

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, December 7, 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. November 2, 2021 Planning, Zoning and Appeals Board Minutes

New Business:
 4. Proposed Relocation of Municipal Park due to Possible Sale of 201 West Moody Boulevard.
 5. Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 200± acres of land, owned by Deen Properties, LLC, Bearing the Parcel IDs: 11-12-29-0000-01031-0000 & 11-12-29-0000-04040-0000 from Flagler County, AC- Agricultural to City of Bunnell, AG&S, Agriculture & Silviculture and C-1, Conservation Districts.
 6. Public Hearing - Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 1.1± acres of land, owned by Anna Marie Tindall, Bearing the Parcel ID: 21-13-31-0650-000A0-0910 from Flagler County, Residential Low Density/Rural Estate to City of Bunnell, Agricultural.
 7. Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 1.1± acres of land, owned by Anna Marie Tindall, Bearing the Parcel ID: 21 13-31-0650-000A0-0910 from the Flagler County "MH-1, Rural Mobile Home" district to the City of Bunnell "AG, Agricultural District"
 8. Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 552.5± acres of land, owned by Middle Haw Creek Land, LLC, Bearing the Parcel IDs: 19-13-30-1650-01060-0030, 18-13-30-0000-01020-0000, and 07-13-30-0000-03010-0030 from Flagler County, AC- Agriculture to City of Bunnell, AG&S, Agriculture & Silviculture and C-1, Conservation Districts.

Old Business:

9. 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.
10. 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

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: 11/9/2021
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, December 6, 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, 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**
Chair Lilavois called the meeting to order at 6:07 PM and led the Pledge of Allegiance.

Present: Carl Lilavois, Chair; Gary Masten, Co- Chair; Jerry Jones

Excused: Manuel Madaleno; Robin Tyler; Nealon Joseph (Alternate)

Non-Voting: City Planner Mark Karet; City Manager Alvin Jackson; City Attorney John Cary; Code Enforcement Officer Gary Harris; Community Development Coordinator Christine Hancock; Permit Technician Adrian Calderin

Zoom: N/A

- 2. Disclosure of Ex-Parte communications.**
None

- 3. Approval of Minutes**

- a. October 5, 2021 Planning, Zoning and Appeals Board Minutes**

Motion: Approve the October 5, 2021, Planning, Zoning and Appeals Board Minutes.

Moved By: Gary Masten

Seconded By: Jerry Jones

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois-Yes

Gary Masten-Yes

Jerry Jones- Yes

Vote: Motion carried by unanimous vote

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"**

Chair Lilavois read the short title into the record. City Planner Karet introduced and explained items #4 and #5 together as companion pieces. He stated the property has not been annexed from Flagler County into the City of Bunnell; however, it will be scheduled to be heard at the next Commission Meeting. The owner plans to subdivide the property into 2-acre parcels.

Motion: Approve 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”

Moved By: Gary Masten

Seconded By: Jerry Jones

Board Discussion: Co-Chair Masten asked if this would affect taxes. City Planner Karet answered the City would get property taxes once under City jurisdiction.

Public Discussion: None

Roll Call Vote:

Carl Lilavois-Yes

Gary Masten-Yes

Jerry Jones-Yes

Vote: Motion carried by unanimous vote

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”**

Chair Lilavois read the short title into the record. This item was discussed with Item #4.

Motion: Approve 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”

Moved By: Gary Masten

Seconded By: Jerry Jones

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois-Yes

Gary Masten-Yes

Jerry Jones-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 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**

Chair Lilavois read the short title into the record. City Planner Karet introduced items #6 and #7 together as companion items. He explained the property was annexed into the City of Bunnell, but the FLUM and Zoning designations had not been changed to Bunnell designations yet. These proposed ordinances would change these designations to Bunnell categories.

Motion: Approve 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.

Moved By: Gary Masten

Seconded By: Jerry Jones

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois- Yes
Gary Masten-Yes
Jerry Jones- Yes

Vote: Motion carried by unanimous vote

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”**

Chair Lilavois read the short title into the record. This item was discussed with item #6.

Motion: Approve 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”

Moved By: Gary Masten

Seconded By: Jerry Jones

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois-Yes
Gary Masten-Yes
Jerry Jones-Yes

Vote: Motion carried by unanimous vote

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.**

Chair Lilavois recused himself from this case due to conflict of interest as he was the applicant. Co-Chair Masten read the short title into the record.

Note: Because there was no quorum present with the recusal of Chair Lilavois, the item could not be heard.

Motion: Continue 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 to December 7, 2021.

Moved By: Jerry Jones

Seconded By: Gary Masten

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois- abstained from voting (Recusal from on file)
Gary Masten-Yes
Jerry Jones-Yes

Vote: Motion carried by unanimous vote

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**

Chair Lilavois recused himself from this case due to conflict of interest as he was the applicant. Co-Chair Masten read the short tile into the record.

Note: Because there was no quorum present with the recusal of Chair Lilavois, the item could not be heard.

Motion: Continue 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 to the December 7, 202.

Moved By: Jerry Jones

Seconded By: Gary Masten

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois- abstained from voting (Recusal from on file)

Gary Masten-Yes

Jerry Jones-Yes

Vote: Motion carried by unanimous vote

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'.

Chair Lilavois read the short title into the record. City Planner Karet introduced and explained the request. He stated the owner is proposing to re-develop the site to consolidate two businesses by building two additions onto the existing building. The owner wants to match the existing building lines. City Attorney Cary advised the Board they need to look at fact-based testimony as the Land Development Code required specific criteria to be met in Sections 34-54 and 34-55 which describe the standards and requirements for granting a variance.

Motion: Approve 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' with condition that the proposed improvements and request are in accordance with Land Development Code Sections 34-54 and 34-55.

Moved By: Garry Masten

Seconded By: Jerry Jones

Board Discussion: Co-Chair Masten questioned the location of the proposed setbacks. Chair Lilavois showed the setbacks on exhibit shown during the meeting.

Public Discussion: David Wilhite, representative of the applicant, addressed the Board. He stated there is 2 feet between the property line and the building; his client wants to match the existing building lines with the re-development.

Roll Call Vote:

Carl Lilavois- Yes

Gary Masten-Yes

Jerry Jones- Yes

Vote: Motion carried by unanimous vote

11. Public Comment

Mr. Sizemore, applicant for item number 10, stated he will do his best to clean-up and make the property on South Bay Street look presentable again. This project will create additional jobs through the cleanup and with the further build out of the existing building.

12. Board comment

City Planner Karet presented a sheet listing the 2022 PZA meeting dates and deadlines for development applications. He asked for the first meeting in January to be moved to the first Thursday in January and asked for the July 5th meeting to be moved to first Thursday in July.

13. Adjournment of Planning and Zoning Meeting

Motion: Adjourn

Moved By: Gary Masten

Seconded By: Jerry Jones

Roll Call Vote:

Carl Lilavois- Yes

Gary Masten-Yes

Jerry Jones- Yes

Vote: Motion carried by unanimous vote

Meeting Adjourned at 6:48 PM

PZA Chair



City of Bunnell, Florida

Agenda Item No. 4.

Document Date: 11/16/2021
Department: City Manager
Subject: Proposed Relocation of Municipal Park due to Possible Sale of 201 West Moody Boulevard.

Property Address:
Zoning Designation:
Future Land Use Designation:
Agenda Section: New Business

Summary/Highlights:

The City of Bunnell is announcing its intention to relocate Municipal Park to an alternative location due to the pending sale of the property located at 201 West Moody Boulevard.

Background:

In 2015, the City was awarded a FRDAP Grant to build Municipal Park on the same property as the Administration Complex.

Because of the possible sale of the property and administrative rules for FRDAP grants, the City must relocate the recreational items to another location. FDEP has stated the new location should not be a developed park.

The City received the Clegg Property, located on East Howe Street, from Flagler County in January 2020. This is currently a vacant property that meets the criteria needs of the State for the relocation of Municipal Park. Therefore, the City is planning to relocate or build the following exact same items funded by the FRDAP Grant:

- Playground/Climbing Toy: to be relocated
- Picnic facilities- a pergola and picnic tables- to be relocated
- Exercise Stations- to be relocated
- Butterfly system/landscaping- to be replaced
- Bike rack, bench and trash can- to be relocated

Staff Recommendation:

City Attorney Review:

Relocating the park is critical to clearing title to City Hall. Without clear title, the City will not be able to sell City Hall. This plan is consistent with the recommendation from FDEP, which is the agency solely able to clear the encumbrance on the property. Recommend approval.



