



Crossroads of Flagler County

Board Members:
Carl Lilavois, Chair
Gary Masten, Co-Chair
Jerry Jones
Robin Tyler
Manuel Madaleno
Nealon Joseph (Alternate)

PLANNING, ZONING AND APPEALS BOARD AGENDA

Join Zoom Meeting <http://bunnellcity.us/meeting>

Tuesday, November 2, 2021

6:00 PM

201 West Moody Boulevard,
City Commission Chambers - Building 3
Bunnell, FL 32110

-
1. **Call Meeting to Order for Planning and Zoning Meeting and Roll Call**
 - 1.1. To Join the Zoom Meeting
 2. **Disclosure of Ex-Parte communications.**
 3. **Approval of Minutes**
 - a. October 5, 2021 Planning, Zoning and Appeals Board Minutes

New Business:
 4. Public Hearing - Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 11.9± acres of land, owned by Christopher Barney, Bearing the Parcel ID: 22-12-30-0650-000D0-0061 from Flagler County "Agriculture & Timberlands" to City of Bunnell "Agriculture"
 5. Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 11.9± acres of land, owned by Christopher Barney, Bearing the Parcel ID: 22-12-30-0650-000D0-0061 from Flagler County, "AC- Agriculture" to City of Bunnell, "AG- Agriculture District"
 6. Public Hearing - Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 1.10± acres of land, owned by Ryan Liebert, Bearing the Parcel ID: 21-13-31-0650-000A0-0920 from Flagler County, Residential Low Density/Rural Estate to City of Bunnell, Agriculture
 7. Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 1.10± acres of land, owned by Ryan Liebert, Bearing the Parcel ID: 21 13-31-0650-000A0-0920 from the Flagler County "MH-1, Rural Mobile Home" district to the City of Bunnell "AG, Agriculture District"
 8. Public Hearing - Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 0.34± acres of land, owned by Village Maisonettes LLC and Carl & Francine Lilavois, Bearing the Parcel IDs: 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091 from Single Family Medium

Density to Multi-Family.

9. Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 0.34± acres of land, owned by Village Maisonettes LLC and Carl & Francine Lilavois, Bearing the Parcel IDs: 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091 from “R-2, Multi-Family Residential” District to the “R-3B, Multi-Family Residential” District

Old Business:

10. Public Hearing Case Number 2021-31: Variance request to reduce the corner side yard setback from 20' to 0' and the rear yard setback from 10' to 0'.

11. Public Comment

Comments regarding items not on the agenda. Citizens are encouraged to speak; however, comments should be limited to three minutes.

12. Board comment

13. Adjournment of Planning and Zoning Meeting

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 at (386) 437-7500 at least 48 hours prior to the meeting date.



City of Bunnell, Florida

Agenda Item No. 1.1.

Document Date: 10/26/2021
Department: City Clerk
Subject: To Join the Zoom Meeting
Property Address:
Zoning Designation:
Future Land Use Designation:
Agenda Section: Call to Order

Summary/Highlights:

The City is committed to providing opportunities for all citizens to participate in their local government. Therefore, the City is continuing to offer Zoom as a means to participate in City meetings.

Background:

City of Bunnell is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting <http://bunnellcity.us/meeting>
Meeting ID: 944 464 2817

Or from the Zoom Mobile App
<https://us02web.zoom.us/j/9444642817>
Meeting ID: 944 464 2817

Or dial by phone for AUDIO ONLY:
+1 253 215 8782 US
+1 301 715 8592 US
Meeting ID: 944 464 2817

Zoom is a cloud platform that does not require the public to purchase any additional software or equipment to participate in the meeting.

Prior to the start of the meeting please make sure you have silenced/muted **all** cell phones or noise-making devices, such as tvs, radios other media devices, faucets, etc., as they can be heard through the meeting audio.

Those in the audience have the opportunity to provide information about items on the agenda when

the Chair asks, "Is there anyone who wishes to speak on this case?"

Those in the audience can also participate about items not on the agenda during Public Comment when the Chair opens that portion of the meeting.

To participate, those wishing to participate will identify themselves in the following manner:

1. Click the "Raise Hand" button on the bottom of the Zoom Meeting Screen and wait to be recognized by the Chair or Staff.
2. If participating by telephone (AUDIO) only, unmute their line by pressing *6, request to speak by saying "Chair" then wait to be recognized by the Chair.

Each person recognized to speak shall speak clearly and state their name and address into the record before proceeding with their comments.

Written comments or evidence regarding items that appear on the agenda can be submitted to the Community Development office either by dropping written comments into the payment box located at the Administration Complex, by mail at PO Box 756, Bunnell, FL 32110, by fax at 386-437-8253 or by e-mail at ajackson@bunnellcity.us by **4:00 PM Monday, November 1, 2021**.

Information provided by the identified deadline will be provided to the Board for consideration either during the meeting in writing or by being read into the record.

Draft Minutes of this meeting will be available subsequent to the meeting.

Staff Recommendation:

City Attorney Review:



City of Bunnell, Florida

Agenda Item No. a.

ATTACHMENTS:

Description
Proposed Minutes

Type
Minutes



Crossroads of Flagler County

Board Members:
Carl Lilavois, Chair
Gary Masten, Co-Chair
Jerry Jones
Robin Tyler
Manuel Madaleno
Nealon Joseph (Alternate)

PLANNING, ZONING AND APPEALS BOARD MINUTES

**Join Zoom Meeting <http://bunnellcity.us/meeting>
Tuesday, October 5, 2021
6:00 PM**

201 West Moody Boulevard,
City Commission Chambers - Building 3
Bunnell, FL 32110

1. Call Meeting to Order for Planning and Zoning Meeting and Roll Call

Chair Lilavois called the meeting to order at 6:23 PM and led the Pledge of Allegiance.

Present: Carl Lilavois, Chair; Jerry Jones; Robin Tyler; Nealon Joseph (Alternate)

Note: the alternate was a voting member of the Board due to other Board members being excused from attendance

Excused: Gary Masten, Co-Chair; Manuel Madaleno

Non-Voting: City Planner Mark Karet; City Manager Alvin Jackson; Code Enforcement Officer Gary Harris; IT Director Donnie Wines; Deputy City Clerk Bridgitte Gunnells.

Zoom: City Attorney John Cary

2. Disclosure of Ex-Parte communications.

None

3. Approval of Minutes

a. September 23, 2021 Planning, Zoning and Appeals Board Minutes

Motion: Approve the September 23, 2021, Planning, Zoning and Appeals Board Minutes.

Moved By: Robin Tyler

Seconded By: Nealon Joseph

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois- Yes

Jerry Jones- Yes

Robin Tyler- Yes

Nealon Joseph- Yes

Vote: Motion carried by unanimous vote

New Business:

4. Public Hearing- Ordinance 2021-XX Requesting to change the Future Land Use Map for a 7.17± acre property owned by the Flagler County Board of County Commissioners from "Commercial-Medium Intensity" to "Public".

City Attorney John Cary read the short title into record. City Planner Mark Karet introduced and explained the request. He stated this site would be used for a public library.

Motion: Approve Ordinance 2021-XX Requesting to change the Future Land Use Map for a 7.17± acre property owned by the Flagler County Board of County Commissioners from "Commercial-Medium Intensity" to "Public".

Moved By: Robin Tyler

Seconded By: Nealon Joseph

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois- Yes

Jerry Jones- Yes

Robin Tyler- Yes

Nealon Joseph- Yes

Vote: Motion carried by unanimous vote

5. Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for a 7.17± acre property owned by the Flagler County Board of County Commissioners from the "B-1, Business" district to the "P, Public" district.

City Attorney John Cary read the short title into record. City Planner Mark Karet introduced and explained the request. He explained this is the companion item to item number 4.

Motion: Approve Ordinance 2021-XX Requesting to change the official zoning map for a 7.17± acre property owned by the Flagler County Board of County Commissioners from the "B-1, Business" district to the "P, Public" district.

Moved By: Robin Tyler

Seconded By: Nealon Joseph

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois- Yes

Jerry Jones- Yes

Robin Tyler- Yes

Nealon Joseph- Yes

Vote: Motion carried by unanimous vote

6. Public Hearing - Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 2.8± acres of land owned by Kimberly & Conrad Leggett, bearing the Parcel ID: 21-13-31-0650-000A0-0930 from Flagler County, Residential- Low Density/Rural Estate to City of Bunnell Agriculture

City Attorney John Cary read the short title into record. City Planner Mark Karet introduced and explained the request.

Motion: Approve Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 2.8± acres of land owned by Kimberly & Conrad Leggett, bearing the Parcel ID: 21-13-31-0650-000A0-0930 from Flagler County, Residential- Low Density/Rural Estate to City of Bunnell Agriculture

Moved By: Robin Tyler

Seconded By: Nealon Joseph

Board Discussion: Board Member Robin Tyler asked why the change is from one AG to another AG. City Planner Karet explained it would be changing from the Flagler County AG designation to City of Bunnell AG designation.

Public Discussion: None

Roll Call Vote:

Carl Lilavois- Yes
Jerry Jones- Yes
Robin Tyler- Yes
Nealon Joseph- Yes

Vote: Motion carried by unanimous vote

7. Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 2.8± acres of land owned by Kimberly & Conrad Leggett, bearing Parcel ID: 21-13-31-0650-000a0-0930, from the Flagler County “MH-1, Rural Mobile Home” district to the City of Bunnell “AG, Agriculture District”

City Attorney John Cary read the short title into record. City Planner Mark Karet introduced and explained the request. Mark Karet explained this is the companion to item number 6.

Motion: Approve Ordinance 2021-XX Requesting to change the official zoning map for 2.8± acres of land owned by Kimberly & Conrad Leggett, bearing Parcel ID: 21-13-31-0650-000a0-0930, from the Flagler County “MH-1, Rural Mobile Home” district to the City of Bunnell “AG, Agriculture District”

Moved By: Robin Tyler

Seconded By: Nealon Joseph

Board Discussion: Board Member Robin Tyler wanted clarification on the rezoning. City Planner Karet explained that properties annexed into the City carry over the previous jurisdiction zoning designations; by statute, zoning must be changed by ordinance.

Public Discussion: None

Roll Call Vote:

Carl Lilavois- Yes
Jerry Jones- Yes
Robin Tyler- Yes
Nealon Joseph- Yes

Vote: Motion carried by unanimous vote

8. PZA # 20201-16: Request for Final Plat Approval for Grand Reserve Phase 4

City Planner Mark Karet introduced and explained the item. He explained this phase includes 135 single-family homes.

