

Crossroads of Flagler County

Board Members:
Carl Lilavois, Chair
Gary Masten, Co-Chair
Nealon Joseph
Lyn Lafferty
Gary Garner

PLANNING, ZONING AND APPEALS BOARD AGENDA

Tuesday, August 1, 2023

6:00 PM

1769 East Moody Boulevard (GSB),
First Floor Conference Room
Bunnell, FL 32110

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

2. Disclosure of Ex-Parte communications.

3. Approval of Minutes

a. July 6, 2023 Planning, Zoning and Appeals Board Minutes

New Business:

4. Ordinance 2023-09 Requesting to change the official zoning map for 32,585+/- acres of land within the City of Bunnell.

5. Ordinance 2023-XX, Amending the Capital Improvements Element of the 2035 Comprehensive Plan

6. Discussions to elect the Chair and Co-Chair.

Old Business: None

7. Public Comment

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

8. Board comment

9. 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. a.

ATTACHMENTS:

Description

July 6, 2023 Planning, Zoning and Appeals Board Minutes

Type

Minutes



Crossroads of Flagler County

Board Members:
Carl Lilavois, Chair
Gary Masten, Co-Chair
Nealon Joseph
Lyn Lafferty
Gary Garner

PLANNING, ZONING AND APPEALS BOARD MINUTES

**Thursday, July 6, 2023
6:00 PM**

1769 East Moody Boulevard (GSB),
First Floor Conference Room
Bunnell, FL 32110

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

Co-Chair Masten called the meeting to order at 6:00pm and led the Pledge of Allegiance.

Present: Gary Masten, Co-Chair; Nealon Joseph; Gary Garner.

Excused: Carl Lilavois, Chair; Lyn Lafferty

Non-Voting: Adrian Calderin, Community Development Coordinator; Joseph Parsons, Building Division Manager; Paul Waters, City Attorney

2. Disclosure of Ex-Parte communications.

None

3. Approval of Minutes

a. June 6, 2023 Planning, Zoning and Appeals Board Minutes

Motion: Approve the June 6, 2023 Planning, Zoning and Appeals Board Meeting Minutes.

Moved By: Gary Garner

Seconded By: Nealon Joseph

Board Discussion: Community Development Coordinator Calderin stated information presented to the public at the previous board meeting about obtaining copies of the unofficial minutes was incorrect; any draft document in possession of the City can be requested in a public records request.

Public Discussion: None

Roll Call Vote:

Gary Masten - Yes

Gary Garner - Yes

Nealon Joseph - Yes

Vote: Motion carried by unanimous vote

New Business:

4. FLUMA 2023-03 Requesting to change the Future Land Use Map in the Comprehensive Plan for 0.51+/- acres of land, owned by Coastal Collections LLC, Located at 1138 County Road 305 from Flagler County "Mixed Use: Low Intensity" to City of Bunnell "Commercial-Medium" Future Land Use designation.

Co-Chair Masten read the agenda title and Community Development Coordinator Calderin presented the item. It was explained the property is currently in

Unincorporated Flagler County, but the owner has petitioned to voluntarily annex into the City of Bunnell. The proposed City of Bunnell Future Land Use is an acceptable transition from the Unincorporated Flagler County Future Land Use with the uses that are allowed in both designations. This is also consistent with the other properties located on County Road 305 already within City of Bunnell Limits.

Motion: Approve FLUMA 2023-03 Requesting to change the Future Land Use Map in the Comprehensive Plan for 0.51+/- acres of land, owned by Coastal Collections LLC, Located at 1138 County Road 305 from Flagler County "Mixed Use: Low Intensity" to City of Bunnell "Commercial-Medium" Future Land Use designation.

Moved By: Gary Garner

Seconded By: Nealon Joseph

Board Discussion: Board Member Garner asked if the City can change the Future Land Use of the property prior to it being annexed into the City. Community Development Coordinator Calderin explained the designation is not being changed prior to annexation. The annexation request will have Second Reading prior to this matter being heard by the Commission; the Planning, Zoning and Appeals Board has a duty to make a recommendation to the City Commission on these types of items.

Co-Chair Masten asked if this is the typical procedure for properties being annexed into the City. Community Development Coordinator Calderin explained there are no procedural issues hearing this matter in the way- with the FLUM and zoning change requests going before the Planning Board prior to the annexation request being adopted; past annexation requests have been processed in this manner.

Public Discussion: None

Roll Call Vote:

Gary Masten - Yes

Gary Garner - Yes

Nealon Joseph - Yes

Vote: Motion carried by unanimous vote

5. ZMA 2023-03 Requesting to Change the official zoning map for 0.51+/- acres of land, owned by Coastal Collections LLC, located at 1138 County Road 305 from Flagler County "C-1, Neighborhood Commercial" to City of Bunnell "B-1, Business District".

Co-Chair Masten read the agenda title and Community Development Coordinator Calderin presented the item. It was explained this request is a companion item to agenda item #4. The proposed City zoning will be compatible with the proposed City Future Land Use and is consistent with the other properties located on County Road 305 already within City of Bunnell Limits.

Motion: Approve ZMA 2023-03 Requesting to Change the official zoning map for 0.51+/- acres of land, owned by Coastal Collections LLC, located at 1138 County Road 305 from Flagler County "C-1, Neighborhood Commercial" to City of Bunnell "B-1, Business District".

Moved By: Gary Garner

Seconded By: Nealon Joseph

Board Discussion: Co-Chair Masten stated he drove by the subject property and agrees that the proposed zoning will be consistent with the surrounding properties. He further asked what type of store is being proposed for the lot. Community Development Coordinator said the owners are looking to build a general retail store, but all the plans are conceptual at this stage in the development.

Public Discussion: None

Roll Call Vote:

Gary Masten - Yes

Gary Garner - Yes
Nealon Joseph - Yes

Vote: Motion carried by unanimous vote

6. Discussion to elect the Chair and Co-Chair

Co-Chair Masten read the agenda title. He proposed this item is continued to the next board meeting so the excused board member and Chair can have a say in this discussion.

Motion: Continue to the next board meeting.

