

TAB 17

**CITY OF PALMETTO
ORDINANCE NO. 08-983**

AN ORDINANCE OF THE CITY OF PALMETTO, 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 LIGHT MANUFACTURING (LM-County) TO COMMERCIAL HEAVY INDUSTRIAL (CHI-City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-08-06 – R&W Gulcoast Properties, LLC. PID # 2578000008, approximately 1.38+/- 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 January 5, 2009, 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 January 5, 2009, 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 October 13, 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 January 5, 2009 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 Light Manufacturing (LM-County) to Commercial Heavy Industrial (CHI-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 5th day of January, 2009.

First Reading: December 15, 2008
Publication: December 22, 2008 and
December 29, 2008
Second Reading and
Public Hearing: January 5, 2009

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

By: _____

SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: James R. Freeman,
City Clerk

By: _____
City Clerk/Deputy Clerk

Exhibit "A" Legal Description

Begin at a point where the North right-of-way line of U.S 301 intersect with the East line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 34 South Range 17 East, said point being 143.95 feet North of the Southeast corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 13; thence Westerly along the North right-of-way line of said highway, 513.43 feet to a point of beginning; thence North parallel to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 399.1 feet; thence Westerly 150 feet along a line making a right angle with the last described line to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13; thence South along the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 400 feet to the North right-of-way line of Highway 301; thence Easterly along the North right-of-way line of Highway 301 a distance of 150 feet to the point of beginning; lying and being in Manatee County, Florida.

Parcel Identification Number: 2578000008