

TAB 11

**CITY OF PALMETTO
ORDINANCE NO. 2011-24**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN AND PRELIMINARY PLAT FOR 8.01 ACRES OF PROPERTY GENERALLY LOCATED AT 2007 AND 2011 21st STREET WEST, PALMETTO, AND LOCATED IN THE PLANNED DEVELOPMENT – HOUSING (PD-H) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP-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, the City Commission of the City of Palmetto has certain regulatory authority granted to it by the Florida Constitution, the Florida Statutes and the City Charter to regulate the use of land within its corporate boundaries; and,

WHEREAS, on November 21, 2011, the City Commission of the City of Palmetto approved PD-H Zoning, pursuant to Ordinance No. 2011-23, on the lands described in **Exhibit A** (the “Property”) (approximately 8.01 acres); and

WHEREAS, the City of Palmetto has received a request for approval of a General Development Plan and a Preliminary Plat for eight (8) single-family lots on the Property, and this General Development Plan and Preliminary Plat is attached hereto as **Exhibit B**; and

WHEREAS, the Planning and Zoning Board reviewed the proposed General Development Plan and Preliminary Plat, held a properly noticed public hearing on August 18, 2011, received public comment and testimony, and recommended approval of the proposed General Development Plan and Preliminary Plat; and

WHEREAS, the City Commission held a properly noticed public hearing on October 3, 2011, November 7, 2011 and November 21, 2011, and received public comment and testimony at said hearing; and

WHEREAS, the City Commission finds that approval of the proposed General Development Plan and Preliminary Plat provides for the health, safety, and welfare of the citizens of Palmetto.

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

Section 1. Findings of Fact.

- A. The above-referenced “WHEREAS” clauses are adopted herein as findings of fact.
- B. The Planning and Zoning Board, acting as the Local Planning Agency, has recommended approval of the proposed General Development Plan and Preliminary Plat, a copy of which is attached hereto and incorporated herein as **Exhibit B**.
- C. The proposed General Development Plan and Preliminary Plat are consistent with the City of Palmetto’s Comprehensive Plan.

D. The proposed General Development Plan and Preliminary Plat are compatible with adjacent land uses and complies with all pertinent provisions of the City of Palmetto's Zoning Code.

Section 2. General Development Plan and Preliminary Plat Approval. The proposed General Development Plan and Preliminary Plat are hereby approved, subject to the following conditions:

1. The maximum number of lots shall not exceed 6 lots.
2. The minimum lot size shall be 1.0 acre.

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

Section 4. 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 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 the Mayor vetoes the Ordinance, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 21st day of November, 2011.

First Reading: September 12, 2011
Publication: September 19 and 26, 2011
Second Reading and
Public Hearing: October 3, 2011 continued to
November 7, 2011 and November 21, 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"**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 SOUTHWEST 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 SOUTHWEST 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.

DESCRIPTION PARCEL 2: (ORB 2233, PAGE 4309)

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; THENCE EAST ALONG SAID SOUTH LINE, 26.8 FEET FOR THE **POINT OF BEGINNING**; THENCE S02°13'15"W, 515.3 FEET; THENCE S14°40'15"W, 230.65 FEET TO A CONCRETE MONUMENT; THENCE CONTINUE S14°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°19'W, AND 759 FEET FROM SAID SOUTH LINE OF 21ST STREET WEST; THENCE N00°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.