



**CITY OF BUNNELL  
AGENDA  
PLANNING, ZONING AND APPEALS BOARD  
Tuesday, June 21, 2011 at 7pm  
Bunnell City Hall  
200 South Church Street  
Bunnell, FL 32110**

---

**Planning and Zoning Agenda**

1.	Call to Order for Planning and Zoning Meeting. Roll Call.
2.	Disclosure of ex parte communications.
3.	Approval of minutes of the April 19, 2011 meeting.

**Old Business:**

4.	<b>Public Hearing: Case # 2010-PZ-08</b> Amending the City of Bunnell Comprehensive Plan.
----	---

**New Business:**

5.	<b>Public Hearing: Case #2011-10</b> Amending the City of Bunnell Ordinance 2011-XX Adult Arcade Amusement Centers.
6.	<b>Case #2011-11</b> Tabernacle of Deliverance Site Plan Approval.
7.	<b>Case #2011-12</b> CRA Visioning Action Plan.

8.	<b>Public Comment:</b> Comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes.
9.	<b>Board Comment.</b>
10.	<b>Adjournment of Planning and Zoning Meeting.</b>

---

**NOTICE:** If any person decides to appeal any decision made by the Planning, Zoning and Appeals Board with respect to any item considered at any meeting of this board; He or She will need a record of the proceedings, and for this purpose, He or She may need to ensure that a verbatim record of the proceedings is made, which record is to include the testimony and evidence upon which the appeal is based. (286.0105 Florida Statutes). Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's office at (386) 313-4060.  
Mick Cuthbertson



**CITY OF BUNNELL  
MINUTES  
PLANNING, ZONING AND APPEALS BOARD  
Tuesday, April 19, 2011 at 7pm  
Bunnell City Hall  
200 South Church Street  
Bunnell, FL 32110**

**Planning and Zoning Agenda**

1.	<p>Call to Order for Planning and Zoning Meeting at 7:02 PM Roll Call.</p> <p><b>Present:</b> Don McCalligan, Thea Mathen, Shannon Strickland, Charles Cino (Not Voting) Mick Cuthbertson (Not Voting) <b>Absent/Excused:</b> TJ Bratcher</p>
2.	<p>Disclosure of ex parte communications. None</p>
3.	<p>Approval of minutes of the February 15, 2011 meeting.</p> <p><b>Motion: Move</b> to approve minutes for February 15<sup>th</sup>. <b>Approved By:</b> Thea Mathen <b>Moved By:</b> Shannon Strickland <b>Vote: Motion</b> carried by a unanimous vote ( Yes=4) <b>Yes:</b> Don McCalligan, Thea Mathen, TJ Bratcher, Shannon Strickland</p>

**New Business:**

4.	<p><b>Public Hearing: Case # 2010-PZ-08</b> Amending the City of Bunnell Land Development Code Chapter 26 regarding Signs, City of Bunnell, applicant.</p> <p>Mick Cuthbertson presented the agenda item regarding signs. Chapter 26 is very specific about signs. There is a Wendy's project in Bunnell and they have all their permits except for the drive thru menu boards. Our code doesn't address these kinds of signs so they are not allowed. Government and American flags are not allowed to be displayed in Bunnell. Clubs and churches in residential zoning districts cannot have signs in current code. The Ordinance allows drive through menu boards at restaurants, displaying flags and one small wall sign for clubs and churches in residential zoning districts. Discussion by all regarding the proposed changes. Thea Mathen stated that this is only temporary and Mick Cuthbertson said that the whole sign ordinance needs to be rewritten. Shannon Strickland asked how much these signs cost and Mick Cuthbertson said permit costs average \$20 to \$85 dollars. Shannon Strickland questioned regulations regarding signs that were not permitted before the date of the code (1992). Question regarding the fine for non permitted signs and Mick said that is determined by the Code Enforcement Board not to exceed \$250 a day. Discussion regarding temporary sign permits.</p>
----	---

	<p>Discussion regarding political signs.  Discussion regarding current code provision for new business to have two signs for 30 days to help with opening.  Temporary event sign regulations do not conflict with special events so new business can do 2 temporary signs to help them get up and running.  There was discussion by all regarding the policy.  Close the board.  Open public comment: Roger Long spoke and stated he is applicant for Wendy's menu boards but he also works on a board that helps Cities with writing the sign code. Mr. Long said that the code does contain some problems but he is here to get the sign (menu board) for Wendy's. He would offer his services to assist Bunnell in a sign code re write.  Close public comment.  Open board.</p> <p><b>Motion:</b> Recommend approval of the Ordinance with additional recommendation that Section 26-3 (4) <i>To prohibit all signs not expressly permitted by this chapter</i> be removed from the code also.  <b>Approved By:</b> Shannon Strickland  <b>Moved By:</b> Thea Mathen  <b>Vote:</b> Motion carried by a unanimous vote (Yes=4)  <b>Yes:</b> Don McCalligan, Thea Mathen, TJ Bratcher, Shannon Strickland</p>
--	---

5.	<p><b>Public Comment:</b> Comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes.</p> <p>None</p>
6.	<p><b>Board Comment.</b>  Thea Mathen said it's been an honor to serve the board for this many years. Mick stated there are 7 volunteers running for PZA. There is the possibility of having 2 alternates on the board. Thea Mathen thinks it is a great idea. Don McCalligan asked about TJ Bratcher and if he still wanted to be a member of the board.</p>
7.	<p><b>Adjournment of Planning and Zoning Meeting.</b></p> <p><b>Motion:</b> Motion to adjourn  <b>Approved By:</b> Thea Mathen  <b>Moved By:</b> Shannon Strickland  <b>Vote:</b> Motion carried by a unanimous vote (Yes=4)  <b>Yes:</b> Don McCalligan, Thea Mathen, TJ Bratcher, Shannon Strickland</p>

---

Don McCalligan     Chair



City of Bunnell, Florida  
**Agenda Item No. 4**

Date: June 10, 2011

Department:	Community Development-Mick Cuthbertson & Amy McClure Skinner	Amount: n/a
File ID:	2010-PZ-08	Account #: n/a

<b>Subject:</b>	Request for approval to amend the City of Bunnell Comprehensive Plan, City of Bunnell, applicant
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Summary of changes not previously reviewed including summary of changes related to responding to DCA's Objections, Recommendation and Comments report</li> <li>2. City of Bunnell Vision statement</li> <li>3. Data and Analysis for each amended Comprehensive Plan Element</li> <li>4. Goals, Objectives and Policies for each amended Comprehensive Plan Element</li> </ol>

**Summary/Highlights:**

This is a request for approval to amend the City of Bunnell Comprehensive Plan. This is a virtual update and rewrite of the City's entire Comprehensive Plan.

**Background:**

This is the final public hearing for the PZA related to the City's update and rewrite of the Comprehensive Plan. The attachments include final drafts of the Future land Use, Conservation, Infrastructure, Housing, Recreation and Open Space, Traffic Circulation, Intergovernmental Coordination and Public Schools Elements. This includes both a draft of the Data and Analysis and the required Goals, Objectives and Policies.

