

TAB 18

**CITY OF PALMETTO
ORDINANCE NO. 2011-26**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 0.7 ACRES OF PROPERTY GENERALLY LOCATED AT 700 17TH STREET WEST, 702 17TH STREET WEST, AND 1703 7TH AVENUE WEST, PALMETTO, FROM RETAIL/OFFICE/RESIDENTIAL (COUNTY) TO GENERAL COMMERCIAL (CITY); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (PA #2011-04 Applicant: Varnadore Properties, LLC),

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,” authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, pursuant to Section 163.3187, Florida Statutes, the City is authorized to adopt comprehensive plan amendments related to small scale development activities and meeting the requirements provided therein; and

WHEREAS, approximately 0.7 acres generally located at 700 17th Street West, 702 17th Street West and 1703 7th Avenue West (the “Property”), and owned by Varnadore Properties, LLC, has been annexed into the City pursuant to Ordinance 2011-25; and

WHEREAS, Varnadore Properties, LLC has filed an application with the City to amend the Future Land Use Map of the Comprehensive Plan to change the designation of

the Property from Manatee County Retail/Office/Residential (R/O/R) to City of Palmetto General Commercial (GCOM); and

WHEREAS, the City's Local Planning Agency, the Planning and Zoning Board, held a public hearing on August 18, 2011, regarding the proposed amendment to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, on August 18, 2011, the Planning and Zoning Board recommended approval of the proposed amendment to the Future Land Use Map; and

WHEREAS, on October 3, 2011, the City Commission held a public hearing to consider adoption of the proposed amendment to the Future Land Use Map; and

WHEREAS, the City Commission has determined that the proposed amendment is consistent with Part II of Chapter 163, Florida Statutes, and provides for the health, safety and welfare of the residents of the City of Palmetto.

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

Section 1. Adoption of Future Lane Use Map Amendment. A portion of the Future Land Use Map of the Comprehensive Plan is hereby amended as shown on Exhibit "A" attached hereto and incorporated herein by reference. No other changes to the Comprehensive Plan are adopted in this Ordinance.

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. This Ordinance shall take effect as provided for 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.

First Reading	September 12, 2011
Publication:	September 19, 2011 and September 26, 2011
PUBLIC HEARING	October 3, 2011

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 3rd day of October, 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

FUTURE LAND USE PLAN MAP EXHIBIT A

