

Tab 2

R&W GULFCOAST PROPERTIES, LLC
ANNEXATION, PLAN AMENDMENT, REZONE
AN-PA-Z-08-06

Staff Report
ANNEXATION (AN0806)
COMPREHENSIVE PLAN AMENDMENT (PA0806)
CHANGE OF ZONING (Z0806)
R&W Gulfcoast Properties
1010 10th Street East
Palmetto, Florida

OWNER/GENERAL LOCATION/PARCEL SIZE:

Owner: R&W Gulfcoast Properties
Location: 1010 10th Street East
Parcel Size: 1.38 acres
PID #: 2578000008

EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: County IL (Industrial Light)
Zoning: County LM (Light Manufacturing)

REQUESTED LAND USE/ZONING CATEGORY:

Future Land Use: City HCOMIND (Heavy Commercial/Industrial)
Zoning: City CHI (Heavy Commercial and Light Industrial)

SURROUNDING PROPERTY ZONING DISTRICT(S)/USES:

Future Land Use

North: City HCOMIND (Heavy Commercial/Industrial)
South: City GCOM (General Commercial)
East: City GCOM (General Commercial)
West: County IL (Industrial Light)

Zoning

North: City CHI (Heavy Commercial and Light Industrial)
South: City CG (Business and Light Commercial)
East: City CG (Business and Light Commercial)
West: County LM (Light Manufacturing)

SUMMARY:

Pursuant to Appendix B: the Zoning Code, Sec. 11.3(d), the property owner has requested an amendment to the zoning code and map.

Each rezoning must meet the requirements pursuant to Appendix B: the Zoning Code, Sec. 11.4(b):

(1) The need and justification for the change:

The comprehensive plan amendment and rezone application is required once the parcel is annexed. The property will then be within the City of Palmetto and must be compliant with all Palmetto municipal regulations.

(2) The effect of the change, if any, on the particular property and on surrounding properties:

There is no effect on the subject property or surrounding properties with this change. No new development is proposed. The proposed city future land use and proposed zoning designations allow heavy commercial uses consistent with the existing use.

(3) The amount of undeveloped land in the general area and in the City having the same classification as that requested:

The subject parcel is developed and no new development is proposed with this request.

(4) The relationship of the proposed amendment to the purposes of the City Comprehensive Plan with appropriate consideration as to whether the proposed change will further the purposes of this code and the comprehensive plan.

The inclusion of this property into Palmetto along with this comprehensive plan amendment and rezone furthers the purposes of the Comprehensive Plan and Zoning Code.

1.0 FUTURE LAND USE

Topography, Soil Conditions and the Availability of Facilities and Services

Policy 1.1.3: Availability of public facilities and services shall be concurrent with the impacts of new development and shall meet established level of service standards. In redevelopment areas, local government shall assist in correcting deficiencies. [9J-5.006(3)(c)3.]

The site is currently served by City water and septic. The applicant wishes to annex in order to hook into the City of Palmetto sewer collection system. No county utilities are available to serve the site.

Policy 1.1.4: New development shall be permitted only where adequate drainage and storm water management, open space and traffic flow and parking are provided. In redevelopment areas, local government shall assist in correcting deficiencies. [9J-5.006(3)(c)4.]

No new development is proposed at this time. If the site is redeveloped in the future, drainage and stormwater management, open space, traffic flow and

parking matters will be reviewed for compliance with any associated construction plans.

Community Redevelopment Area [9J-5.006(3)(b)2.]

Policy 1.2.4: The City shall discourage duplication of the functions of the Commercial Core by avoiding rezoning which permits commercial development or high-density residential development outside the Community Redevelopment Area. **This site is located within the CRA and may qualify for storefront grant money if improvements are proposed in the future.**

2.0 TRANSPORTATION ELEMENT

Level of Service

Policy 2.1.1: The level of service standard for collector and arterial roadways in the City shall be LOS “D”, peak hour.

No new development is proposed. If warranted, a traffic study will be required prior to the approval of construction plans for any redevelopment proposal.

4.0 SANITARY SEWER

Advanced Water Treatment System

Policy 4.1.3: The City shall require all development to be reviewed for sanitary sewer concurrency standards.