The City has been working on the Comprehensive Plan since the City's initial annexation in 2006. There have been many meetings, including vision meetings, workshops, and meetings with DCA over the years to finally achieve a plan that works for the City and meets state standards. This document reflects the direction from those meetings, as well as, incorporates all of the annexed areas. The City has coordinated with the DCA and is prepared to adopt the Comprehensive Plan.

Please review this material for the Planning, Zoning and Appeals Board meeting; staff will be available for discussion and questions. After the PZA makes recommendations the material will be presented to the City Commission for adoption and transmittal to the Department of Community Affairs for its final determination.

**Recommendation:**

Approval of the revised Comprehensive Plan for adoption by the City Commission.

**Finance Department Review/Recommendation:**

**Planning, Zoning and Appeals Board Action:**

Motion made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_ Vote: \_\_\_\_\_

- |  |   |
|--|---|
| <input type="checkbox"/> Approved as Recommended | <input type="checkbox"/> Approved with Modifications: |
| <input type="checkbox"/> Tabled to: _____        | _____   |
| <input type="checkbox"/> Continued Date: _____   | _____   |
| <input type="checkbox"/> Failed                  | <input type="checkbox"/> Other: _____                 |
| <input type="checkbox"/> No Action Taken         | _____   |

# **City of Bunnell**

## **Response to Florida Department of Community Affairs Objections, Recommendations and Comments Report Response to Subsequent Courtesy Reviews by DCA and FDOT**

### **Comprehensive Plan Large Scale Land Use Plan Amendment**

#### **Reference Number Bunnell 11-1**

---

#### **Changes Not Previously Reviewed**

The City has worked diligently over the past several years to update and re-write the City's Comprehensive Plan. Up to this point the City was still referring to its original 1990 Comprehensive Plan with just a few amendments over the years. The City has worked with the DCA and other agencies and believes that the Comprehensive Plan re-write is ready for adoption.

The City met with DCA staff including reviewing draft ORC report response language. The adoption package includes this language with minor changes. The City of Bunnell also submitted a draft Traffic Circulation Element data and analysis, as well as, goals, objectives and policies to the DCA and FDOT for a courtesy review. The adoption package includes a Traffic Circulation Element that incorporates FDOT comments and corrections, and the required traffic maps are included in the map series.

The adoption package includes an updated Intergovernmental Coordination Element data and analysis, and goals, objectives and policies. This element has not been reviewed by the DCA. Additionally, an updated goals, objectives and policies for the Public Schools Facilities Element are included, which have also not been previously reviewed.

The following are specific responses to the original ORC report which have been expanded to include additional detail related to comments from DCA and the courtesy review. The adopted document reflects all changes to comply with the regulations as reviewed and indicated as appropriate by the DCA and FDOT.

## Relationship of Changes to the ORC Report

**Objection 1: Urban Sprawl and Site Suitability for Clustered Developments and the Rural Preservation Program:** While FLUE Goal 7, Rural Preservation, and its objectives and policies limit the number of clustered development to six, the proposed amendment does not include adequate criteria to guide where the clustered developments will locate to ensure that the area will be environmentally suitable and will not promote urban sprawl. In particular, several of the guidelines and standards for clustered developments set forth in FLU Policies 17.2.2 and 17.2.6 are not meaningful and predictable.

**Response 1:** The policies have been revised as suggested in the ORC report. This provides more clarity, identifies roads that the clustered developments must be adjacent to, deletes certain sections, and includes more meaningful and predictable language.

**Objection 2: Site Suitability and Wetlands:** The proposed FLUM amendment does not protect and conserve wetlands, as required by Rule 9J-5.013(3), FAC, because approximately 31,000 acres of wetlands are proposed to be designated as Conservation 1 and residential development at a density of one dwelling unit per five acres is allowed within the category. Residential development within the Conservation 1 land use category is not consistent with the definition of conservation uses at Rule 9J-5.003(28), FAC. Furthermore, residential uses within Conservation-designated areas does protect and conserve natural resources and therefore is not consistent with Rule 9J-5.006(3)(b)4, FAC. The allowance of residential development on lands designated Conservation 1 is also inconsistent with the City's current comprehensive plan Conservation Element Policy 11.2 (proposed to be renumbered as CON Policy 1.11.2), which states that no development will be allowed in areas designated Conservation existing uses and development that has no significant impact to the wetlands (for example, passive recreation).

**Response 2:** The policies and the City's Conservation 1 land use category have been clarified to allow the density of one unit per five acres as appropriate after ground truthing and per the wetlands policies previously adopted in the Conservation Element. This ensures that only site suitable property is potentially impacted after sufficient ground truthing unless reasonable use of the property is denied.

**Objection 3: Natural Resource Protection:** The proposed amendment does not assure the protection and conservation of the natural functions of existing soils, fisheries, wildlife habitats, rivers, lakes, floodplains, and wetlands, pursuant to rule 9J-5.013(2)(c)6, FAC, because the City's proposed greenway corridor does not include meaningful and predictable standards depicting where the greenway will be placed. While the comprehensive plan update proposes a greenway corridor over time with comprehensive plan policies, the policies do not require new development to participate in the greenway corridors and the data and analysis to support where a greenway corridor should be located is not included in the comprehensive plan update.

**Response 3:** The City clarified language regarding the greenway corridors including general locational criteria for potential clustered developments. The City's language regarding connectivity, ground truthing, and incentives to preserve appropriate areas for greenway corridors is strong.

**Objection 4: Public School Facilities:** While the proposed package includes FLU Policy 17.2.9 which requires a facility impact analysis at the time of the development application, the policy does not include public schools in its list of facilities to be analyzed. Therefore, the amendment has not demonstrated that the public schools facilities exist, are planned, or that the development will be required to demonstrate that public school facilities level of service standards will be met before development is allowed to move forward.

**Response 4:** This was an oversight the requirement for public school facilities analysis has been added to the policy.

**Objection 5: Density and Intensity standards do not meet the minimum requirements of Rule 9J-5 FAC:** FLUE Policies 9.1, 9.2, and 16 establish proposed Commercial and Agriculture and Silviculture land use categories but do not identify maximum allowable densities and intensities. Furthermore, the Commercial categories allow other non-residential uses through mixed use development. However, the policies do not provide an intensity standard for other types on non-residential development. The Agriculture and Silviculture land use category allowable density is not clear because FLUE Policy 16 states Agriculture and Silviculture land use category has a minimum density of one dwelling unit per five acres; while the table of maximum densities, part of FLUE Policy 7.3 on page 24, states the Agriculture and Silviculture land use category has a maximum density of one dwelling unit per five acres for the category.

**Response 5:** The policies and categories outlined have been revised to include appropriate densities and intensities.

**Objection 6:** The amendment package proposes through FLU Objective 17.3 to authorize land development regulations to establish a transfer of development rights program, fee simple selling of development rights, and off-setting densities through intergovernmental coordination. This is inconsistent with Section 163.3177(6)(a), FS, which requires the comprehensive plan to establish densities and intensities of land uses. To allow densities and intensities to vary from those established in the comprehensive plan through land development regulations is not consistent with that requirement.

