

TAB 9

**CITY OF PALMETTO  
ORDINANCE NO. 2011-09**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 06-911 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR TWELVE SINGLE-FAMILY DETACHED DWELLING UNITS GENERALLY LOCATED AT 4009 11<sup>th</sup> STREET COURT WEST, PALMETTO, AND LOCATED IN THE PDH (PLANNED DEVELOPMENT – HOUSING) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: BMR Funding LLC, approximately 1.66 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**, in 2006, the City Commission of the City of Palmetto approved a PDH Zoning and General Development plan pursuant to Ordinance 06-911, (the “Project”); and

**WHEREAS**, the City of Palmetto has received a request for approval of an Amended General Development Plan for a multi-family project with twelve (12) individual dwelling units

to be located on a single parcel on the lands described in **Exhibit A** (approximately 1.66 acres);  
and

**WHEREAS**, the City has adopted Ordinance 2011-08 to rezone the Property to Planned Development Housing (PDH); 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 17, 2011, 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 April 18, 2011, 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. 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 with certain conditions 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, as conditioned with stipulations set forth below, is consistent with the City of Palmetto's Comprehensive Plan.

D. The proposed Amended General Development Plan, as conditioned with the stipulations set forth below, is compatible with adjacent land uses and complies with all pertinent provisions of the City of Palmetto's Zoning Code, as conditioned by the City Commission.

**Section 2. Plan Approval.** The proposed Amended General Development Plan is hereby approved with the following stipulations:

1. The project shall have a 35-foot perimeter buffer for all boundaries of the property.

2. The access road, 11<sup>th</sup> Street Court West, shall be reconstructed at a 24 foot width and in accordance with City standards adjacent to the project boundaries with appropriate transition as the street proceeds to the west and be developed in Phase 1.

3. All fences installed on the subject property shall be a maximum of four (4) foot in height.

4. If the General Development Plan expires as provided by City Code or the property owner elects not to utilize this site plan, the property owner shall have the option of developing the subject property in accordance with requirements of the RS-4 zoning district without further zoning review by the Planning and Zoning Board and the City Commission .

**Section 3. Repeal of Ordinance.** This Ordinance hereby repeals and replaces Ordinance 06-911 in its entirety.

**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 the Mayor vetoes the Ordinance, 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 \_\_\_\_ day of \_\_\_\_\_ 2011.

First Reading:            April 4, 2011  
Publication:             March 2, 2011  
Second Reading and  
Public Hearing:            April 18, 2011

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