

ORDINANCE 2014-06

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 9.46 ACRES (A PORTION OF TAX PARCEL IDENTIFICATION NUMBER 02-13-30-0650-000D0-0100) 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 east of County Road 304 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 Agriculture 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 PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 13 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, AND BEING PART OF BLOCK A AND D, BUNNELL DEVELOPMENT COMPANY'S SUBDIVISION, A SUBDIVISION AS RECORDED IN MAP BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 30 EAST, ALSO BEING THE SOUTHWEST CORNER OF BLOCK D, BUNNELL DEVELOPMENT COMPANY'S SUBDIVISION, MAP BOOK 1, PAGE 1, BEAR N89°12'59"E, ALONG THE SOUTH LINE OF SECTION 2, A DISTANCE OF 1316.70 FEET; THENCE N00°24'22"E, DEPARTING SAID SOUTH LINE, A DISTANCE OF 1637.74 FEET; THENCE N07°50'08"W A DISTANCE OF 650.59 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE S85°22'12"W, A DISTANCE OF 851.36 FEET; THENCE N01°05'05W, A DISTANCE OF 483.09 FEET TO THE SOUTHEAST CORNER OF LANDS OF HILSENBECK; THENCE N82°37'39"E, A DISTANCE OF 793.27 FEET; THENCE S07°50'08"E, A DISTANCE OF 520.94 FEET TO THE POINT OF DESCRIPTION OF THIS DESCRIPTION.

PARCEL CONTAINS 9.46 ACRES MORE OR LESS.

TOGETHER WITH AND SUBJECT TO A 60' WIDE EASEMENT, BEING 30 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

FROM A CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 30 EAST, ALSO BEING THE SOUTHWEST CORNER OF BLOCK D, BUNNELL DEVELOPMENT COMPANY'S SUBDIVISION, MAP BOOK 1, PAGE 1 PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEAR N89°12'59"E ALONG THE SOUTH LINE OF SECTION 2, A DISTANCE OF 1316.70 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION:

THENCE N00°24'22"E, DEPARTING SAID SOUTH LINE SECTION 2, A DISTANCE OF 1637.74 FEET; THENCE N07°50'08"W A DISTANCE OF 650.59 FEET; THENCE S85°22'12"W A DISTANCE OF 851.36 FEET TO A POINT LYING 30' SOUTH OF THE SOUTHEAST CORNER OF THOSE LANDS OF HILSENBECK, DESCRIBED IN O.R. BOOK 451, PAGE 1609 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, THENCE S88°54'41"W, PARALLEL WITH AND 30 FEET SOUTH OF THOSE LANDS OF HILSENBECK, A DISTANCE OF 467.70 FEET TO THE SOUTHEASTERLY RIGHT OF WAY OF COUNTY ROAD 304, FLAGLER COUNTY, FLORIDA AND THE POINT OF TERMINUS OF THIS DESCRIPTION.

THE SIDE LINES OF SAID 60 FEET WIDE EASEMENT LIE 30 FEET EACH SIDE OF THE AFORE DESCRIBED CENTERLINE AND SHALL BE EXTENDED OR SHORTENED AS TO CREATE NO GAPS OR OVERLAPS AND BEGIN AT THE SOUTH LINE OF SAID SECTION 2 AND END AT THE SOUTHEASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 304, FLAGLER COUNTY, FLORIDA.

(A PORTION OF TAX PARCEL IDENTIFICATION NUMBER: 02-13-30-0650-000D0-0100).

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, City Attorney

Attest:


Sandra Bolser, City Clerk

Seal:



EXHIBIT A

Location Map