Moved By: Gary Masten

Seconded By: Nealon Joseph

Vote: Motion carried by unanimous vote

Old Business: None

7. Public Comment

None

8. Board comment

City Attorney Waters updated the Planning, Zoning and Appeals Board about the public who showed up at the last PZA meeting. The public did also attend a City Commission meeting to share their concerns about the use of a property in the Favoretta area and the fires that went on for months.

Co-Chair Masten gave his appreciation to City Attorney Waters for directing the Board on how to address the public regarding the fires that took place.

9. Adjournment of Planning and Zoning Meeting

Motion: Adjourn

Moved By: Gary Garner

Seconded By: Nealon Joseph

Roll Call Vote:

Gary Masten - Yes

Gary Garner - Yes

Nealon Joseph - Yes

Vote: Motion carried by unanimous vote

PZA Chair

*****The City adopts summary minutes. Audio files in official City records are retained according to the Florida Department of State GS1-SL records retention schedule*****



City of Bunnell, Florida

Agenda Item No. 4.

Document Date: 5/15/2023
Department: Community Development
Subject: Ordinance 2023-09 Requesting to change the official zoning map for 32,585+/- acres of land within the City of Bunnell.

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

ATTACHMENTS:

Description	Type
Ordinance 2023-09 Mass Rezoning Phase 2	Ordinance
Ordinance Exhibit "B" - List of parcels & amended zoning classifications	Exhibit
Existing Zoning Map of subject parcels	Exhibit
Proposed Zoning Map of subject parcels	Exhibit

Summary/Highlights:

This is an administrative proposal to amend the City's official zoning map to assign Bunnell zoning classifications consistent with the adopted Future Land Use Map to 32,585+/- acres of land held in various ownerships. This is Phase 2 of a 3-phase effort to rezone property to an appropriate Bunnell zoning classification.

This item is being reintroduced to the Planning, Zoning and Appeals Board as there was a substantial change to the acreage being amended with properties being opted back into Phase 2.

Background:

The City of Bunnell annexed many thousands of acres of land into its corporate limits in 2006-2007. The City's comprehensive plan was amended to provide future land use designations for the annexed land. These new land use designations were a one-to-one translation from the Flagler County future use designation that were already on a particular property to the closest City equivalent. The underlying Flagler County zoning was left in place. Up until Phase 1 of this rezoning effort, almost all the annexed lands still retained their obsolete Flagler County zoning. A few properties having no zoning at all are shown on the official zoning map as "ND-No Designation".

This is a problem because land without City of Bunnell zoning is not covered by the City's Land

Development Code. At the same time, the City does not have the authority to administer the County's land development code. This makes the remaining Flagler County zoning essentially a holding category and this is meant that property owners have been required to go through zoning changes before they can obtain building permits. Many property owners have had planned projects significantly delayed because they had not anticipated the time and expense associated with a rezoning.

To remedy this situation, the City of Bunnell has embarked on this 3-phase mass rezoning effort. The City's planning consultant was directed to assign proposed Bunnell zoning classifications based on the Future Land Use Map in the City of Bunnell Comprehensive Plan 2035. This is in conformance with Florida Law which requires that all land development regulations which include the zoning map to be consistent with the City's comprehensive plan.

This item is Phase 2 of a 3-phase mass rezoning of properties that will provide Bunnell zoning classifications for properties without City zoning. Phase 1 included those properties without City of Bunnell zoning classifications that did not have any portion of the property designated as Conservation-1 or Conservation-2 on the City's Future Land Use Map. Phase 1 was concluded in August of 2022. Phase 2 includes the non-conservation portions of the properties excluded from Phase 1. Phase 3 will address the remaining portions of the properties that do have conservation designations. It is anticipated that the scope of Phase 3 will involve changes to the City's comprehensive plan, the land development code, and the zoning map.

Staff held a workshop on April 9, 2023. All the owners of property included in phases 2 & 3 were notified of the workshop. At the workshop, City Staff and ZevCohen & Associates personnel reviewed the annexation history of the properties, the results of Phase 1 of the mass rezoning, described the plans for Phases 2 & 3 and answered questions.

Individual public hearing notices were mailed to each of the affected property owners on July 19, 2023. The notices identified the affected properties by parcel number, listed their existing City Future Land Use Map designation and obsolete Flagler County zoning classifications as well as the proposed new Bunnell zoning classification.

Staff Recommendation:

Staff recommends approval of Ordinance 2023-09 Request to change the official zoning map for 32,585+/- acres of land within the City of Bunnell.

City Attorney Review:

Approved

ORDINANCE 2023-09

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING APPROXIMATELY 32,585± ACRES WITHIN THE CITY OF BUNNELL AS DESCRIBED IN EXHIBIT “B” 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, the properties to be rezoned are certain parcels of real property, which land totals approximately 32,585± acres, and which parcels are identified by Parcel Identification Numbers in the attached Exhibit “B”; and

WHEREAS, the City of Bunnell has petitioned to rezone said parcels of real property from various Flagler County and undesignated zoning classifications to the zoning classifications shown in Exhibit “B as corresponding to each specified parcel, all in accordance with the City of Bunnell Comprehensive Plan, and

WHEREAS, the City’s Community Department has conducted a thorough review and analysis of the general planning and land development issues should the subject rezoning be approved and has otherwise reviewed and evaluated the rezoning to determine whether it comports with sound and generally accepted land use planning practices and principles as well as whether the rezoning is consistent with the goals, objectives and policies set forth in the City’s *Comprehensive Plan*; and

WHEREAS, on August 1, 2023, 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 properties 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 properties as well as the recitals (whereas clauses) to this Ordinance.

(b) The subject properties, which are approximately 32,585± acres in size, are those parcels identified by Parcel Identification Numbers as shown within Exhibit “B”.

(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 properties, as depicted in the map attached to this Ordinance, and totaling approximately 32,585± acres in size, shall be rezoned to the zoning classifications shown in Exhibit “B” as corresponding to each specified parcel and as depicted in the maps attached to this ordinance from various Flagler County and undesignated zoning classifications; and

(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 as Exhibit “A” 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 adoption.