**Response 6:** The City will adopt a land use plan amendment to establish a density transfer program at a later date.

**Objection 7: Internal Inconsistency:** While the proposed amendment package updates the Future Land Use, Conservation, Infrastructure, Housing, and Recreation and Open Space Elements to the 2030 planning timeframe, the package does not update the Traffic Circulation, Public Schools, Capital Improvements, and Intergovernmental Coordination Elements. Therefore, the comprehensive plan is internally inconsistent and does not meet the requirements of Section 163.3177(2), FS, which states that the several elements of the comprehensive plan shall be consistent and Rule 9J-5.005(5)(a), which states the required elements and any optional elements shall be consistent with each other.

**Response 7:** The adoption package includes an updated Traffic Circulation Element, which was reviewed as a courtesy review by the DCA and FDOT. Suggested FDOT revisions were made prior to adoption. The Public Schools goals, objectives and policies have also been updated, and a re-written Intergovernmental Coordination Element is also submitted. Additionally, the date 2030 has been added to the map series. The Capital Improvements Element was updated as an annual update and adopted by Ordinance Number 2011-02, DCA No. 11-CIE1 and was found in compliance by the DCA.

**Objection 8: Lack of Meaningful and Predictable Policies:** Some of the proposed policy language in the comprehensive plan update is not meaningful and predictable. Without meaningful and predictable standards, the comprehensive plan update policy language does not ensure the protection of natural resources and the discouragement of urban sprawl.

**Response 8:** The outlined policies have been revised.

**Objection 9: Lack of protection of Wellheads:** Proposed INFRA Policy 4.7.2 and CON Policy 1.5.1, regarding the protection of the City's wellheads, states the Land Development Code will identify land uses and activities that should be limited within the primary or secondary protection zones. The proposed policies do not include specific land uses that will be prohibited or allowed in the zones or other specifics that will be included in the Land Development Code. Therefore, the policies do not meet the requirements of Rule 9J-5.013(2)(c)1, FAC, which states the comprehensive plan shall contain one or more policies which address implementation activities for the protection of water quality by a restriction of activities and land uses known to affect adversely the quality and quantity of identified water sources including wellhead protection areas.

**Response 9:** The appropriate policies have been revised to protect the quality and quantity of identified water sources.

**The Comments have also been addressed.**

# **City of Bunnell**

## **Vision Statement**

### **Introduction**

For over 100 years Bunnell has worked to define itself, and promote its many opportunities. Historically the priorities have been rooted in agriculture and silviculture, providing natural resources and its central location to transportation routes. Articles dating from the late 1890's to the early 1900's promote the area describing unlimited natural resources for crops, fruit trees, hunting and fishing with transportation options to distribute the goods. Recently, Flagler County has experienced a population and development boom. The quiet, rural and agricultural orientation of the County has changed significantly east of highway U.S. 1 and the FEC railroad tracks.

The City of Bunnell, the County Seat of Flagler County continues its effort to define itself through this latest vision process. This is a formal attempt to develop a guide for the future direction of the City. This is important not only because of the State of Florida statutory requirements for Comprehensive Planning, but the City's recent western annexations created an ideal opportunity for the City to define its own destiny.

### **Process**

This most recent vision process follows statutory requirements with a series of public meetings, including specific meetings with stakeholders, the Planning, Zoning and Appeals Board, and the general public. Information, including surveys and questionnaires, were broadly distributed, and a joint workshop was also held with the Planning Board and the City Commission. Specific issues and strategies were discussed. A broad consensus has been developed regarding the future direction of the City. The Vision Statement has been fully endorsed by the Planning Board and the City Commission as the overall direction for the future development of the City of Bunnell. Although the statement has not been formally adopted into the City's Comprehensive Plan it is the basis for the direction of the complete update of the Plan. The City's future land use map is referred to as the graphic representation of the future direction of the City.

### **Concept for Growth**

The consensus among the participants defines Bunnell conceptually as an "organic" small town, where its citizens have a deep pride in the past, feel at home and experience a sense

of common community values and aspirations. Residents, neighbors and visitors benefit as a result of thoughtful planning that maintains and enhances the quality of life.

Bunnell will achieve its vision by emphasizing the following areas:

1. Preserving its small town atmosphere;
2. Preserving and enhancing both the natural and environmental resources, while maintaining the local agrarian lifestyle;
3. Focusing on a bright future by expanding the economy, attracting modern industry, and promoting alternative energy solutions; and,
4. Encouraging diversified development strategies including residential, commercial, and industrial options, as well as, viable agriculture and silviculture.

## Priority Issues and Strategies

Early in the process participants were asked to identify five (5) priority issues out of a total of nine (9) outlined in the Florida Statutes. Consistently throughout the process the five (5) priority issues identified included:

1. Priorities for economic development;
2. Preservation of open space and environmentally sensitive lands;
3. Appropriate areas and standards for mixed-use development;
4. Appropriate areas and standards for economic development opportunities and employment centers; and,
5. Opportunities to create land use patterns that accommodate the above.

Basic strategies were discussed for each priority issue.

### **Issue #1      Priorities for Economic Development**

**Strategies:** Encourage a positive business climate and entrepreneurship  
Develop workforce and education opportunities  
Establish appropriate sites and infrastructure  
Develop an economic development and marketing plan

### **Issue #2      Preservation of open space and environmentally sensitive lands**

**Strategies:** Define environmental resources and open space, including agriculture and silviculture  
Establish general locations of open space, agriculture and silviculture  
Establish general locations of environmentally sensitive lands  
Define protection mechanisms

**Issue #3      Appropriate areas and standards for mixed-use development**

**Strategies:** Evaluate mixed-use areas designated in the core-city area  
Consider mixed-use standards for other areas  
Consider mixed-use standards for residential and commercial areas  
Define mixed use potential in rural centers and clustered areas

**Issue #4      Appropriate areas and standards for economic development opportunities and employment centers**

**Strategies:** Facilitate economic growth  
Create a variety of employment opportunities  
Expand economy to provide a sustainable future  
Promote the potential relationship between agriculture, alternative energy sources and transportation solutions.

**Issue #5      Opportunities to create land use patterns that accommodate the above**

**Strategies:** Evaluate appropriate land use designations throughout the City  
Define land use designations  
Establish compatible zoning districts  
Update and implement the land development code

The City of Bunnell is unique because it is a traditional small town with the possibility to attract modern industry. It has the ability to attract environmental and alternative energy resource solutions. It has the potential for industrial development, as well as, being able to maintain its ambiance. It seeks economic development, with the ability to maintain the agrarian lifestyle. The City will address environmental issues and potentially establish viable greenway corridors. The City can encourage a range of residential options.

## **Community**

This vision acknowledges the importance of citizenship in a small town, stewardship of the land, opportunity to provide choices in lifestyles and economic development, and confidence to preserve the past and look to the future.

