

ORDINANCE 2016-21

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 39.27 ACRES (PARCEL NUMBER 10-12-30-0850-02250-0000) 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, the real property which is the subject of this Ordinance is currently unaddressed and is located in the City of Bunnell containing approximately 39.27 acres and is assigned Tax Parcel Identification Number 10-12-30-0850-02250-0000 ; and

WHEREAS, the owner of the property, Joe Mayes, is 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 the subject property changed from the assignment of Single Family Low Density and Commercial Medium Density to Single Family Medium Density; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, as the City's local planning agency, held a public hearing on September 20, 2016 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 this 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*.

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 Bunnell Single Family Medium Density 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:

LEGAL DESCRIPTION:

TOWN OF BUNNELL SUBD ALL BLOCKS 225 TO 248 INCL EXCEPT
BLOCKS 233-234-243-244 A/K/A SE1/4 OF NW1/4 OF 15-12-30 OR 97 PG
277 OR 1229 PG 1639- DAVID J COOK SR TRUST OR 1721/843-SA FOR
JAMES COOK 50% INT

ADDRESS: No address assigned.

PARCEL: 10-12-30-0850-02250-0000

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. 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 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 of the ordinance 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 *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 9. Effective Date.

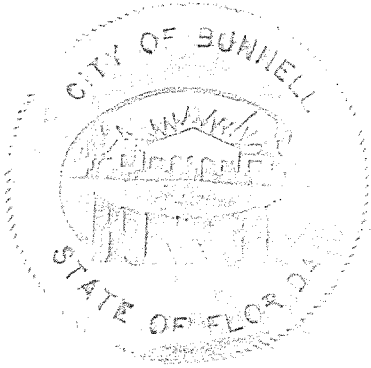
The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department 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 October 2016.

Second Reading: adopted on this 9th day January 2017.

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