First Reading: Approved on this _____ day of _____ 2023.

Second/Final Reading: adopted on this _____ day of _____ 2023.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

Attest:

Seal: _____
Kristen Bates, CMC, City Clerk

Exhibit "A" Amended Zoning Map



EXHIBIT A - PARCELS TO BE REZONED (PHASE II)

PARCEL ID Column 2	FUTURE LAND USE FLU Code FLU Description		PROPOSED ZONING Code Description		PRIMARY OWNER Name	ADDRESS LINE 1 Column 10	ADDRESS LINE 2 Column 11	ADDRESS (CITY) Name	ADDRESS (STATE) Name	ADDRESS (ZIP) Column 15
36-12-29-5550-00010-0000	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	ALLEN LANDS LLC*	C/O TAX DEPT	205 PERRY LANE ROAD	BRUNSWICK	GA	31525
36-12-29-5550-00011-0000	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	ALLEN LANDS LLC*	C/O TAX DEPT	205 PERRY LANE ROAD	BRUNSWICK	GA	31525
36-12-29-5550-00040-0010	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	ALLEN LANDS LLC*	C/O TAX DEPT	205 PERRY LANE ROAD	BRUNSWICK	GA	31525
36-12-29-5550-00040-0020	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	ALLEN LANDS LLC*	C/O TAX DEPT	205 PERRY LANE ROAD	BRUNSWICK	GA	31525
36-12-29-5550-00060-0010	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	ALLEN LANDS LLC*	C/O TAX DEPT	205 PERRY LANE ROAD	BRUNSWICK	GA	31525
36-12-30-0650-000A0-0110	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	DUPONT LANDHOLDING LLC TRUSTEE	DUPONT LAND TRUST	PO BOX 550	BUNNELL	FL	32110
36-12-30-0650-000B0-0020	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	BROWN & JOHNSTON & JOLY & DURSHIMER*	C/O TAX DEPT	205 PERRY LANE ROAD	BRUNSWICK	GA	31525
36-12-30-0650-000C0-0020	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	BROWN & JOHNSTON & JOLY & DURSHIMER*	C/O TAX DEPT	205 PERRY LANE ROAD	BRUNSWICK	GA	31525
36-12-30-0650-000C0-0021	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	BROWN & JOHNSTON & JOLY & DURSHIMER*	C/O TAX DEPT	205 PERRY LANE ROAD	BRUNSWICK	GA	31525
36-13-30-0000-01010-0000	AG&S	AGRICULTURE & SILVICULTURE	AG&S	AGRICULTURAL & SILVICULTURE	ST JOHNS RIVER WATER	MANAGEMENT DISTRICT	PO BOX 1429	PALATKA	FL	32178

EXHIBIT B - PHASE II
EXISTING ZONING
CITY OF BUNNELL
MAIN MAP



LEGEND

- CITY OF BUNNELL
- FLAGLER COUNTY PARCELS
- MAJOR HYDROLOGY
- CITIES
- FLORIDA COUNTIES
- INTERSTATES
- MAJOR ROADS
- RAILROAD

