This instrument prepared by:
Jim Lee
201 North 2nd Street
Palatka, Florida 32177

ORDINANCE NO. 09 - 04

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT OF THE ADOPTED COMPREHENSIVE PLAN WITH RESPECT TO ONE PARCEL OF LAND (LESS THAN 10 ACRES IN SIZE) AS DESCRIBED HEREINAFTER, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3187, Florida Statutes, as amended, provides for the amendment of an adopted comprehensive plan, and

WHEREAS, Section 163.3187, Florida Statutes, as amended, provides that any 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, Section 163.3187, Florida Statutes, as amended, provides that a local government may amend its adopted comprehensive plan to change the land uses of up to 80 acres by small scale amendments annually, and

WHEREAS, the Planning Board conducted a public hearing on November 4, 2008, and recommended approval of this amendment to the City Commission, and

WHEREAS, the City Commission conducted a public hearing on this amendment on December 11, 2008, and

WHEREAS, following the public hearing on December 11, 2008, the City Commission approved this amendment by the adoption of Ordinance N0. 08-19, and

WHEREAS, on January 13, 2009, the City of Palatka received a letter, dated January 8, 2009 from the State Department of Community Affairs, returning the amendment package because Section 163.3177(3)(b)1, Florida Statutes prohibits a local government from amending its future land use map, except for plan amendments to meet the new requirements under Chapter 163, Part II, Florida Statutes, and emergency amendments until the local government has adopted and transmitted the annual Capital Improvements Element (CIE) update to the Department, and

WHEREAS, the State Department of Community Affairs directed the City of Palatka to adopt the comprehensive plan amendment meeting the annual CIE update criteria and then re-advertise, re-adopt and re-submit this amendment for processing pursuant to Section 163.3187(1)(c), Florida Statutes, and

WHEREAS, the City Commission adopted the comprehensive plan amendment meeting the annual CIE update criteria on December 18, 2008, and

WHEREAS, this amendment was re-advertised for a public hearing before the City Commission on February 26, 2009, and

WHEREAS, following the public hearing the City Commission approved this Ordinance which rescinded their earlier Ordinance N0. 08-19, and re-adopted the original amendment

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA:

Section 1. Adopted Small Scale Amendments

That the Future Land Use Element and Future Land Use Map of the adopted comprehensive plan of the City of Palatka is hereby amended to provide that the land uses of the parcel of land listed in Table 1 below shall be changed as designated and that the Future Land Use Map shall be amended to show the changes in land use.

TABLE 1
ADOPTED SMALL SCALE AMENDMENTS

Property Tax Number	Acreage	Current Land Use	Amended Land Use
02-10-26-0000-0380-0000	1.98	County Urban Service	City Commercial

DESCRIPTION OF PROPERTY:

Situated in the Southeast Quarter of the Northwest Quarter of Section 2, Township 10 South, Range 26 East, and more particularly described as follows:

From the Southwest corner of the Northwest Quarter of said Section 2, run North 1 degree 00 minutes West, along the Westerly boundary of Section 2, a distance of 2156. 6 feet to the centerline of State Highway No. 100; thence run South 69 degrees 30 minutes East, along the centerline of said State Highway, a distance of 2543.2 feet; thence run South 20 degrees 30 minutes West, a distance of 100.0 feet to the Southerly right-of-way of said State Highway; thence run South 69 degrees 30 minutes East along said right-of-way a distance of 254.0 feet to the Point of Beginning. From Point of Beginning run South 20 degrees 30 minutes West a distance of 215.0 feet to a Iron Pipe; thence run South 7 degrees 14 minutes West a distance of 292.81 feet; thence run South 69 degrees 30 minutes East, parallel with the centerline of said State Highway 225.02 feet to the Easterly boundary of the Northwest Quarter of Section 2; thence run North 1 degree 14 minutes West; along said Easterly boundary a distance of 538.26 feet to the Southerly right-of-way of said State Highway; thence run North 69 degrees 30 minutes West along said right-of way a distance of 92.91 feet to the Point of Beginning and to close.

(Being tax parcel #02-10-26-0000-0380-0000)

Section 2. Effect on the Comprehensive Plan

The remaining portions of said adopted comprehensive plan of the City of Palatka, Florida, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 3. Severability

Should any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed

a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

Section 4. Effective date

This Ordinance shall become effective thirty-one (31) days after its final passage by the City Commission of the City of Palatka, Florida.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 26th day of February, 2009.

CITY OF PALATKA

By: Kathy Flagg
Its Mayor

ATTEST:

Betty J. Driggers
City Clerk