

TAB 7

**CITY OF PALMETTO
ORDINANCE NO. 09-995**

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 624 (THE CITY OF PALMETTO COMPREHENSIVE PLAN); ADOPTING AMENDMENTS TO THE FUTURE LAND USE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENT ELEMENT, AND ADDING A PUBLIC SCHOOL FACILITIES ELEMENT TO, THE CITY OF PALMETTO COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 Florida Statutes require the adoption of a Public Schools Facilities Element and school concurrency provisions for the Comprehensive Plan, and the City wishes to adopt those provisions with this ordinance; and

WHEREAS, the City’s Local Planning Agency, the Planning and Zoning Board, held public hearings on July 13, 2009 and August 10, 2009 regarding this Ordinance 09-995, which at the time included a number of EAR-based amendments to the

Comprehensive Plan, as well as the amendments currently proposed, related to public schools; and

WHEREAS, on August 10, 2009, the Planning and Zoning Board recommended adoption of Ordinance 09-995; and

WHEREAS, on September 14, 2009, the City Commission held a public hearing regarding Ordinance 09-995 and determined to proceed only with the amendments related to schools and educational facilities at this time, which amendments are attached hereto as Exhibit "A"; and

WHEREAS, on ____, the City received the Department of Community Affairs' Objections, Recommendations and Comments report regarding the proposed Comprehensive Plan amendments and has reviewed and considered the report; and

WHEREAS, on ____, the City Commission held a public hearing to consider adoption of Ordinance 09-995.

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

Section 1. Adoption of Amendments to the Comprehensive Plan. The amendments to the Comprehensive Plan for the City of Palmetto attached hereto as Exhibit "A" are hereby adopted.

Section 2. Repeal of Ordinance. This Ordinance hereby repeals any and all provisions of ordinances in conflict herewith to the extent of such conflict.

Section 3. 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 4. 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 of the City Commission.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 28th day of September, 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

By: _____

City Clerk/Deputy Clerk.