

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, October 3, 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. August 1, 2023 Planning, Zoning and Appeals Board Minutes
 - New Business:**
 - 4. MJSP 2023-07 Request major site plan approval for Calder development located at 452 Ninth Street.**
 - 5. Ordinance 2023-XX, Amending Land Development Code, Chapter 2, Article III, Boards and Commissions, Division 2, Planning, Zoning and Appeals Board**
 - Old Business: None**
 - 6. Public Comment**

Comments regarding items not on the agenda. Citizens are encouraged to speak; however, comments should be limited to three minutes.
 - 7. Board comment**
 - 8. 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

August 1, 2023 Planning, Zoning and Appeals Board Minutes

Type

Minutes



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

Crossroads of Flagler County

PLANNING, ZONING AND APPEALS BOARD MINUTES

**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

Chair Lilavois called the meeting to order at 6:00 PM and led the Pledge of Allegiance.

Present: Carl Lilavois, Chair; Gary Masten, Co-Chair; Gary Garner, Board member; Nealon Joseph, Board Member; Lyn Lafferty, Board Member.

Non-Voting: Adrian Calderin, Community Development Coordinator; Bernadette Fisher, Community Development Coordinator; Paul Waters, City Attorney; City Planning Consultant Mark Karet.

2. Disclosure of Ex-Parte communications.

None

3. Approval of Minutes

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

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

Moved By: Gary Garner

Seconded By: Nealon Joseph

Board Discussion: None

Public Discussion: None

Roll Call Vote:

Carl Lilavois - Yes

Gary Masten - Yes

Gary Garner - Yes

Nealon Joseph - Yes

Lyn Lafferty - Yes

Vote: Motion carried by unanimous vote.

New Business:

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

Community Development Coordinator Calderin introduced the item while City Planning Consultant Karet explained it. Mr. Karet explained this was previously approved by the PZA. but since that approval the acreage drastically changed. As a result, the item needed to be reintroduced to the Board for review and approval. This is Phase 2 of the Mass Rezoning Project and will provide the zoning designation of Bunnell Agriculture and Silviculture (AG&S) on the identified

parcels currently carrying a Future Land Use designation of either Conservation-1 or Agriculture and Silviculture. Only the areas of a parcel carrying the Agriculture and Silviculture designation will be rezoned to AG&S on the identified parcels while the Conservation-1 Future Land Use designations of a parcel were left alone for the next and final phase of the Mass Rezoning.

Board Member Joseph asked what the difference between Single Family-Low Density and R-1, Single Family Residential is. City Planning Consultant Karet said the R-1, Single Family Residential zoning is a low density residential zoning and is compatible with the Single Family-Low Density Future Land Use designation.

Board Member Lafferty announced she had to recuse herself from voting on this item as she owns some of the property included in this City initiated zoning change (Form-8 attached to minutes)

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

Moved By: Gary Garner

Seconded By: Nealon Joseph

Roll Call Vote:

Carl Lilavois - Yes

Gary Masten - Yes

Gary Garner - Yes

Nealon Joseph – Yes

Lyn Lafferty – *Recused self from voting*

Vote: Motion carried 4-0; 1 recusal

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

Community Development Director Fisher introduced and explained the item. She stated this is an annual update to the Capital Improvements Schedule section of the adopted Comprehensive Plan.

Co-Chair Masten asked if the changes being noted are in Appendix A or in the attached chart. Community Development Director Fisher explained the changes are noted in the chart and show the updates for each of the identified studies or City capital improvement project.

Motion: Approve Ordinance 2023-XX Amending the Capital Improvements Element of the 2035 Comprehensive Plan.

Moved By: Gary Masten

Seconded By: Gary Garner

Roll Call Vote:

Carl Lilavois - Yes

Gary Masten - Yes

Gary Garner - Yes

Nealon Joseph - Yes

Lyn Lafferty -Yes

Vote: Motion carried by unanimous vote

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

Community Development Coordinator Calderin introduced the item. He explained there are no current code requirements or term limits for the roles of Chair and Co-Chair for

the Planning, Zoning and Appeals Board, but it can verbally be established to choose a new Chair and Co-Chair or to stay with the current seats.

Board Member Joseph stated he is ok staying with the current Chair and Co-Chair.

Board Member Lafferty stated she is ok staying with the current Chair and Co-Chair

Motion: Vote Carl Lilavois to continue as the Chair of the Planning, Zoning and Appeals Board with no term limits for the position but an election for the position to occur every year in the month of August.

Moved by: Gary Masten

Second: Nealon Joseph

Roll Call Vote:

Carl Lilavois – Yes

Gary Masten – Yes

Gary Garner – Yes

Nealon Joseph – Yes

Lyn Lafferty – Yes

Vote: Motion carried by unanimous vote.

Motion: Vote Gary Masten to continue as the Co-Chair of the Planning, Zoning and Appeals Board with no term limits for this position but an election for this position will occur every year in the month of August.

Moved by: Nealon Joseph

Second: Gary Garner

Roll Call Vote:

Carl Lilavois – Yes

Gary Masten – Yes

Gary Garner – Yes

Nealon Joseph - Yes

Lyn Lafferty – Yes

Vote: Motion carried by unanimous vote.

Old Business: None

7. Public Comment

None.