A 12”sanitary sewer forcemain is available for connection into the City sewer system. The subject property is currently served by a septic system that is inadequate to service the site. Connection to sewer will be made upon approval of this request.

Reclaimed Water Use

Policy 4.3.1: Require the use of reclaimed water to irrigate recreational, agricultural and future development.

Extension of reclaimed water service can be provided to the site if and when it is redeveloped.

Policy 4.3.4: Require the construction of an on-site distribution system for the transmission of reclaimed water in all new and future development projects.

This system can be in place upon redevelopment of the site.

6.0 STORM WATER MANAGEMENT

Surface Water

Objective 6.3: To ensure that the quality of surface water within the City is maintained and, where unacceptable, improved.

- Appropriate on-site retention or detention in accordance with adopted local and state regulations including filtration, infiltration, establishment of littoral zones in wetland

areas and the use of grassy areas for filtration;

- Protection of wetlands and environmentally sensitive areas; and
- Management and protection of the quantity, timing and quality of water releases and discharges.

No new development is proposed. If the site is redeveloped in the future, development must be in compliance with all SWFWMD permitting requirements and will be reviewed with construction plans.

7.0 POTABLE WATER

Maximize Existing Facilities

Objective 7.2: The City shall require that existing and new development maximizes the use of existing potable water facilities.

A 12”city waterline is available to serve to the subject property upon approval of this request.

Policy 7.2.1: The City shall require the use of low-volume plumbing fixtures for all new construction in accordance with the requirements of the most recently adopted Standard Plumbing Code.

The developer shall demonstrate compliance with the building permit application(s), if applicable.

Policy 7.2.2: The City shall continue to encourage the use of xeriscape in all landscaping projects.

If redeveloped, any future landscaping will incorporate xeriscaping.

Policy 7.2.3: Where lines are available, the City shall require new development and redevelopment to connect to the reclaimed water system.

Extension of reclaimed water service can be provided to the site if and when it is redeveloped.

Policy 7.3.1: Require the use of reclaimed water to irrigate recreational, agricultural and future development.

Extension of reclaimed water service can be provided to the site if and when it is redeveloped.

Policy 7.3.4: Require the construction of an on-site distribution system for the transmission of reclaimed water in all new and future development projects.

Extension of reclaimed water service can be provided to the site if and when it is redeveloped.

STAFF RECOMMENDATION:

The subject property is in compliance with the criteria established for property annexation into a municipality. The parcel to be annexed is contiguous to the City of Palmetto boundary on three sides and is compact in nature. The subject parcel is identified on the Urban Development Zone (UDZ) map as being a logical expansion area of the City of Palmetto. The site is currently occupied by a commercial business (Wholesale Landscape). No new proposed development is proposed with this application. The existing use is consistent with the Manatee County Comprehensive Plan and Land Development Code. The City of Palmetto Comprehensive Plan Future Land Use and Zoning designations are comparable to the existing County designations. This will enable the site to have a transfer of jurisdictions in a consistent regulatory manner upon annexation.

The purpose of this request is to address a health safety issue. The site is currently occupied without connection to (sewer) central utilities. There have been sanitation problems with the existing septic system. Connection will become available with the approval of this request. As such, staff recommends **APPROVAL** of the annexation, comprehensive plan amendment, and change of zoning with the following condition:

1. Connection to City utilities must be made within six months from the date of approval.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board shall recommend **APPROVAL, APPROVAL WITH CONDITION(S), or DENIAL** of the proposed Annexation, Comprehensive Plan Amendment, and Rezone requests.

CITY COMMISSION

The City Commission shall **APPROVE, APPROVE WITH CONDITIONS or DENY** the request for advertising the public hearings for the proposed annexation, comprehensive plan amendment, and change of zoning.

Attachments: Comprehensive Plan and Infrastructure Impact Analysis
Urban Development Zone (UDZ) Map
Ariel
Ordinance

**Comprehensive Plan and Infrastructure Impact Analysis
for
Annexation of 1010 10th Street East, Palmetto, Florida 34221**

This analysis serves to address the impact to the infrastructure that this Comprehensive Plan Amendment will have on City services and facilities. Also included is a comparison of the applicable goals, policies and objectives of the City and County Comprehensive Plans.

