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2
3 AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA,
4 AMENDING THE CITY OF PALATKA COMPREHENSIVE PLAN'S
5 CAPITAL IMPROVEMENT ELEMENT TO ADOPT THE FINANCIALLY
6 FEASIBLE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS
7 (FY 2009/10-2013/14) AS REQUIRED BY SECTION
8 163.3177(3)(b)(1), FLORIDA STATUTES; SETTING FORTH
9 THE AUTHORITY FOR THE AMENDMENT OF THE COMPREHENSIVE
10 PLAN; SETTING FORTH THE PURPOSE AND INTENT OF THE
11 AMENDMENT; IDENTIFYING PLAN ELEMENTS AND SUB-
12 ELEMENTS TO BE AMENDED; PROVIDING FOR A SEVERABILITY
13 CLAUSE, PROVIDING FOR FILING WITH THE DEPARTMENT OF
14 STATE AND PROVIDING AN EFFECTIVE DATE.
15

16 **WHEREAS**, Section 163.3161, Florida Statutes, established the Local Government
17 Comprehensive Planning and Land Development Regulation Act, and
18

19 **WHEREAS**, the City Commission of the City of Palatka, Florida has adopted its
20 Comprehensive Plan pursuant to the Act and has now determined that certain amendments
21 to portions of the plan are needed, and
22

23 **WHEREAS**, Section 163.3187, Florida Statutes, allows amendments to be made
24 to the plan, and
25

26 **WHEREAS**, Section 163.3177(3)(b)(1), Florida Statutes, requires the City of
27 Palatka Comprehensive Plan's Capital Improvement Element and five-year schedule of
28 capital improvements to be updated by December 1, 2009 to be financially feasible and
29 reflect the period of FY 2009/10 to FY 20113/2014, and
30

31 **WHEREAS**, Section 163.3177(3)(b)(2), Florida Statutes, provides for the
32 adoption of the amendment to update the City of Palatka Comprehensive Plan's Capital
33 Improvement Element and five-year schedule of capital improvements update at a single
34 adoption hearing by the City Commission, and
35

36 **WHEREAS**, the City Commission has provided for opportunity for public
37 hearing after public notice, provisions for open discussion, communications programs, and
38 consideration of and response to public comments concerning the proposed amendment to
39 the Comprehensive Plan, and
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41 **WHEREAS**, the City invited written comment and public participation at the
42 public hearing; and
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44 **WHEREAS**, the City Commission held a public hearing on the proposed
45 Comprehensive Plan amendment on December 10, 2009 and considered the findings and
46 advice of all interested parties submitting comments at the public hearing, and upon
47 complete consideration and deliberation, approved the amendment to the Comprehensive

1 Plan for adoption, and

2

3 **WHEREAS**, the City Commission had determined that the adoption of the
4 amendment to the Comprehensive Plan is in the best interests of the health, safety and
5 welfare of the citizens of the City of Palatka, Florida.

6

7 **BE IT ENACTED BY THE PEOPLE OF THE CITY OF PALATKA, FLORIDA,**
8 **THAT:**

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10 **SECTION ONE. AUTHORITY.**

11 This ordinance is adopted in compliance with, and pursuant to the Local
12 Government Comprehensive Planning and Land Development Regulating Act, Section
13 163.3161, Florida Statutes.

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15 **SECTION TWO. PURPOSE AND INTENT.**

16 It is hereby declared that the purpose and intent of the adopted amendments are to
17 provide a financially feasible five-year schedule of capital improvement (FY 2009/10-
18 2013/14) as required by section 163.3177(3)(b)(1), Florida Statutes. The amendment
19 updates the five-year schedule of capital improvements of the Capital Improvement
20 Element by removing the \$50,000 allocated for a transportation study since Senate Bill 360
21 designated the City of Palatka a “Dense Urban Land Area” and the study is no longer
22 necessary.

23

24 **SECTION THREE. ADOPTION OF AMENDMENTS TO CERTAIN**
25 **ELEMENTS OF THE COMPREHENSIVE PLAN.**

26

- 27 1. The City of Palatka Comprehensive Plan Capital Improvement Element’s Five-
28 Year Schedule of Capital Improvements is hereby amended as per the exhibit
29 attached hereto (Exhibit “A”), and as amended, is a part of the official
30 Comprehensive Plan for the City of Palatka, Florida.
- 31 2. Policy H.1.1.2 - 9J-5.016(3)(c)(1) a and b - Include all identified facility needs
32 found in the Five Year Schedule of Improvements and the Public School
33 Facilities Capital Improvement Projects for Fiscal Years 2008-09 thru ~~2013~~
34 2014.
- 35 3. Policy H.2.1.1 - 9J-5.016(3)(c)6 - Review land use decision impacts and timing
36 against existing and future facilities as proposed in the Capital Improvements
37 Program and the Public School Facilities Capital Improvement Projects for FY
38 ~~200809~~ thru ~~2013~~14 (adopted as part of this Comprehensive Plan: see Table H-
39 2) for maintenance of the adopted Level of Service Standards

40

41 **SECTION FOUR. SEVERABILITY.**

42 If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance
43 is in for any reason held by any court or other forum of competent jurisdiction to be

1 invalid, the validity of the remaining portions of this ordinance shall continue in full force
2 and effect.

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4 **SECTION FIVE. EFFECTIVE DATE.**

5 The effective date of this plan amendment shall be the date a final order is issued
6 by the Department of Community Affairs determining the adopted amendments to be in
7 compliance in accordance with Section 163.3184(9), Florida Statutes, or until the
8 Administration Commission issues a final order determining the adopted amendments to
9 be in compliance in accordance with Section 163.3184(10), Florida Statutes. No
10 development orders, development permits, or land uses dependent on these amendments
11 may be issued or commence before it had become effective. If a Final Order of

12

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14 Noncompliance is issued by the Administration Commission these amendments may
15 nevertheless be made effective by adoption of a resolution affirming its effective status, a
16 copy of which resolution shall be sent to the Florida Department of Community Affairs,
17 Division of Community Planning, Plan Processing Team.

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19 **PASSED AND ADOPTED this 10th day of December 2009**

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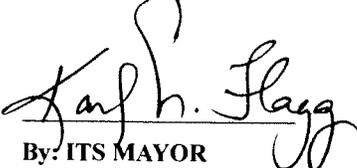
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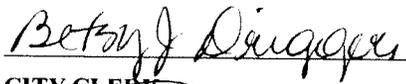
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CITY OF PALATKA


By: ITS MAYOR

27 **ATTEST:**

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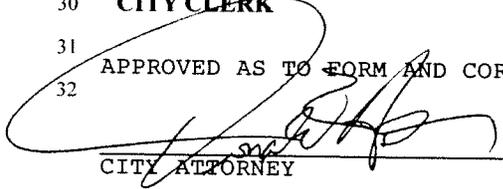
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30 **CITY CLERK**

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32 **APPROVED AS TO FORM AND CORRECTNESS:**

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CITY ATTORNEY