Motion: Approve the proposed final plat for Grand Reserve Phase 4

Moved By: Robin Tyler

Seconded By: Nealon Joseph

Board Discussion: Board Member Nealon Joseph asked where this phase is located within the subdivision. City Planner stated in the northeast section of Grand Reserve

Public Discussion: None

Roll Call Vote:

Carl Lilavois- Yes
Jerry Jones- Yes
Robin Tyler- Yes
Nealon Joseph- Yes

Vote: Motion carried by unanimous vote

9. Public Hearing: Application by Duane Sizemore to reduce the corner side yard setback from 20’ to zero and the rear lot setback from 10’ to zero for a property located at 106 South Bay Street in the “L-1, Light Industrial Zoning District”

City Planner Mark Karet introduced and explained the request. He asked for a continuance to the November 2, 2021 PZA meeting to allow time to notify property owners within 300 feet as required by City Code.

Motion: Continue to the November 2, 2021, PZA Meeting

Moved By: Robin Tyler

Seconded By: Nealon Joseph

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois- Yes

Jerry Jones- Yes

Robin Tyler- Yes

Nealon Joseph- Yes

Vote: Motion carried by unanimous vote

Old Business: None

10. Public Comment: None

11. Board comment: None

12. Adjournment of Planning and Zoning Meeting

Motion: Adjourn

Moved By: Robin Tyler

Seconded By: Nealon Joseph

Roll Call Vote:

Carl Lilavois- Yes

Jerry Jones- Yes

Robin Tyler- Yes

Nealon Joseph- Yes

Vote: Motion carried by unanimous vote

Meeting Adjourned at 7:02 PM

PZA Chair



City of Bunnell, Florida

Agenda Item No. 4.

Document Date: 10/22/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 11.9± acres of land, owned by Christopher Barney, Bearing the Parcel ID: 22-12-30-0650-000D0-0061 from Flagler County "Agriculture & Timberlands" to City of Bunnell "Agriculture"
Property Address: Parcel ID: 22-12-30-0650-000D0-0061
Zoning Designation: Flagler County "AC - Agriculture
Future Land Use Designation: Agriculture & Timberlands
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Barney Proposed FLUM Amendment Ordinance	Ordinance
Barney Location Map	Location Map(s)

Summary/Highlights:

The applicant is requesting a small scale amendment to the City of Bunnell Comprehensive Plan to change the Future Land Use Map (FLUM) designation on a 11.9 ± acre property from Flagler County, "Agriculture and Timberland" to City of Bunnell, "Agriculture".

This property is located in unincorporated Flagler County, The applicant has submitted a petition for voluntary annexation. The annexation will go before the City Commission at the same time as this FLUM amendment and a companion rezoning request to amend the official zoning map to change the zoning from Flagler County, "AC- Agriculture" to City of Bunnell, "AG- Agriculture".

Background:

The applicant, Christopher Barney, owns an 11.9± acre property identified as Parcel ID: 22-12-30-0650-000D0-0061 located on the east side of Old Haw Creek Road about 1.1 miles south of W. Moody BLVD. The property is in unincorporated Flagler County. The applicant is requesting this FLUM amendment to allow him to subdivide the property into 2-acre parcels.

The parcel's current FLUM designation is Flagler County, "Agriculture and Timberland". The Flagler County "Agriculture and Timberlands" land use designation was created to protect agricultural and related uses while also allowing low density residential density either at one (1) dwelling unit per five (5)

acres or one (1) dwelling unit per 20 acres depending on the location and the type of development. This property would be allowed to be developed at one (1) dwelling unit per five (5) acres.

The proposed FLUM designation is "Agriculture". The "Agriculture" land use designation was created to allow a range of agricultural and related uses, and while also allowing low density residential development at a maximum density of one (1) dwelling unit per acre. The applicant's intended use is consistent with the rural character of the area.

If developed at the maximum allowable density in the future, the proposed FLUM designation will result in a increase of 9 additional dwelling units on the property compared to the current FLUM designation. There is adequate capacity in the existing public facilities and services to accommodate this proposed amendment.

Staff Recommendation:

Approve the applicant's request to amend the City of Bunnell Comprehensive Plan to change the Future Land Use Map (FLUM) designation on the subject property from Flagler County, "Agriculture and Timberlands" to "Agriculture".

City Attorney Review:

Approved as to form and legality.

ORDINANCE 2021-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP IN THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY CONTAINING 11.9± ACRES, OWNED BY CHRISTOPHER BARNEY, BEARING PARCEL ID: 22-12-30-0650-000D0-0061, LOCATED ON THE EAST SIDE OF OLD HAW CREEK ROAD APPROXIMATELY 1.1 MILES SOUTH OF WEST MOODY BOULEVARD WITHIN THE BUNNELL CITY LIMITS FROM FLAGLER COUNTY "AGRICULTURE & TIMBERLANDS" TO CITY OF BUNNELL "AGRICULTURE"; 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 described by Tax Identification Parcel Number 22-12-30-0650-000D0-0061, located in the City of Bunnell; and

WHEREAS, the owner of the property, Christopher Barney, has requested this change to the future land use; and

WHEREAS, the City of Bunnell has not had any small-scale land use amendments since _____, 2021 and has not submitted any small-scale land use amendments to the Department of Economic Opportunity since December 7, 2018; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, as the City's local planning agency, held a public hearing on November 2, 2021 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:

LEGAL DESCRIPTION: 11.986 AC BUNNELL DEV CO SUB BLK D PART OF TRS 6 & 7 831' ON OLD HAW CREEK ROAD BY 628.27' DEEP OR 322 PG 617 OR 2526/799- DIRK CODY PR

ADDRESS: N/A

TAX PARCEL IDENTIFICATION NUMBER: 22-12-30-0650-000D0-0061

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 _____ day of _____ 2021.

Second Reading: adopted on this _____ day of _____ 2021.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

Attest:

Kristen Bates, City Clerk, CMC

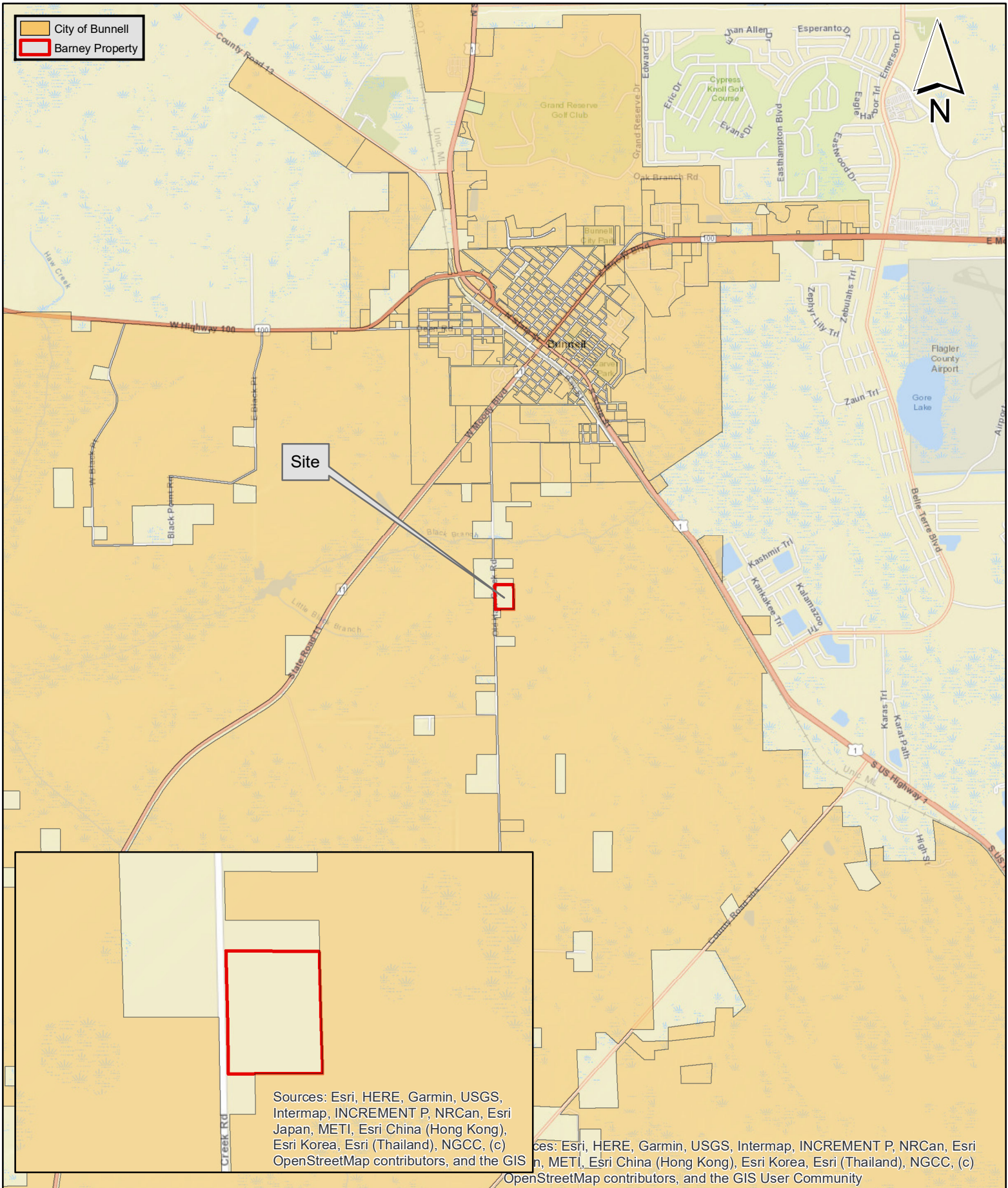
Seal:

EXHIBIT A

Proposed Future Land Use Amendment



- City of Bunnell
- Barney Property



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Info:

Date Saved: 10/12/2021
 Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Barney Property\Barney Location Map.mxd

3,750 1,875 0 3,750 Feet

Location Map Barney Property Bunnell, Florida

ZEVCOHEN
 & ASSOCIATES INC
 300 Interchange Blvd
 Ormond Beach, FL 32174
 ph 386-677-2482



City of Bunnell, Florida

Agenda Item No. 5.

