

TAB 12

**CITY OF PALMETTO
ORDINANCE NO. 2011-27**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.7 ACRES OF PROPERTY GENERALLY LOCATED AT 700 17th STREET WEST, 702 17th STREET WEST AND 1703 7TH AVENUE WEST, PALMETTO FROM GENERAL COMMERCIAL (GC) (COUNTY) TO COMMERCIAL GENERAL (CG) (CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-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, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; 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, within the above-referenced grant of powers, the City of Palmetto (the "City") has the authority to adopt zoning regulations to regulate the use of property within the City limits; and

WHEREAS, Varnadore Properties, LLC is the owner of approximately 0.7 acres of property located generally at 700 17th Street West, 702 17th Street West and 1703 7TH Avenue West, and more particularly described on the attached Exhibit "A" (the "Property"); and

WHEREAS, Varnadore Properties, LLC, has filed an application with the City to rezone the Property to Commercial General (CG); 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 City's Zoning Map; and

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

WHEREAS, on September 12, 2011, the City Commission held a first reading of Ordinance 2011-27, and on October 3, 2011, the City Commission held a public hearing to consider adoption of Ordinance 2011-27; and

WHEREAS, the City Commission has determined that the proposed amendment to the Zoning Map is consistent with the City of Palmetto Comprehensive Plan and provides for the health, safety and welfare of the residents of the City of Palmetto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:

Section 1. Findings of Fact. The above "WHEREAS" clauses are adopted herein as findings of fact.

Section 2. Amendment to the City of Palmetto Zoning Code. The City of Palmetto Zoning Map, as referenced and incorporated into the Zoning Code in Section 2.3 of the City of Palmetto Zoning Code, is hereby amended to rezone the Property to Commercial General (CG).

Section 3. Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

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 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
Second Reading and Public Hearing	October 3, 2011

PASSED AND DULY ADOPTED, by the City Commission of the City of Palmetto, Florida, with a quorum present and voting, in regular session assembled, this 3rd day of October, 2011.

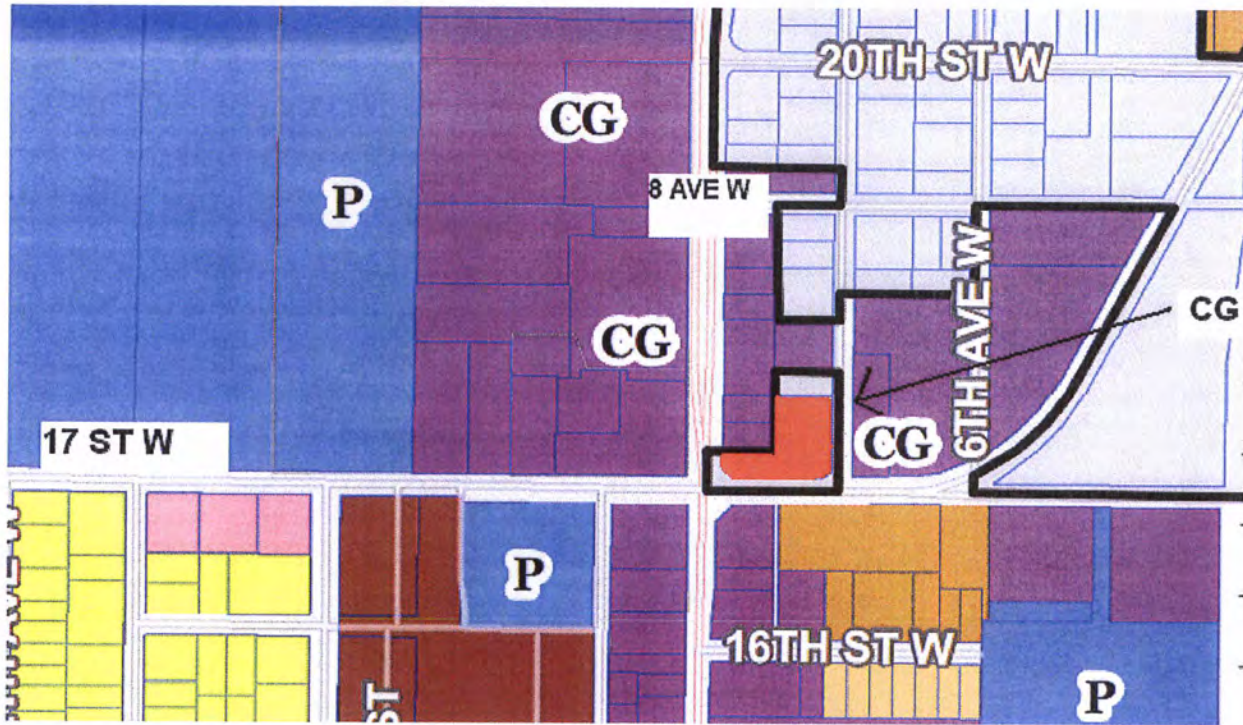
CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT,
MAYOR

ATTEST:

By: _____
James R. Freeman, City Clerk

EXISTING ZONING MAP



LEGAL DESCRIPTION

Lots 1, 18, 19, and 20, less road right-of-way, of Block 1 of Orange Park Subdivision, Plat Book 2, Page 137, as recorded in the public records of Manatee County, Florida.