

TAB 12

**CITY OF PALMETTO
ORDINANCE NO. 2011-30**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, APPROVING A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF PALMETTO COMPREHENSIVE PLAN BY REDESIGNATING APPROXIMATELY 0.26 ACRES OF PROPERTY GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVE, PALMETTO, FROM INDUSTRIAL-HEAVY (IH) (County) to HEAVY COMMERCIAL INDUSTRIAL (HCOMI) (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-2011-05 Applicant: Waste Services of Florida, Inc.)

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 0.26 acres generally located at 1615 & 1619 Oakwood Avenue (the “Property”), and owned by Waste Services of Florida, Inc., (“Applicant”), have been annexed into the City pursuant to Ordinance 2011-29; and

WHEREAS, the Applicant 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 Industrial-Heavy (IH) to City of Palmetto Heavy Commercial Industrial (HCOMI); and

WHEREAS, the City's Local Planning Agency, the Planning and Zoning Board, held a public hearing on September 15, 2011, regarding the proposed amendment to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, on September 15, 2011, the Planning and Zoning Board recommended approval of the proposed amendment to the Future Land Use Map; and

WHEREAS, on November 7, 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 Land 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	October 3, 2011
Publication	October 24, 2011 and October 31, 2011
Second Reading and Public Hearing	November 7, 2011

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 7th day of November, 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

EXHIBIT A

FUTURE LAND USE PLAN MAP
FOR SMALL SCALE PLAN AMENDMENT 2011-05
FROM IH (COUNTY) TO HCOMI (CITY)
1615 & 1619 OAKWOOD AVENUE