Document Date: 10/22/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 11.9± acres of land, owned by Christopher Barney, Bearing the Parcel ID: 22-12-30-0650-000D0-0061 from Flagler County, "AC- Agriculture" to City of Bunnell, "AG- Agriculture District"
Property Address: Parcel ID: 22-12-30-0650-000D0-0061
Zoning Designation: Flagler County "AC - Agriculture
Future Land Use Designation: Agriculture & Timberlands
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Barney Proposed Rezoning Ordinance	Ordinance
Barney Location Map	Location Map(s)

Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning on a 11.9± acre property from Flagler County, "AC- Agriculture" to City of Bunnell, "AG- Agriculture".

This property is located in unincorporated Flagler County, The applicant has submitted a petition for voluntary annexation. The annexation will go before the City Commission at the same time as this rezoning and a companion FLUM request to amend the future land use map to change the zoning from Flagler County, "Agriculture and Timberland" to City of Bunnell, "Agriculture".

Background:

The applicant, Christopher Barney, owns an 11.9± acre property identified as Parcel ID: 22-12-30-0650-000D0-0061 located on the east side of Old Haw Creek Road about 1.1 miles south of W. Moody BLVD. The property is in unincorporated Flagler County. The applicant is requesting this rezoning amendment to allow him to subdivide the property into 2-acre parcels.

The property is currently zoned Flagler County "AC-Agriculture". The Flagler County "AC Agriculture" has a minimum lot size of five (5) acres. The proposed zoning classification is City of Bunnell "Ag-Agriculture". The intent of the "Ag- Agriculture" district is to "preserve and enhance an agricultural lifestyle while facilitating orderly and sustainable development." The minimum lot size in

the "Ag-Agriculture" district is one (1) acre.

The proposed "Ag-Agriculture" zoning is consistent with the existing pattern of surrounding development.

Staff Recommendation:

Approve the applicant's request to amend the City of Bunnell official zoning map to rezone the subject property from Flagler County, "AC Agriculture" to City of Bunnell, "AG- Agriculture".

City Attorney Review:

Approved as to form and legality.

ORDINANCE 2021-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 11.9± ACRES, OWNED BY CHRISTOPHER BARNEY, BEARING PARCEL ID: 22-12-30-0650-000D0-0061 LOCATED ON THE EAST SIDE OF OLD HAW CREEK ROAD APPROXIMATELY 1.1 MILES SOUTH OF WEST MOODY BOULEVARD WITHIN THE BUNNELL CITY LIMITS FROM FLAGLER COUNTY “AC - AGRICULTURE” DISTRICT TO THE CITY OF BUNNELL “AG, AGRICULTURE” DISTRICT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Christopher Barney, the owner of certain real property, which land totals 11.9± acres in size located at located on the east side of Old Haw Creek Road approximately 1.1 miles south of West Moody Boulevard and is assigned Tax Parcel Identification Number 22-12-30-0650-000D0-0061 by the Property Appraiser of Flagler County; and

WHEREAS, Flagler County Board of County Commissioners has applied 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 subject property rezoned to the City of Bunnell “AG, Agriculture” district zoning classification from the existing Flagler County “MH-1, Rural Mobile Home district zoning classification; and

WHEREAS, the City’s Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether is 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

WHEREAS, on November 2, 2021 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended approval of the proposed ordinance to the City Commission; and

WHEREAS, professional City planning staff, the City’s Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan of the City of Bunnell*, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

WHEREAS, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ORDAINED 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 rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is 11.9± acres in size, is located on the east side of Old Haw Creek Road approximately 1.1 miles south of West Moody Boulevard in the City of Bunnell.
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Rezoning of Real Property/Implementing Actions.

Upon enactment of this Ordinance the following described property, as depicted in the map attached to this Ordinance, and totaling 11.9± acres in size, shall be rezoned to the City of Bunnell “AG, Agriculture district zoning classification from the existing “Flagler County “AC - Agriculture” district zoning classification;

LEGAL DESCRIPTION: 11.986 AC BUNNELL DEV CO SUB BLK D PART OF TRS 6 & 7 831' ON OLD HAW CREEK ROAD BY 628.27' DEEP OR 322 PG 617 OR 2526/799- DIRK CODY PR

ADDRESS: N/A

TAX PARCEL IDENTIFICATION NUMBER: 22-12-30-0650-000D0-0061

- (b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.
- (c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be

subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. 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 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

Section 7. Effective Date

This Ordinance shall take effect upon the effective date of Ordinance 2021-XX.

First Reading: on this _____ day of _____ 2021.

Second/Final Reading: adopted on this _____ day of _____ 2021.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

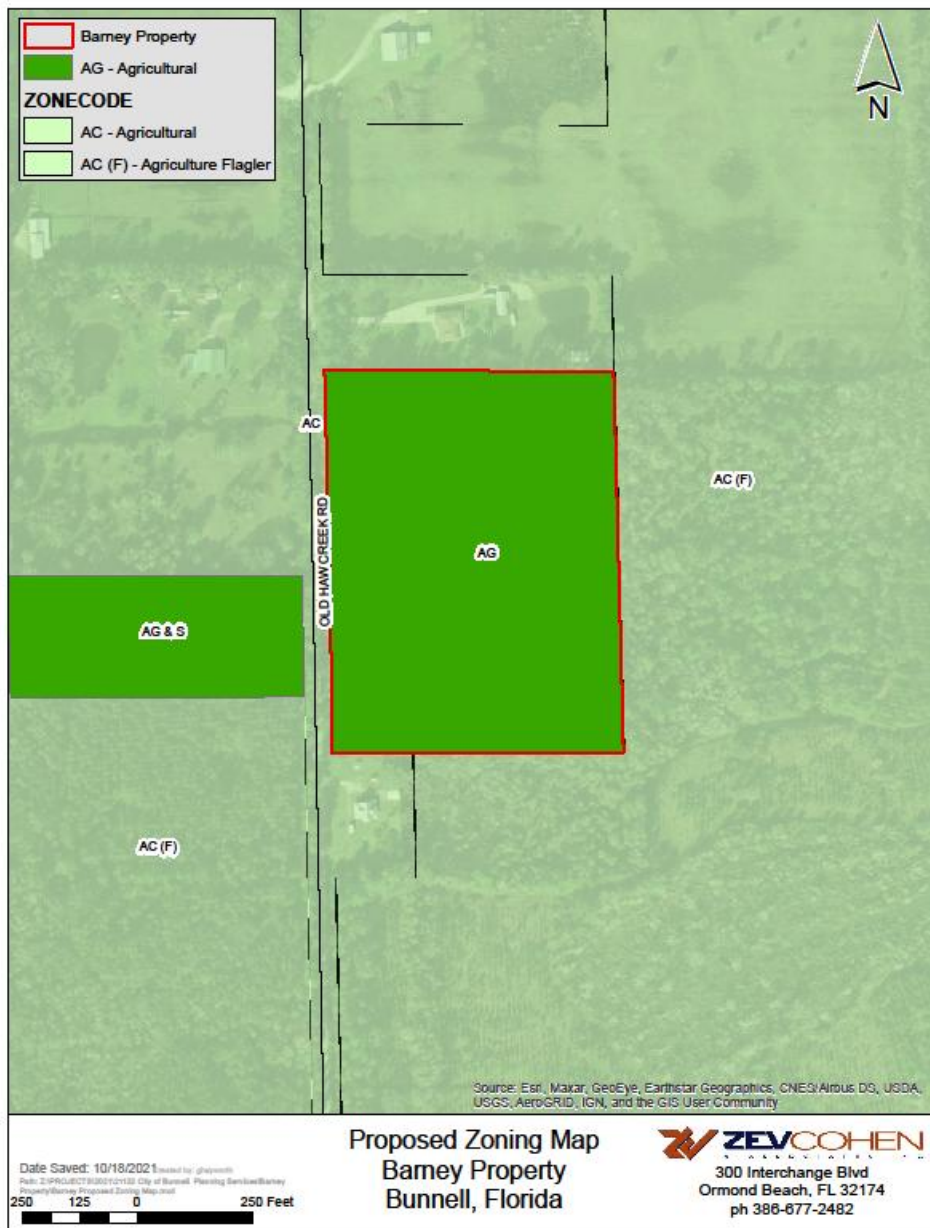
Attest:

Kristen Bates, CMC, City Clerk

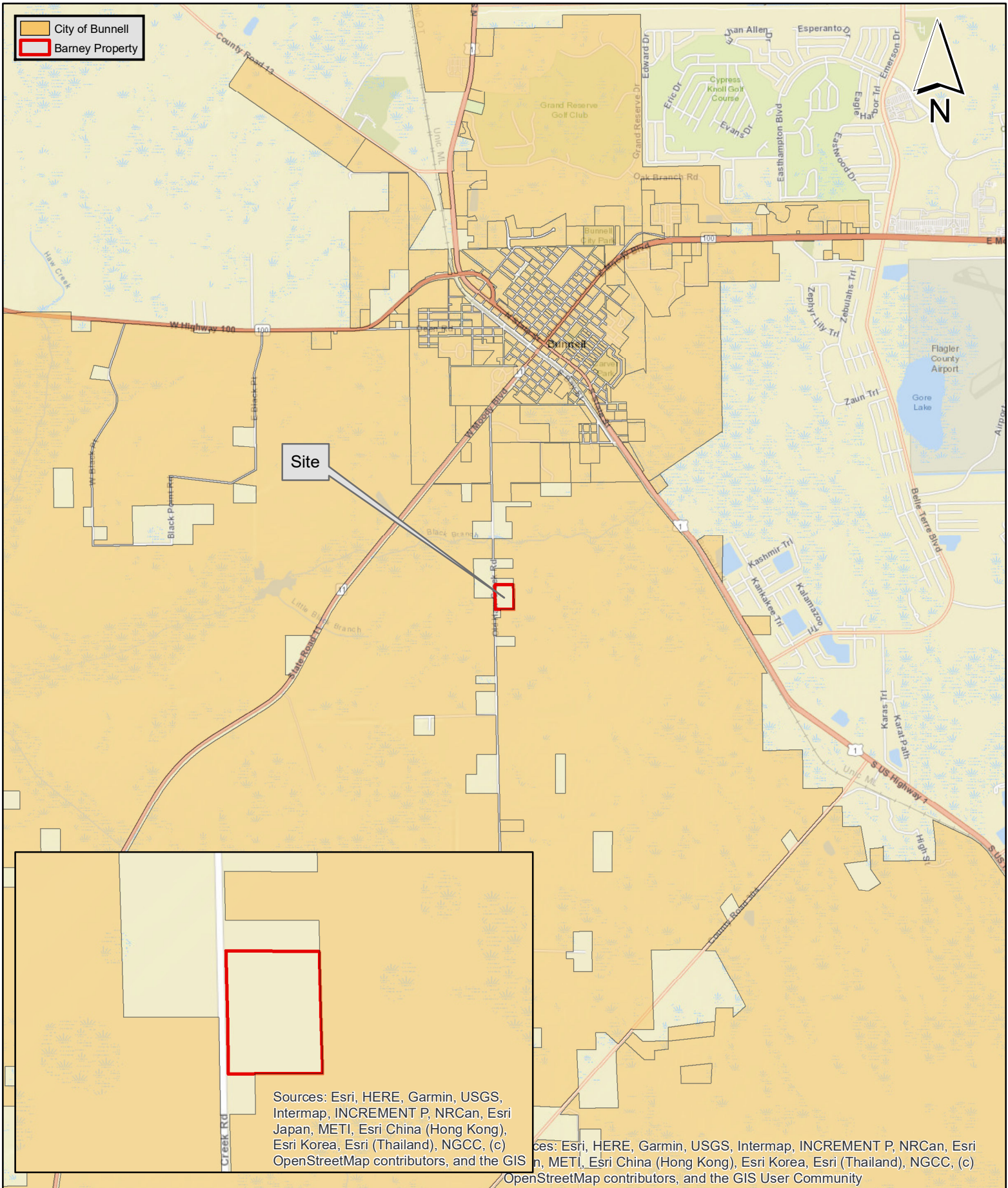
Seal:

Exhibit "A"

Proposed Rezoning Map



- City of Bunnell
- Barney Property



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Info:

Date Saved: 10/12/2021 created by: djurant
 Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Barney Property\Barney Location Map.mxd

3,750 1,875 0 3,750 Feet

Location Map Barney Property Bunnell, Florida

ZEVCOHEN
 & ASSOCIATES INC
 300 Interchange Blvd
 Ormond Beach, FL 32174
 ph 386-677-2482



City of Bunnell, Florida

Agenda Item No. 6.

Document Date: 10/22/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 1.10± acres of land, owned by Ryan Liebert, Bearing the Parcel ID: 21-13-31-0650-000A0-0920 from Flagler County, Residential Low Density/Rural Estate to City of Bunnell, Agriculture
Property Address: 21-13-31-0650-000A0-0920
Zoning Designation: Flagler County MH-1 Rural Mobile Home
Future Land Use Designation: Flagler County Residential - Low Density/Rural Estate
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Liebert Proposed FLUM Amendment Ordinance	Ordinance
Liebert Location Map	Location Map(s)

Summary/Highlights:

The applicant is requesting a small scale amendment to the City of Bunnell Comprehensive Plan to change the Future Land Use Map (FLUM) designation on a 1.1± acre property from Flagler County, Residential - Low Density/Rural Estate to City of Bunnell, "Agriculture".

There is a companion rezoning request to amend the official zoning map to change the zoning from the Flagler County, "MH-1 Rural Mobile Home" district to the City of Bunnell, "AG- Agriculture" district.

Background:

The applicant, Ryan Liebert, owns a 1.1± acre property located approximately 145' south of E. Favoretta Road along a private easement. The applicant plans to place a mobile home on the property.

The parcel's current FLUM designation is Flagler County "Residential - Low Density/Rural Estate". The Flagler County " Residential - Low Density/Rural Estate" allows low density residential density at up to one (1) dwelling unit per acre.

The proposed FLUM designation is City of Bunnell "Agriculture". The "Agriculture" land use

designation was created to allow a range of agricultural and related uses, while also allowing low density residential development at a maximum density of one (1) dwelling unit per acre.

If developed at the maximum allowable density, the proposed FLUM designation will not result in any increased dwelling units on the property compared to the current FLUM designation. The applicant's intended use is consistent with the rural character of the area.

Staff Recommendation:

Approve the applicant's request to change the Future Land Use Map designation for the subject property from Flagler County, "Residential-Low Density/Rural Estate" to City of Bunnell "Agriculture".

City Attorney Review:

Approved as to form and legality.

ORDINANCE 2021-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP IN THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY CONTAINING 1.10± ACRES, OWNED BY RYAN LIEBERT, BEARING PARCEL ID: 21-13-31-0650-000A0-0920 LOCATED APPROXIMATELY 145' SOUTH OF EAST FAVORETTA ROAD ALONG A PRIVATE EASEMENT WITHIN THE BUNNELL CITY LIMITS FROM FLAGLER COUNTY "RESIDENTIAL: LOW DENSITY/RURAL ESTATE" TO CITY OF BUNNELL "AGRICULTURE"; 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 described by Tax Identification Parcel Number: 21-13-31-0650-000A0-0920, located in the City of Bunnell; and

WHEREAS, the owner of the property, Ryan Liebert, has requested this change to the future land use; and

WHEREAS, the City of Bunnell has not had any small-scale land use amendments since _____, 2021 and has not submitted any small-scale land use amendments to the Department of Economic Opportunity since December 7, 2018; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, as the City's local planning agency, held a public hearing on November 2, 2021 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:

LEGAL DESCRIPTION: 1.10 AC BUNNELL DEV CO SUBD BEING PT OF W 1/2 OF N 1/2 TR 9 BLK A POR NW CRNR TR 7 THENCE SE 660.63' SE 145.83' TO POB SE 330.41' SE 145.81' NW 330.50' NW 145.83' TO POB A/D/A PARCEL 2 PER SURVEY PROVIDED OR 1991/1060 OR 2061/1660 (L/E 2342/1765) OR 23

ADDRESS: N/A

TAX PARCEL IDENTIFICATION NUMBER: 21-13-31-0650-000A0-0920

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 _____ day of _____ 2021.

Second Reading: adopted on this _____ day of _____ 2021.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

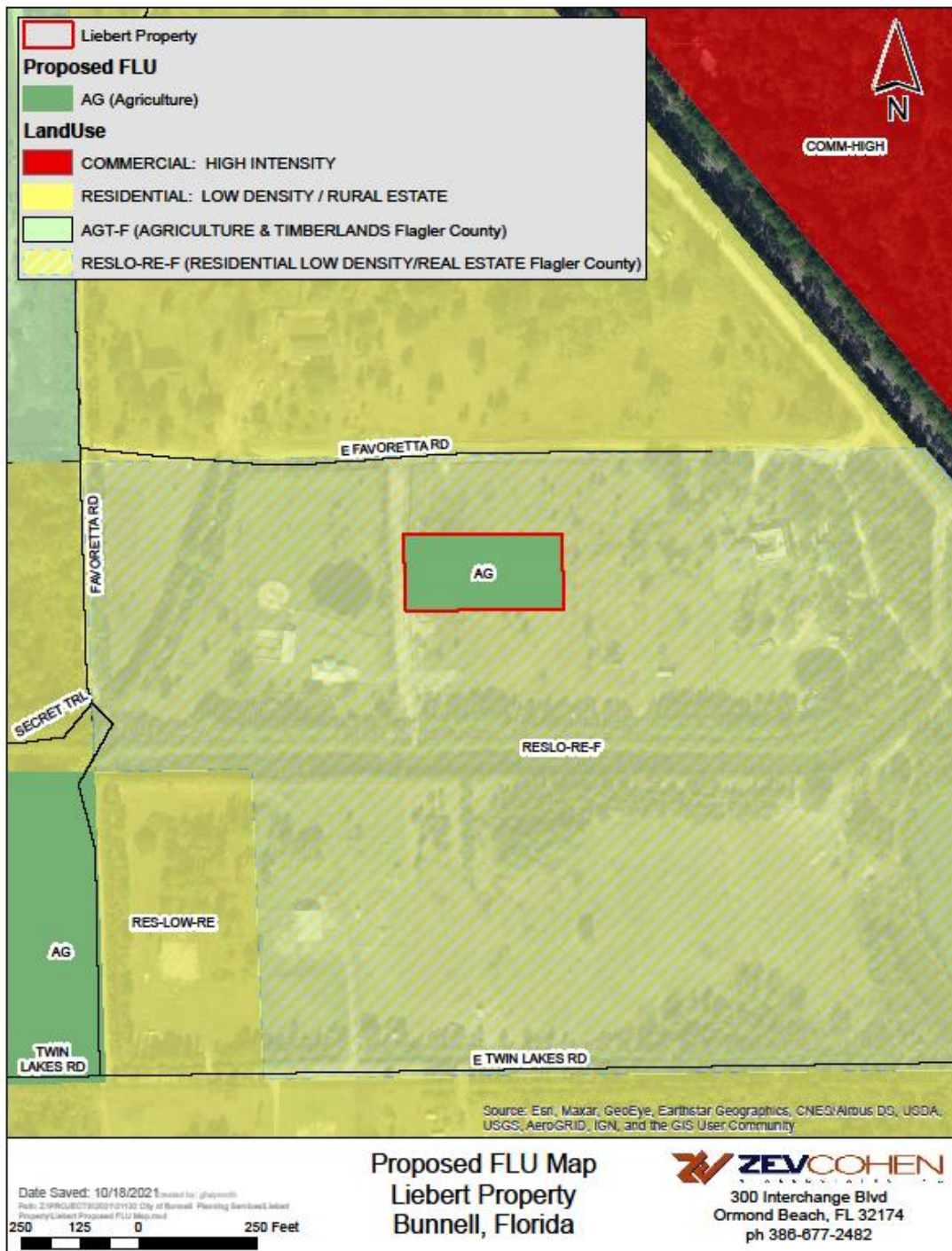
Attest:

Kristen Bates, City Clerk, CMC

Seal:

EXHIBIT A

Proposed Future Land Use Amendment



 Liebert Property



Site



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Info:

Date Saved: 10/12/2021
Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Liebert Property\Liebert Location Map.mxd

3,750 1,875 0 3,750 Feet

Location Map Liebert Property Bunnell, Florida


300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482



City of Bunnell, Florida

Agenda Item No. 7.

Document Date: 10/22/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 1.10± acres of land, owned by Ryan Liebert, Bearing the Parcel ID: 21 13-31-0650-000A0-0920 from the Flagler County "MH-1, Rural Mobile Home" district to the City of Bunnell "AG, Agriculture District"

Property Address: 21-13-31-0650-000A0-0920
Zoning Designation: Flagler County MH-1 Rural Mobile Home
Future Land Use Designation: Flagler County Residential - Low Density/Rural Estate
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Liebert Proposed Rezoning Ordinance	Ordinance
Liebert Location Map	Location Map(s)

Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning on a 1.10± acre property from the Flagler County "MH-1, Rural Mobile Home" district to the City of Bunnell "AG, Agriculture District".