An application for annexation into the City of Palmetto has been made concurrent with this Comprehensive Plan Amendment. The application area encompasses on tax parcel number identified as parcel 2578000008. Such parcel is owned by R & W Gulfcoast Properties, L.L.C. and, is 1.38 acres in size and located entirely within Section 13 of Township 35 South, Range 17 East and consists of a retail and Light Industrial) County Comprehensive Plan Future Land Use Category (FLUC).

This application is requesting approval of a Comprehensive Plan Amendment to the City of Palmetto HCOMIND. Once established, the HCOMIND FLUC will allow a subsequent application for Rezone to CHI. There will no need for a site plan approval with the applications, as the landscaping business has no need for expansion of its business.

The following analysis addresses infrastructure impacts:

Infrastructure Impact Analysis

Access

The property has direct access to 10th Street East (U.S. 301). U. S 301 is a principal arterial. As such, adequate access is provided for emergency services, mass transit and other essential services.

Natural Resources

The site contains no jurisdictional wetlands.

Water and Sewer

The County currently provides water. Septic is currently on the site.

Solid Waste

Solid waste collection was provided by the County with disposal to the Manatee County landfill. The landfill has adequate capacity to continue to serve the facility.

Emergency Services

The site will be served with City police protection, North River Fire Department fire protection, and Manatee County emergency services. It is not anticipated that these services will be degraded due to the development of this site.

In summary, requests contained in this proposed Comprehensive Plan Amendment are not anticipated to create any adverse impact to public facilities or services.

Comprehensive Plan Comparison

The following represents a comparative analysis of the applicable provisions of the City and County Comprehensive Plans relative to Future Land Use and Intergovernmental Coordination. This proposal is consistent with those defined:

City of Palmetto

Future Land Use Element

Future Land Use Goal - To manage the growth and development of the City of Palmetto to promote the achievement of a community in which residents and visitors live in a healthful and safe environment that conserves the historical and natural qualities of the City while providing opportunities for economic and social advancement.

Objective 1.1 - To give due consideration to topography, soil conditions, and the availability of facilities and services in the location and density of future land uses.

Objective 1.4 - To conserve and protect natural and historic resources from unnecessary destruction.

Objective 1.6 - To ensure the availability of and provide for utility needs of the area.

Objective 1.7 - Discourage the proliferation of urban sprawl by encouraging...the in-fill development of vacant enclaves within the City's service area.

Objective 1.8 - To encourage the use of planned developments and mixed use developments when such techniques improve the City's ability to meet its land use goal.

Intergovernmental Coordination

Intergovernmental Coordination Goal - To achieve maximum governmental efficiency and improve local governmental planning capability by improving the quality of intergovernmental coordination.

Objective 11.1.1 – Open Communication. Establish effective formal and informal communication mechanisms with other local governments regarding planning issues to ensure effective and efficient implementation of the Comprehensive Plan attaining maximum efficiency.

Objective 11.1.2 - Intergovernmental coordination shall help to achieve effective implementation

of the local comprehensive plan.

Manatee County

Future Land Use Element

Future Land Use Goal - A distribution of land uses throughout Manatee County which limit urban sprawl, providing a predictable and functional urban form, allowing public facilities and services to be provided in a relatively cost efficient manner.

Objective 2.1.1 - Follow a mapping methodology limiting urban sprawl which recognizes existing development, projected growth areas, projected population and employment growth, and a possible development density and intensity less than the maximum specified on the Future Land Use Map.

Policy 2.1.1.4 - Promote development in currently undeveloped areas which have the greatest level of public facility availability and investment.

Policy 2.1.2.3 - Permit the consideration of new residential and non-residential development with characteristics compatible with existing development, in areas which are internal to or contiguous expansions of existing development.

Goal 2.6 - Development consistent with existing and proposed adjacent land uses.

Objective 2.6.1 - Compatibility through screening, buffering, setbacks and other mitigative measures: Require suitable separation between adjacent land uses to reduce the possibility of adverse impacts to residents and visitors, to protect the public health, and to provide for strong communities.