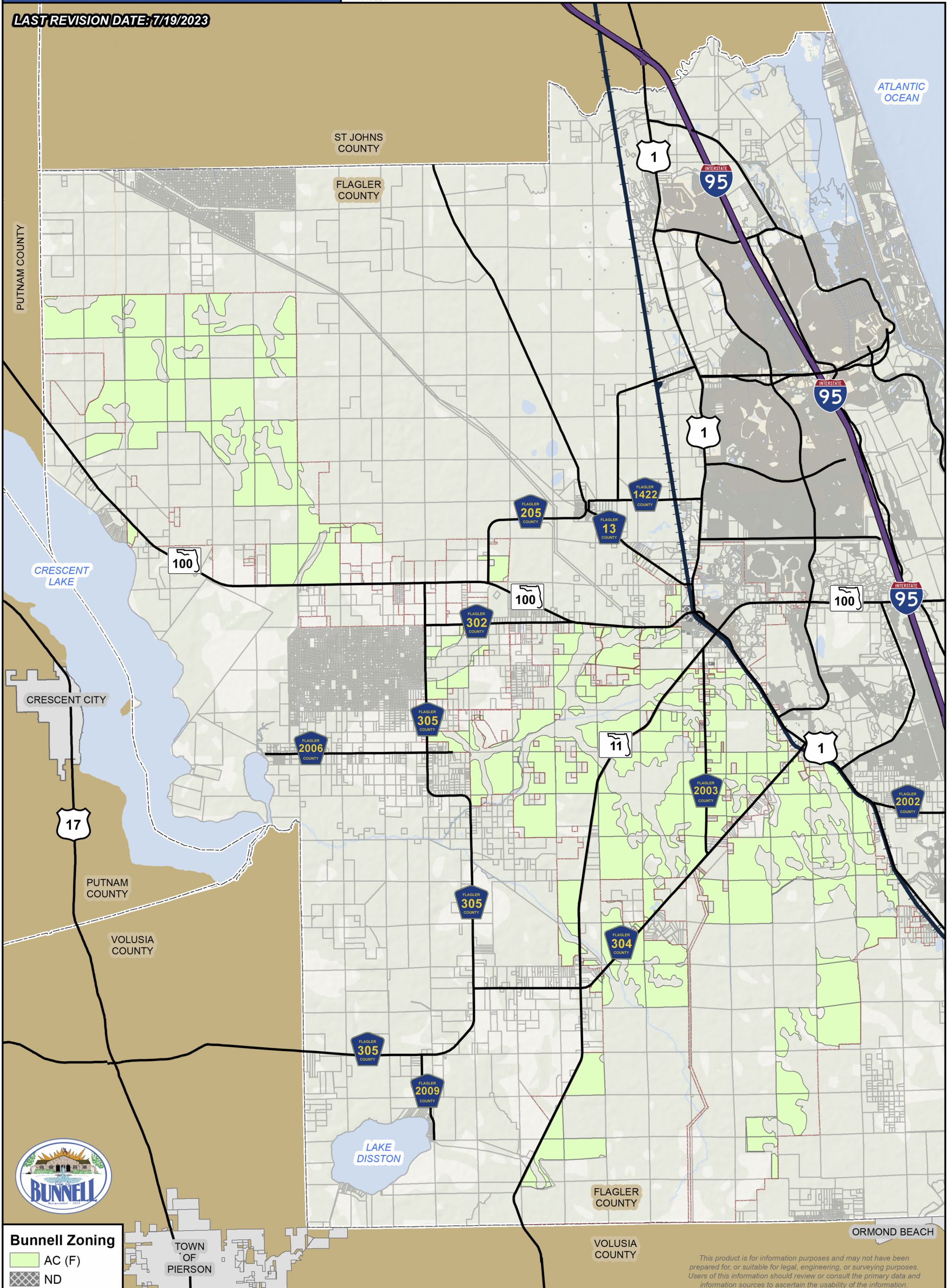


300 Interchange Blvd
 Ormond Beach, FL 32174
 ph 386-677-2482

DATA SOURCES: CITY OF BUNNELL,
 FLAGLER COUNTY PROPERTY APPRAISER,
 NORTH EAST FLORIDA REGIONAL COUNCIL

THIS MAP WAS CREATED FROM AND REPRESENTS THE BEST AVAILABLE DATA THROUGH JULY 2023.
 * BOUNDARY LINES WERE DIGITIZED FROM A MAP PROVIDED BY THE CITY OF BUNNELL AND UPDATED TO INCLUDE RECENTLY ANNEXED AND/OR DE-ANNEXED PARCELS.

LAST REVISION DATE: 7/19/2023



Bunnell Zoning
 AC (F)
 ND

This product is for information purposes and may not have been prepared for, or suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

EXHIBIT B - PHASE II
PROPOSED ZONING
CITY OF BUNNELL



MAIN MAP



LEGEND

- CITY OF BUNNELL
- FLAGLER COUNTY PARCELS
- MAJOR HYDROLOGY
- CITIES
- FLORIDA COUNTIES
- INTERSTATES
- MAJOR ROADS
- RAILROAD

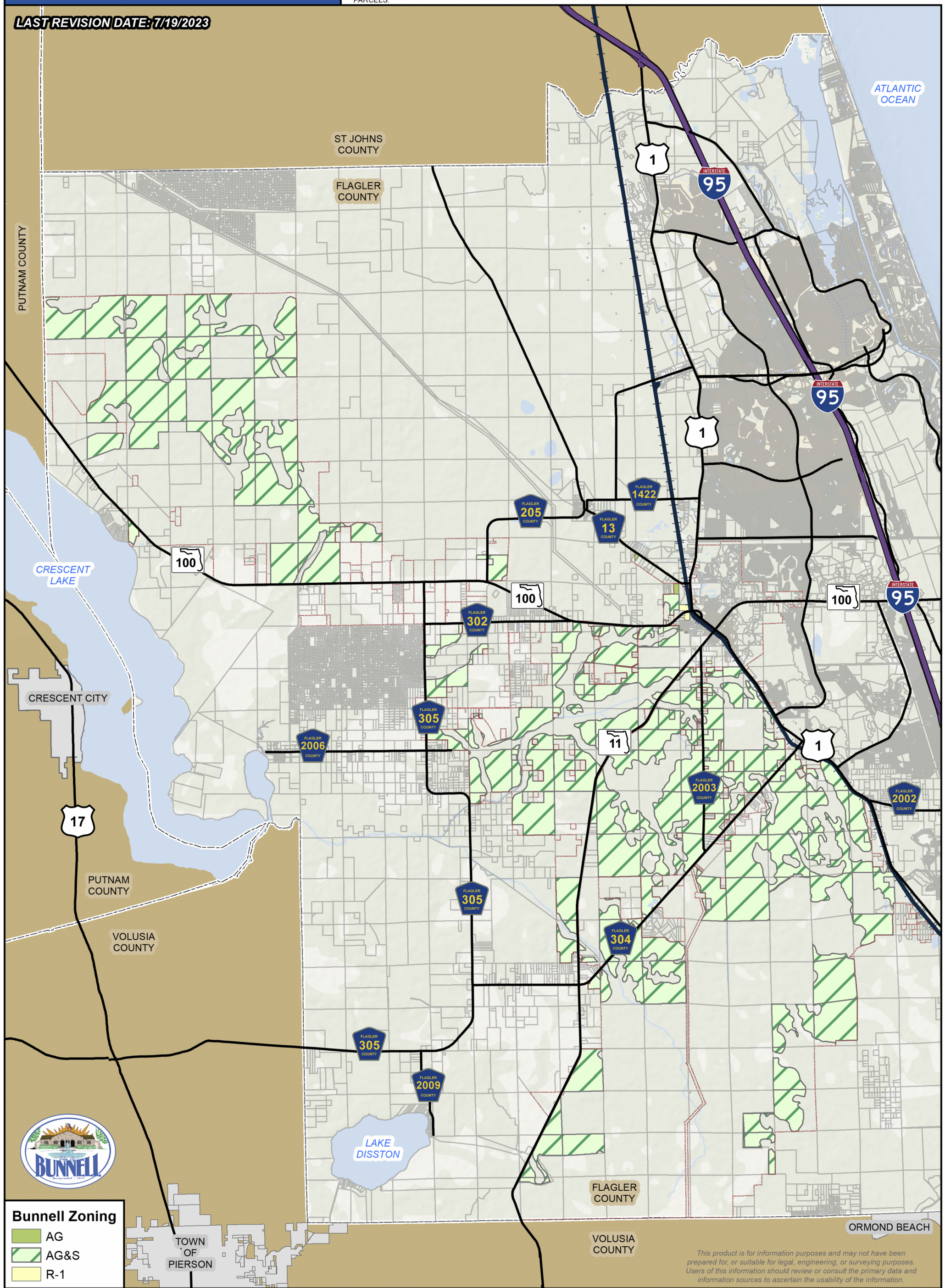


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LAST REVISION DATE: 7/19/2023



- Bunnell Zoning**
- AG
 - AG&S
 - R-1

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City of Bunnell, Florida

Agenda Item No. 5.