There is a companion FLUM amendment application requesting to change the Future Land Use Map (FLUM) designation from Flagler County, Residential - Low Density/Rural Estate to City of Bunnell, "Agriculture".

Background:

The applicant, Ryan Liebert, owns a 1.1± acre property located approximately 145' south of E. Favoretta Road along a private easement. The applicant plans to place a mobile home on the property.

The property is currently zoned Flagler County "MH-1, Rural Mobile Home" district. The Flagler County "MH-1, Rural Mobile Home" district is a transitional zoning category between agricultural and urban areas. It allows a mixture of single-family dwellings and mobile homes.

The proposed zoning classification is City of Bunnell "Ag-Agriculture". The intent of the "Ag-

Agriculture" district is to "preserve and enhance an agricultural lifestyle while facilitating orderly and sustainable development." The minimum lot size in the "Ag-Agriculture" district is one (1) acre.

The proposed "Ag-Agriculture" zoning is consistent with the proposed FLUM designation and the existing pattern of surrounding development.

Staff Recommendation:

Approve the applicant's request to change the official zoning map for the subject property from Flagler County "MH-1, Rural Mobile Home" district to City of Bunnell "AG, Agriculture District".

City Attorney Review:

Approved as to form and legality.

ORDINANCE 2021-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 1.10± ACRES, OWNED BY RYAN LIEBERT, BEARING PARCEL ID: 21-13-31-0650-000A0-0920 LOCATED APPROXIMATELY 145' SOUTH OF EAST FAVORETTA ROAD ALONG A PRIVATE EASEMENT WITHIN THE BUNNELL CITY LIMITS FROM THE FLAGLER COUNTY "MH-1, RURAL MOBILE HOME" DISTRICT TO THE CITY OF BUNNELL "AG, AGRICULTURE" DISTRICT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ryan Liebert, the owner of certain real property, which land totals 1.10± acres in size located approximately 145' south of East Favoretta Road along a private easement and is assigned Tax Parcel Identification Number 21-13-31-0650-000A0-0920 by the Property Appraiser of Flagler County; and

WHEREAS, Flagler County Board of County Commissioners has applied 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 subject property rezoned to the City of Bunnell "AG, Agriculture" district zoning classification from the existing Flagler County "MH-1, Rural Mobile Home" district zoning classification; and

WHEREAS, the City's Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether is 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

WHEREAS, on November 2, 2021 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended approval of the proposed ordinance to the City Commission; and

WHEREAS, professional City planning staff, the City's Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan of the City of Bunnell*, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

WHEREAS, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ORDAINED 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 rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is 1.10± acres in size, is located approximately 145' south of East Favoretta Road along a private easement in the City of Bunnell.
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Rezoning of Real Property/Implementing Actions.

- (a) Upon enactment of this Ordinance the following described property, as depicted in the map attached to this Ordinance, and totaling 1.10± acres in size, shall be rezoned to the City of Bunnell "AG, Agriculture" district zoning classification from the existing Flagler County "MH-1, Rural Mobile Home" district zoning classification;

LEGAL DESCRIPTION: 1.10 AC BUNNELL DEV CO SUBD BEING PT OF W 1/2 OF N 1/2 TR 9 BLK A POR NW CRNR TR 7 THENCE SE 660.63' SE 145.83' TO POB SE 330.41' SE 145.81' NW 330.50' NW 145.83' TO POB A/D/A PARCEL 2 PER SURVEY PROVIDED OR 1991/1060 OR 2061/1660 (L/E 2342/1765) OR 23

ADDRESS: N/A

TAX PARCEL IDENTIFICATION NUMBER: 21-13-31-0650-000A0-0920

- (b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.
- (c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be

subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. 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 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

Section 7. Effective Date

This Ordinance shall take effect upon the effective date of Ordinance 2021-XX.

First Reading: on this _____ day of _____ 2021.

Second/Final Reading: adopted on this _____ day of _____ 2021.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

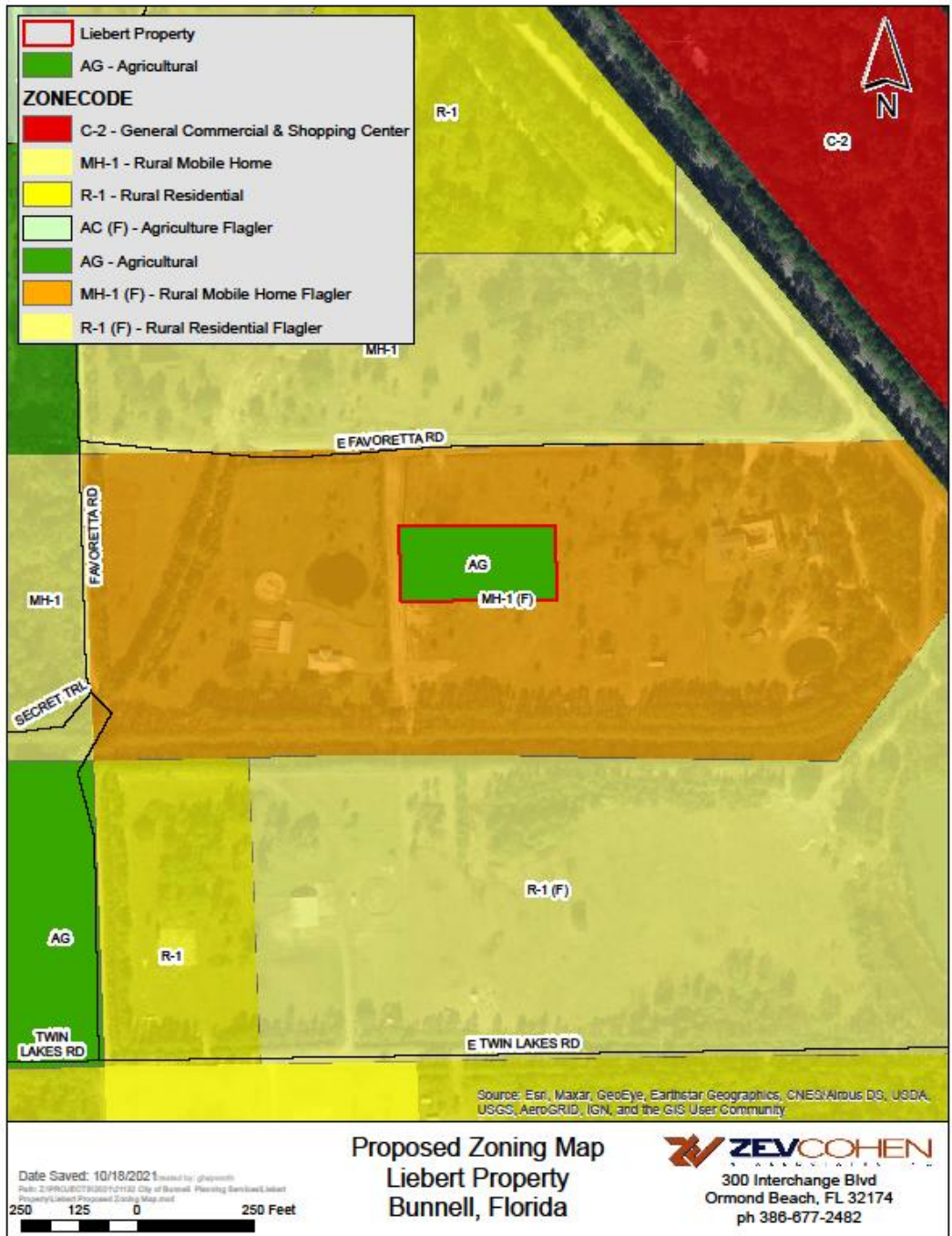
Attest:

Kristen Bates, CMC, City Clerk

Seal:

Exhibit "A"

Proposed Rezoning



 Liebert Property



Site



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Info:

Date Saved: 10/12/2021
Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Liebert Property\Liebert Location Map.mxd

3,750 1,875 0 3,750 Feet

Location Map Liebert Property Bunnell, Florida


300 Interchange Blvd
Ormond Beach, FL 32174
ph 386-677-2482



City of Bunnell, Florida

Agenda Item No. 8.

Document Date: 10/22/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 0.34± acres of land, owned by Village Maisonettes LLC and Carl & Francine Lilavois, Bearing the Parcel IDs: 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091 from Single Family Medium Density to Multi-Family.

Property Address: 103 N FORSYTH ST UNIT A
Zoning Designation: R-2, MULTI-FAMILY RESIDENTIAL
Future Land Use Designation: SINGLE FAMILY MEDIUM DENSITY
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Lilavois Proposed FLUM Amendment Ordinance	Ordinance
Lilavois Location Map	Location Map(s)

Summary/Highlights:

The applicant is requesting a small scale amendment to the City of Bunnell Comprehensive Plan to change the Future Land Use Map (FLUM) designation on a 0.34± acre property from "Single Family Medium Density" to "Multi-Family".

There is a companion rezoning request to amend the City's official zoning map to change the zoning of this property from the "R-2, Multi-Family Residential" district to the "R-3B, Multi-Family Residential" district.

Background:

The applicants, Village Maisonettes LLC and Carl & Francine Lilavois, own a 0.34± acre property located 103 N Forsyth Street Unit A. It is comprised of 2 parcels, one parcel contains an existing duplex. The other parcel is vacant. The applicants plan to construct a multi-family dwelling on the vacant parcel.

The property's current FLUM designation is "Single-Family Medium Density". The "Single-Family Medium Density" designation allows single-family dwellings or attached single-family dwellings at a density of up to 8 units per acre.

The proposed FLUM designation is "Multi-Family". The "Multi-Family" designation allows multi-family dwellings at densities from 8 dwelling units up to 20 dwelling units per acre.

Under the current FLUM designation, 2 dwelling units can be built on the the subject property based on its 0.34 acre size. The proposed FLUM would allow up to 6 units or 4 additional units to be constructed. Given the size and configuration of the property it will yield less units.

Staff Recommendation:

Approve the applicant's request to amend the Future Land Use Map to change the designation on the subject property from "Single Family Medium Density" to "Multi-Family".