## **Conclusion**

The City of Bunnell recognizes that growth and change are inevitable. By outlining a community vision that establishes a positive direction to strengthen the historic core, and agrarian legacy, and to conserve the environment and allow business to grow the City can thrive.

**Copies of the complete Comprehensive Plan are available at the Community Development Department office as the entire document exceeds 400 pages.**

**Thank you.**



City of Bunnell, Florida  
Agenda Item No. 5

Date: June 6, 2011

<b>Department:</b>	Community Development- Kristen Bates	<b>Amount:</b> \$0.00
<b>File ID:</b>	Case # 2011-10	<b>Account #:</b> xxx-xxxx-xxxx.xxxx
<b>Subject:</b>	Amending the City of Bunnell's Ordinance Section 14-121 regarding adult arcade amusement centers	
<b>Attachments:</b>	Proposed Ordinance	
<b>Agenda Section:</b>	Regular ___ Consent ___	

**Summary/Highlights:**

The City of Bunnell is proposing an amendment to Section 14-121 of the Bunnell Code of Ordinances regarding adult amusement centers within the City of Bunnell and providing an exception for the maintaining of individual machines in other types of businesses or enterprises.

**Background:**

Ordinance 2009-12 regarding the creation of adult arcade entertainment centers and other similar business was passed and adopted by the City of Bunnell City Commission on March 4, 2009. The ordinance was added to Chapter 14, Article IV, Section 121 of the City of Bunnell Code of Ordinances. The ordinance also provided for the regulation of adult arcade entertainment centers and established the cost for a business tax receipt for the operation of an adult arcade entertainment center.

The City of Bunnell Code Ordinance Section 14-121 states the following:

“Adult arcade amusement centers or other similar entertainment enterprise or business at which electronic, mechanical, coin-operated, computer, video or other similar games of amusement, chance or skill are played, whether for consideration or not when the games are similar to, or in the nature of, slot machines. The presence of games or gaming devices that are similar to, or in the nature of, slot machines shall result in a rebuttable presumption that the enterprise or business at which such machines are located is an adult arcade or amusement center.”

The current code does not provide any exceptions for other businesses which may currently have individual gaming machines on the property.

The proposed amendment recommends classifying an adult arcade amusement center to a business which obtains 51% or more sales revenue from gaming machines and restricts these types of businesses within the limits of the City of Bunnell to a set number and to the B-1 (business) zone district. It also allows for exceptions for other businesses which may obtain 50% or less of sales revenue from gaming machines to maintain individual machines and to not be classified as an adult arcade amusement center.

Staff was concerned with the possibility of the City becoming overwhelmed with similar businesses and the need to protect the small town atmosphere of the City. As a result, contact was initiated with Charles Cino and research conducted regarding the legality of enforcing a limit on the number of businesses within a community. Limiting business is permitted and has successfully been accomplished in other jurisdictions such as, Pennsylvania, Iowa, Wisconsin, California, and Maryland, through the use of a business to population formula. These formulas allow for growth of a certain type of business so long as the population numbers can support them. Therefore, the proposed ordinance includes the formula of 1:600, meaning 1 adult arcade entertainment center for each 600 citizens of the City of Bunnell. This formula would protect the City atmosphere while still encouraging other forms of new, sustainable business to enter the community, but allow for the possibility of similar business only when the population numbers are high enough to cope with higher numbers of adult arcade entertainment centers.

The section regarding the business tax receipt has been removed as discussion of fees and rates will be placed in

the Business Tax Receipt Ordinance.

Based upon previously expressed concerns, notice of the June 21, 2011 Board meeting and copies of the proposed ordinance were provided to those parties who have previously shown interest in this issue. These parties were invited to share their comments and concerns with the Community Development Department or to attend the June 21, 2011 meeting to express their opinions in person.

**Staff Recommendation:**

Approval of the request to amend the City of Bunnell Code Ordinance Chapter 14, Section 121.

**City Attorney Review:**

**Finance Department Review/Recommendation:**

<u>Approver Name:</u>	<u>Approval Status:</u>	<u>Date:</u>
Cissy Bertha, Finance Director		
Dan Davis, CMC, City Clerk		

**City Commission Action:**

Motion made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_ Vote: \_\_\_\_\_

**Approved as Recommended**

**Tabled to:** \_\_\_\_\_

**Continued Date:** \_\_\_\_\_

**Failed**

**No Action Taken**

**Approved with Modifications:**

\_\_\_\_\_

\_\_\_\_\_

**Other:** \_\_\_\_\_

\_\_\_\_\_

## ORDINANCE 2011-XX

### AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING SECTION 14-121 OF THE CODE OF ORDINANCES REGARDING ADULT ARCADE AMUSEMENT CENTERS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, The City Commission of the City of Bunnell has determined that game rooms or enterprises offering coin-operated amusements also known as adult arcade amusement centers and places for amusement require location standards and additional regulations and requirements to ensure and protect the public health, safety, morals and welfare; and

**WHEREAS**, it is the intent of this Ordinance to regulate adult arcade amusement centers that oftentimes mimic the look and atmosphere of gambling venues, but are operated in accordance with Chapter 849, Florida Statutes, (Gambling); and

**WHEREAS**, the regulation of these venues ensures that they are permitted within the City of Bunnell and that appropriate police powers are established and applied to ensure reduction in any secondary effects and to advance the public policy of protecting children; and

**WHEREAS**, it is not the intent of this Ordinance to permit any act or activities prohibited by the provisions of State law including, but not limited to, the provisions of Chapter 849, FS. Moreover, it is not the intent to expand, in any way, the provisions of Section 849.161, FS; and

**WHEREAS**, the City Commission of the City of Bunnell held all required public hearings and in accordance with the provisions of State law in order solicit input from the public.

**NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BUNNELL, FLAGLER COUNTY, FLORIDA THAT:**

#### **Section 1. Amendment to Code of Ordinances**

Section 14-121, Bunnell Code of Ordinances is hereby amended as follows:

Adult arcade amusement centers or other similar entertainment enterprise or business at which electronic, mechanical, coin-operated, computer, video or other similar games of amusement, chance or skill are played, whether for consideration or not when the games are similar to, or in the nature of, slot machines. The presence of games or gaming devices that are similar to, or in the nature of, slot machines shall result in a rebuttable presumption that the enterprise or business at which such machines are located is an adult arcade or amusement center provided the business obtains 51% or more of sales revenue from these machines. Adult arcades or amusement centers shall be referred to herein from time-to-time as "the enterprise or business." Adult arcade amusement centers may be permitted upon determination that the proposed use is consistent with the provisions of F.S. Ch. 849.161, if applicable, in accordance with the

processes and procedures of the city and with the following additional standards. The existence of adult arcade entertainment centers shall be limited utilizing the formula of one adult arcade entertainment center per 600 citizens living within the City of Bunnell. This regulation does not apply to bona-fide charitable organizations that have been awarded section 501(c)(3) status under the Internal Revenue Code of the United States and which may operate five or fewer games of amusement, chance or skill on their premises which operation would otherwise subject the premises to regulation under the provisions of this article, provided that the games are neither similar to nor in the nature of, slot machines, except 501(c)(3) organizations must meet the 1,000 feet requirement from residential districts. an enterprise or business that obtains 50% or less of sales revenue from these machines providing the enterprise or business enforces a policy limiting or restricting the admittance of persons under the age of 18.