Document Date: 3/1/2023
Department: Community Development
Subject: Ordinance 2023-XX, Amending the Capital Improvements Element of the 2035 Comprehensive Plan

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

ATTACHMENTS:

Description	Type
Ord 2023-XX, Proposed Capital Improvement Element Update	Ordinance
Capital Improvement Element GOPs 2023	Exhibit
CIP Schedule Fiscal Yr 2023-2024	Cover Memo

Summary/Highlights:

This is a request to amend the City's Capital Improvement Element (CIE) Schedule of the 2035 Comprehensive Plan.

Background:

This is the annual update of the Capital Improvement Element Schedule of the City of Bunnell 2035 Comprehensive Plan.

Per Florida Statute 163.3177(3)(b), the City of Bunnell is required to review and amend its 5-Year Schedule of Capital Improvements of the Comprehensive Plan on an annual basis. Amendments shall be done by Ordinance and shall be based on capital outlay required to meet existing deficiencies and to maintain the adopted level of service standards planned for public facilities as identified and adopted within the Capital Improvements Element of the City of Bunnell's 2035 Comprehensive Plan.

A capital improvement is defined as a project or study that is self-contained, has a useful life of at least 10 years, and involves a cost of at least \$10,000, per CIE Policy 1.1.3 of the Capital Improvements Element of the 2035 Comprehensive Plan.

The proposed ordinance updates the 5-year schedule for capital improvements, facility analysis and capital construction expenditures for the City from 2022 through 2027 as defined in the 2035 Comprehensive Plan.

Staff Recommendation:

Approve Ordinance 2023-XX amending the Capital Improvements Element of the 2035 Comprehensive Plan and forward to the City Commission for First Reading.

City Attorney Review:

Approved

ORDINANCE 2023-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CAPITAL IMPROVEMENTS ELEMENT OF THE 2035 COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163.3177 F.S.; PROVIDING FOR FINDINGS OF CONSISTENCY; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Bunnell is authorized to amend the Capital Improvements Element of the City of Bunnell Comprehensive Plan in the manner set forth herein; and

WHEREAS, the City provided legal notice in accordance with Chapter 166.041(3)(c) F.S. and the City of Bunnell Land Development Code; and

WHEREAS, The Planning, Zoning and Appeals Board recommend approval of the amendment at the August 01, 2023 meeting; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BUNNELL:

Section 1. FINDINGS.

Pursuant to 163.3177(3)(b) F.S. the capital improvements element must be reviewed by the local government on an annual basis. Modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.

Section 2. CITY OF BUNNELL COMPREHENSIVE PLAN AMENDMENT.

The Capital Improvements Element of the City of Bunnell Comprehensive Plan shall be amended as indicated in Appendix A.

Section 3. CONFLICTING PROVISIONS.

All conflicting Ordinances and Resolutions, or parts thereof in conflict with this Ordinance, are hereby superseded by this Ordinance to the extent of such conflicts.

Section 4. SEVERABILITY AND APPLICABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provisions thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

Section 5. EFFECTIVE DATE.

That this Ordinance shall become effective upon its final adoption.

First Reading: approved on this _____ day of _____ 2023.

Second Reading: adopted on this _____ day of _____ 2023.

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:

Appendix A

Capital Improvements Element Goals, Objectives & Policies

Capital Improvements Element

Goals, Objectives, and Policies

163.3177(3)(a)

Overall Goal

The City of Bunnell shall ensure capital facilities are provided to all residents and service areas of the City in a manner which protects the health, safety, and welfare of the public through use of existing facilities and the timely and efficient provision of new and expanded facilities.

CIE Objective 1.1 Capital Facility Planning

To use the Capital Improvements Element as a planning tool to correct existing deficiencies, replace obsolete or worn-out facilities, and to accommodate desired future growth.

Monitoring and Evaluation of Objective 1.1.

Whether Bunnell updates its Capital Improvement Element and the corresponding Schedule of Capital Improvements (SCI) on an annual basis.

CIE Policy 1.1.1:

As part of the City's annual budget cycle, the Bunnell Community Development Department shall prepare an inventory of concurrency related facilities for the purposes of establishing a five-year SCI.

CIE Policy 1.1.2:

The Schedule of Capital Improvements (SCI) shall be a five-year schedule of capital improvements needed to ensure that Bunnell maintains its adopted level of service standards for all concurrency related facilities.

CIE Policy 1.1.3:

All construction projects in excess of \$10,000 and any study which is expected to result in the determination of capital construction needs shall be included in the Schedule of Capital Improvements.

CIE Policy 1.1.4:

Bunnell may schedule and fund the capital improvements listed in the SCI in the City's Capital Improvement Program and update the Capital Improvement Element annually, by December 1, to ensure that the capital improvements scheduled will maintain or exceed adopted LOS standards over at least the five-year planning horizon.

CIE Policy 1.1.5:

After the adoption of the Capital Improvement Program (CIP), Bunnell shall make any changes necessary to update the Capital Improvements Element (CIE).

CIE Policy 1.1.6:

Bunnell shall annually adopt a capital budget that includes the projects listed in the first year of the Capital Improvement Program and Schedule of Capital Improvements.

CIE Policy 1.1.7:

Bunnell shall make the necessary amendments to the CIE, CIP, and SCI if the date of construction for a project that is relied upon to satisfy adopted LOS standards is changed.

CIE Policy 1.1.8:

Bunnell shall include externally funded projects in its CIE if the projects are relied upon to satisfy adopted LOS standards.

CIE Policy 1.1.9:

To the extent that it helps facilitate capital facility planning, the City's budgeting office shall continue the practice of distributing and collecting department project request forms.

