

TAB 5

**CITY OF PALMETTO
ORDINANCE NO. 08-979**

AN ORDINANCE 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 RM-6 (RESIDENTIAL MULTI-FAMILY) TO PDH (PLANNED DEVELOPMENT HOUSING); APPROVING A CONCEPTUAL/GENERAL DEVELOPMENT PLAN FOR A SINGLE FAMILY RESIDENTIAL PROJECT DEPICTING SIX (6) UNITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-GDP-08-05 Charles Palmer and Jonathan Shute, PID # 2778600003, approx. 0.3+/- 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, 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 owner of the property described in **Exhibit A** has submitted a request for approval of a Conceptual/General development plan depicting six (6) single family residential units with said change in zoning; 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 May 4, 2009 regarding said proposed change of zoning and proposed Conceptual/General Development Plan, 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.

- 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 Zoning Atlas Amendment and Conceptual/General Development Plan. A copy of said Plan is attached hereto and incorporated herein as **Exhibit B**.
- C. The proposed Zoning Atlas Amendment, and Conceptual/General Development Plan are consistent with the City of Palmetto's Comprehensive Plan.
- D. The proposed Zoning Atlas Amendment and Conceptual/General Development Plan are compatible with adjacent land uses and comply 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 RM-6 – Residential Multi-family to PDH – Planned Development Housing.

Section 3. GDP Approval. The submitted Conceptual/General Development Plan, a copy of which is attached hereto and incorporated herein as **Exhibit B**, is hereby approved with the following stipulations:

- A. Construction drawings must be submitted and approved by the City.
- B. No Certificate of Occupancy shall be issued for any units within the Project unless and until all applicable requirements of Chapter 17, Article III, Division 1, Sections 17-47 through 17-97 of the City of Palmetto Code of Ordinances, pertaining to the provision of attainable housing, have been satisfied.
- C. Approved variances for the lands within this Conceptual/General Development Plan shall be as set forth on **Exhibit B**.
- D. Setbacks shall be as described on the approved Conceptual/General Development Plan as further set forth on **Exhibit B**.
- E. Development must be consistent with the Downtown Design Guidelines.

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. 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 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 4th day of May, 2009.

First Reading: December 15, 2008
Publication: December 19, 2008
Second Reading and
Public Hearing: January 5, 2009
Continue to: February 2, 2009
Continued to: March 23, 2009
Continued to: May 4, 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

**Lot 2, Block 4, Willis Addition to Palmetto as recorded in Plat Book 1, page 202A,
Public Records of Manatee County Florida.**