City Attorney Review:

Approved as to form and legality.

ORDINANCE 2021-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP IN THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY CONTAINING 0.34± ACRES, OWNED BY VILLAGE MAISONETTES LLC AND CARL & FRANCINE LILAVOIS, BEARING PARCEL IDS: 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091, LOCATED AT 103 N FORSYTH ST UNIT A WITHIN THE BUNNELL CITY LIMITS FROM SINGLE FAMILY MEDIUM DENSITY TO MULTI-FAMILY; 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 described by Tax Identification Parcel Numbers 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091, located in the City of Bunnell; and

WHEREAS, the owners of the property, Village Maisonettes LLC and Carl & Francine Lilavois, have requested this change to the future land use; and

WHEREAS, the City of Bunnell has not had any small-scale land use amendments since _____, 2021 and has not submitted any small-scale land use amendments to the Department of Economic Opportunity since December 7, 2018; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, as the City's local planning agency, held a public hearing on October 5, 2021 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 "Multi-Family" 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:

LEGAL DESCRIPTION: TOWN OF BUNNELL BLK 271 FRACTIONAL LOTS 9 & 10 AND A PART OF VACATED ALLEY. A/K/A A PORTION OF PARCEL "A" OR 67 PG 404, OR 97 PG 363, OR 202 PG 89, OR 237 PG 346 OR 294 PG 611 OR 360 PG 113 & A PART OF SW1/4 OF NE 1/4 SOUTH OF LOTS 9-10 & NORTH SR11 SOUTH

AND

TOWN OF BUNNELL BLK 271 PT OF FRACTIONAL LOT 9 & PT OF VACATED ALLEY A/K/A A PORTION OF PARCEL "A" DES AS PARCEL "2" POR BEING THE NW CRNR OF SW 1/4 OF NE 1/4 THENCE NE 1043.43' TO POB NE 22.17' SE 68.50' TO N ROW SR11 SW 113.50' NW 68.50' NE 90.83' TO P

ADDRESS: 103 N FORSYTH ST UNIT A

TAX PARCEL IDENTIFICATION NUMBER: 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091

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 _____ day of _____ 2021.

Second Reading: adopted on this _____ day of _____ 2021.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

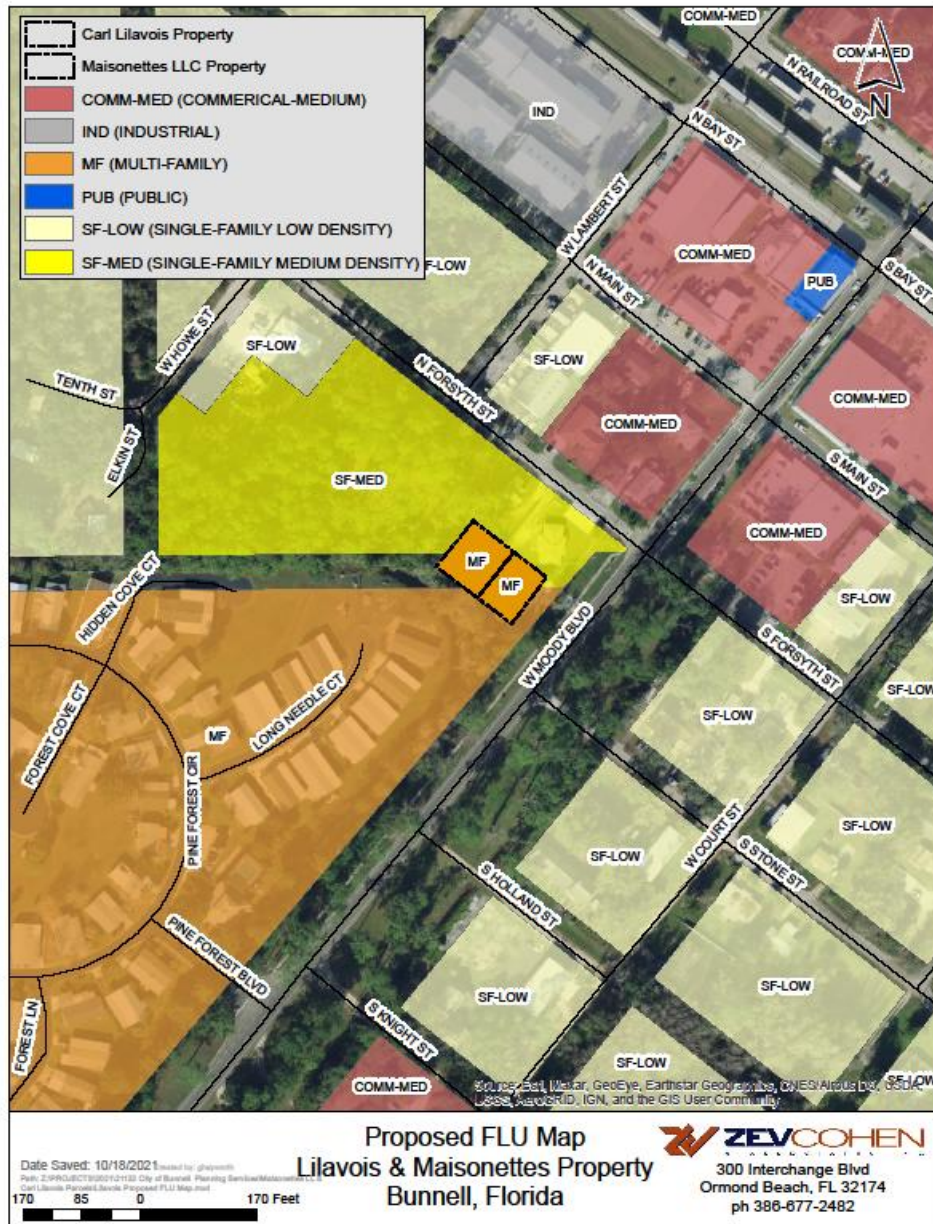
Attest:

Kristen Bates, City Clerk, CMC

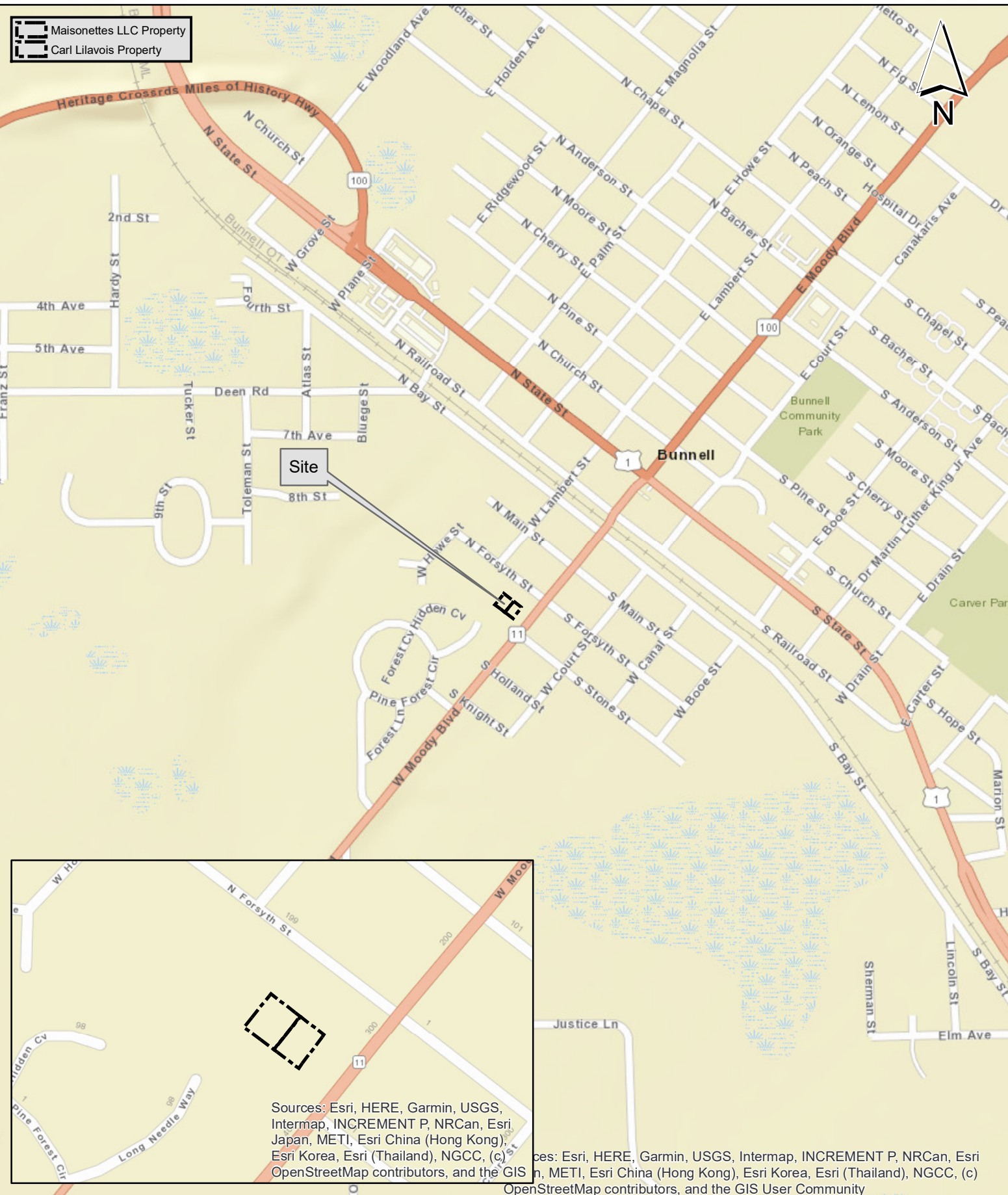
Seal:

EXHIBIT A

Proposed Future Land Use Amendment



Maisonettes LLC Property
 Carl Lilavois Property

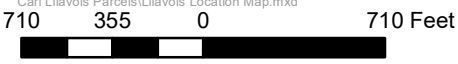


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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Location Map Lilavois & Maisonettes Property Bunnell, Florida

ZEV COHEN
 & ASSOCIATES INC
 300 Interchange Blvd
 Ormond Beach, FL 32174
 ph 386-677-2482





City of Bunnell, Florida

Agenda Item No. 9.