CIE Policy 1.1.10:

Capital improvements shall be evaluated and prioritized according to the following guidelines:

1. Does the capital improvement eliminate possible hazards or protect the health, safety, and welfare of the public or provide the necessary infrastructure as part of a legal requirement or prior commitment?
2. Will the improvement eliminate or correct existing deficiencies, help achieve full use of existing facility, increase capacity of existing facilities to meet future demand, or reduce the necessity for or cost of future improvements?
3. Will or can funds be available for the project? Can operating and maintenance costs associated with the improvement be provided from the annual operating budget?
4. Does the project contribute to or further the achievement of goals, objectives, and policies contained in the elements of this Plan?
5. Will the project provide services to developed areas lacking services, or be a logical extension or expansion of facilities or services within designated service areas?
6. Will the project provide the necessary supporting infrastructure for existing and proposed school facilities in coordination with the Flagler County School Board and the Interlocal Agreement for Public School Facility Planning?

CIE Policy 1.1.11:

The City of Bunnell hereby adopts by reference the following documents and plans:

1. City of Bunnell Schedule of Capital Improvements as included herein.
2. Saint Johns Water Management District's North Florida Regional Water Supply Plan, adopted by the boards of the Saint Johns and Suwanee River Water Management Districts on January 17, 2017.
3. Flagler County School District 2016-2020 Work Plan, adopted by the Flagler County School Board in October, 2015.

CIE Policy 1.1.12:

Flagler Central Commerce Parkway shall not be funded from ad valorem taxes, fees, assessments, or other local tax payer funds.

CIE Objective 1.2 Coordination with Land Uses

To better coordinate land use decisions with available and committed funding sources as identified in capital facility budgets and plans.

Monitoring and Evaluation of Objective 1.2.

Whether the policies adopted under this objective were successfully implemented by the City of Bunnell.

CIE Policy 1.2.1:

Bunnell shall maintain an up-to-date Concurrency Management System (CMS) and implementing provisions in its land development regulations in order to evaluate whether sufficient capacity exists to serve new development and redevelopment.

CIE Policy 1.2.2:

Bunnell shall only issue development orders in accordance with the City's Concurrency Management System in order to ensure that the development will not cause the adopted level of service standard of facilities to not be met.

CIE Policy 1.2.3:

The City shall ensure through its concurrency management system established in the Land Development Regulations that any increase in the demand on the infrastructure generated by the proposed development or redevelopment would not reduce the level of service of such facilities below the adopted standards, or that any infrastructure improvements needed to maintain the adopted level of service will be in place in accordance with the following:

For sewer, solid waste, drainage, and potable water facilities, the facilities must be in place no later than the issuance of the certificate of occupancy.

For parks and recreation facilities, the facilities must be in place no later than one year after the issuance of the certificate of occupancy; however, prior to issuance of the certificate of occupancy either a.) the acreage for such facilities shall be dedicated or acquired; or b.) equivalent funds shall be committed for such purpose.

For all transportation facilities, the facilities needed to serve the new development shall be in place or under actual construction within three years after the local government approves a building permit or its functional equivalent that results in traffic generation.

CIE Policy 1.2.4:

The City shall ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.

CIE Policy 1.2.5:

Bunnell shall coordinate proposed land use changes and development with projected fiscal resources and planned capital improvements.

CIE Policy 1.2.6:

The City shall aggressively seek all grant opportunities to fund Capital Improvement Program projects tied to desired land use patterns.

CIE Policy 1.2.7:

Bunnell shall coordinate planning for city improvements with the plans of state agencies, the Saint Johns River Water Management District (SJRWMD), Flagler County and adjacent municipalities when applicable.

CIE Policy 1.2.8:

Bunnell shall construct public facility improvements in a manner that supports efficient, compact, and desirable land development patterns.

CIE Objective 1.3 Level of Service Standards

To ensure that all concurrency related facilities are being maintained at the adopted level of service standard.

Monitoring and Evaluation of Objective 1.3.

Whether all concurrency related facilities are being maintained at the adopted level of service standard.

CIE Policy 1.3.1:

Bunnell shall periodically evaluate its adopted level of service standards to determine if the standards are consistent with the desires of the community and make revisions to the standards as necessary.

CIE Policy 1.3.2:

The City adopts the following minimum peak-hour level of service standards for its roadway network:

- Rural Principal Arterial - LOS standard C
- Rural Minor Arterial - LOS standard D
- Rural Minor Collector (Local & County) – LOS standard C
- Emerging SIS Facilities – LOS standard C.

CIE Policy 1.3.3:

The City's central potable water system shall be capable of distributing 120 gallons per capita per day for those connected to the system (Adopted by Ordinance 2013-09).

CIE Policy 1.3.4:

The City's central sanitary sewer system shall be capable of treating 102.3 gallons per capita per day for those connected to the system (Adopted by Ordinance 2013-09).

CIE Policy 1.3.5:

The City's solid waste system shall be capable of collecting and disposing 9.3 pounds per capita per day.

CIE Policy 1.3.6:

The City's parks and recreation system shall provide at least 3.0 acres of park land per 1,000 residents.

CIE Policy 1.3.7:

The City's stormwater management system shall adequately operate under the conditions of a storm with a 24-hour, 25 year frequency.

CIE Policy 1.3.8:

The City of Bunnell shall utilize the following LOS standards in coordination with the School District to implement School concurrency:

1. Elementary: one hundred percent (100%) of permanent Florida Inventory of School Houses (FISH) capacity with State Requirements for Educational Facilities (SREF) utilization factor;
2. Middle: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor;
3. K-8: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor;
4. High: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor; and
5. Special Purpose: one hundred percent (100%) of permanent FISH capacity with SREF utilization factor.

CIE Policy 1.3.9:

The City, in coordination with the School District, shall allow relocatables to be utilized to maintain the LOS standards on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed twenty (20%) of the permanent FISH capacity and shall be used for a period not to exceed five (5) years. Relocatables may also be used to accommodate capacity utilized for any specific education/development programs as required by law and/or adopted by the School Board.

CIE Objective 1.4 Proportionate Fair Share Payments and Impact Fees

To maintain a fair system where developers/land owners will bear a proportionate cost of facility improvements necessitated by proposed development in order to adequately maintain adopted level of service standards.

Monitoring and Evaluation of Objective 1.4.

