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**BOMA TRACT REZONE
Z-08-02**

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BOMA TRACT REZONE Z-08-02

CITY OF PALMETTO
ORDINANCE NO. __-__

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PDMU (PLANNED DEVELOPMENT-MULTI USE); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-08-02 BOMA Tract, Sanctuary Residential Partners, LLC./ Sanctuary Development Partners, East, PID # 1016400159, approx. 8.44 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," implements the applicable provisions of the Florida Constitution and 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, the City of Palmetto has received a complete and timely application for approval of an Amended Conceptual/General Development Plan for Sanctuary Cove to include

PID # 1016400159, approx. 8.44 acres (“Project”), more particularly described in **Exhibit A**;
and,

WHEREAS, the Planning and Zoning Board of the City of Palmetto reviewed the proposed General Development Plan, held a properly noticed public hearing on March 10, 2008, received public comment and testimony, and provided its recommendation to the City Commission of the City of Palmetto; and,

WHEREAS, the City Commission of the City of Palmetto held a properly noticed public hearing on _____, 2008, and received public comment and testimony at said hearing; and,

WHEREAS, the City Commission of the City of Palmetto finds that approval of the proposed Conceptual/General Development Plan benefits the public health, safety, and welfare;

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

Section 1. Finding 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 Conceptual/General Development Plan, a copy of which is attached hereto and incorporated herein as **Exhibit B.**~~
- C. The proposed Conceptual/General Development Plan is compatible with adjacent land uses and complies with all pertinent provisions of the City of Palmetto’s Zoning Code.

Section 2. Zoning Amendment. The zoning for the real property described in **Exhibit A** is hereby changed from Planned Development Residential (PDR)-County to Planned Development-Multi Use (PDMU)-City.

Section 4. Repeal of Ordinance. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 5. 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 6. 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.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this ___th day _____ 2008.

First Reading: _____, 2008

Publication: _____, 2008

Second Reading and

Public Hearing: _____, 2008

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____

LAWRENCE E. BUSTLE, JR., MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____

City Clerk/Deputy Clerk