(1) Locational standards for adult arcade amusement centers.

a. *Location.* ~~No business tax receipt shall be granted for an adult arcade amusement center, or permit the substantial enlargement, or transfer of ownership or control of an adult arcade amusement center, that would be located within 1,000 feet of the boundary line of a residential district or within 1,500 feet of the property line of another adult arcade amusement center, a public or private school, a day care facility, a church or house of worship, a public library, establishment serving alcoholic beverage, or a public park. The required minimum separation shall be measured from the nearest point of the boundary line or property line of one use to the nearest point of the boundary or property line of the other use in a straight line. Adult arcade amusement centers are an allowable use in the B-1(business) and L-1 (light commercial) zoning districts. An adult arcade amusement center shall not be located within the same development, plaza or shopping, retail, office or industrial park center as any other adult arcade amusement center. regardless of separation distances.~~

b. *Hours of operation.* ~~Adult arcade amusement centers are prohibited from being permitted to be open between the hours of prior to 9:00 a.m. or past 9:00 p.m. and 10:00 p.m.~~

c. *Signage.* The use of any imagery or graphics on a sign referencing gambling or games of chance including, but not limited to, slot machines, poker wheels, or any other similar machine or device is prohibited and unlawful when visible from the exterior of the enterprise or business including, but not limited to, wall signage and window signage. The use of strip, neon or flashing lighting is prohibited and unlawful.

d. *Parking.* Parking requirements for adult arcade amusement center shall be in accordance with the City's Land Development Code regarding off street parking and loading, commercial recreation uses.

(2) *Criteria.* The following requirements shall apply to all adult arcade amusement centers and shall be set forth as conditions of approval for business tax receipts:

a. The person operating or conducting the enterprise or business shall inform the city manager, or designee, as to changes in the information required in this section.

b. Approval shall not be granted if a person with an interest in the enterprise or business, or an employee of the business, has been convicted of a violation of a federal or state statute or any local ordinance pertaining to gambling or any other crime involving moral turpitude within five years preceding the application for the business tax receipt.

c. The applicant shall be 21 years of age or more.

(3) *Applications.* No person shall operate or conduct an adult arcade amusement center for use by the general public in the city for the reward of prizes without first obtaining a business tax receipt. A person desiring to apply for such a receipt shall make an application in writing on a form prescribed by the city manager, or designee, which application shall set forth, at a minimum, the following:

- a. The name under which the enterprise or business is to be conducted;
- b. The location at which the enterprise or business is to be carried on;
- c. The name, address, and principal occupation of every person with an interest in the enterprise or business;
- d. The number of machines to be exhibited;
- e. The manufacturer, serial numbers, name of each machine, name of actual owner of each machine with address and phone number; and
- f. Whether the applicant has ever been engaged in operating an amusement arcade, of whatsoever type or nature, and when, where and how long in each place within five years preceding the date of application.

(4) *Business tax receipt and registration.* The requirement set forth herein shall apply to each and every subsequent owner and operator of the enterprise or business.

- a. As a prerequisite to the issuance of a business tax receipt for the enterprise or business, an inspection shall be made of the premises by the city manager, or designee, building official, the city fire chief, and the city police chief, or their designee, each of whom shall approve the issuance of such business tax receipt.
- b. Registration for each amusement device, however operated, is required at the time of application for a business tax receipt. For each machine registered, a numbered metal tag or plastic decal shall be issued to the applicant for each machine so covered. Application for machine registration stickers must disclose the location where the machine is to be operated, the manufacturer of the machine, the manufacturer's serial number, and the software version, if any. Registration stickers are not transferable from person to person, place to place, or machine to machine. No machine will be eligible for a registration sticker if its operation involves any material elements or change, unless:
  1. The applicant submits with the application, satisfactory proof that the applicant has registered with the United States Department of Justice pursuant to 15 United States Code 1171, and
  2. The applicant submits with the application, the records required under federal law to be maintained by those who register under 15 United States Code 1171, and certifies the machine bears the permanent marking required by federal law.
- c. The applicant shall keep the registered machines, the records of acquisition, location and disposition required by federal law, and records of prize awards open to law/code enforcement inspection at any time.

(5) *Responsibilities of inspecting offices and departments.* The inspection requirements of the departments having responsibility under this article are as follows:

- a. The city manager, or designee, is responsible for granting, denying, revoking, renewing, suspending and canceling a business tax receipt in accordance with state law. The planning and zoning department is responsible for ascertaining whether the location of proposed adult amusement arcade business or

establishment complies with all separation, distance, zoning and location requirements of the land development regulations of the city and whether compliance with all applicable zoning regulations and land use laws is maintained.

b. The building official is responsible for inspecting establishments in order to ascertain compliance with all applicable building codes, statutes, ordinances and regulations.

c. The fire chief or designee is responsible for inspecting establishments and businesses in order to ascertain compliance with all applicable fire codes, statutes, ordinances and regulations.

d. The Bunnell Police Department is responsible for verifying information contained on applications; for inspecting proposed or existing adult amusement arcade establishments in order to ascertain compliance with applicable state statutes and ordinances including, but not limited to, those set forth in this article.

(6) *Operations.* The adult arcade amusement center shall conform to the following requirements:

a. An adult who is 21 years of age or older shall be on the premises of the adult arcade amusement center and shall supervise the operation thereof at all times during all hours of operation.

b. No alcoholic beverages including beer and wine shall be consumed on the premises of an adult arcade amusement center.

c. No person under the age of 18 years is permitted on the premises of an adult arcade amusement center unless such person is accompanied by his or her parent or legal guardian.

d. The enterprise or business shall be open to the general public.

e. The registration tag for each machine shall be attached thereto.

f. The use of gift certificates, gift cards, credit cards or other cash substitutes shall be prohibited.

g. Prizes shall be limited to \$5.00 retail value and shall be kept on the premises.

h. Any machine on the premises of the enterprise or business shall not violate the state's laws against slot machines and shall be in full compliance with F.S. Ch. 849.16.

i. The enterprise or business shall permit unlimited access to law/code enforcement officials to enter the premises and inspect any machine at any time to ensure that the provisions of this article are in compliance.

j. The violation of any of the provisions of this article shall be sufficient reason for the city manager or designee to revoke the business tax receipt issued for the enterprise or business.

(7) *Peace disturbances; gambling; intoxicated persons; minors.* No receipt holder or owner of any adult arcade amusement center, or any servant, agent or employee of such a receipt holder or owner, shall allow the following at the establishment:

a. Disorderly persons;

b. Gambling, or the use, possession or presence of gambling paraphernalia;

c. Intoxicated persons to loiter on the premises; and

d. Loud noise or music to emerge from the premises, which noise or music is disturbing to the surrounding area and does not comply with the city noise ordinance.