1. Whether the City of Bunnell maintains a proportionate fair share system in its Land Development Code which allows developers to proceed under certain conditions, notwithstanding the failure of concurrency, by contributing their proportionate fair-share of the cost of the facility.
2. Whether the City continues to maintain impact fees which are adequate to pay for its existing capital facilities.

CIE Policy 1.4.1:

Bunnell shall use capital facility cost estimates and/or city-adopted or state approved development impact methodologies to determine and assess proportionate fair share payments and dedications.

CIE Policy 1.4.2:

Bunnell shall periodically evaluate its impact fees to determine if collections are adequate to pay for its existing capital facilities.

CIE Policy 1.4.3:

Bunnell shall continue to support the Flagler County Recreation Impact Fee by verifying that the required fee has been paid prior to the issuance of a development order by the City.

CIE Objective 1.5 Financial Controls

To exercise sound fiscal management practices to ensure the long-term health of the community and to ensure the necessary capital facility improvements are provided for existing and future development.

Monitoring and Evaluation of Objective 1.5.

Whether the City has adopted a financially feasible five-year Capital Improvements Program (Adopted by Ordinance 2013-09).

CIE Policy 1.5.1:

The City shall issue municipal bonds or borrow funds for municipal purposes only to the extent authorized by and subject to the limitations provided for in Florida Statutes and Municipal Home Rule Law.

CIE Policy 1.5.2:

The Financial Services Director shall review all proposed capital improvement projects and make a recommendation to the City Manager concerning the City’s ability to finance such proposals. The recommendation shall include a review of the following:

1. Ability to use an existing revenue stream.
2. Ability to use impact fees or proportionate share payments.
3. Assessment of whether bonding is appropriate and the likelihood of getting a bond approved by voters of the City.
4. Availability of grant funds.

CIE Policy 1.5.3:

The term for repayment of any debt supporting public capital facility improvements shall not exceed the expected and useful life of the facility.

CIE Policy 1.5.4:

Before funding any public capital facility improvement, the City shall assess the impact of maintenance and operations costs anticipated to be generated by that facility.

CIE Policy 1.5.5:

Bunnell shall maximize its use of grant funds as a supplement to local revenue sources.

CIE Policy 1.5.6:

Prior to funding any public capital improvements, the City shall evaluate what opportunities the improvement may create (e.g., the need for sewer or water main extensions shall be considered when roadway improvements are planned in order to minimize the cost and disruption caused by the construction).

CIE Policy 1.5.7:

The City shall replace or renew capital facilities as necessary to protect the public’s health, safety, and welfare, and to ensure that the adopted level of service standards are maintained.

CIE Objective 1.6 Public Expenditures in Designated Flood Prone Areas

To discourage public capital facility improvements in the designated flood prone areas.

Monitoring and Evaluation of Objective 1.6

Whether the policies adopted under this objective were successfully implemented by the City of Bunnell.

CIE Policy 1.6.1:

Bunnell shall fund and construct public capital facility improvements in the designated flood prone areas only to the extent that it supports existing development patterns and will not encourage additional or more intensive development.

CIE Policy 1.6.2:

The designated flood prone areas shall mean those areas inundated by water during a 100 year flood as depicted on the City's flood prone area map.

CIE Policy 1.6.3:

Public expenditures in the designated flood prone area shall be limited to the following:

1. Maintenance of existing facilities.
2. Improvements designed to improve the efficiency of existing facilities.
3. Replacement of obsolete or worn-out facilities.
4. Limited Recreational Facilities.
5. Water quality and supply improvement facilities.
6. New construction and/or expansion of arterial and collector streets.

CIE Policy 1.6.4:

Construction of all public capital facilities must conform to the floodplain regulations adopted by the City of Bunnell.

Schedule of Capital Improvements, FY2022-2027

	Policy/ Plan Implementation	<u>FY22/23</u>	<u>FY23/24</u>	<u>FY24/25</u>	<u>FY25/26</u>	<u>FY26/27</u>	Proposed funding in:
Water System CIP	Infrastructure Element Policy 4.1.4	\$0	\$392,341	\$98,796	\$97,568	\$0 <u>\$146,352</u>	Enterprise Fund
Water System R&R	Infrastructure Element Policy 4.1.4	\$0	\$0	\$0	\$0	<u>\$0</u>	Enterprise Fund
Water Treatment Plant CIP	Infrastructure Element Policy 4.1.4	\$200,000	\$100,000	\$33,800 <u>\$0</u>	\$0	<u>\$0</u>	Enterprise Fund
Water Treatment Plant CIP	Infrastructure Element Policy 4.1.4	\$0	\$500,000	\$0	\$0	<u>\$0</u>	REDI Grant
Sewer System CIP	Infrastructure Element Policy 1.1.8	\$60,000	\$548,000 <u>\$656,000</u>	\$20,000	\$0	<u>\$0</u>	Enterprise Fund
Sewer System CIP	Infrastructure Element Policy 1.1.8	\$0	\$0	\$500,00	\$0	<u>\$0</u>	REDI & HMGP Grants
Sewer Collection System R&R	Infrastructure Element Policy 1.1.8	\$0	\$0	\$131,000 <u>\$0</u>	\$0	<u>\$0</u>	Enterprise Fund
Subtotal (this page)		\$260,000	\$1,540,341 <u>\$1,648,341</u>	\$783,596 <u>\$618,796</u>	\$98,796	\$0 <u>\$146,352</u>	

