

TAB 9

CITY OF PALMETTO

ORDINANCE NO. 2012-11

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REZONING APPROXIMATELY 0.8732 ACRES OF PROPERTY GENERALLY LOCATED AT 409 20th STREET WEST, PALMETTO, FROM GC, GENERAL COMMERCIAL (County) TO RM-5, DUPLEX AND SINGLE FAMILY RESIDENTIAL (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-2012-01 Applicant: Volunteers of America of Florida, Inc. PID# 2432900005/0.8732 acres)

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, Volunteers of America of Florida, Inc. is the owner of approximately 0.8732 acres of property located generally at 409 20th Street W, and more particularly described on the attached Exhibit "A" (the "Property"); and

WHEREAS, Volunteers of America Inc., has filed an application with the City to rezone the Property from GC (County) to RM-5, Duplex and Single Family Residential (City); and

WHEREAS, the City's Local Planning Agency, the Planning and Zoning Board, held a

public hearing on April 19 2012, regarding the proposed amendment to the City's Zoning Map; and

WHEREAS, on April 19, 2012, the Planning and Zoning Board recommended approval of the proposed amendment to the Zoning Map; and

WHEREAS, on June 4, 2012, the City Commission held a first reading of Ordinance 2012-11, and on June 18, 2012, the City Commission held a public hearing to consider adoption of Ordinance 2012-11; 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 RM-5, Duplex and Single Family Residential.

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	June 4, 2012
PUBLICATION DATE	June 8, and June 15, 2012
SECOND READING	June 18, 2012

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 18th day of June, 2012.

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

EXHIBIT A

Legal Description

From the Northwest corner of Block 5, Orange Park, as per plat thereof recorded in Plat Book 2, Page 137, of the Public Records of Manatee County, Florida, to Easterly along the North line of said Block 5, a distance of 281.0 feet to the Northwest corner of Lot 9 of said Block 5 for the POINT OF BEGINNING; thence continue Easterly along the North line of said Block 5, a distance of 276.35 feet to the intersection of said line with the Westerly Right of Way line of U.S. 41; thence go Southwesterly along said Right of Way line, a distance of 162.09 feet to a point on the South line of Lot 12 of said Block 5; thence Westerly along the South line of Lots 12, 11, 10 and 9 of said Block 5, a distance of 199.58 feet to the Southwest corner of said Lot 9; thence go Northerly, 143.05 feet along the West line of said Lot 9, to the Point of Beginning. Said property being also described as: Lots 9, 10 and 11, and that part of Lots 12, 13 and 14 which lie West of U.S. Highway 41, all in Block 5, Orange Park, as per plat thereof recorded in Plat Book 2, Page 137, of the Public Records of Manatee County, Florida.