Policy 2.10.1.1 - Encourage the development of new commercial uses as infill development and discourage the expansion of existing commercial areas not meeting commercial locational criteria contained in Objective 2.10.4.

Intergovernmental Coordination Element

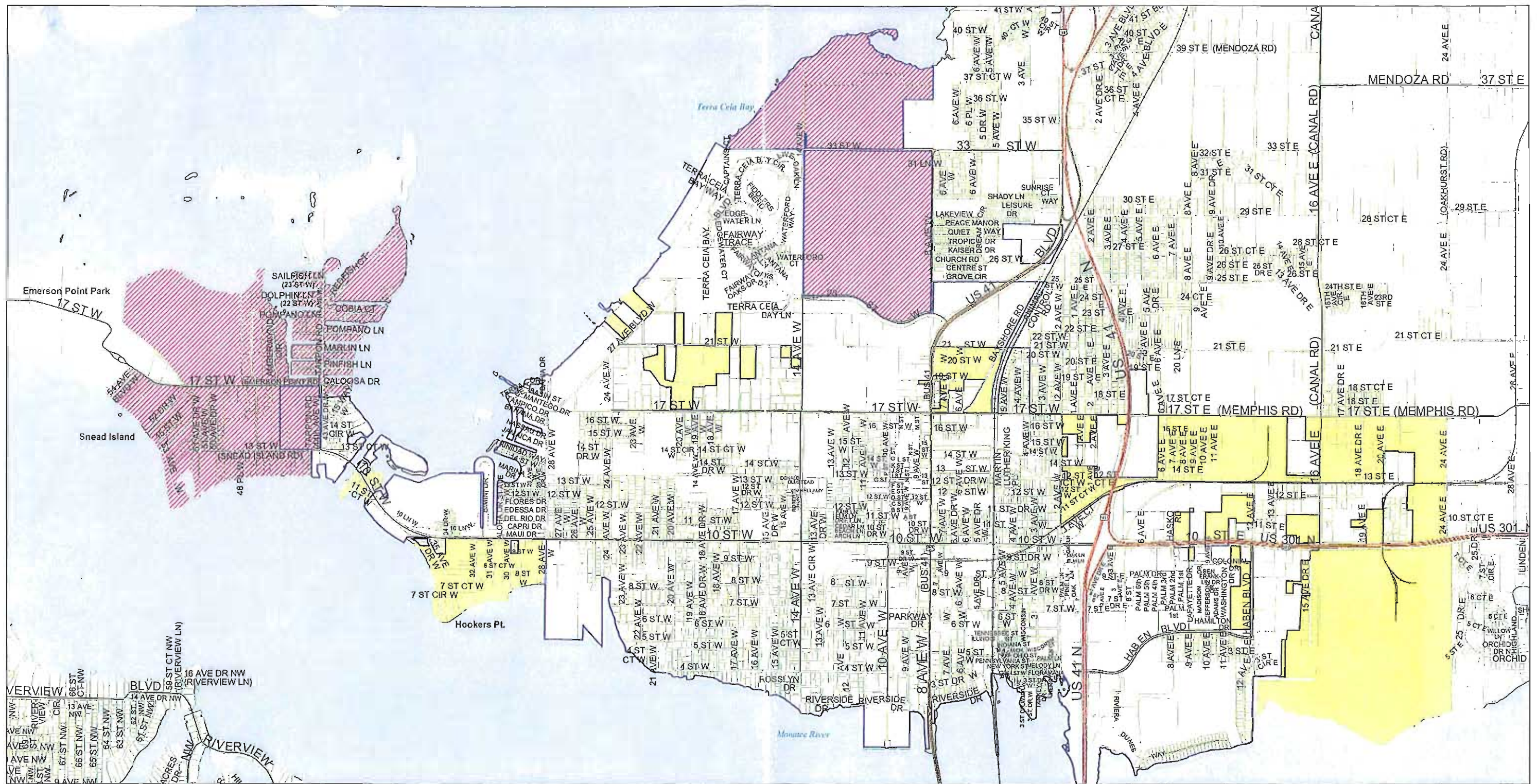
Objective 11.1.2 - Coordination of Annexations: Allow annexations which maintain consistency with this Comprehensive Plan to promote efficient extension of government services and identity.

