RADIUS POINT LIES S.74°56'40"W., A RADIAL DISTANCE OF 56.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 118°40'48", A DISTANCE OF 116.00 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS N.74°23'44"W., A DISTANCE OF 96.34 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTH, HAVING A RADIUS OF 100.00 FEET, AND A CENTRAL ANGLE OF 43°26'52"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 75.83 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS S.67°59'18"W., A DISTANCE OF 74.03 FEET TO A POINT OF COMPOUND CURVATURE, CONCAVE NORTH, HAVING A RADIUS OF 1,478.00 FEET, AND A CENTRAL ANGLE OF 07°29'49"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 193.39 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS N.86°32'22"W., A DISTANCE OF 193.26 FEET TO A POINT OF COMPOUND CURVATURE, CONCAVE NORTHEAST, HAVING A RADIUS OF 50.00 FEET, AND A CENTRAL ANGLE OF 40°27'14"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 35.30 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS N.62°33'50"W., A DISTANCE OF 34.57 FEET; THENCE N.00°00'48"E., A DISTANCE OF 267.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 204,912 SQUARE FEET OR 4.70 ACRES, MORE OR LESS.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

Sanctuary Residential Partners - 1016400409

LEGAL DESCRIPTION (PHASE B-C-G-H #2)(REV 05/21/07)

A PARCEL OF LAND LYING AND BEING IN SECTION 19, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

COMMENCE AT THE SOUTHWEST CORNER SECTION 18, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N.00°07'57"E., A DISTANCE OF 76.30 FEET; THENCE S.89°48'21"E., A DISTANCE OF 2,769.09 FEET; THENCE S.00°00'48"W., A DISTANCE OF 267.05 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.00°00'48"W. ALONG SAID LINE, A DISTANCE OF 348.33 FEET; THENCE N.44°14'41"E., A DISTANCE OF 42.10 FEET; THENCE N.10°44'12"W., A DISTANCE OF 27.64 FEET; THENCE S.87°04'28"E., A DISTANCE OF 23.12 FEET; THENCE N.26°48'57"E., A DISTANCE OF 37.82 FEET; THENCE N.65°19'50"E., A DISTANCE OF 39.34 FEET; THENCE N.84°50'14"E., A DISTANCE OF 78.46 FEET; THENCE S.44°07'49"E., A DISTANCE OF 20.49 FEET; THENCE S.59°55'53"E., A DISTANCE OF 31.39 FEET; THENCE S.82°57'58"E., A DISTANCE OF 33.56 FEET; THENCE S.65°24'33"E., A DISTANCE OF 31.29 FEET; THENCE N.72°52'59"E., A DISTANCE OF 20.90 FEET; THENCE S.01°24'55"W., A DISTANCE OF 51.83 FEET; THENCE N.65°13'43"W., A DISTANCE OF 20.86 FEET; THENCE S.22°16'10"E., A DISTANCE OF 32.06 FEET; THENCE N.59°22'45"E., A DISTANCE OF 9.17 FEET; THENCE S.11°42'49"E., A DISTANCE OF 40.93 FEET; THENCE S.00°54'02"E., A DISTANCE OF 22.90 FEET; THENCE S.07°03'18"E., A DISTANCE OF 20.27 FEET; THENCE S.89°09'48"E., A DISTANCE OF 14.38 FEET; THENCE N.69°11'23"E., A DISTANCE OF 33.50 FEET; THENCE N.08°12'26"W., A DISTANCE OF 12.61 FEET; THENCE S.87°31'59"E., A DISTANCE OF 56.81 FEET; THENCE N.75°06'20"E., A DISTANCE OF 106.37 FEET; THENCE N.14°07'02"E., A DISTANCE OF 9.35 FEET; THENCE N.06°13'46"W., A DISTANCE OF 45.71 FEET; THENCE N.13°05'16"E., A DISTANCE OF 42.35 FEET; THENCE N.10°36'23"W., A DISTANCE OF 50.64 FEET; THENCE N.09°55'38"E., A DISTANCE OF 67.46 FEET; THENCE N.04°56'33"W., A DISTANCE OF 21.82 FEET; THENCE N.23°44'01"E., A DISTANCE OF 27.70 FEET; THENCE N.73°11'37"E., A DISTANCE OF 15.36 FEET; THENCE N.09°22'44"E., A DISTANCE OF 59.83 FEET; THENCE N.38°35'12"E., A DISTANCE OF 43.51 FEET; THENCE S.88°54'21"W., A DISTANCE OF 200.88 FEET TO A POINT OF CURVATURE OF A NON-TANGENTIAL CURVE, CONCAVE SOUTH, OF WHICH THE RADIUS POINT LIES S.74°56'40"W., A RADIAL DISTANCE OF 56.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 118°40'48", A DISTANCE OF 116.00 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS N.74°23'44"W., A DISTANCE OF 96.34 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTH, HAVING A RADIUS OF 100.00 FEET, AND A CENTRAL ANGLE OF 43°26'52"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 75.83 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS S.67°59'18"W., A DISTANCE OF 74.03 FEET TO A POINT OF COMPOUND CURVATURE, CONCAVE NORTH, HAVING A RADIUS OF 1,478.00 FEET, AND A CENTRAL ANGLE OF 07°29'49"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 193.39 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS N.86°32'22"W., A DISTANCE OF 193.26 FEET TO A POINT OF COMPOUND CURVATURE, CONCAVE NORTHEAST, HAVING A RADIUS OF 50.00 FEET, AND A CENTRAL ANGLE OF 40°27'14"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 35.30 FEET, SAID CURVE BEING SUBTENDED BY A CHORD THAT BEARS N.62°33'50"W., A DISTANCE OF 34.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 162,840 SQUARE FEET OR 3.74 ACRES, MORE OR LESS.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.