City of Bunnell, Florida

Agenda Item No. 5.

Document Date: 11/29/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 200± acres of land, owned by Deen Properties, LLC, Bearing the Parcel IDs: 11-12-29-0000-01031-0000 & 11-12-29-0000-04040-0000 from Flagler County, AC- Agricultural to City of Bunnell, AG&S, Agriculture & Silviculture and C-1, Conservation Districts.
Property Address: Parcel ID's 11-12-29-0000-01031-0000 & 11-12-29-0000-04040-0000
Zoning Designation: Flagler County "AC, Agriculture"
Future Land Use Designation: City of Bunnell "Agriculture & Silviculture"
Agenda Section: New Business

ATTACHMENTS:

Description	Type
Project Christmas Rezoning Ordinance	Ordinance
Project Christmas Location Map	Location Map(s)

Summary/Highlights:

The applicants are requesting an amendment to the official zoning map to change the zoning on a 200± acre property from Flagler County, "AC- Agriculture" to City of Bunnell, "AG&S, Agriculture & Silviculture" and "C-1, Conservation".

The property is designated "Agriculture & Silviculture" and "Conservation 1" on the City of Bunnell Future Land Use Map in the Comprehensive Plan.

Background:

The applicants, Deen Properties, LLC, own a 200± acre property identified as Parcel IDs: 11-12-29-0000-01031-0000 & 11-12-29-0000-04040-0000. The parcels are located at the northeast corner of the intersection of County Road 15 and County Road 302. The contract purchasers plan to use the property for agricultural activities. This rezoning is being sought so that building permits can be obtained from the City of Bunnell.

The property is currently zoned Flagler County "AC-Agriculture". Although annexed into the City, the property did not receive a City of Bunnell zoning classification.

The proposed zoning classifications are City of Bunnell "AG&S, Agriculture & Silviculture" and "C-1, Conservation". The purpose of the "AG&S" zoning classification is to "permit a range of agricultural and/or silvicultural uses and to accommodate very low density residential development at a concentration of one dwelling unit per five acres". The purpose of the "C-1" is to "support the ecological integrity of natural resources and wildlife. This district is intended to provide preservation of sensitive lands and to conserve important natural, ecological, and unique habitat resources".

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&S Agriculture & Silviculture" and "C-1, Conservation".

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 APPROXIMATELY 200± ACRES, OWNED BY DEEN PROPERTIES LLC, BEARING PARCEL ID'S: 11-12-29-0000-01031-0000 AND 11-12-29-0000-04040-0000, LOCATED AT THE NORTHEAST INTERSECTION OF COUNTY ROAD 15 AND COUNTY ROAD 302 WITHIN THE BUNNELL CITY LIMITS FROM FLAGLER COUNTY "AC, AGRICULTURE" TO CITY OF BUNNELL "AG&S, AGRICULTURAL & SILVACULTURE" AND "C-1, CONSERVATION"; 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, Deen Properties LLC, the owner of certain real property, which land totals approximately 200± acres in size located at 445 and 487 County Road 15 and is assigned Tax Parcel Identification Numbers 11-12-29-0000-01031-0000 and 11-12-29-0000-04040-0000 by the Property Appraiser of Flagler County; and

WHEREAS, Deen Properties LLC 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&S, Agricultural & Silviculture" and "C-1, Conservation-1" zoning classifications from the existing Flagler County, "AC, Agriculture" 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 22, 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 approximately 200± acres in size, is located at 445 and 487 County Road 15 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 approximately 200± acres in size, shall be rezoned to the City of Bunnell “AG&S, Agricultural & Silviculture” and “C-1, Conservation” zoning classifications from the existing Flagler County, “AC, Agriculture” zoning classification; and

LEGAL DESCRIPTION:

40.00 ACRES S1/2 OF S1/2 OF NW1/4 REMAINDERMAN DELORES REGINA, DEEN EURA AND WILLIAM W DEEN JR OR BOOK 202 PG 180 OR 1085 PG 1819-DC OR 1185 PG 1258 ANNEX ORD 2007-30, 1592/902 & 2008-20, 1656/364

AND

160.00 ACRES SW1/4 OR 147 PG 38 & 39 REMAINDERMEN-DELORES REGINA DEEN EURE & WILLIAM W DEEN JR OR 1028 PG 1819-DC 1185/1262 ANNEX ORD 2007-30, 1592/902 & 2008-20, 1656/364

ADDRESS: 445 and 487 County Road 15 in the City of Bunnell

TAX PARCEL IDENTIFICATION NUMBERS:211-12-29-0000-01031-0000
and 11-12-29-0000-04040-0000

(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 _____ 2022.

Second/Final Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

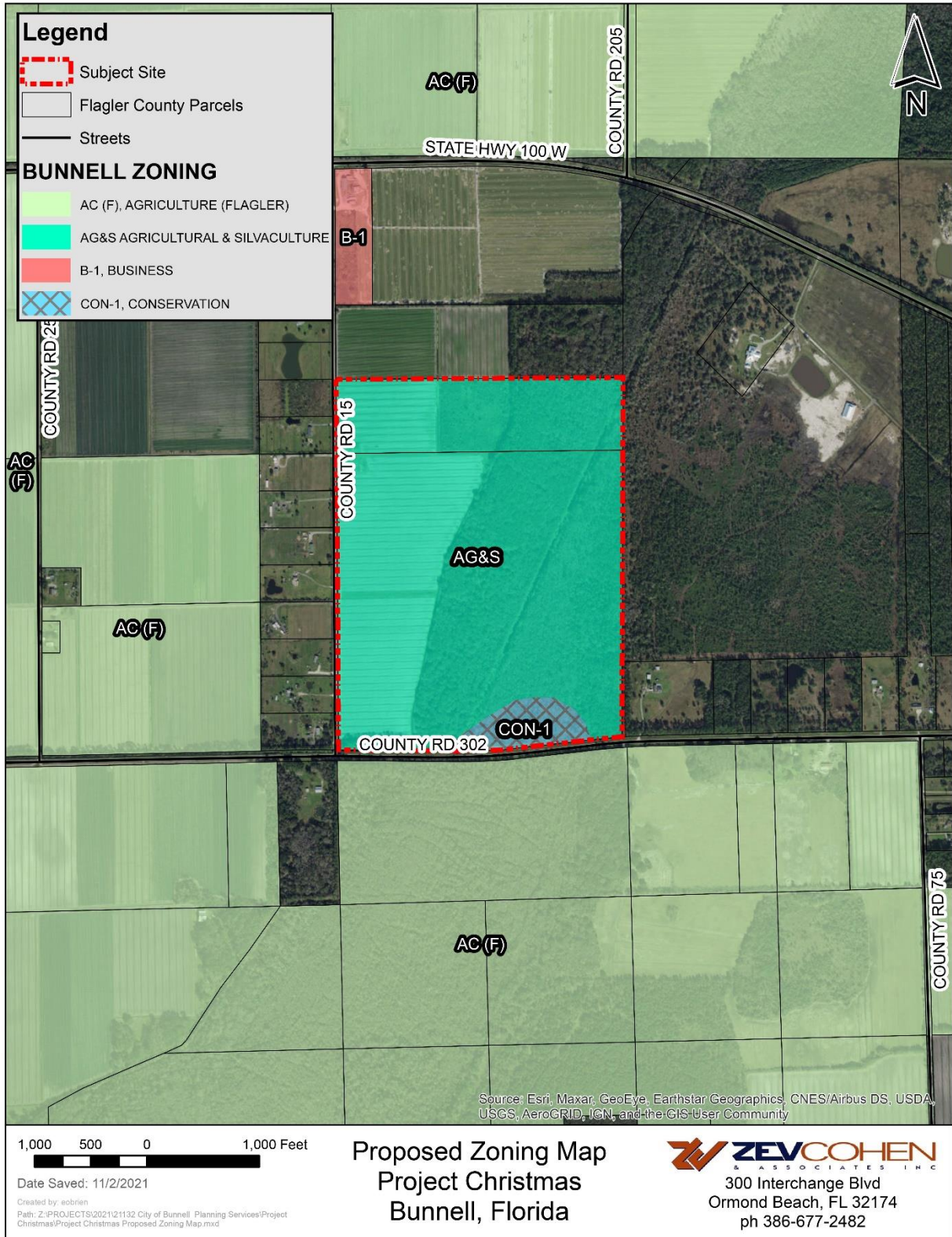
Attest:

Kristen Bates, CMC, City Clerk

Seal:

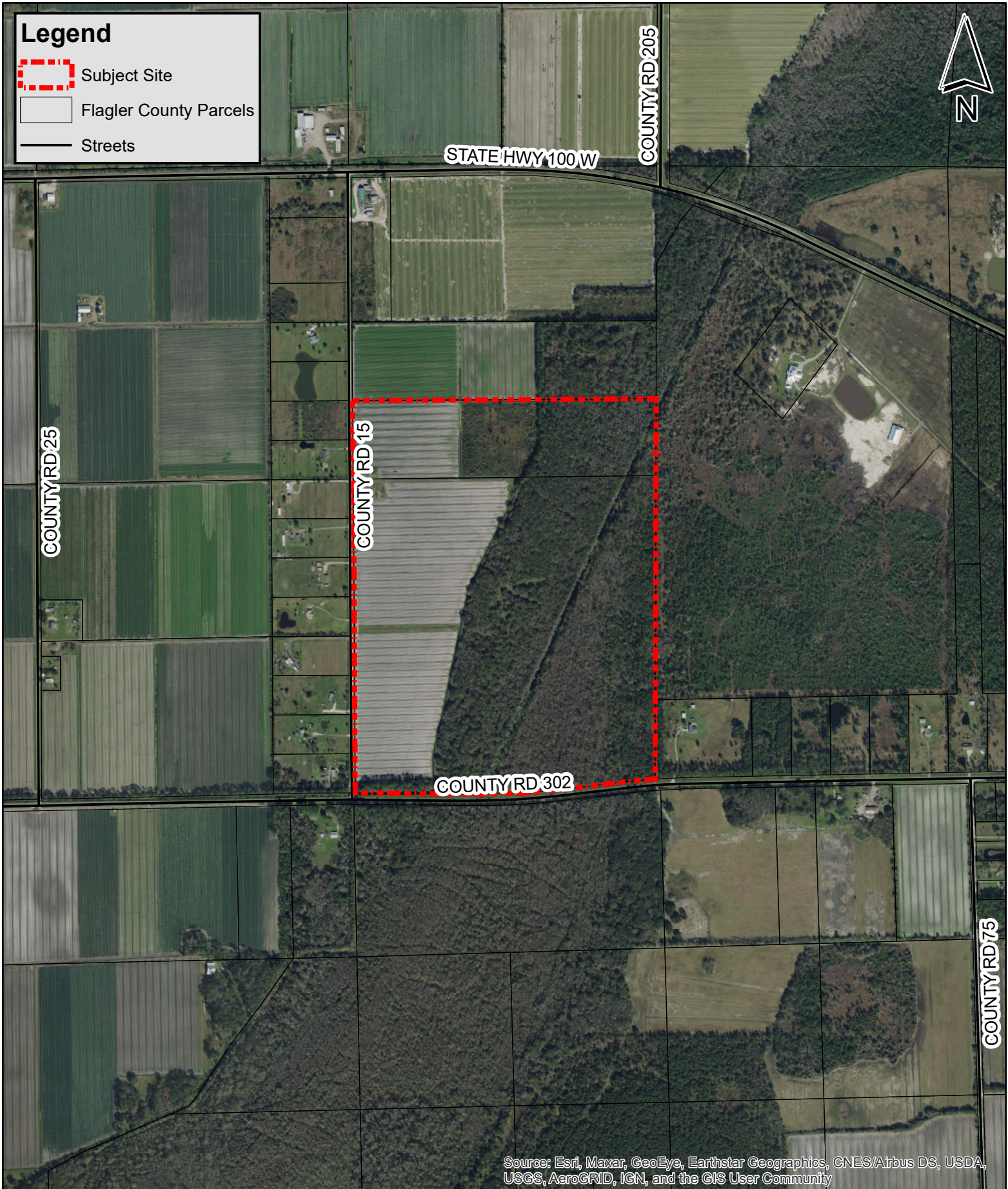
Exhibit "A"

Proposed Zoning Map

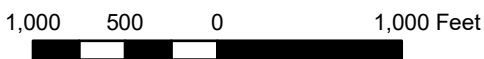


Legend

-  Subject Site
-  Flagler County Parcels
-  Streets



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Date Saved: 11/2/2021

Created by: eobrien
Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Project Christmas\Project Christmas Aerial Map.mxd

Aerial Map Project Christmas Bunnell, Florida


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



City of Bunnell, Florida

Agenda Item No. 6.

Document Date: 11/29/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the Future Land Use Map in the Comprehensive Plan for 1.1± acres of land, owned by Anna Marie Tindall, Bearing the Parcel ID: 21-13-31-0650-000A0-0910 from Flagler County, Residential Low Density/Rural Estate to City of Bunnell, Agricultural.

Property Address: 651 E Favoretta Road
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
Tindal Proposed FLUM Amendment Ordinance	Location Map(s)
Tindall 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, "Agricultural".

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- Agricultural" district.

Background:

The applicant, Anna Marie Tindall, owns a 1.1± acre property located at 651 E. Favoretta Road. 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 "Agricultural". The "Agricultural" 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 "Agricultural".

City Attorney Review:

ORDINANCE 2021-XX

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 1.1± ACRES, OWNED BY ANNA MARIE TINDALL, BEARING PARCEL ID: 21-13-31-0650-000A0-0910, LOCATED AT 651 EAST FAVORETTA ROAD 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 21-13-31-0650-000A0-0910, located in the City of Bunnell; and

WHEREAS, the owners of the property, Anna Marie Tindall, 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 November 22, 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 December 7, 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 ACRES 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' TO POB SE 330.31' SE 145.81' NW 330.41' NW 145.83' TO POB A/D/A PARCEL 1 PER SURVEY PROVIDED OR 1991/1060 OR 2061/1660 (L/E 2342/1765) OR 2342/1766 OR 251

ADDRESS: 651 E Favoretta Road in the City of Bunnell

TAX PARCEL IDENTIFICATION NUMBER: 21-13-31-0650-000A0-0910

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 _____ 2022.

Second Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

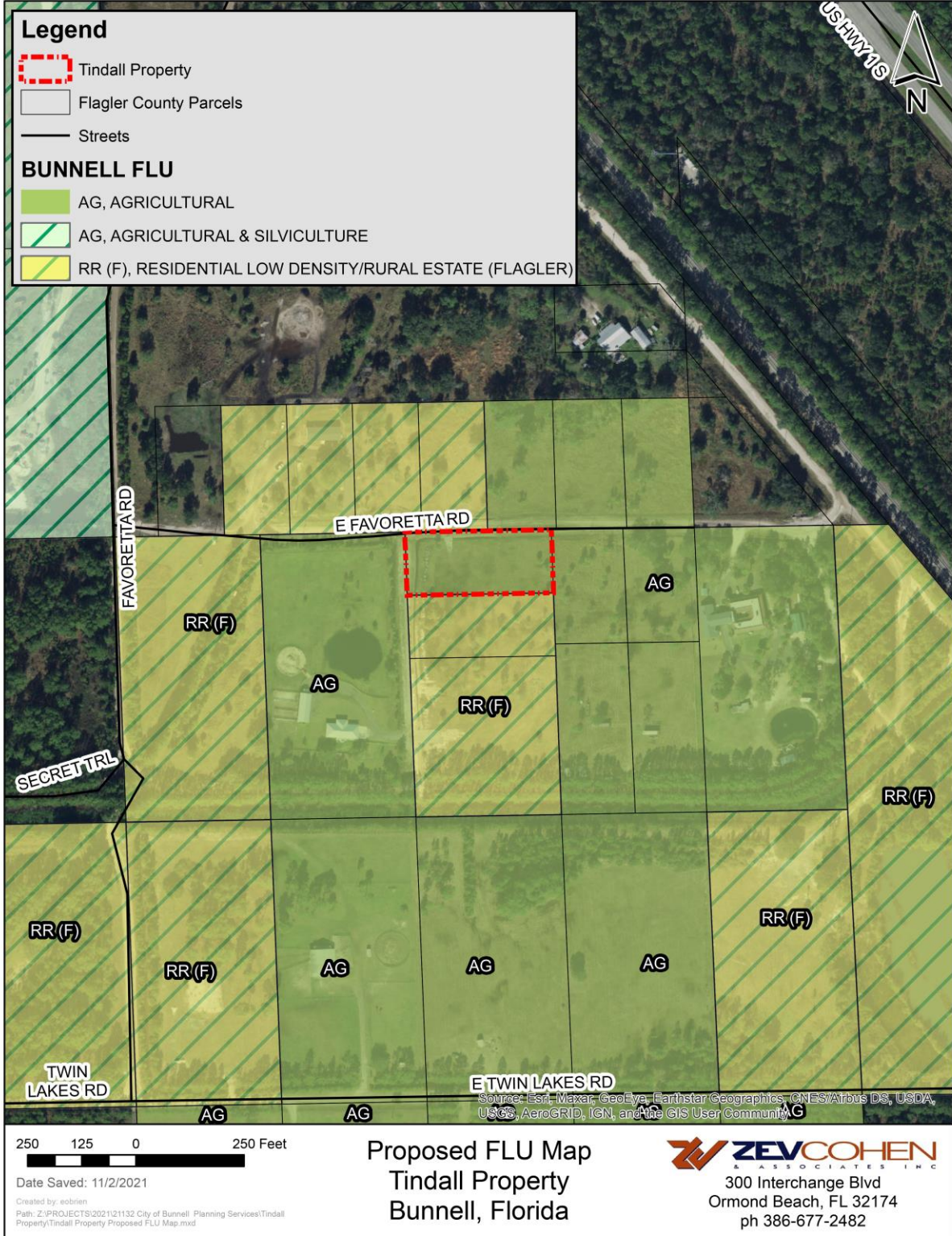
Attest:

Kristen Bates, City Clerk, CMC

Seal:

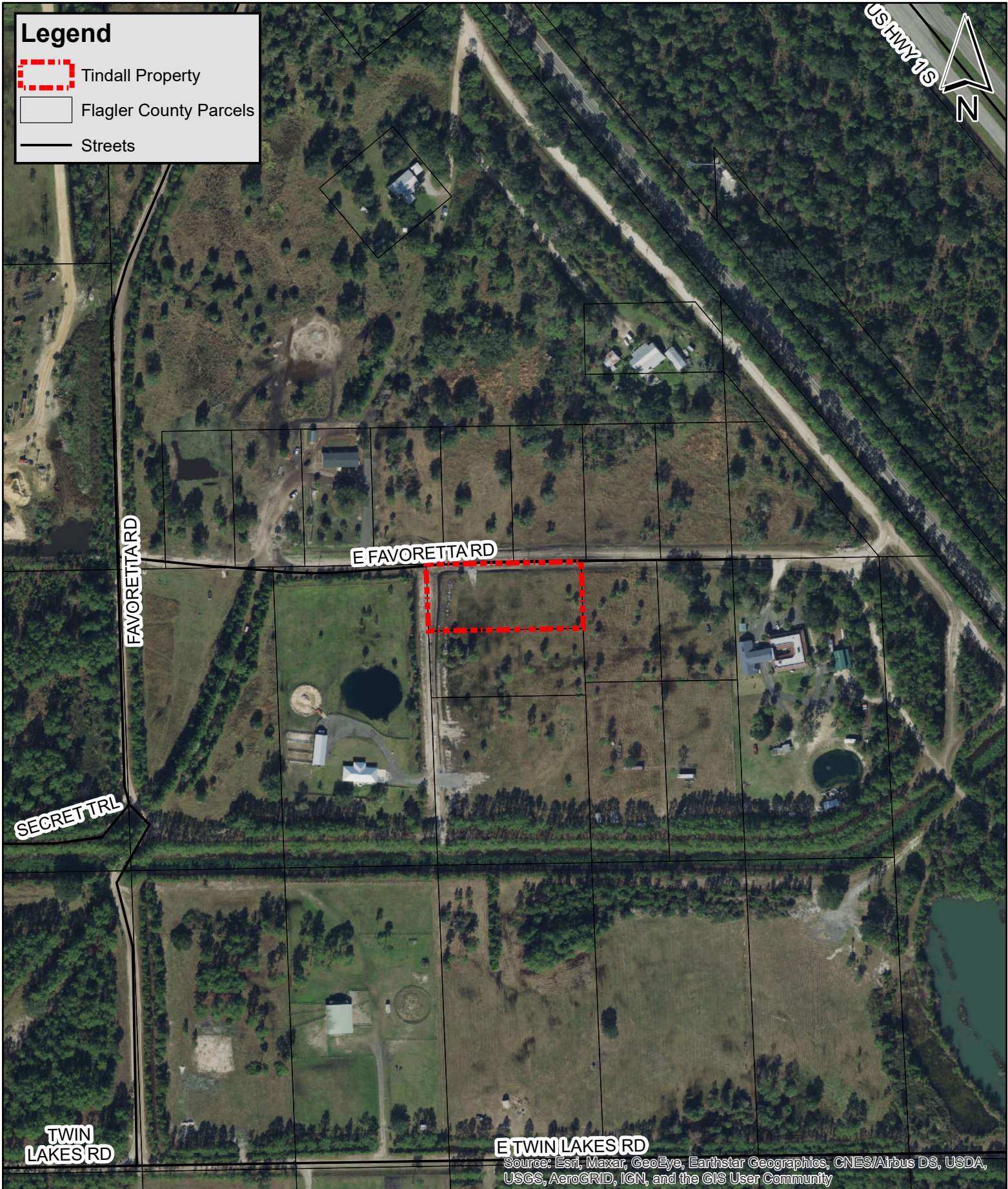
EXHIBIT A

Proposed Future Land Use Designation

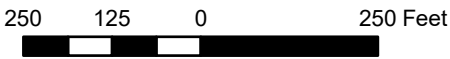


Legend

-  Tindall Property
-  Flagler County Parcels
-  Streets



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Date Saved: 11/2/2021

Created by: eobrien
Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Tindall Property\Tindall Property Aerial Map.mxd

Aerial Map Tindall Property Bunnell, Florida



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



City of Bunnell, Florida

Agenda Item No. 7.

Document Date: 11/29/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 1.1± acres of land, owned by Anna Marie Tindall, Bearing the Parcel ID: 21 13-31-0650-000A0-0910 from the Flagler County "MH-1, Rural Mobile Home" district to the City of Bunnell "AG, Agricultural District"

Property Address: 651 East Favoretta Road
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
Tindall Proposed Rezoning Ordinance	Ordinance
Tindall Location Map	Location Map(s)

Summary/Highlights:

The applicant is requesting an amendment to the official zoning map to change the zoning on a 1.1± acre property from the Flagler County "MH-1, Rural Mobile Home" district to the City of Bunnell "AG, Agricultural 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, "Agricultural".

Background:

The applicant, Anna Marie Tindall, owns a 1.1± acre property located approximately 651 E. Favoretta Road. 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-Agricultural". The intent of the "Ag-Agricultural" 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-Agricultural" 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, Agricultural 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 APPROXIMATELY 1.1± ACRES, OWNED BY ANNA MARIE TINDALL, BEARING PARCEL ID: 21-13-31-0650-000A0-0910, LOCATED AT 651 EAST FAVORETTA ROAD WITHIN THE BUNNELL CITY LIMITS FROM FLAGLER COUNTY, “MH-1, RURAL MOBILE HOME” TO CITY OF BUNNELL, “AG, AGRICULTURAL”; 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, Anna Marie Tindall, the owner of certain real property, which land totals approximately 1.1± acres in size located at 651 East Favoretta Road and is assigned Tax Parcel Identification Number 21-13-31-0650-000A0-0910 by the Property Appraiser of Flagler County; and

WHEREAS, Anna Marie Tindall 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, Agricultural” zoning classification from the existing Flagler County, “MH-1, Rural Mobile Home” 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 December 7, 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 approximately 1.1± acres in size, is located at 651 East Favoretta Road 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 approximately 1.1± acres in size, shall be rezoned to the City of Bunnell “AG, Agricultural” zoning classification from the existing Flagler County, “MH-1, Rural Mobile Home” zoning classification; and

LEGAL DESCRIPTION: 1.10 ACRES 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' TO POB SE 330.31' SE 145.81' NW 330.41' NW 145.83' TO POB A/D/A PARCEL 1 PER SURVEY PROVIDED OR 1991/1060 OR 2061/1660 (L/E 2342/1765) OR 2342/1766 OR 251