Conclusion

The development plan will recognize the provisions of both Comprehensive Plans. The

Comprehensive Plan Amendment is mandatory due to the property's annexation. Once annexed, the Comprehensive Plan Amendment is necessary to bring the property in compliance with all provisions of the City of Palmetto's Comprehensive Plan. This serves as a logical expansion to the City and eliminates the property an enclave within Manatee County.

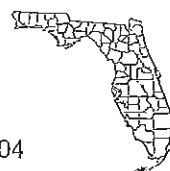
Urban Development Zone / Joint Planning Overlay



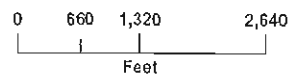
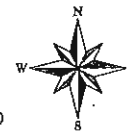
- Urban Development Zone
- Joint Planning Overlay
- Existing City Limits

Parcel boundaries

Manatee County, FL



Accepted by BCC June 8, 2004



This map was developed by the Manatee County Land Information System program. It is provided for general reference, is subject to change, and is not warranted in any way. The information contained within is derived from several sources of varying quality and accuracy. Errors from non-coincidence of features from different sources may be present. The map shall not be transferred to any third party without the expressed permission of the Manatee County. Further, the Manatee County BOCC shall be held harmless for inappropriate or unintended uses of the information.

Source:
The data depicted in this map was provided by the Manatee County Board of County Commissioners and is a digital representation of Exhibit A Resolution R 91-284.

Main **Property Search**

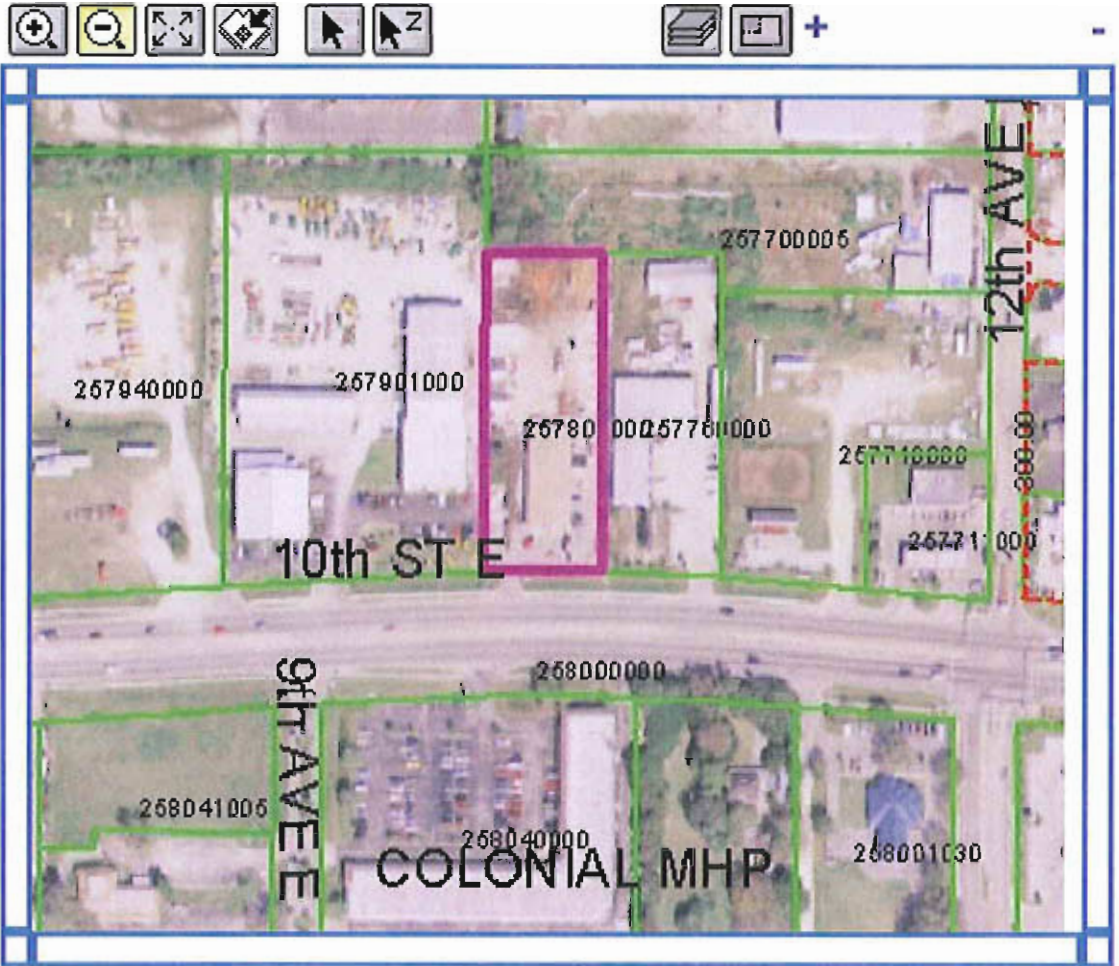
[Owner](#) [Address](#) [Account](#) [Advanced](#) [Map Search](#)