Document Date: 10/22/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 0.34± acres of land, owned by Village Maisonettes LLC and Carl & Francine Lilavois, Bearing the Parcel IDs: 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091 from "R-2, Multi-Family Residential" District to the "R-3B, Multi-Family Residential" District

Property Address: 103 N FORSYTH ST UNIT A
Zoning Designation: R-2, MULTI-FAMILY RESIDENTIAL
Future Land Use Designation: 103 N FORSYTH ST UNIT A
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Lilavois Location Map	Cover Memo
Lilavois Proposed Rezoning Ordinance	Ordinance

Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning on a 0.34± acre property from the "R-2, Multi-Family Residential" district to the "R-3B, Multi-Family Residential" district.

There is a companion FLUM amendment application requesting to change the Future Land Use Map (FLUM) designation from the "Single Family Medium Density" to the "Multi-Family" future land use category .

Background:

The applicants, Village Maisonettes LLC and Carl & Francine Lilavois, own a 0.34± acre property located at 103 N Forsyth Street. It is comprised of 2 parcels, one parcel contains an existing duplex. The other parcel is vacant. The applicants plan to construct a multi-family dwelling on the vacant parcel.

The property is currently zoned "R-2, Multi-Family Residential". The "R-2, Multi-Family Residential" zoning district allows single family and multi-family dwellings with a "diverse medium density residential character". The R-2 has a 10,000 SF minimum lot size and requires 5,000 SF

for each additional dwelling unit over 2. The R-2 maximum yield on the subject property is a gross density of 2 units.

The proposed zoning classification is "R-3B, Multi-Family Residential" district. This district provides for higher density residential developments. The R-3B has a 7,260 SF minimum lot size and requires 2,000 SF for each additional unit over 2. The R-3B maximum yield on the subject property is a gross density of 5 dwelling units.



The proposed R-3B zoning is consistent with the proposed FLUM designation and in keeping with the pattern of surrounding development.

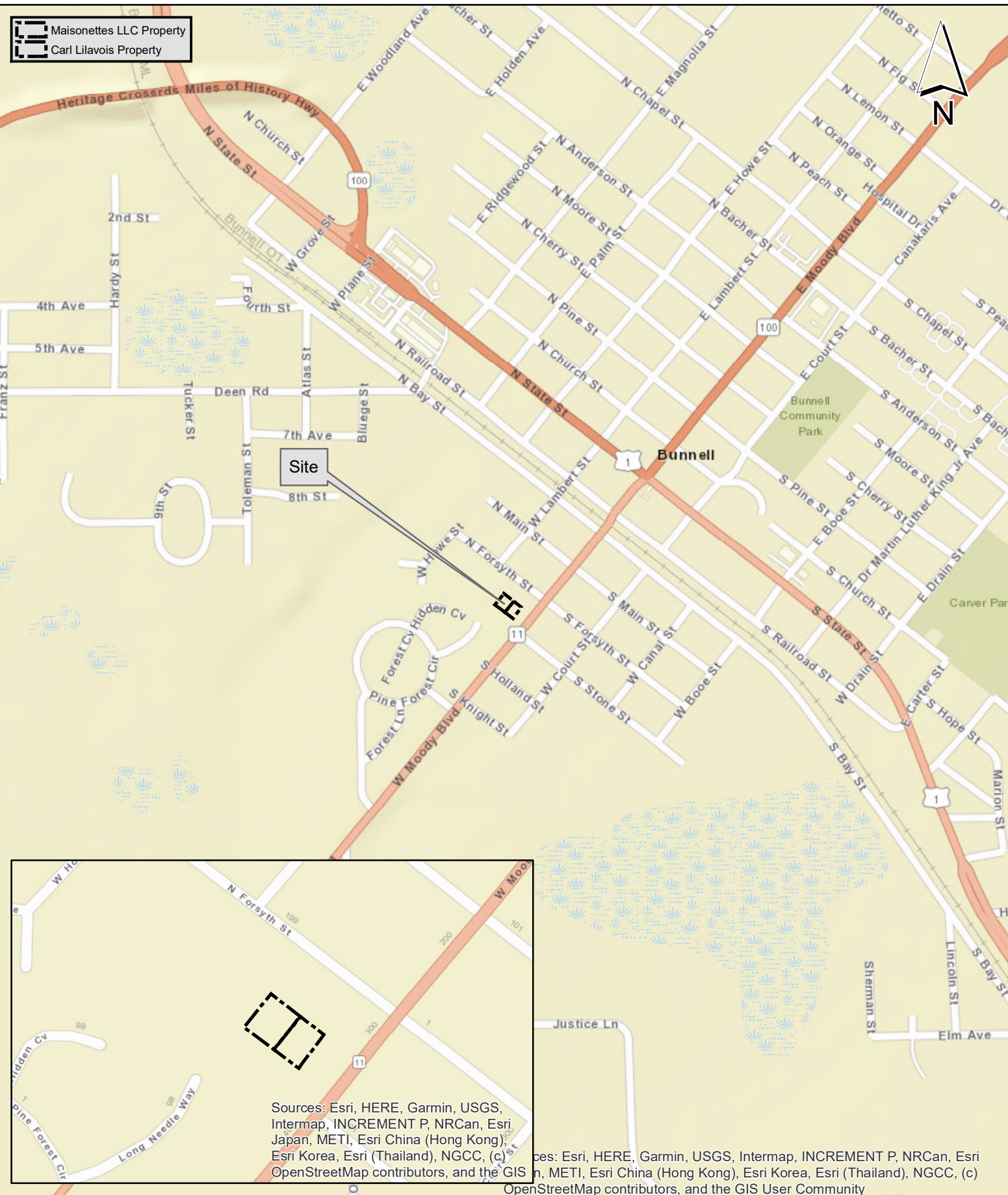
Staff Recommendation:

Approve the applicants' request to rezone the subject property from the "R-2, Multi-Family Residential" district to the "R-3B, Multi-Family Residential" district.

City Attorney Review:

Approved.

 Maisonettes LLC Property
 Carl Lilavois Property



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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Location Map

Lilavois & Maisonettes Property

Bunnell, Florida


 300 Interchange Blvd
 Ormond Beach, FL 32174
 ph 386-677-2482

ORDINANCE 2021-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING 0.34± ACRES, OWNED BY VILLAGE MAISONETTES LLC AND CARL & FRANCINE LILAVOIS, BEARING PARCEL IDS: 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091 LOCATED AT 103 N FORSYTH ST UNIT A WITHIN THE BUNNELL CITY LIMITS FROM THE “R-2, MULTI-FAMILY RESIDENTIAL” DISTRICT TO THE “R-3B, MULTI-FAMILY RESIDENTIAL” DISTRICT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Village Maisonettes LLC and Carl & Francine Lilavois, the owners of certain real property, which land totals 0.34± acres in size located at 103 N Forsyth Street Unit A and is assigned Tax Parcel Identification Numbers 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091 by the Property Appraiser of Flagler County; and

WHEREAS, Flagler County Board of County Commissioners has applied 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 subject property rezoned to “R-3B, Multi-family Residential” district zoning classification from the existing “R-2, Multi-family Residential” district zoning classification; and

WHEREAS, the City’s Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether is 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

WHEREAS, on November 2, 2021 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and recommended approval of the proposed ordinance to the City Commission; and

WHEREAS, professional City planning staff, the City’s Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan of the City of Bunnell*, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

WHEREAS, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ORDAINED 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 rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is 0.34± acres in size, is located 103 N FORSYTH ST UNIT A in the City of Bunnell.
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Rezoning of Real Property/Implementing Actions.

- (a) Upon enactment of this Ordinance the following described property, as depicted in the map attached to this Ordinance, and totaling 0.34± acres in size, shall be rezoned to the “R-3B, Multi-family Residential” district zoning classification from the existing “R-2, Multi-family Residential” district zoning classification;

LEGAL DESCRIPTION: TOWN OF BUNNELL BLK 271 FRACTIONAL LOTS 9 & 10 AND A PART OF VACATED ALLEY. A/K/A A PORTION OF PARCEL "A" OR 67 PG 404, OR 97 PG 363, OR 202 PG 89, OR 237 PG 346 OR 294 PG 611 OR 360 PG 113 & A PART OF SW1/4 OF NE 1/4 SOUTH OF LOTS 9-10 & NORTH SR11 SOUTH

AND

TOWN OF BUNNELL BLK 271 PT OF FRACTIONAL LOT 9 & PT OF VACATED ALLEY A/K/A A PORTION OF PARCEL "A" DES AS PARCEL "2" POR BEING THE NW CRNR OF SW 1/4 OF NE 1/4 THENCE NE 1043.43' TO POB NE 22.17' SE 68.50' TO N ROW SR11 SW 113.50' NW 68.50' NE 90.83' TO P

ADDRESS: 103 N FORSYTH ST UNIT A

TAX PARCEL IDENTIFICATION NUMBER: 10-12-30-0850-02710-0090 & 10-12-30-0850-02710-0091

(b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.

(c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. 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 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

Section 7. Effective Date

This Ordinance shall take effect upon the effective date of Ordinance 2021-XX.

First Reading: on this _____ day of _____ 2021.

