

TAB 13

CITY OF PALMETTO

ORDINANCE NO. 2011-31

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.26 ACRES OF PROPERTY GENERALLY LOCATED AT 1615 & 1619 OAKWOOD AVENUE, PALMETTO, FROM HEAVY MANUFACTURING (HM) (County) to COMMERCIAL HEAVY-INDUSTRIAL (CHI) (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-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, 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, Waste Services of Florida, Inc. is the owner of approximately 0.26 acres of property located generally at 1615 & 1619 Oakwood Avenue, and more particularly described on the attached Exhibit "A" (the "Property"); and

WHEREAS, Waste Services of Florida, Inc., has filed an application with the City to rezone the Property to Commercial Heavy-Industrial (CHI); 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 City's Zoning

Map; and

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

WHEREAS, on October 17, 2011, the City Commission held a first reading of Ordinance 2011-31, and on November 7, 2011, the City Commission held a public hearing to consider adoption of Ordinance 2011-31; 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 Heavy Industrial (CHI).

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	October 13, 2011
Publication Date	October 24, 2011 and October 31, 2011
Second Reading and Public Hearing	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 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:

By: _____
James R. Freeman, City Clerk

Ordinance No. 2011-31

EXHIBIT A

Lots 4 and 5, Block 3, PAL-ELL-PARK, a Subdivision, as per plat thereof recorded in Plat Book 8, page 123, Public Records of Manatee County, Florida

**REZONING MAP
FROM HM (COUNTY) TO CHI (CITY)
1615 & 1619 OAKWOOD AVENUE**