(8) *Conduct.* Any receipt holder or owner, servant, agent or employee thereof, shall be presumptively deemed to have permitted the conduct enumerated in subsection 14-121(7) if it occurs on the premises housing an adult arcade amusement center.

~~Sec. 14-122. Business tax receipt.~~

~~The category "adult arcade amusement center" and the business tax receipt of \$500.00 is hereby established for that classification of business, and the owner of the business shall be responsible for all costs.~~

### **Section 2. Conflicting Provisions**

All conflicting Ordinances and Resolutions, or parts thereof in conflict with this Ordinance, are hereby superseded by this Ordinance to the extent of such conflicts.

### **Section 3. Severability and Applicability**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

### **Section 4. Effective Date**

That this Ordinance shall become effective upon its final adoption.

**CITY COMMISSION, City of Bunnell, Florida.**

By: \_\_\_\_\_  
Catherine D. Robinson, Mayor

Approved for form and content by:

\_\_\_\_\_  
Sidney M. Nowell, Esq., City Attorney

Attest:

\_\_\_\_\_  
Daniel E. Davis, CMC, City Clerk

Seal:



City of Bunnell, Florida

Agenda Item No. 6

Date: June 8, 2011

Department:	Community Development	Amount: \$0.00
File ID:	2011-11	Account #: XXX-XXXX-XXXX.XXXX
Subject:	Request for Site Plan Approval for the Tabernacle of Deliverance Ministries, Inc., Stephenson, Wilcox, & Associates applicant.	
Attachments:	1. Location Map 2. Response to City of Bunnell from their Engineer 3. Site Plan	
Agenda Section:	Regular __ Consent __	

**Summary/Highlights:**

This is a request for Site Plan Approval for the Tabernacle of Deliverance Worship Center and off-site parking. The Worship Center will be located on the corner of E. Booe St. and S. Moore St. (site 1 on location map). The off-site parking will be located on S. Moore St. (site 2 on the location map) half a block away from the Worship Center.

**Background:**

This is a request for Site Plan Approval for the Tabernacle of Deliverance Worship Center to be located at 407 E. Booe St. There will be off-site parking located on S. Moore St. A location map is enclosed which identifies both properties. The properties are zoned R-2, Multiple Family Residential Zoning District.

The site plan meets standards established in the City of Bunnell Land Development Code except for setbacks; however, a variance was granted by the PZA on February 18, 2010. Additionally a request for a special exception to allow a church in the R-2, Multiple Family Residential Zoning District was granted by the PZA on September 8, 2009.

Comments from the Community Development Department, the Fire Marshal, and Utilities have been addressed and satisfied. The Engineer's comments have not been fully satisfied in that a permit from the St. Johns Water Management District is still needed for one of the property sites. The applicant has agreed to fully address this issue and provide appropriate documentation regarding the required permit to the Community Development Department. Approval should be granted contingent upon obtaining the necessary permit from the District prior to the start of any construction.

**Staff Recommendation:**

Approval of the site plan contingent on obtaining the permit from the St. Johns Water Management District permit prior to beginning any construction.

**City Attorney Review:**

Empty box for City Attorney Review.

**Finance Department Review/Recommendation:**

Empty box for Finance Department Review/Recommendation.

Approver Name:	Approval Status:	Date:
Cissy Bertha, Finance Director		
Dan Davis, CMC, City Clerk		

**City Commission Action:**

Motion made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_ Vote: \_\_\_\_\_

**Approved as Recommended**

**Tabled to:** \_\_\_\_\_

**Continued Date:** \_\_\_\_\_

**Failed**

**No Action Taken**

**Approved with Modifications:**

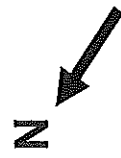
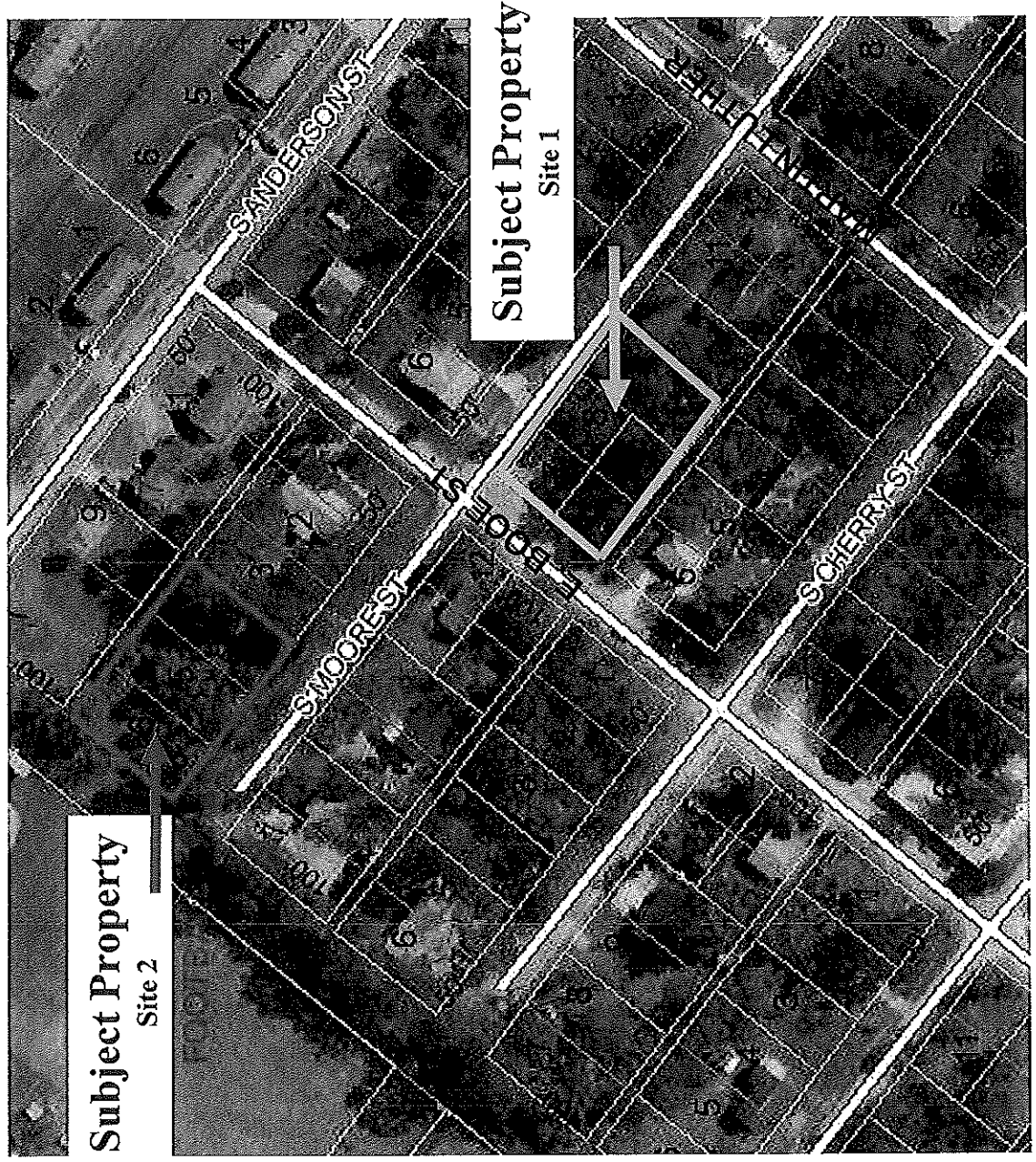
\_\_\_\_\_

\_\_\_\_\_

**Other:** \_\_\_\_\_

\_\_\_\_\_

# Tabernacle of Deliverance- Location Map





STEPHENSON, WILCOX  
& ASSOCIATES, INC.