Second/Final Reading: adopted on this _____ day of _____ 2021.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

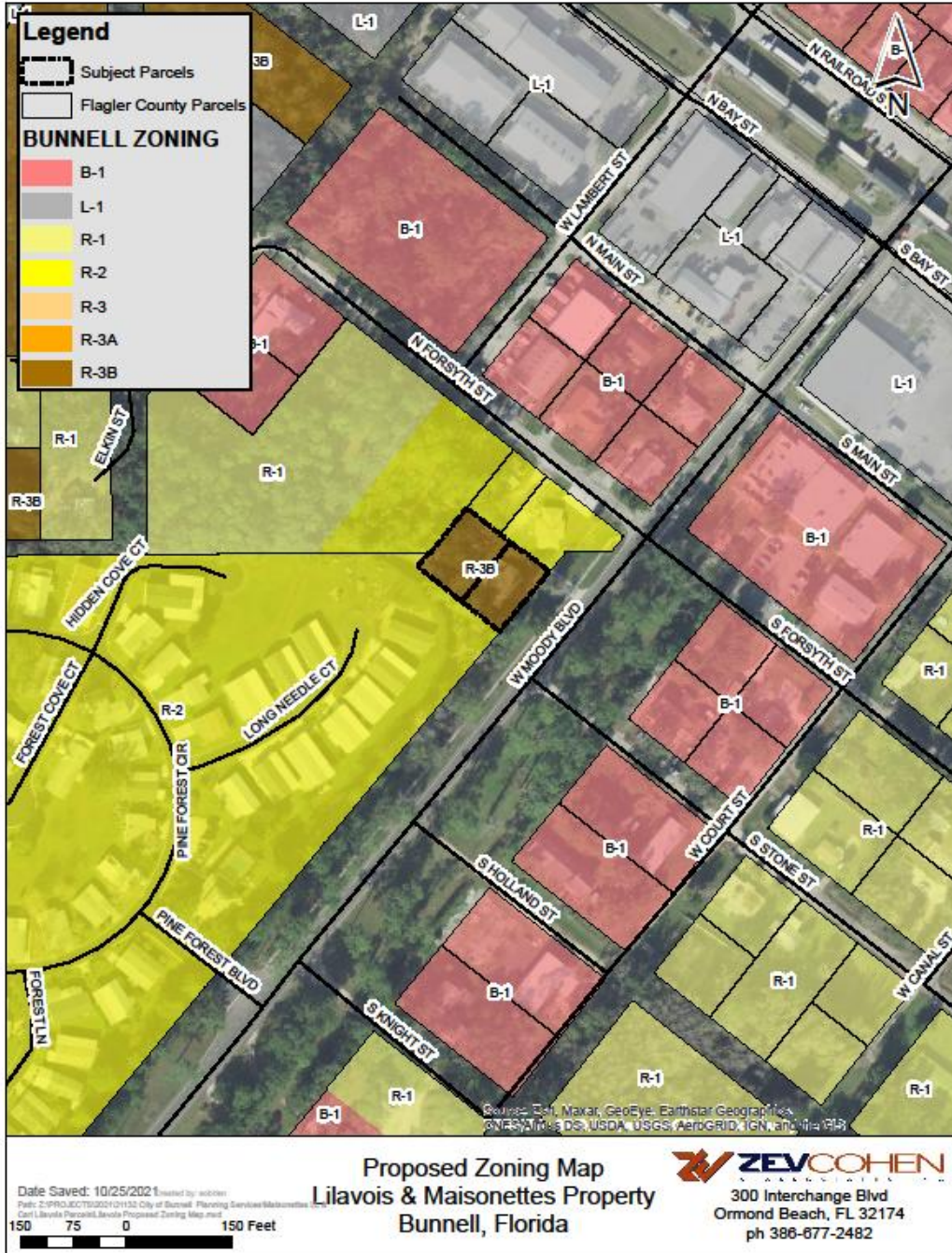
Attest:

Kristen Bates, CMC, City Clerk

Seal:

Exhibit "A"

Proposed Rezoning





City of Bunnell, Florida

Agenda Item No. 10.

Document Date: 10/20/2021
Department: Community Development
Subject: Public Hearing Case Number 2021-31: Variance request to reduce the corner side yard setback from 20' to 0' and the rear yard setback from 10' to 0'.
Property Address: 106 South Bay Street
Zoning Designation: L-1, Light Industrial District
Future Land Use Designation: Commercial-Medium
Agenda Section: Old Business:

ATTACHMENTS:

Description	Type
106 South Bay Street Location	Location Map(s)
Sizemore Welding & Powder Coating Concept Plan	Concept Sketch

Summary/Highlights:

The is a variance request by the applicant, Duane Sizemore, to reduce the required corner side yard setback from 20' to 0' and the rear yard setback from 10' to 0' for a property he owns in the "L-1, Light Industrial District". The property address is 106 S. Bay Street.

Variations are quasi-judicial actions. Decisions on these cases must be based on competent, substantial evidence in the record. Competent, substantial evidence is defined as evidence that a reasonable mind would accept to support a conclusion.

Decisions on variations made by the Planning, Zoning & Appeals Board constitute final action on the application. This is subject to a right of appeal by the applicant to the City Commission. Approved variations run with the land in perpetuity.

Background:

The subject property was formerly the site of Dunn's Lumber. It contains an existing 15,656 SF metal building in that is open on its southern façade. There is also a 1,332 SF wood building on the southern portion of property. The applicant plans to demolish the wood building.

The applicant is proposing to construct 2 additions that will be attached to the eastern and southern façades of the remaining building. The additions will total 21,420± SF. The applicant plans to consolidate his separate welding and powder coating businesses into a single location. In order to

get the necessary gross floor area to make this plan work, the applicant is requesting this variance to match the existing building lines on W, Mood Blvd & S. Main Street. In return, he is proposing to stucco the exterior facade's of the existing and proposed building's that will be visible from the rights-of-way.

Below are the the variance criteria in the LDC.

Sec. 14-74. - Standards for Variances.

In granting a variance, the planning, zoning and appeals board shall ascertain that the following criteria are met:

(1) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or siting) fully described in the findings of the board, do not apply generally in the city.

The site contains an existing building that was built to the property lines. This building is now under utilized and is deteriorating. This is not a circumstance that generally applies in the City.

(2)For reasons fully set forth in the finding of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of reasonable use of his land.

The applicant will meet the required 40' front yard setback from S. Bay Street. Strict application of the corner side and rear yard setbacks in combination with other code requirements will make the applicant's plan to redevelop the property no longer feasible.

(3)Any variance granted under the provisions of this article shall be the minimum adjustment necessary for the reasonable use of land.

The applicant is requesting to match the building lines of the existing building. No other variance request would reasonable.

(4)The granting of any variance is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development

The grant of the proposed variance would be in harmony with the Bunnell Comprehensive Plan. The applicant's proposed exterior finish will improve the appearance of the existing building and minimize any perceived impacts of reducing the setback.

Sec. 14-75. - Requirements for the granting of a variance.

Before the planning, zoning and appeals board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:

(1)That the granting of the variance will not be contrary to the public interest;

Granting of the variance will promote redevelopment of a site located on W. Moody Blvd that is in a deteriorated condition.

(2) That the literal enforcement of the article will result in unnecessary hardship;

Literal enforcement of the provisions will likely result in the property remaining under utilized and in a deteriorated condition for some time to come.

(3) That by granting the variance the spirit of the article will be observed; and

Granting of the variance will foster re-investment and job creation in the City's core area.

(4) That by granting the variance, substantial justice will be done.



Granting the variance will promote substantial improvements to a site that is located in a prominent location within the City.

Staff Recommendation:

Approve the applicant's request in Case Number 2021-31 to reduce the required corner side yard setback from 20' to 0' and the rear yard setback from 10' to 0'.

City Attorney Review:

Approve the variance if you find that the code criteria are met.

 Sizemore Property
 City of Bunnell



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

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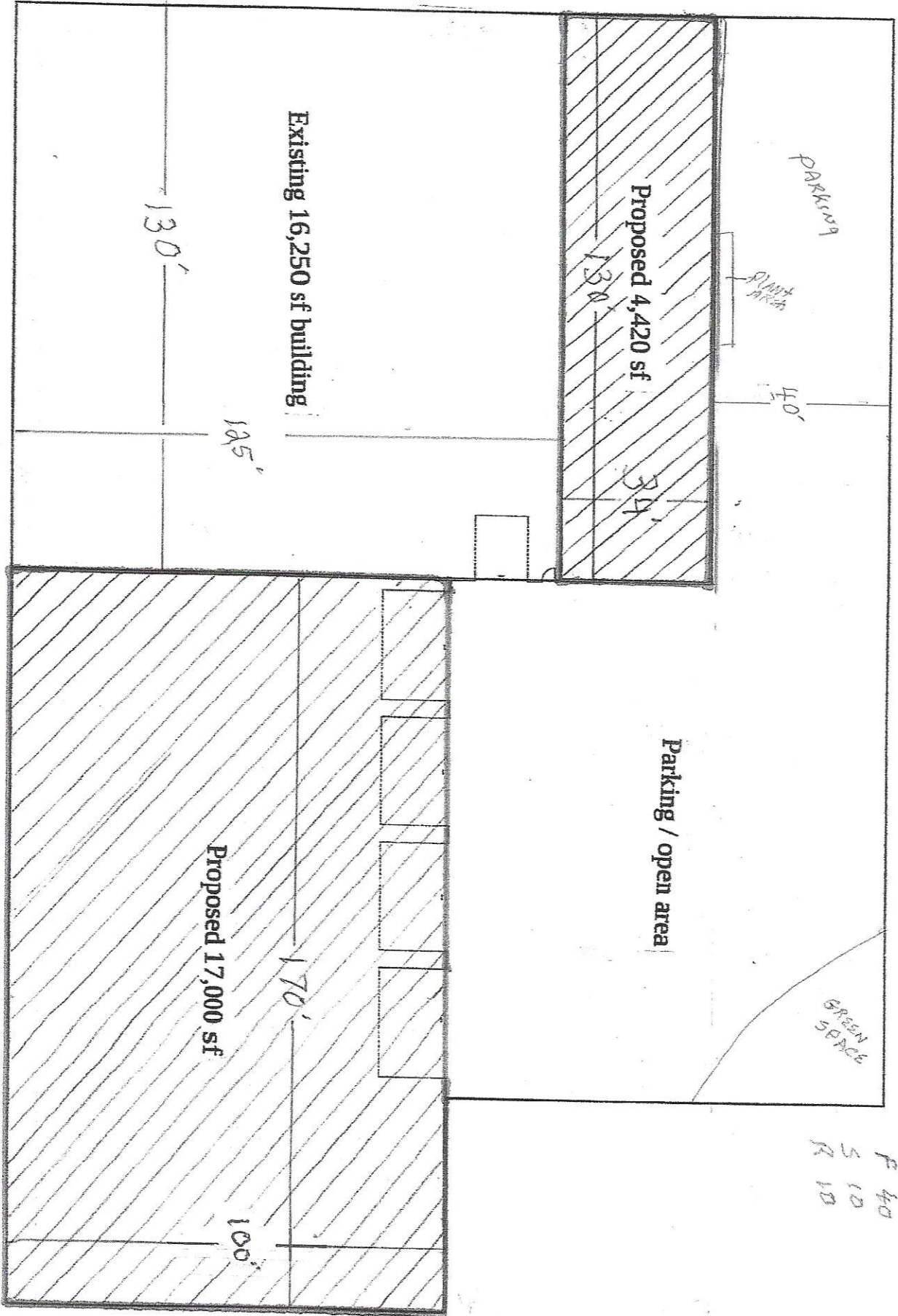
Sizemore Property Bunnell, Florida


 300 Interchange Blvd
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 ph 386-677-2482

Bay St

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SR-11