

ORDINANCE 2014-02

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE *CITY OF BUNNELL COMPREHENSIVE PLAN*, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE *CITY OF BUNNELL COMPREHENSIVE PLAN* RELATIVE TO CERTAIN REAL PROPERTY, APPROXIMATELY 45.23 ACRES IN SIZE, AND LOCATED WITHIN THE CITY LIMITS (TAX PARCEL IDENTIFICATION NUMBERS 21-13-31-0650-000B0-0031, 21-13-31-0650-000B0-0032, 21-13-31-0650-000B0-0011, AND 21-13-31-0650-000B0-0020) SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR THE IMPLEMENTATION OF THE STATUTORY EXPEDITED STATE REVIEW PROCESS AND AN EFFECTIVE DATE.

WHEREAS, David and Thea Mathen, are the owners of certain real property which land totals approximately 45.23 acres in size, is located within the Bunnell City Limits and is assigned Tax Parcel Identification Numbers 21-13-31-0650-000B0-0031, 21-13-31-0650-000B0-0032, 21-13-31-0650-000B0-0011, AND 21-13-31-0650-000B0-0020 by the Property Appraiser of Flagler County; and

WHEREAS, the owners are applying to the City of Bunnell, pursuant to the controlling provisions of State law and the *Code of Ordinances of the City of Bunnell*, to have the Future Land Use Map of the Future Land Use Element of the *City of Bunnell Comprehensive Plan*, as previously amended, relative to subject property changed from the assignment of Flagler County Agriculture and Timberlands to City of Bunnell Agriculture and Silviculture; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board as the City's local planning agency, held a public hearing on January 21, 2014 to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Bunnell Comprehensive Plan* and recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the property owner; and

WHEREAS, Section 163.3184(3), *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to an expedited

process of State review of proposed amendments to local government comprehensive plans and relates to processes and actions relating thereto; and

WHEREAS, the City's Community Development Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject application be approved and has otherwise reviewed and evaluated the application to determine whether it comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City's *Comprehensive Plan* and determined that the proposed amendment of the City's *Comprehensive Plan* relative to the subject property as set forth in this Ordinance is internally consistent with the *Comprehensive Plan of the City of Bunnell* and the controlling provisions of State law; and

WHEREAS, the City of Bunnell has complied with all requirements and procedures of Florida law in processing this amendment to the *City of Bunnell Comprehensive Plan* including, but not limited to, Section 163.3184, *Florida Statutes*, as well as other controlling law.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative findings and intent.

- (a). The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and City Commission agenda memorandum relating to the application relating to the proposed amendment to the *City of Bunnell Comprehensive Plan* pertaining to the subject property.
- (b). The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (c). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Bunnell*.
- (d). The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

Section 2. Amendment to Future Land Use Map.

- (a). The Future Land Use Plan Element of the *Comprehensive Plan of the City of Bunnell* and the City's Future Land Use Map are hereby amended by assigning the City of Bunnell Agriculture and Silviculture land use designation to the real property which is the subject of this Ordinance as set forth herein. (b). The property which is the subject of this *Comprehensive Plan* amendment is described as follows:

ALL OF TRACT 1, 2 AND THE SOUTH ½ OF TRACT 3, BLOCK B, IN
City of Bunnell
Ordinance 2014-02

SECTION 21, TOWNSHIP 13 SOUTH, RANGE 31 EAST, OF THE BUNNELL DEVELOPMENT COMPANY SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

AND

THE NORTHEAST QUARTER ($\frac{1}{4}$) OF TRACT 3, BLOCK "B" BUNNELL DEVELOPMENT COMPANY SUBDIVISION AS RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID BEING SITUATE IN SECTION 21, TOWNSHIP 13 SOUTH, RANGE 31 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A REFERENCE POINT COMMENCE AT THE CONCRETE MONUMENT AS IDENTIFIED IN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CORNER DOCUMENT NUMBER 0013934 MARKING THE NORTHWEST CORNER OF TRACT 5, OF ARID BUNNELL DEVELOPMENT SUBDIVISION RUN THENCE 89 DEGREES 28 MINUTES 58 SECONDS EAST ALONG THE NORTH LINE OF SAID TRACT 5, THEN 4, THEN 3, FOR A DISTANCE OF 1673.37 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 28 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 334.67 FEET TO THE NORTHEAST CORNER OF SAID TRACT 3; THENCE SOUTH 01 DEGREES 57 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 658.74 FEET TO THE SOUTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF SAID TRACT 3; THENCE SOUTH 58 DEGREES 28 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 334.50 FEET TO THE WEST LINE OF THE NORTHEAST $\frac{1}{4}$ OF SAID TRACT 3; THENCE NORTH 01 DEGREES 58 MINUTES 45 SECONDS WEST FOR A DISTANCE OF 659.33 FEET TO THE POINT OF BEGINNING. CONTAINING 5 ACRES MORE OR LESS.