PARID: 2578000008

RANDW GULFCOAST PROPERTIES L L C

1010 10TH ST E

- Profile
- Values
- Sales
- Residential
- Commercial
- Out Buildings
- Permits
- Land
- Agriculture
- Sketch
- Exemptions
- Full Legal
- Map



Manatee County
Last GIS Data Update: 1-Sep-2008

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**CITY OF PALMETTO, FLORIDA
ORDINANCE NO.**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN-08-06 – R&W Gulfcoast Properties, LLC. PID # 2578000008, approximately 1.38+/- 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, Florida Statute 171.044 provides for the voluntary annexation of reasonably compact, contiguous real property to a municipality; and

WHEREAS, the property described in **Exhibit A**, attached hereto and incorporated herein, is reasonably compact and contiguous to the City of Palmetto; and

WHEREAS, the property described in **Exhibit A** is owned by the R&W Gulfcoast Properties, LLC. and

WHEREAS, R&W Gulfcoast Properties, LLC. has petitioned for annexation of said real property into the City of Palmetto; and

WHEREAS, notice of said annexation, a copy of which is attached hereto and incorporated herein as **Exhibit B**, has been published as required under Section 171.044, Florida Statutes; and

WHEREAS, annexation of the land described in **Exhibit A** does not result in the creation of any enclaves; and

WHEREAS, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City, in order to protect the public health, safety, and welfare, to adopt this Ordinance.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the City Commission of the City of Palmetto, Florida, as follows:

Section 1. **Findings of Fact.** The above “whereas” clause are adopted herein as findings of fact.

Section 2. **Annexation of Land.** The land legally described in **Exhibit A** is hereby annexed into and incorporated within the City of Palmetto, Manatee County, Florida, as fully and effectually as if the same were included within the boundary of the City of Palmetto, Florida, as set forth in its Charter.

Section 3. **Amendment of City Boundaries.** The legal description of the City of Palmetto, Florida, kept on file in the City Clerk’s office, is hereby amended to reflect this annexation. The City Clerk is hereby directed to undertake measures necessary to affect such amendment consistent herewith.

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.** It is the intent of this Ordinance to comply with all applicable

law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

Section 6. **Effective Date.** This Ordinance shall take effect thirty-one (31) days after its adoption.

PASSED AND DULY ADOPTED, by an affirmative vote of not less than a majority of the total membership of the City Commission of the City of Palmetto, Florida, and _____.

First Reading:

Publication:

Second Reading and

Public Hearing:

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

Exhibit "A" Legal Description

Exhibit "A" Legal Description

Begin at a point where the North right-of-way line of U.S 301 intersect with the East line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 34 South Range 17 East, said point being 143.95 feet North of the Southeast corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 13; thence Westerly along the North right-of-way line of said highway, 513.43 feet to a point of beginning; thence North parallel to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 399.1 feet; thence Westerly 150 feet along a line making a right angle with the last described line to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13; thence South along the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 400 feet to the North right-of-way line of Highway 301; thence Easterly along the North right-of-way line of Highway 301 a distance of 150 feet to the point of beginning; lying and being in Manatee County, Florida.

