

ORDINANCE 2014-04

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 CONTAINING APPROXIMATELY 9.69 ACRES (A PORTION OF TAX PARCEL IDENTIFICATION NUMBER 10-12-29-0000-04070-0000) AND DESCRIBED IN THIS ORDINANCE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; 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 AN EFFECTIVE DATE.

WHEREAS, the real property which is the subject of this Ordinance is located on County Road 305 in the City of Bunnell; and

WHEREAS, the City of Bunnell submitted two small-scale future land use map amendments to the Department of Economic Opportunity on February 22, 2013 and in accordance with procedures contained in Section 163.3187(3)(a) F.S., the Department of Economic Opportunity accepted the amendments on March 14, 2013; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, as the City's local planning agency, held a public hearing on February 18, 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 163.3187, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to small scale amendments and which are related to proposed small scale development activities and provides, among other things, that such amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the *City of Bunnell Comprehensive Plan*; 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 163.3187, *Florida Statutes*.

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 *2030 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 City of Bunnell *2030 Comprehensive Plan*.

(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 City of Bunnell *2030 Comprehensive Plan* and the City's Future Land Use Map are hereby amended by assigning the Commercial Medium 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:

A PORTION OF THE SOUTH ½ OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 10, TOWNSHIP 12 SOUTH, RANGE 29 EAST, BEING A PART OF BLOCK 13 ST. JOHNS DEVELOPMENT COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 7, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF SAID SECTION 10, THENCE NORTH 88°52'38" EAST, ALONG THE SOUTH LINE OF SECTION 10 WHICH IS ALSO THE NORTH LINE OF COUNTY ROAD 302 (COUNTY MAINTAINED RIGHT-OF-WAY ONLY), A DISTANCE OF 50.00 FEET TO THE INTERSECTION OF SAID NORTH LINE OF COUNTY ROAD 302 WITH THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 305 (100' PUBLIC RIGHT-OF-WAY); THENCE NORTH 00°26'08" WEST, DEPARTING SAID NORTH LINE OF COUNTY ROAD 302, ALONG SAID EAST LINE OF COUNTY ROAD 305, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE NORTH 00°26'08" WEST A DISTANCE OF 400.00'; THENCE NORTH 88°52'38" EAST, DEPARTING SAID EAST LINE, A DISTANCE OF 1055.43 FEET; THENCE SOUTH 00°26'08" EAST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 88°52'38" WEST, A DISTANCE OF 1055.43 FEET TO THE EAST RIGHT-OF-WAY OF COUNTY

ROAD 305 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.
(THE NORTHERN PORTION OF TAX PARCEL IDENTIFICATION
NUMBER: 10-12-29-0000-04070-0000).

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. Ratification of Prior Actions.

The prior actions of the City Commission and its agencies in enacting and causing amendments to the *2030 Comprehensive Plan of the City of Bunnell*, as well as the implementation thereof, are hereby ratified and affirmed.

Section 5. 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 of the ordinance or effect of any other action or part of this Ordinance.

Section 6. Conflicts.

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

Section 7. 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 *2030 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 8. Effective Date.

The small scale Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section 163.3187(5)(c), *Florida Statutes*, until 31 days after the enactment of this Ordinance. If challenged within 30 days after enactment, the small scale amendment set forth in this Ordinance shall not become effective until the State land planning agency or the Administration Commission, respectively, issues a final order determining that the subject small scale amendment is in compliance with controlling State law.

First Reading: Approved on this 24th day of March 2014.

Second Reading: Adopted on this 14th day of April 2014.

CITY COMMISSION, City of Bunnell, Florida.

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

Approved for form and content by:

Wade Vose
Wade Vose, City Attorney

Attest:

Sandra Bolser
Sandra Bolser, City Clerk

Seal:

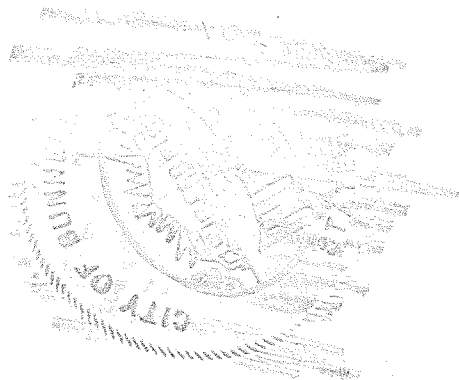


EXHIBIT A

Location Map