City of Bunnell
2035 Comprehensive Plan
Capital Improvements Element

Annual CIP Schedule Amendment Adopted with Ordinance 2023-XX

	Policy/ Plan Implementation	<u>FY22/23</u>	<u>FY23/24</u>	<u>FY24/25</u>	<u>FY25/26</u>	<u>FY26/27</u>	Proposed funding in:
Wastewater Treatment Plant CIP	Infrastructure Element Policy 1.1.8	\$6,648,000	\$4,432,000	\$0	\$0	<u>\$0</u>	Enterprise Fund
Wastewater Treatment Plant CIP	Infrastructure Element Policy 1.1.8	\$12,348,000	\$8,232,000 <u>\$10,392,022</u>	\$0	\$0	<u>\$0</u>	SRF / State Grant / ACOE / SJRWMD
Reclaim Water Line CIP	Infrastructure Element Policy 1.2.10	\$0	\$0	\$800,400	\$4,535,600	<u>\$0</u>	Enterprise Fund
Reclaim Water Line CIP	Infrastructure Element Policy 1.2.10	\$0	\$0	\$640,320	\$3,628,480	<u>\$0</u>	USDA / SRF
Stormwater CIP	Infrastructure Element Policy 3.1.1	\$115,000	\$0	\$0	\$0	<u>\$0</u>	General Fund
Stormwater Drainage R&R Hymon Project	Infrastructure Element Policy 3.1.3	\$50,000	\$0	\$0	\$0	<u>\$0</u>	General Fund
Stormwater Drainage R&R Hymon Project	Infrastructure Element Policy 3.1.3	\$688,000	\$0	\$0	\$0	<u>\$0</u>	CDBG
Subtotal (this page)		\$19,849,000	\$12,664,000 <u>14,824,022</u>	\$1,440,720	\$8,164,080	<u>\$0</u>	

City of Bunnell
2035 Comprehensive Plan
Capital Improvements Element

Annual CIP Schedule Amendment Adopted with Ordinance 2023-XX

Street Paving/Resurfacing	Traffic Circulation Element Policy 1.1.1	\$115,000	\$270,000 <u>\$650,000</u>	\$125,000 <u>\$500,000</u>	\$130,000 <u>\$500,000</u>	<u>\$500,000</u>	General Fund
Fiber Optic CIP	N/A	\$30,000	\$30,000	\$30,000	\$30,000	<u>\$0</u>	General Fund
Flagler Central Commerce Parkway	Future Land Use Element Policy 10.3	\$4,000,000	\$1,000,000 <u>\$600,000</u>	\$200,000	\$200,000	<u>\$0</u>	General Fund ¹
Flagler Central Commerce Parkway	Future Land Use Element Policy 10.3	\$1,750,000	\$350,000 <u>\$200,000</u>	\$350,000 <u>\$1,250,000</u>	\$350,000 <u>\$300,000</u>	<u>\$0</u>	Impact Fees for Sewer Infrastructure Construction
Flagler Central Commerce Parkway	Future Land Use Element Policy 10.3	\$1,750,000	\$350,000 <u>\$200,000</u>	\$350,000 <u>\$1,250,000</u>	\$350,000 <u>\$300,000</u>	<u>\$0</u>	Impact Fees for Water Infrastructure Construction
Subtotal (this page)		\$1,845,000	\$2,000,000 <u>\$1,650,000</u>	\$1,055,000 <u>\$3,230,000</u>	\$1,060,000 <u>\$1,330,000</u>	<u>\$500,000</u>	

Parks and Recreation							
Municipal Park Move	ROS Objective 1.1 Level of Service Standards for Parks	\$1,200	\$0	\$0	\$0	<u>\$0</u>	General Fund
JB King Concession Stand Upgrade	ROS Objective 1.1 Level of Service Standards for Parks	\$15,000	\$0	\$0	\$0	<u>\$0</u>	General Fund
City Facility/Buildings							
Design Build - New City Hall	N/A	\$20,000	\$533,795 <u>\$542,654</u>	\$0	\$0	<u>\$0</u>	General Fund
Build New City Hall – 2400 Commerce Parkway	N/A	\$0	\$8,000,000 <u>\$3,949,222</u>	\$0 <u>\$3,949,222</u>	\$0	<u>\$0</u>	General Fund
Historic Coquina Hall Remédiation	FLU Goal 3 Historic Resources	\$0	\$0	\$0	\$0	<u>\$0</u>	General Fund
Subtotal (this page)		\$36,200	\$5,200,000 <u>\$8,533,795</u>	\$0 <u>\$3,949,222</u>	\$0	<u>\$0</u>	

City of Bunnell
2035 Comprehensive Plan
Capital Improvements Element

Annual CIP Schedule Amendment Adopted with Ordinance 2023-XX

Historic Coquina Hall Design	FLU Goal 3 Historic Resources	\$65,000	\$0	\$0	\$0	<u>\$0</u>	General Fund
Historic Coquina Hall Reconstruction	FLU Goal 3 Historic Resources	\$500,000	\$0	\$0	\$0	<u>\$0</u>	Special Category Grant
Public Schools							
<i>No Capacity Improvements Scheduled</i>	N/A	\$0	\$0	\$0	\$0	<u>\$0</u>	General Fund
Grand Total		\$28,355,200	\$20,600,344 <u>\$26,656,158</u>	\$3,279,316 <u>\$9,238,738</u>	\$9,322,876 <u>\$9,592,876</u>	\$0 <u>\$646,352</u>	



City of Bunnell, Florida

Agenda Item No. 6.

Document Date: 7/14/2023
Department: Community Development
Subject: Discussions to elect the Chair and Co-Chair.
Property Address:
Zoning Designation:
Future Land Use Designation:
Agenda Section: New Business

Summary/Highlights:

This is a discussion to elect the Chair and Co-Chair positions of the Planning, Zoning and Appeals Board. With no election for Chair and Co-Chair for the PZA Board taking place since 2020, the Board would like to hold an election to put on record who the Chair and Co-Chair will be.

This item was continued from the July 6, 2023 PZA meeting to ensure all board members could be present for this discussion.

Background:

At this time, there is no language in the City code to regulate the board elections for Chair and Co-Chair. Staff will work on drafting an ordinance in the near future to formalize this process. With there being no regulations in place, there are no official term limits for the Chair and Co-Chair.

The current Chair of the Planning, Zoning and Appeals Board is Carl Lilavois and the current Co-Chair Gary Masten. Carl Lilavois has been a member of the PZA Board since May 8, 2017 and was recently reappointed on May 22, 2023. Gary Masten has been a member of the PZA Board since May 11, 2020 to fill a vacated seat. He was reappointed on July 25, 2022.

Staff Recommendation:

City Attorney Review:

Approved.