Parcel Identification Number: 2578000008

Exhibit “B”

NOTICE OF PUBLIC HEARING CITY OF PALMETTO

HEARINGS MAY BE CONTINUED FROM TIME TO TIME

The City of Palmetto Planning and Zoning Board will hold a Public Hearing on Monday, October 13, 2008 at 6:15 pm in the Palmetto City Hall Commission Chambers, 516 8th Avenue West, Palmetto, FL. to consider the Annexation (AN-08-06), Comprehensive Plan Amendment (PA-08-06) and Rezoning (Z-08-06) applications for a 1.38± acre parcel located at 1010 10th St E. The applications were initiated by William C. Robinson, Agent, for R&W Gulfcoast Properties LLC., to annex the property with PID# 2578000008 into the City, change the Comprehensive Plan designation from Light Industrial (IL) (County) to Heavy Commercial Industrial (HCOMIND) (City) and Rezone the property from Light Manufacturing (LM) (County) to Commercial Heavy Industrial (CHI) (City). A full legal description is available through the Manatee County Public Records.

The public is invited to appear and be heard with respect to this request. Written comments filed at City Hall will be heard and considered. If any person desires to appeal any decision of the City Commission or of any other board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

The City of Palmetto does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status or handicapped status in employment or in the provision of services. Anyone requiring reasonable accommodation for this meeting as provided for in the American with Disabilities Act should contact the City Clerk at 941-723-4570 or FAX 941-723-4576. For more information please call: **City Planner:** Robert M. Schmitt Telephone Number: 941-723-4580.

**CITY OF PALMETTO, FLORIDA
ORDINANCE NO.**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM INDUSTRIAL LIGHT (IL) (COUNTY), TO – HEAVY COMMERCIAL/ INDUSTRIAL (HCOMIND) (CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA-08-06 – R&W Gulfcoast Properties, LLC. PID # 2578000008, approximately 1.38+/- acres).

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, provides for and establishes municipalities and grants to those municipalities governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services and authorizes said municipalities to exercise any power for municipal purposes, except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, The Municipal Home Rule Powers Act, implements by general law the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes home rule for said municipalities; and,

WHEREAS, Chapter 163, Florida Statutes, Part II, known as the Local Government Comprehensive Planning and Land Development Regulation Act, requires, authorizes and empowers municipalities to plan for their future development and growth by adopting and amending comprehensive plans, implementing those plans through appropriate land development regulations, and establishing and maintaining procedures to carry out the provisions and purposes of said Act; and,

WHEREAS, the City Commission of the City of Palmetto, Florida, annexed certain property into the City limits of Palmetto which annexed property is the subject of the proposed Comprehensive Plan Amendment; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides that local government comprehensive plan amendments directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan; and

WHEREAS, the City's Planning and Zoning Board, acting as the Local Planning Agency (LPA) for the City of Palmetto, and City Commission have determined that the proposed Comprehensive Plan Amendment constitutes a Small Scale Development Amendment pursuant to Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, in preparation and consideration of the proposed Small Scale Development Amendment, the LPA and the City Commission have performed or caused to be performed, the necessary studies and surveys, the collection of appropriate data, the holding of such public hearings, work shops and meetings, as necessary, and have effectively provided for public participation, notice, opportunity for oral or written comments; and,

WHEREAS, pursuant to Section 163.3184 and Section 163.3187(1)(c), Florida Statutes, the LPA held the required public hearing on the proposed Small Scale Development Amendment providing proper public notice; and,

WHEREAS, the LPA, having reviewed and considered all comments received during said hearing and provided for necessary revisions, has recommended the proposed Comprehensive Plan Amendment to the City Commission for approval; and,

WHEREAS, based on the matters of record received by the City Commission at the required public hearing pursuant to Section 163.3187(1) (c), Florida Statutes, held on _____, after proper public notice, the City Commission, in the exercise of its home rule and statutory authority, has determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt the proposed Small Scale Development Amendment to the Comprehensive Plan.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Commission of 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. The City of Palmetto 2010 Comprehensive Plan Future Land Use Element / Future Land Use Map is hereby amended by changing the future land use designation for the property legally described in **Exhibit A**, attached hereto and incorporated herein, from Light Industrial (IL), (County) to Heavy Commercial Industrial (HCOMIND) (City).

