

TAB 9

**CITY OF PALMETTO
ORDINANCE NO. 2011-23**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 4.3 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 21ST STREET WEST, PALMETTO, FROM SUBURBAN AGRICULTURE (A-1) (COUNTY) TO PLANNED DEVELOPMENT HOUSING (PD-H) (CITY); REZONING APPROXIMATELY 3.68 ACRES OF PROPERTY GENERALLY LOCATED AT 2011 21ST STREET WEST, PALMETTO, FROM ESTATE RESIDENTIAL (ER) TO PLANNED DEVELOPMENT HOUSING (PD-H); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2011-03 Applicants: Charles and Pamela Roy, Brian and Heidi Allwood)

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, 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, Pamela Roy, Brian Allwood and Heidi Allwood are the owners of approximately 4.3 acres of property located generally at 2007 21st Street West, and more particularly described on the attached Exhibit "A" ("Parcel 1"), and Charles and Pamela Roy are

the owners of approximately 3.86 acres of property generally located at 2011 21st Street West, and more particularly described on the attached Exhibit "B" ("Parcel 2"); and

WHEREAS, the owners of Parcels 1 and 2 have filed a joint application with the City to rezone Parcels 1 and 2 to Planned Development Housing (PD-H); 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 October 3, 2011, the City Commission held a public hearing to consider adoption of the proposed amendment to the Zoning Map; 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 Parcels 1 and 2 to Planned Development Housing (PD-H).

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 continued to November 7, 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

"Parcel 1"

DESCRIPTION PARCEL 1A: (ORB 1732, PAGE 1455)

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY FLORIDA; THENCE S00°13'30"E, 33 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 21ST STREET WEST FOR THE **POINT OF BEGINNING**; THENCE EAST, ALONG SAID RIGHT-OF-WAY LINE, 26.8 FEET; THENCE S02°13'15"W, 515.3 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE S14°40'15"W, 231 FEET MORE OR LESS TO THE WATER OF LAKE ROWLETT; THENCE NORTHWESTERLY, ALONG THE WATERS OF LAKE ROWLETT, 180 FEET MORE OR LESS TO A POINT 223.2 FEET WEST OF THE SAID EAST LINE OF SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE N00°13'30"W, 687 FEET, MORE OR LESS, TO THE SAID SOUTH RIGHT-OF-WAY LINE OF 21ST STREET WEST; THENCE N89°53'45"E, 223.2 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

DESCRIPTION PARCEL 1B: (ORB 1942, PAGE 7690)

THAT CERTAIN PARCEL OF LAND LYING SOUTHERLY OF LOT 3, "CHURCH HILL DOWNS SUBDIVISION" AS RECORDED IN PLAT BOOK 20, PAGE 196 AND 197 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND EASTERLY OF LAKE ROWLETT DESCRIBED AS FOLLOWS: **COMMENCE** AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE S00°57'37"E, ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 559.96 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 FOR A **POINT OF BEGINNING**; THENCE CONTINUE S00°57'37"E, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 3, A DISTANCE OF 97.07 FEET, MORE OR LESS TO THE WATER'S EDGE OF LAKE ROWLETT; THENCE MEANDERING SAID WATER'S EDGE IN A NORTHWESTERLY DIRECTION TO A POINT LYING WEST OF THE POINT OF BEGINNING; THENCE EAST TO THE POINT OF BEGINNING.

EXHIBIT B
ORD 2011-23

"Parcel 2"

Commence at the NW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 34 South, Range 17 East, Manatee County, Florida; thence $S00^{\circ}13'30''E$, 33 feet to the South right-of-way line of 21st Street West; thence East along said south line 26.8 feet for the Point of Beginning; thence $S02^{\circ}13'15''W$, 515.3 feet; thence $S14^{\circ}40'15''W$, 230.65 feet to a concrete monument; thence continue $S14^{\circ}40'15''W$ to the waters of Lake Rowlett; thence Southeasterly along said waters, 630 feet, more or less, to a point which lies 549.73 feet East of the Point of Beginning and on a line that bears $S00^{\circ}19'W$ and 759 feet from said South line of 21st Street West; thence $N00^{\circ}19'E$ 759 feet; thence West along said South line of 21st Street West, 549.73 feet to the Point of Beginning; LESS the East 299.5 feet thereof.

Pamela G. Roy herein certifies that the above described property is not her homestead, nor is it contiguous thereto.

REZONING MAP

