

TAB 5

**CITY OF PALMETTO
ORDINANCE NO. 2010-01**

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 DEFINITIONS SECTION, FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, SANITARY SEWER ELEMENT, SOLID WASTE ELEMENT, STORMWATER ELEMENT, POTABLE WATER ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, PARK, OPEN SPACE, AND RECREATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENT ELEMENT, AND PUBLIC SCHOOL FACILITIES ELEMENT OF 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, Chapter 163, Florida Statutes, requires municipalities to adopt Comprehensive Plan amendments in response to Evaluation and Appraisal Reports once they have been determined to be sufficient by the Florida Department of Community Affairs; and

WHEREAS, the City wishes to make additional amendments to the Comprehensive Plan to benefit the general health, safety and welfare of the City of Palmetto; and

WHEREAS, the City Commission adopted an Evaluation and Appraisal Report for submittal to the Department of Community Affairs on September 24, 2007; and

WHEREAS, the Department of Community Affairs issued a Finding of Sufficiency for the Evaluation and Appraisal Report on December 14, 2007; and

WHEREAS, the City's Local Planning Agency, the Planning and Zoning Board, held public hearings on August 10, 2009 and December 17, 2009 regarding Ordinance 2010-01 and the Comprehensive Plan amendments proposed in the ordinance; and

WHEREAS, on December 17, 2009, the Planning and Zoning Board recommended adoption of Ordinance 2010-01; and

WHEREAS, on April 19, 2010 the City Commission held a public hearing and continued said public hearing to May 17, 2010 regarding Ordinance 2010-01 and approved the ordinance for transmittal to the Department of Community Affairs; 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 2010-01.

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

Section 1. Adoption of Amended Comprehensive Plan. The amended Comprehensive Plan for the City of Palmetto attached hereto as Exhibit "A" is hereby adopted and shall replace all previous versions of the Comprehensive Plan.

Section 2. Repeal of Ordinance. This Ordinance hereby repeals and replaces 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. Upon adoption of this ordinance pursuant to the provisions of the City Charter, the ordinance shall take effect as provided by Section 163.3189, Florida Statutes.

FIRST PUBLICATION DATE	March 29, 2010
PUBLIC HEARING (TRANSMITTAL)	April 19, 2010 continued to May 17, 2010
SECOND PUBLICATION DATE	_____, 2010
PUBLIC HEARING (ADOPTION)	_____, 2010

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this ____ day of _____, 2010.

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