Section 3. Applicability. The applicability and effect of the City of Palmetto 2010 Comprehensive Plan shall be as provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and this Ordinance. Except to the extent as amended hereby, the Comprehensive Plan is hereby ratified, confirmed and remains in full force and effect.

Section 4. Severability. In the event any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall not become effective, as provided by law, pursuant to Section 163.3187(3)(c), F.S., until thirty-one (31) days after adoption. If challenged, within thirty (30) days after adoption, this Small Scale Development Amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted Small Scale Development Amendment is in compliance.

PASSED AND DULY ADOPTED, by an affirmative vote of not less than a majority of the total membership of the City Commission of the City of Palmetto, Florida, this

First Reading: _____

Publication: _____
Second Reading and
Public Hearing: _____

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

Exhibit "A" Legal Description

Exhibit "A" Legal Description

Begin at a point where the North right-of-way line of U.S 301 intersect with the East line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 34 South Range 17 East, said point being 143.95 feet North of the Southeast corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 13; thence Westerly along the North right-of-way line of said highway, 513.43 feet to a point of beginning; thence North parallel to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 399.1 feet; thence Westerly 150 feet along a line making a right angle with the last described line to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13; thence South along the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 400 feet to the North right-of-way line of Highway 301; thence Easterly along the North right-of-way line of Highway 301 a distance of 150 feet to the point of beginning; lying and being in Manatee County, Florida.

Parcel Identification Number: 2578000008

CITY OF PALMETTO

ORDINANCE NO

AN ORDINANCE OF THE CITY OF PALMETTO, PALMETTO FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM LIGHT MANUFACTURING (LM) (County) TO COMMERCIAL HEAVY INDUSTRIAL (CHI) (City); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-08-06 – R&W Gulfoast Properties, LLC. PID # 2578000008, approximately 1.38+/- 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, on _____ the City Commission annexed the real property described in Exhibit A, attached hereto and incorporated herein, to the City limits of Palmetto; and,

WHEREAS, on _____ the City Commission amended the City of Palmetto Comprehensive Plan Future Land Use Element / Future Land Use Map to include the real property described in **Exhibit A**; and,

WHEREAS, said Comprehensive Plan amendment requires a change of zoning to conform to the zoning categories established in the City of Palmetto Code of Ordinances; and,

WHEREAS, the City's Planning and Zoning Board held a hearing on October 13, 2008 after providing proper public notice; and,

WHEREAS, the City Commission has considered the recommendation of the Planning and Zoning Board; and,

WHEREAS, the City Commission held a public hearing on _____ regarding said proposed change of zoning, after providing proper public notice; and,

WHEREAS, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City, in order to protect the public health, safety, and welfare, to adopt this Ordinance.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the City Commission of 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. **Zoning Amendment.** The zoning for the real property described in Exhibit A is hereby changed from Light Manufacturing (LM) (County) to Commercial Heavy Industrial (CHI) (City).

Section 3. Repeal Of Ordinance. This Ordinance hereby repeals all ordinances and parts of ordinances in conflict herewith to the extent of such conflict.

Section 4. Severability. It is the intent of this Ordinance to comply with all applicable law and constitutional requirements. If any provision, paragraph or section of this Ordinance or the standards and codes adopted hereby, shall be determined by a court of competent jurisdiction to be inapplicable, illegal, unenforceable or unconstitutional, then to that extent such provisions or portions shall be deemed null and void, but the remaining provisions of this Ordinance shall be in full force and effect as applicable.

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.

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

First Reading: _____
Publication: _____
Second Reading and _____
Public Hearing: _____

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

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Exhibit "A" Legal Description

Begin at a point where the North right-of-way line of U.S 301 intersect with the East line of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13, Township 34 South Range 17 East, said point being 143.95 feet North of the Southeast corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 13; thence Westerly along the North right-of-way line of said highway, 513.43 feet to a point of beginning; thence North parallel to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 399.1 feet; thence Westerly 150 feet along a line making a right angle with the last described line to the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 13; thence South along the West line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 400 feet to the North right-of-way line of Highway 301; thence Easterly along the North right-of-way line of Highway 301 a distance of 150 feet to the point of beginning; lying and being in Manatee County, Florida.

Parcel Identification Number: 2578000008