AND

A PART OF THE NORTH $\frac{1}{2}$ OF TRACT 9, BLOCK B OF BUNNELL DEVELOPMENT, SECTION 21, TOWNSHIP 13 SOUTH, RANGE 31 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 1, OF THE PUBLIC RECORD OF FLAGLER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A REFERENCE POINT COMMENCE AT THE CONCRETE MONUMENT AS IDENTIFIED IN FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CORNER DOCUMENT NUMBER 0013934, MARKING THE NORTHWEST CORNER OF TRACT 5, OF SAID BUNNELL DEVELOPMENT SUBDIVISION RUN THENCE NORTH 89 DEGREES 28

MINUTES 58 SECONDS EAST ALONG THE NORTH LINE OF SAID TRACT 5, FOR A DISTANCE OF 559.35 FEET THE NORTHWEST CORNER OF SAID TRACT 5; THENCE SOUTH 02 DEGREES 01 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 1318.01 FEET FOR TO THE NORTHWEST CORNER OF TRACT 9 AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 27 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 868.68 FEET TO THE NORTHEAST CORNER OF TRACT 9; THENCE SOUTH 0 DEGREES 59 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 658.87 FEET TO THE SOUTHEAST CORNER OF THE NORTH ½ OF TRACT 9; THENCE SOUTH 89 DEGREES 26 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 688.34 FEET TO THE WEST LINE OF SAID TRACT 9; THENCE NORTH 2 DEGREES 01 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 659.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 9 AND THE POINT OF BEGINNING.
CONTAINING 10 ACRES MORE OR LESS.

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

Section 4. Incorporation Of Maps.

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 5. Ratification Of Prior Actions.

The prior actions of the City Commission and its agencies in enacting and causing amendments to the *Comprehensive Plan of the City of Bunnell*, as well as the implementation thereof, are hereby ratified and affirmed.

Section 6. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity or effect of any other action or part of this Ordinance.

Section 7. Conflicts.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. Codification/Instructions to Code Codifier.

It is the intention of the City Commission of the City of Bunnell, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the *City of Bunnell Comprehensive Plan* and/or the *Code of Ordinances of the City of Bunnell*, Florida in terms of amending the Future Land Use Map of the City.

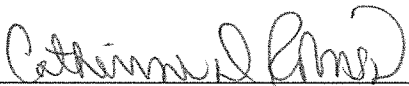
Section 9. Effective Date.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

First Reading approved on this 10th day of February 2014.

Second Reading adopted on this 23rd day June 2014.

CITY COMMISSION, City of Bunnell, Florida.

By: 
Catherine D. Robinson, Mayor

Approved for form and content by:


Wade Vose, City Attorney

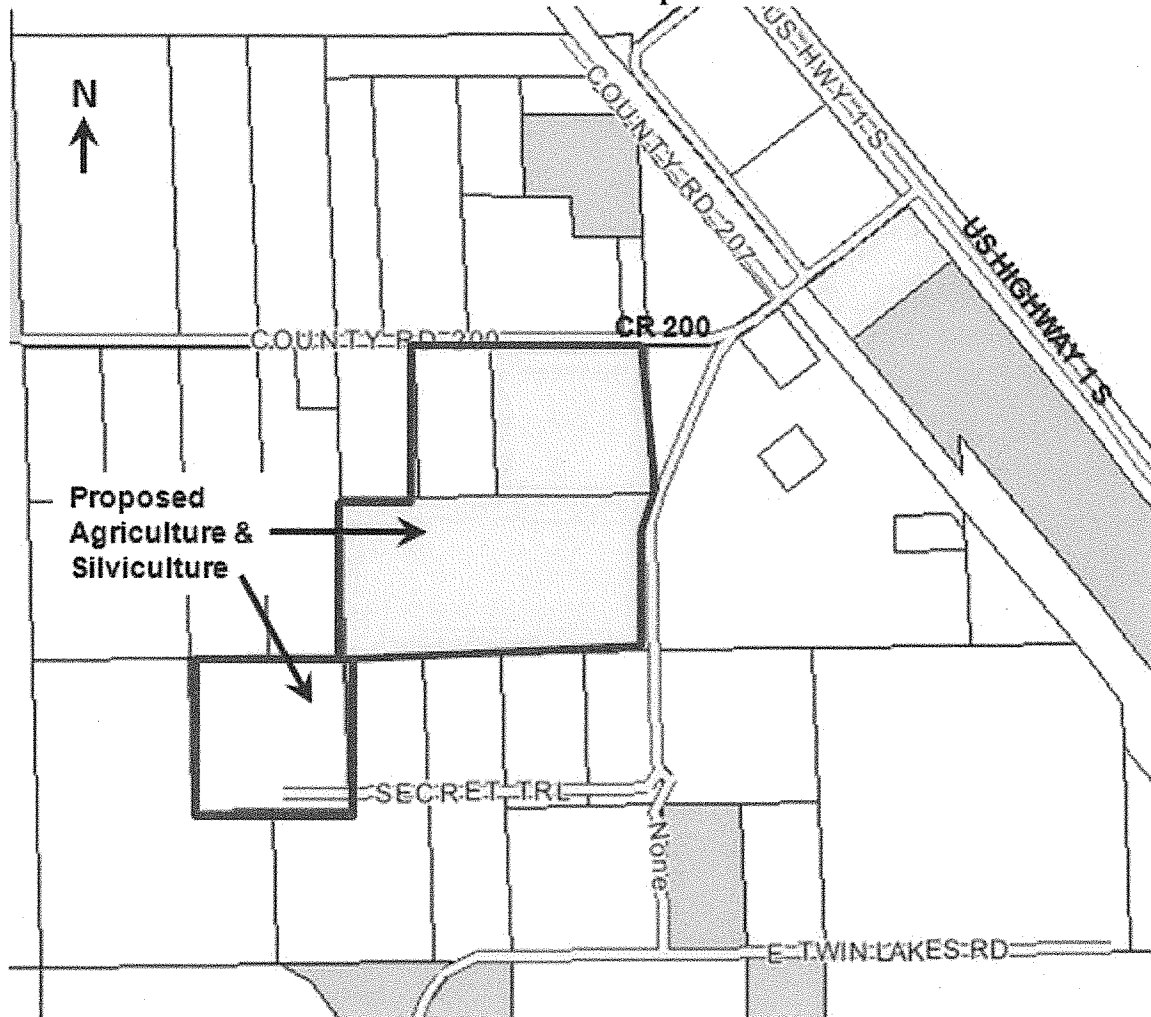
Attest:


Sandra Bolser, City Clerk

Seal:

EXHIBIT A

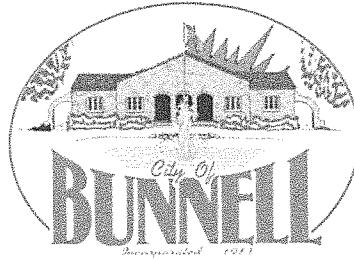
Location Map



CATHERINE D. ROBINSON
MAYOR

JOHN ROGERS
VICE-MAYOR

LAWRENCE WILLIAMS
CITY MANAGER



COMMISSIONERS:

ELBERT TUCKER

BILL BAXLEY

BONITA ROBINSON

Crossroads of Flagler County

June 23, 2014

Mr. Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
107 E. Madison St.
Tallahassee, FL 32399

**SUBJECT: Transmittal of ADOPTED LARGE SCALE COMP. PLAN AMENDMENT
Amendment No. 14-1ESR
±45.23 Acre Future Land Use Map Amendment
City of Bunnell Ordinance 2014-02 adopted June 23, 2014**

Dear Mr. Eubanks:

The City of Bunnell is hereby transmitting this adopted Large Scale Comprehensive Plan Amendment (LSCPA) to the Florida Department of Economic Opportunity in accordance with Section 163.3184(3), Florida Statutes.

The City herein certifies that a copy of this adopted amendment has been mailed to the following agencies that provided timely responses to the City: the Department of Environmental Protection, the Florida Department of Transportation, the Northeast Florida Regional Council, and the St. Johns River Water Management District as of June 24, 2014.

The adopted Large Scale Comprehensive Plan Amendment changes the future land use designation of ±45.23 acres of property from Flagler County Agriculture and Timberlands to City of Bunnell Agriculture and Silviculture. There have not been any changes in concurrency.

The Public Hearing by the City of Bunnell Planning, Zoning and Appeals Board, the local land planning agency, was held on January 21, 2014. At this Public Hearing, the Planning, Zoning and Appeals Board voted to recommend approval of the proposed Ordinance to the City Commission. The Public Hearing by the Bunnell City Commission for the transmittal of this LSCPA was held on February 10, 2014. At this Public Hearing, the City Commission voted to approve the proposed Ordinance and to submit the proposed amendment package to the Florida Department of Economic Opportunity. The Public Hearing for the adoption of this amendment was held June 23, 2014. At this Public Hearing, the City Commission voted to adopt the amendment and to submit the adopted amendment package to the Florida Department of Economic Opportunity.

Pursuant to Florida Statutes, attached to this letter are the following:

- An adopted Future Land Use Map depicting the existing land use of the subject property and abutting properties.
- A copy of the executed ordinance adopting the Comprehensive Plan Amendment.

The City of Bunnell is an Equal Opportunity Service Provider.

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www.bunnellcity.us


- Supporting documents or summaries.

There were no changes to the amendment and no additional findings following the initial review by the Department of Economic Opportunity.

The local contact person regarding this matter is:

Mick Cuthbertson
Community Development Director
PO Box 756
Bunnell, FL 32110
(386) 437-7516 Fax (386) 437-8253
mcuthbertson@bunnellcity.us

Sincerely,


Catherine D. Robinson
Mayor, City of Bunnell

cc:

Florida Department of Environmental Protection
3900 Commonwealth Blvd. M.S. 49
Tallahassee, FL 32399

Florida Department of Transportation
Orlando Urban Office
133 South Semoran Boulevard
Orlando, Florida 32807-3230

Northeast Florida Regional Council
6850 Belfort Oaks Pl.
Jacksonville, FL 32216

St. Johns River Water Management District
4049 Reid St.
Palatka, FL 32177

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