CIVIL ENGINEERS - LAND SURVEYORS - CONSULTANTS - PLANNERS  
204 N. RAILROAD STREET - PO BOX 186 - BUNNELL, FL 32110  
OFFICE 386.437.2363 - FAX 386.437.0030 - EMAIL INFO.SWA@GMAIL.COM

May 18, 2011

Mick Cuthbertson  
City of Bunnell  
PO Box 756 Bunnell, FL 32110  
Phone: 386.437.7500  
Fax: 386.437.7503

RECEIVED  
MAY 24 2011  
CITY OF BUNNELL

RE: Site Development Review  
Tabernacle of Deliverance Ministries, Inc.

Dear Mick,

Please find attached the revised plan set which reflects the requested revisions as outlined in the staff report dated March 2011. Those changes requested by staff have been incorporated into the plan set, and are reiterated herein with our response being shown in bold.

**Staff Comments:**

1. Please provide a Landscape plan in accordance with the City's Landscaping Code Chapter 14.
  - a) In interim come in to discuss the landscaping requirements.  
**Agreed.**
  - b) Plantings need to be 4ft. (48 inches) at time of planting.  
**The plantings have been modified to be the required 4ft at time of planting.**
  - c) Please indicate what the squiggly lines are.  
**The squiggly lines represent vibrnum. They have been revised to show each vibrnum individual respectively.**
  - d) Need 1 more tree along front of property.  
**A tree survey has been provided, demonstrating that the northeast site has sufficient existing trees to meet the required amount of trees.**
  - e) Proposed landscaping areas or other screening or buffer improvements and areas, including location, height and type of perimeter or ornamental walls, fences, landscaping, including berms and other required screening devices.  
**The landscape plan has been revised to show a 1.5' high berm along the property line.**
  - f) Completed and signed land clearing and tree removal and/or land clearing is to take place onsite. The applicant must include existing tree survey, and proposed replacement per Chapter 14 of LDC.  
**Agreed.**
  - g) Location, size and type of all protected trees on site, pursuant to the requirements and provision of Chapter 14 of the City of Bunnell Land Development Code.  
**A tree survey has been provided along with this submittal.**

h) Location height and material used for screening.

**The landscape plan shows a 1.5' high berm along the property line, as well as a row of 4' high viburnum hedge.**

i) Intended mean of buffering or otherwise attenuating potential noise nuisances generated by the proposed use(s).

**The landscape plan shows a 1.5' high berm along the property line, as well as a row of 4' high viburnum hedge.**

Pg C-2

1. Drawing shows grass, but legend shows concrete, please fix appropriately

**There is no grass parking proposed onsite, the plans have been revised accordingly.**

2. A copy of the deed for the property

**A copy of the deed has been provided along with this submittal.**

**Public Works Review:**

1. Construction entrances are not identified for lot intended for vertical structure or remote parking.

**The BMP sheet has been revised to show construction entrances.**

2. Construction entrance shall be constructed with #1 stone to a depth and distance that removes all soil material from tires of any vehicles exiting both sites. Any tracking of material off site will require mechanical brooming on all City of Bunnell roadways impacted by this tracking and shall be completed prior to end of business day.

**Agreed. The BMP sheet has been revised to note the "Construction entrance shall be constructed with #1 stone to a depth and distance that removes all soil material from tires of any vehicles exiting both sites. Any tracking of material off site will require mechanical brooming on all City of Bunnell roadways impacted by this tracking and shall be completed prior to end of business day."**

3. Any damage caused to the City of Bunnell right-of-way, roadway asphalt, stormwater system or utility infrastructure shall be repair to original or better condition at the expense of the Developer/Property Owner.

**Agreed.**

4. All purposed stormwater drainage systems shall be constructed prior to commencement of the vertical structure.

**Agreed.**

5. Open cuts to the newly paved roadways of South Moore Street and East Booe Street shall not be permitted. Directional boring shall be the acceptable means of connection to existing facility under City of Bunnell roadways. (Note the proposed plans indicate South Moore Street, NW of East Booe Street, as an unpaved roadway. A recent paving project has upgraded this roadway to 1/12" S-3 asphalt.)

**Agreed. The plans have been revised to not cross any streets for utility connections.**

6. Installation of gravity sewer shall not be conducted that requires an open cut to newly paved roadways within the City of Bunnell. Coordination with Bill Green, Utilities Director for the City of Bunnell, shall provide guidance and practicality for installation of an acceptable connection to the City's sewer system.

**The plans have been revised to not cross any streets for utility connections.**

7. Termination signage shall be placed at edge of the concrete parking area on south end of property of primary site. (Note: Plan Sheet C-02; Comment "No parking for turnaround only" area.) Signage shall comply with current MUTCD Standards.  
**Agreed. The site plan has been revised to show termination signage.**

**Fire Review:**

1. Hydrant flow test data for the hydrant indicated on sheets C-01, C-05, and C-06.  
**Agreed.**

**Utility Review:**

1. I thought that the sewer line was to be rerouted to the manhole that is at the northwest corner of the property. Considering that Moore street has just recently been paved it is not in the best interest of the city to allow open across Moore Street. If you are unable to get the proper fall to the existing manhole, please let me know. It may be possible that a pep system would be more cost effective than cutting the road.  
**Agreed. The plans have been revised to not cross any streets for utility connections.**

**Engineer Review:**

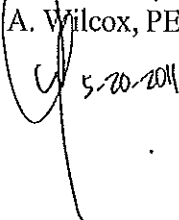
1. We discussed in our previous letters some requirements for the stormwater system serving the proposed project. The response we received from Mr. Wilcox in his March 14, 2011 letter was that **"The southwest site does not meet the permit threshold, and has been revised to show no proposed stormwater system. The northeast site has an onsite stormwater system proposed, and will be required to be permitted through the District."**

We note the culverts that were shown in the second submittal under the two driveways serving the offsite parking lot have been omitted. Existing drainage swales abutting the northeast parking along South Moore Street must be maintained and kept properly drained. Omitting these culvert pipes may interrupt proper drainage of this part of the street.