ADDRESS: 651 East Favoretta Road in the City of Bunnell

TAX PARCEL IDENTIFICATION NUMBER: 21-13-31-0650-000A0-0910

- (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 _____, 2022

Second/Final Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

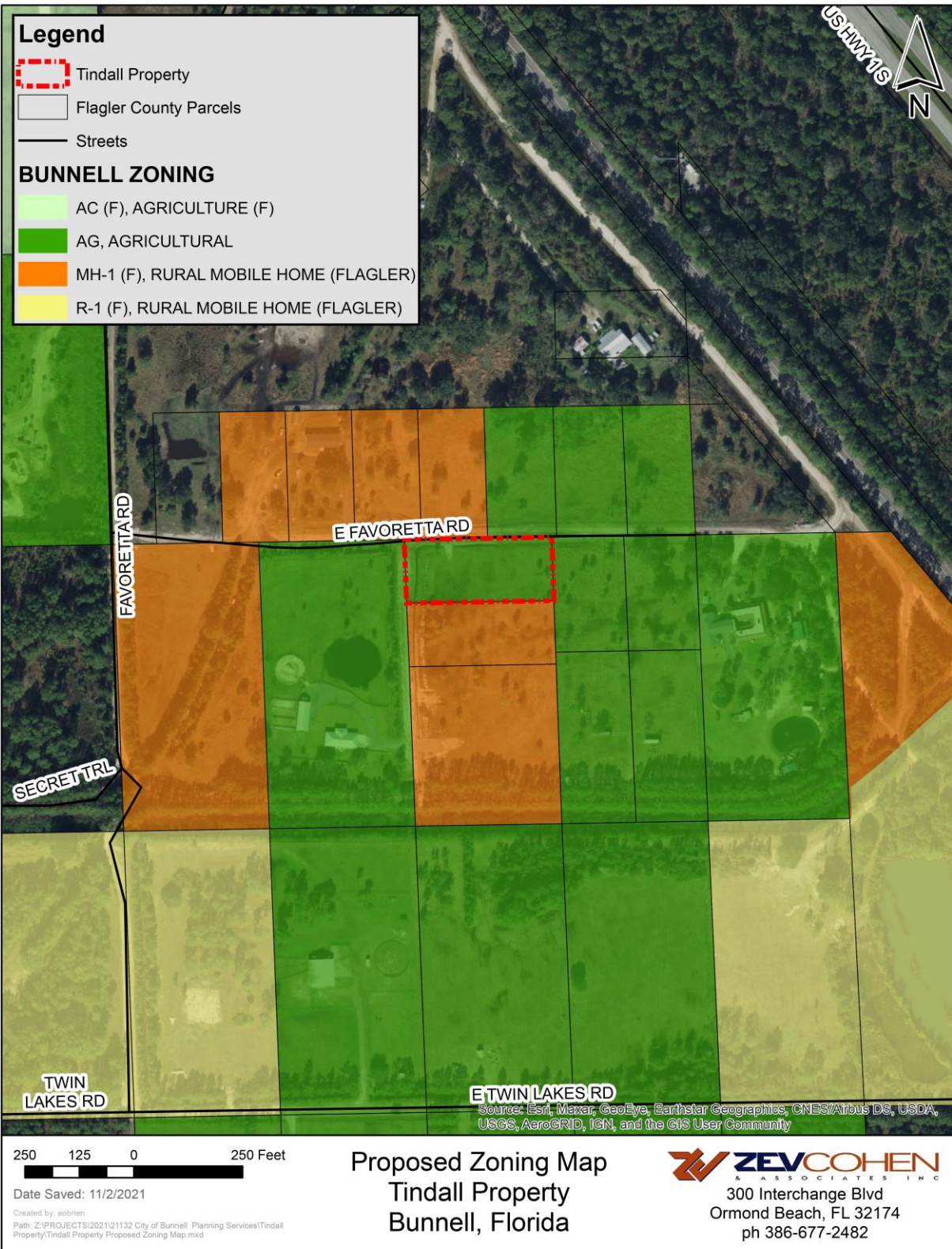
Attest:

Kristen Bates, CMC, City Clerk

Seal:

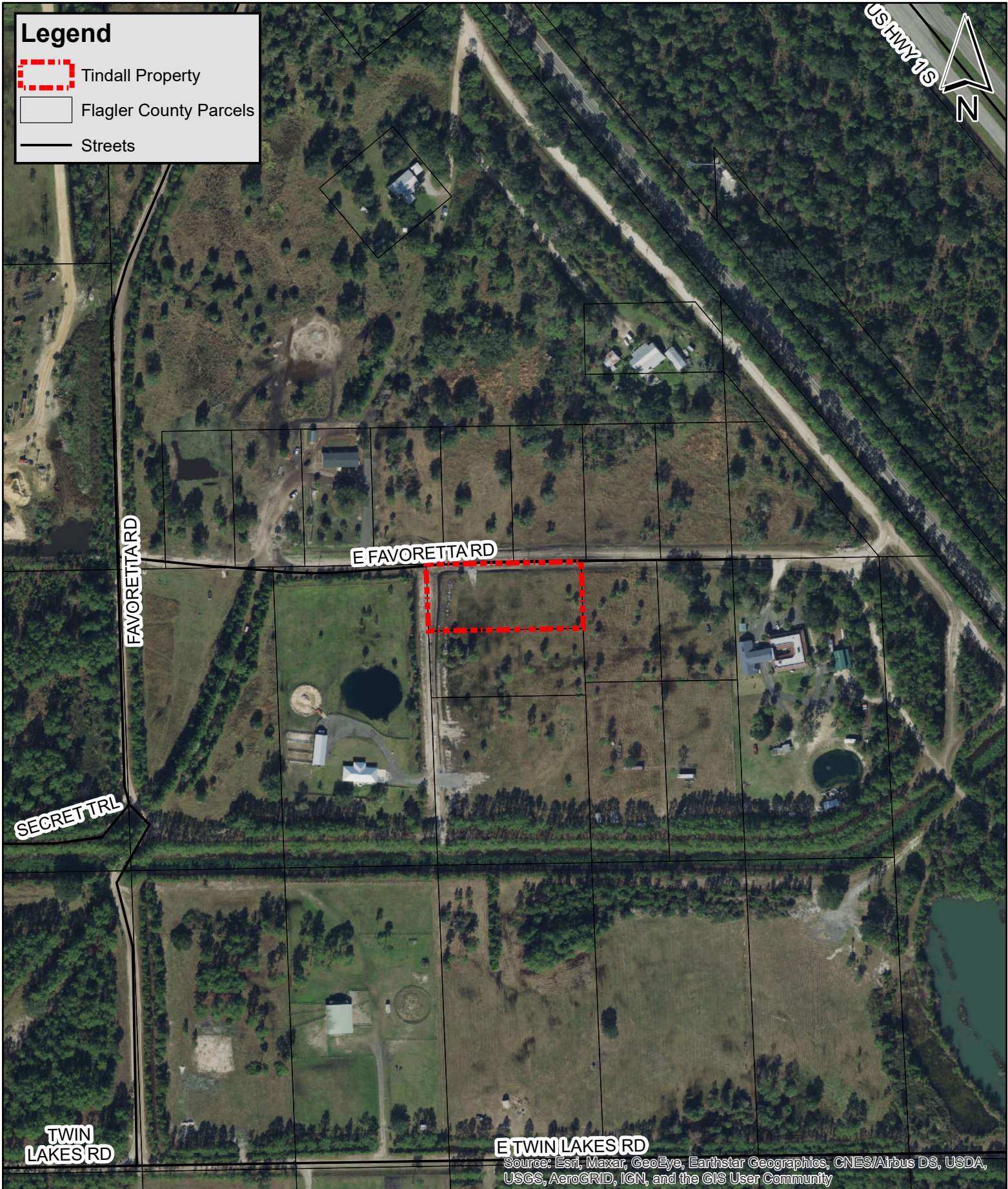
Exhibit "A"

Proposed Zoning Map



Legend

-  Tindall Property
-  Flagler County Parcels
-  Streets



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

250 125 0 250 Feet

Date Saved: 11/2/2021

Created by: eobrien
Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Tindall Property\Tindall Property Aerial Map.mxd

Aerial Map Tindall Property Bunnell, Florida



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



City of Bunnell, Florida

Agenda Item No. 8.

Document Date: 11/29/2021
Department: Community Development
Subject: Public Hearing - Ordinance 2021-XX Requesting to change the official zoning map for 552.5± acres of land, owned by Middle Hawk Creek Land, LLC, Bearing the Parcel IDs: 19-13-30-1650-01060-0030, 18-13-30-0000-01020-0000, and 07-13-30-0000-03010-0030 from Flagler County, AC- Agriculture to City of Bunnell, AG&S, Agricultural & Silviculture and C-1, Conservation Districts.