**Agreed. The plans have been revised to show the proposed swale culverts within the right-of-way.**

We appreciate your prompt review of these revisions and look forward to working with you to complete and approve the project. If you have any questions, please do not hesitate to call 386.437.2363 or email me at [dwilcox.swa@gmail.com](mailto:dwilcox.swa@gmail.com).

Sincerely,  
**STEPHENSON, WILCOX & ASSOCIATES, INC.**  
Dan A. Wilcox, PE, PSM





City of Bunnell, Florida  
**Agenda Item No. 7**

Date: 6/9/11

Department:	CRA Community Redevelopment Agency- Judi Stetson	Amount: \$0.00
File ID:		Account #: XXX-XXXX-XXXX.XXXX
Subject:	2011 CRA Visioning & Action Plan	
Attachments:	CRA Visioning & Action Plan CD CRA Boundary Map	
Agenda Section:	Regular <u>X</u> Consent <u>  </u>	

**Summary/Highlights:**

The CRA has worked diligently for the past six years getting established and have just finalized this Visioning and Action Plan which was formally adopted by the Board on May 9<sup>th</sup>, 2011.

**Background:**

The CRA was established in 2007 (2006 Base Year) to create an environment that assists in stimulating growth, support current and new businesses and to revitalize downtown Bunnell. The CRA boundary encompasses a large portion of the downtown core area. Please see attached map.

This document has taken years to plan and has included numerous researched reports, studies, community meetings and hundreds of people's participation to create. This is a formal guideline of information which has been adopted by the City to follow as we move into the future.

The PZA Board is also a responsible party for decisions that are made within the CRA and therefore it is critical for all entities to have the same information as we enhance our downtown.

**Staff Recommendation:**

To review the CRA Visioning & Action Plan and use as a reference guide for future decisions within the CRA boundary.

**City Attorney Review:**

**Finance Department Review/Recommendation:**

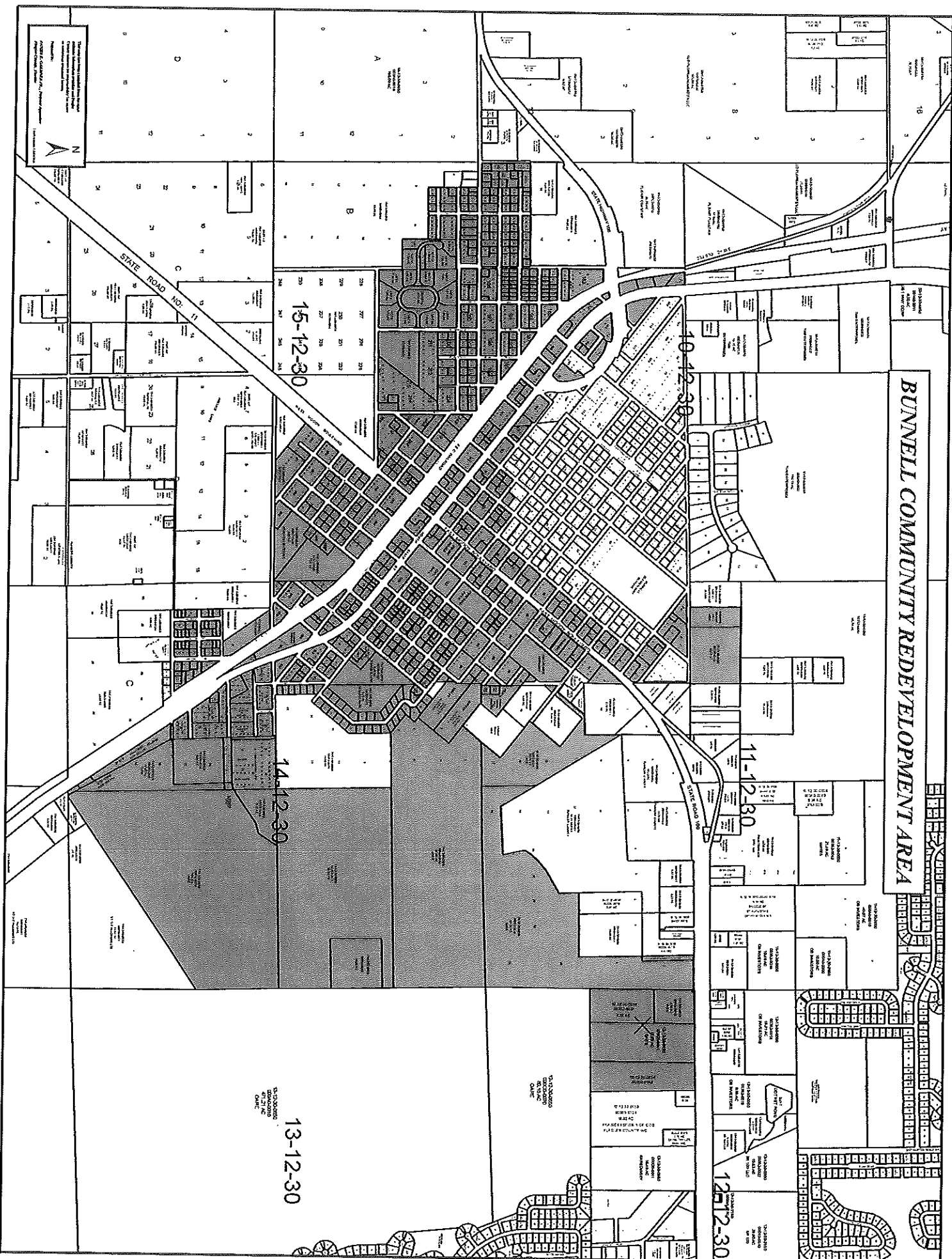
Approver Name:	Approval Status:	Date:
Cissy Bertha, Finance Director		
Dan Davis, CMC, City Clerk		

**City Commission Action:**

Motion made by: \_\_\_\_\_ Seconded by: \_\_\_\_\_ Vote: \_\_\_\_\_

<input type="checkbox"/> <b>Approved as Recommended</b>	<input type="checkbox"/> <b>Approved with Modifications:</b>
<input type="checkbox"/> <b>Tabled to:</b> _____	_____
<input type="checkbox"/> <b>Continued Date:</b> _____	_____
<input type="checkbox"/> <b>Failed</b>	<input type="checkbox"/> <b>Other:</b> _____
<input type="checkbox"/> <b>No Action Taken</b>	_____

# BUNNELL COMMUNITY REDEVELOPMENT AREA



THESE LOTS ARE SUBJECT TO THE BUNNELL COMMUNITY REDEVELOPMENT AREA PLAT, FILED IN THE PUBLIC RECORDS OF THE COUNTY OF BUNNELL, GEORGIA, ON 11/12/2010. THE PLAT IS SUBJECT TO THE BUNNELL COMMUNITY REDEVELOPMENT AREA PLAT, FILED IN THE PUBLIC RECORDS OF THE COUNTY OF BUNNELL, GEORGIA, ON 11/12/2010.

STATE ROAD NO. 11

15-12-30

14-12-30

13-12-30

11-12-30

12-12-30