Property Address: Parcel Ids: 19-13-30-1650-01060-0030, 18-13-30-0000-01020-0000, and 07-13-30-0000-03010-0030

Zoning Designation: Flagler County "AC, Agriculture"

Future Land Use Designation: City of Bunnell "Agricultural & Silviculture"

Agenda Section: New Business

ATTACHMENTS:

Description	Type
Middle Hawk Creek LLC Proposed Rezoning Ordinance	Ordinance
Middle Hawk Creek LLC Location Map	Location Map(s)

Summary/Highlights:

The applicants are requesting an amendment to the official zoning map to change the zoning on a 552.5± acre property from Flagler County, "AC- Agriculture" to City of Bunnell, "AG&S, Agricultural & Silviculture" and "C-1, Conservation".

The property is designated "Agricultural & Silviculture" and "Conservation 1" on the City of Bunnell Future Land Use Map in the Comprehensive Plan.

Background:

The applicant, Middle Hawk Creek Land, LLC, owns a 552.5± acre property identified as Parcel IDs: 19-13-30-1650-01060-0030, 18-13-30-0000-01020-0000, and 07-13-30-0000-03010-0030. The parcels are located on the east side of State Road 11 approximately 1.1 miles north of County Road 304. The applicant plans to use the property as a homestead and for agricultural activities. This rezoning is being sought so that building permits can be obtained from the City of Bunnell.

The property is currently zoned Flagler County "AC-Agriculture". Although annexed into the City, the property did not receive a City of Bunnell zoning classification.

The proposed zoning classifications are City of Bunnell "AG&S, Agricultural & Silviculture" and "C-1, Conservation". The purpose of the "AG&S" zoning classification is to "permit a range of agricultural and/or silvicultural uses and to accommodate very low density residential development at a concentration of one dwelling unit per five acres". The purpose of the "C-1" is to "support the ecological integrity of natural resources and wildlife. This district is intended to provide preservation of sensitive lands and to conserve important natural, ecological, and unique habitat resources".

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&S - Agricultural & Silviculture" and "C-1, Conservation".

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 APPROXIMATELY 552.5± ACRES, OWNED BY MIDDLE HAW CREEK LAND LLC, BEARING PARCEL IDS: 19-13-30-1650-01060-0030, 18-13-30-0000-01020-0000, AND 07-13-30-0000-03010-0030 LOCATED ON THE EAST SIDE OF STATE ROAD 11 APPROXIMATELY 1.1 MILES NORTH OF COUNTY ROAD 304 WITHIN THE BUNNELL CITY LIMITS FROM FLAGLER COUNTY, “AC, AGRICULTURE” TO CITY OF BUNNELL, “AG&S, AGRICULTURAL & SILVACULTURE” AND “C-1, CONSERVATION”; 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, Middle Haw Creek Land, LLC, the owner of certain real property, which land totals approximately 552.5± acres in size located on the east side of State Road 11 approximately 1.1 miles north of County Road 304 within the Bunnell city limits and is assigned Tax Parcel Identification Numbers 19-13-30-1650-01060-0030, 18-13-30-0000-01020-0000, and 07-13-30-0000-03010-0030 by the Property Appraiser of Flagler County; and

WHEREAS, Middle Haw Creek Land, LLC 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&S, Agricultural & Silviculture” and “C-1, Conservation” zoning classifications from the existing Flagler County, “AC, Agriculture” 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 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

WHEREAS, on December 7, 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 approximately 552.5± acres in size, is located on the east side of State Road 11 approximately 1.1 miles north of County Road 304 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 approximately 552.5± acres in size, shall be rezoned to the City of Bunnell “AG&S, Agricultural & Silviculture” and “C-1, Conservation” zoning classifications from the existing Flagler County, “AC, Agriculture” zoning classification; and

LEGAL DESCRIPTION:

195.00 +/- ACRES POB NE CRNR SEC 19 SW 1920.89' SE 1320.09' SW 660.04' SE ALONG ELY ROW SR 11 1066.36' SE 3018.58' SE 909.18' NE 5334.82' TO POB AS DES AS TRACT 4 OR 2593/881,883

AND

297.48 ACRES ALL LYING EAST OF SR #11 OR BK 84 PAGE 691 CCA REL 425/776-ERROR IN LEGAL OR 546/1668 & 1670 OR 721/1397 ANNEX ORD 2007-30, 1592/902 & 2008-20, 1656/364 DES AS TRACT 2 & 3 PER OR 2593/881,883

AND

60.00 +/- ACRES DES AS TRACT 1 PER DEED POB SE CRNR OF SEC 7
THENCE NW 1323.62' NW 1764.56' TO ELY ROW SR 11 SW ALONG ELY ROW
1413.14' NE 1996.21' TO POB DESC AS TRACT 1 OR 2593/881,883

ADDRESS: N/A

TAX PARCEL IDENTIFICATION NUMBERS: 19-13-30-1650-01060-0030,
18-13-30-0000-01020-0000, and 07-13-30-0000-03010-0030

(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 _____ 2022.

Second/Final Reading: adopted on this _____ day of _____ 2022.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

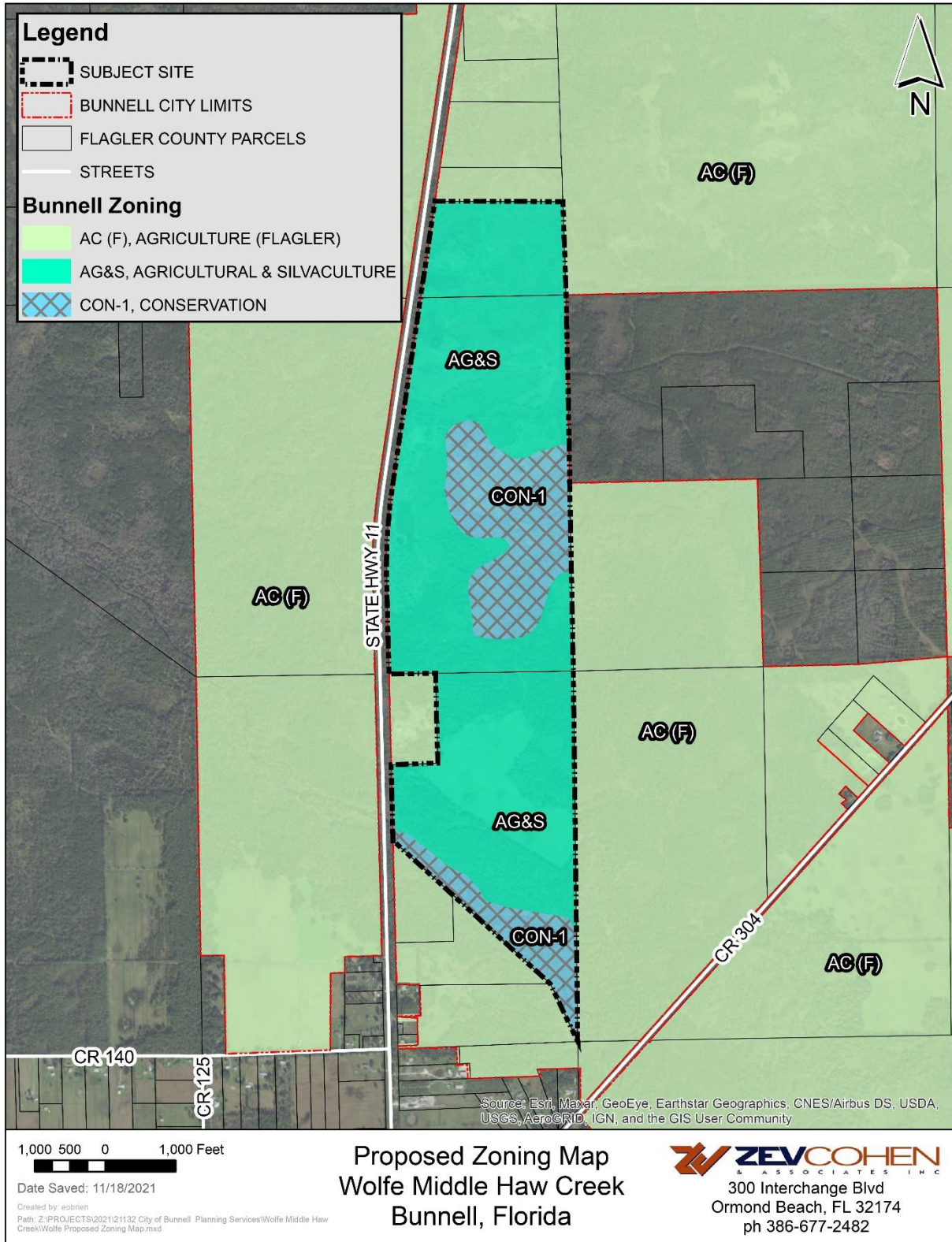
Attest:

Kristen Bates, CMC, City Clerk





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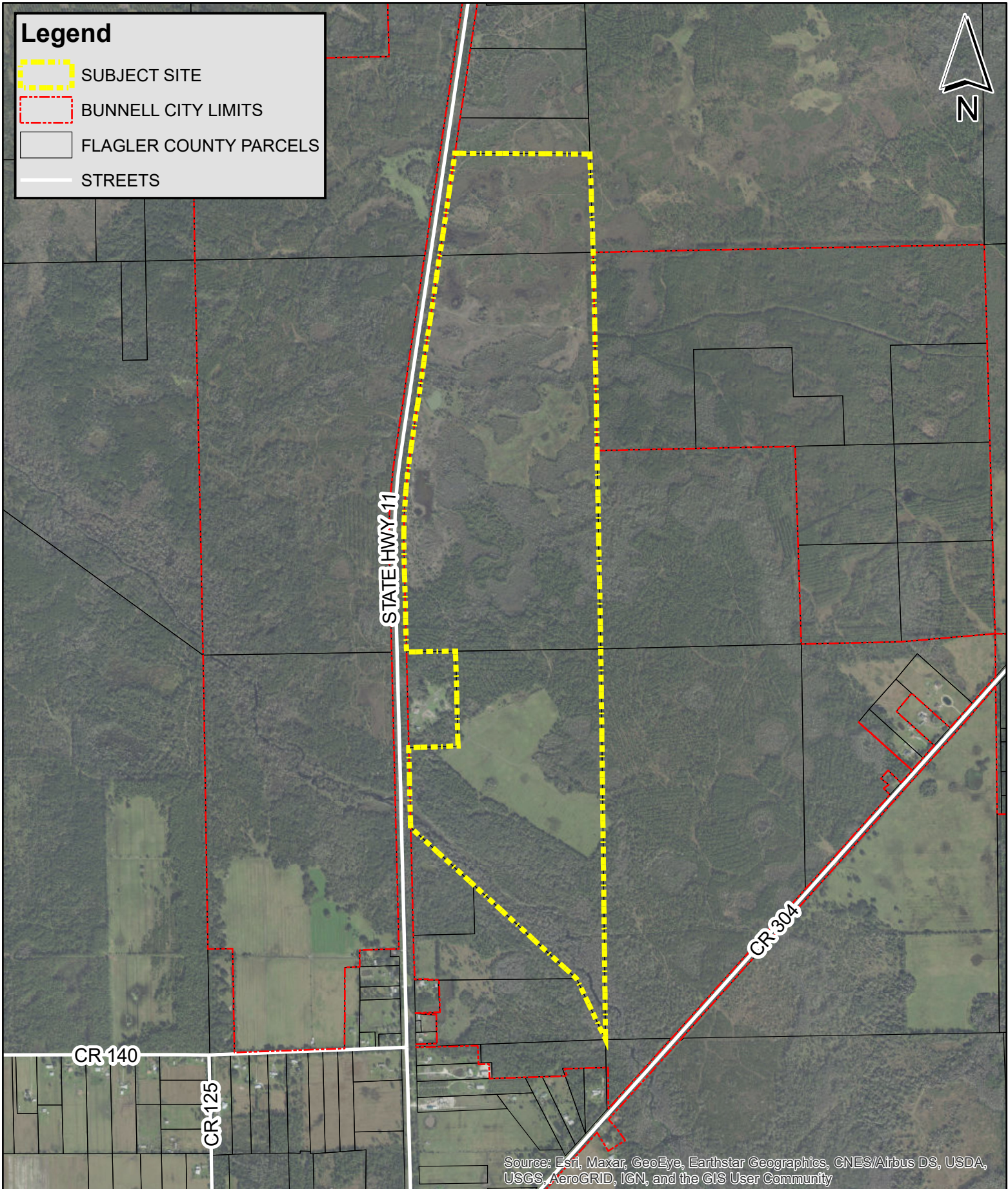
Exhibit "A"

Proposed Zoning Map



Legend

-  SUBJECT SITE
-  BUNNELL CITY LIMITS
-  FLAGLER COUNTY PARCELS
-  STREETS



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1,000 500 0 1,000 Feet

Date Saved: 11/29/2021

Created by: eobrien
Path: Z:\PROJECTS\2021\21132 City of Bunnell Planning Services\Wolfe Middle Haw Creek\Wolfe Aerial Location Map.mxd

**Aerial Location Map
Wolfe Middle Haw Creek
Bunnell, Florida**


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



City of Bunnell, Florida

Agenda Item No. 9.

Document Date: 11/23/2021
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: Old 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.

This item was continued from the November 2, 2021 PZA meeting due to a lack of a quorum.

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

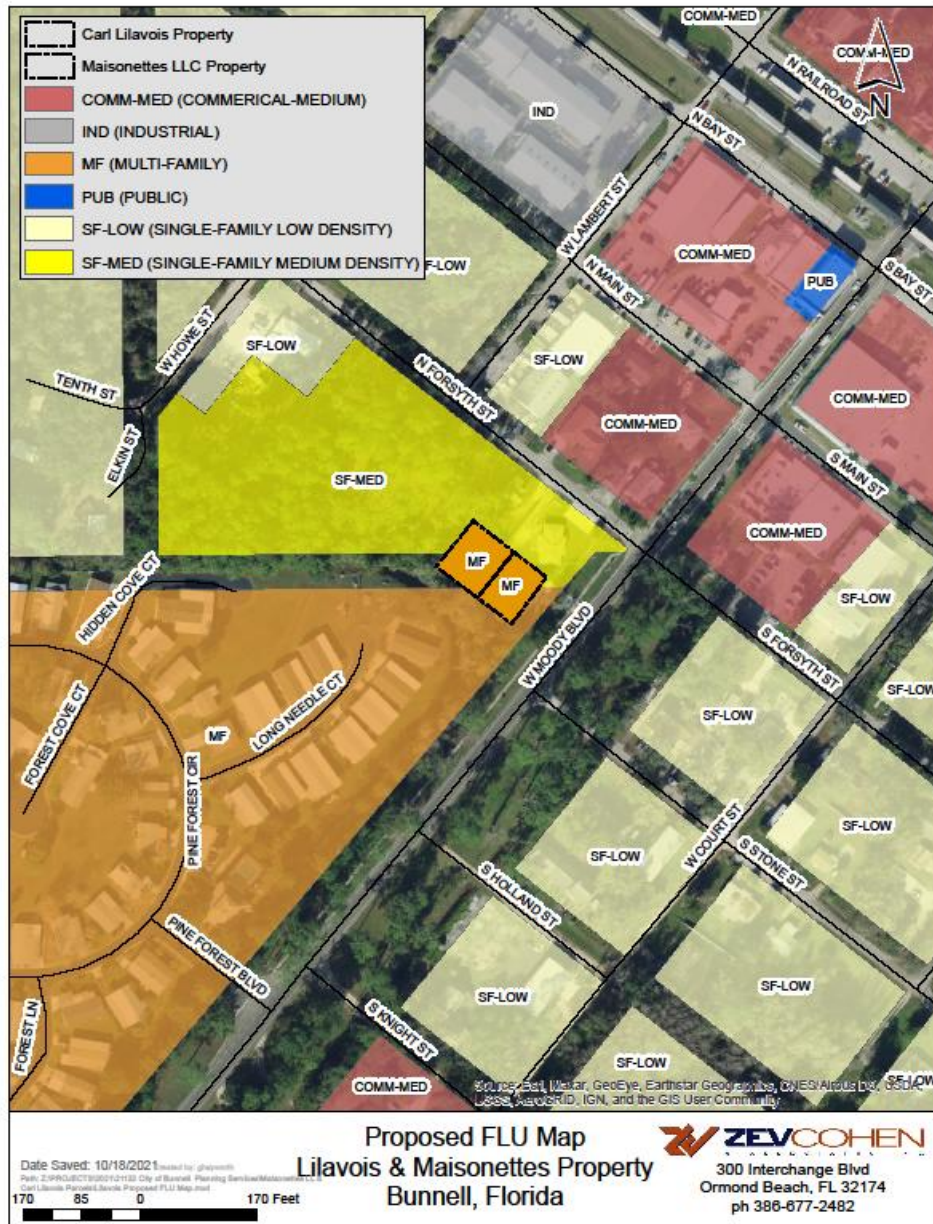
Attest:

Kristen Bates, City Clerk, CMC

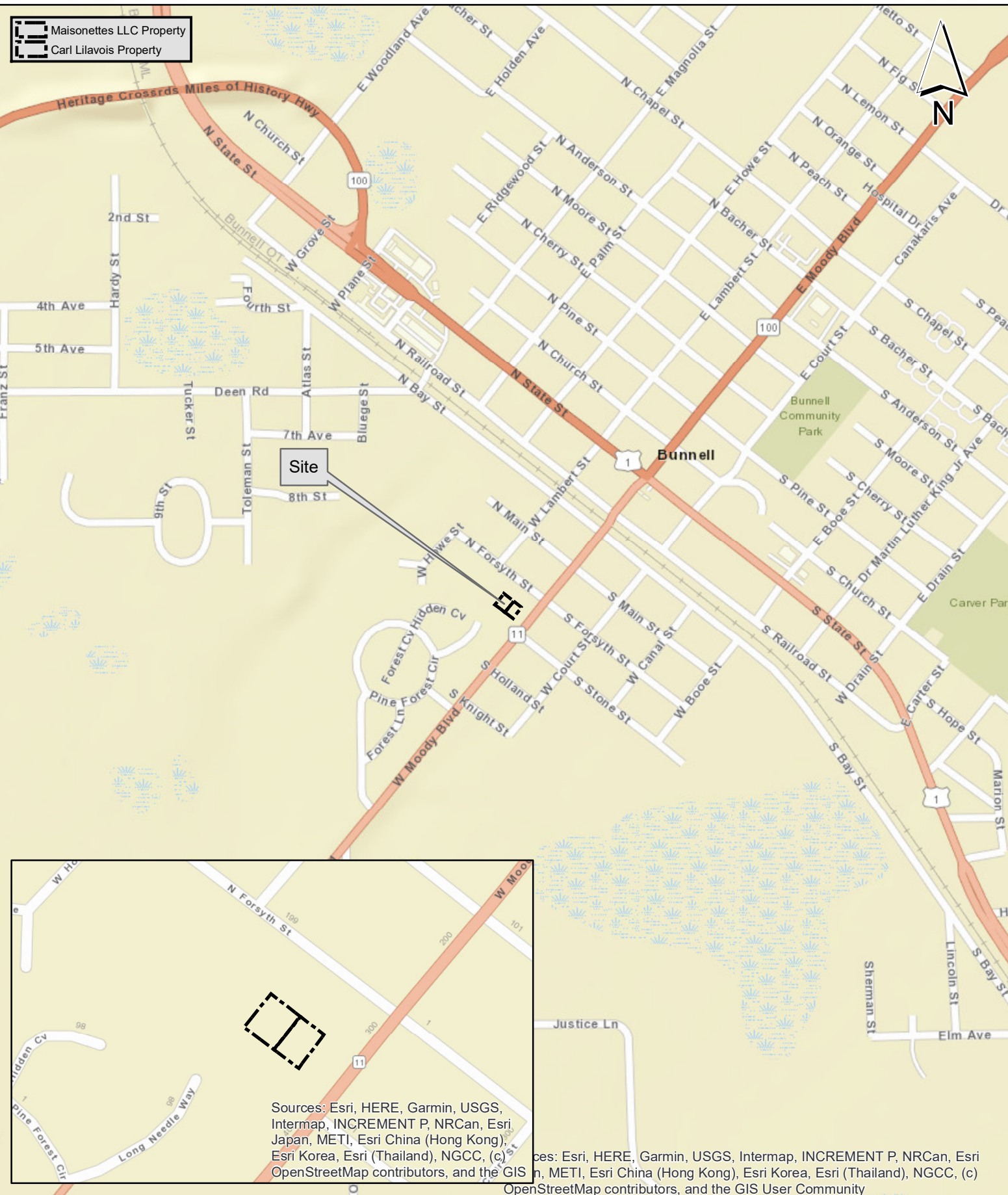
Seal:

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

Info:
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Location Map

Lilavois & Maisonettes Property

Bunnell, Florida



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



City of Bunnell, Florida

Agenda Item No. 10.

Document Date: 11/23/2021
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: Old 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 .

This item was continued from the November 2, 2021 PZA meeting due to a lack of a quorum.

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.

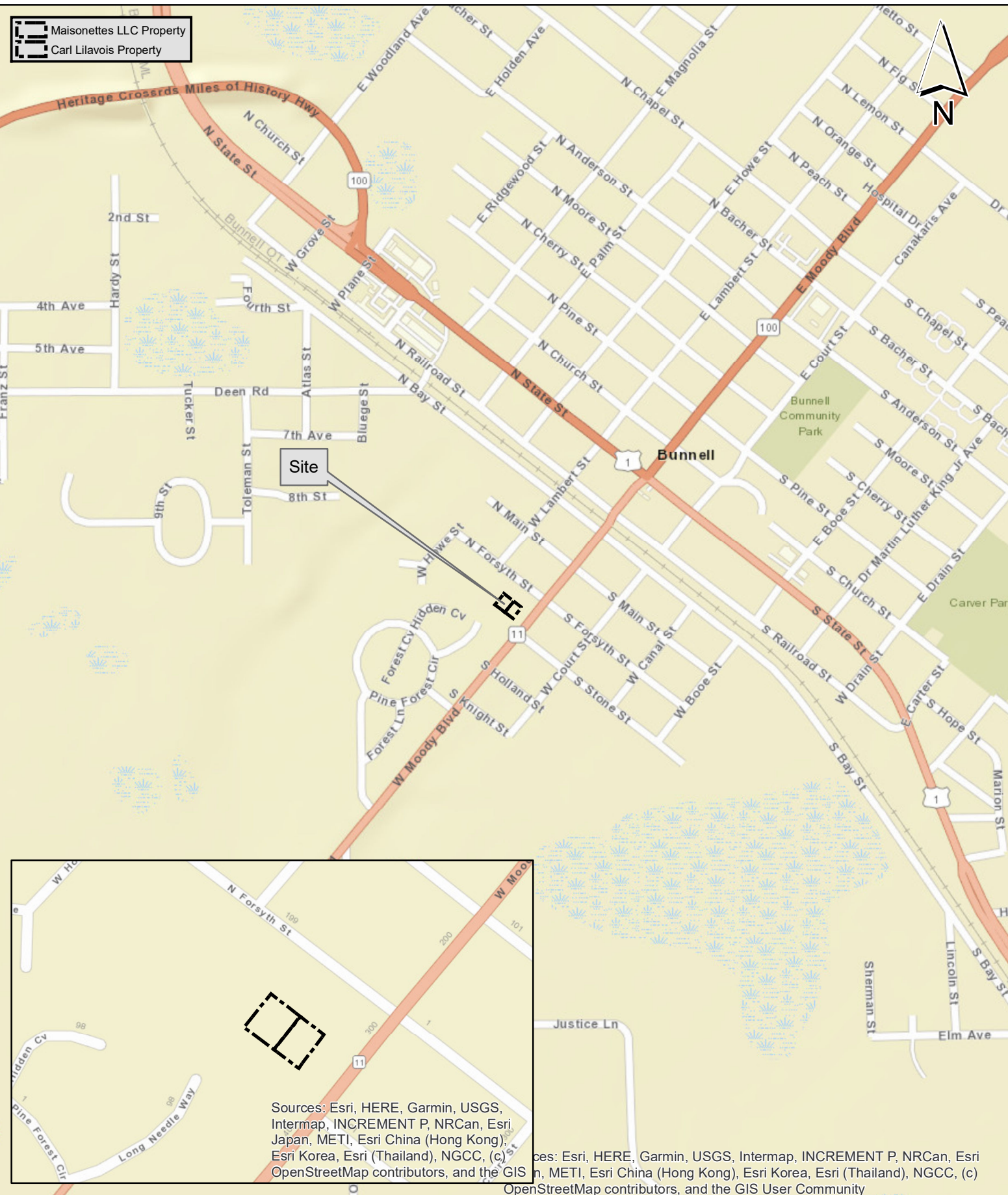
Staff Recommendation:

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 as to form and legality.

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



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