8. Board comment

Board Member Joseph asked for any updates on the Stillwell Apartment complex development. Community Development Director Fisher said staff is continuously working with the developers and will be sending comments for the project.

Board Member Lafferty asked whether the school in the old City Hall (201 W. Moody Blvd.) had opened. Chair Lilavois answered the school is open.

9. Adjournment of Planning and Zoning Meeting

Motion: Adjourn

Moved By: Gary Masten

Seconded By: Nealon Joseph

Roll Call Vote:

Carl Lilavois - Yes

Gary Masten - Yes

Gary Garner - yes
Nealon Joseph - Yes
Lyn Lafferty - 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*****

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Lafferty Gwendolyn J</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Bunnell PZA</i>
MAILING ADDRESS 1001 W. ... <i>PO Box 1398</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Bunnell FL 32110 Flagler</i>	NAME OF POLITICAL SUBDIVISION: <i>Bunnell</i>
DATE ON WHICH VOTE OCCURRED <i>8/1/23</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Gwendolyn Lafferty, hereby disclose that on August 1, 20 23:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own approx 8000[±] acres of the 32585[±] acres included in Ordinance 2023-09.

8/1/2023
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



City of Bunnell, Florida

Agenda Item No. 4.

Document Date: 9/13/2023
Department: Community Development
Subject: MJSP 2023-07 Request major site plan approval for Calder development located at 452 Ninth Street.
Property Address: 452 Ninth Street
Zoning Designation: Industrial
Future Land Use Designation: Industrial
Agenda Section: New Business

ATTACHMENTS:

Description	Type
Development Application	Exhibit

Summary/Highlights:

The applicant, JMC Star Properties LLC, is requesting major site plan approval for a phased industrial development consisting of two warehouses on a 4.04+/- acre property located in the Palm Industrial Park.

A copy of the site plan will be provided to the Board.

Background:

The 4.04+/- acre subject property currently has a Future Land Use designation of Industrial and a zoning designation of L-1, Light Industrial.

This project was initially submitted in July 2022 but had some complications from the Saint Johns River Water Management District which led them to resubmit in March 2023. Their final engineering plans were submitted in July 2023 where staff has continuously reviewed the plans to ensure everything is adequate and meets local and state land development regulations.

The project consists of two phases. Phase 1 will contain a 24,750 square foot warehouse building with multiple units inside and will be completed between 90-120 days after construction begins, which will happen after approval of the site plans. Phase 2 will consist of a 30,000 square foot warehouse building with multiple units inside and is estimated to be completed by July 2027.

This project meets all applicable City of Bunnell Land Development Code regulations for zoning and site development.

Staff Recommendation:

Staff recommends approval of the Calder Development major site plan, located at 452 Ninth Street, with the following condition:

1. The original utility design plans for Palm Industrial Park indicate all the water service sizing for the entirety of Palm Industrial Park are 2" PVC single water service taps for each individual lot. The provided calculations indicate a proposed residual pressure of 28psi, which is still very low, and are not advised, for the proposed use, by the City. Please note boil water notices are issued at pressures of 20psi. Therefore, even adding the 3" water service line to the existing 2" service stub, as proposed, does not appear to provide adequate flows for 54,750 SF of warehouse facility with the possibility of 30 proposed bathrooms. If the developer wishes to proceed as designed, knowing the pressures are severely low, please understand the service pressures to the building WILL be low and depending on the proposed demand, possibly insufficient for normal day to day operations. If after project completion, the pressures are deemed insufficient, by the end users, the City will not be able to add pressure and the remedy will be the sole responsibility of the property owner to resolve. Two options for resolution could be to provide a 3" or 4" service tap from the original main in front of Lot 8 within Ninth Street and/or providing an additional connection from the existing 2" service stub out at Lot 13 to provide a loop as indicated in the submitted water service sizing calculations.

City Attorney Review:

Approved



Development Application

This is the City development application for most development projects within the City.

Please complete all applicable portions of the application which would apply to your request and check the type of development review being requested.

All application fees are due when plans and applications are submitted. Types of development where additional costs may be incurred will be invoiced to the applicant as established by resolution and identified in the Project Type checklist.

Total Fees Due: _____
Date Received: _____
Fees:
___ Check Number _____
___ Credit Card
___ Cash
Received by: _____

APPLICATION FOR REVIEW CITY OF BUNNELL, FLORIDA COMMUNITY DEVELOPMENT DEPARTMENT		
PO Box 756, Bunnell, FL 32110 Office: (386) 437-7516 Fax: (386) 437-8253		
<u>APPLICANT INFORMATION</u>		
Applicant: JMC STAR PROPERTIES		
Contact: JAMIE CALDER		
Address: 195 CR 335		
City: BUNNELL	State: FL	ZIP: 32110
Phone: 386.931.0177	Fax:	
Email: jamie12ga@gmail.com		
<u>CONSULTANT INFORMATION</u>		
Engineer / Surveyor: STEPHENSON, WILCOX & ASSOCIATES, INC		
Contact: JOE PARSONS		
Address: 2729 E MOODY BLVD STE 400, PO BOX 186		
City: BUNNELL	State: FL	ZIP: 32110
Phone: 386.437.2363	Fax: 386.437.0030	
Email: civileng.swa@gmail.com		
<u>PROPERTY OWNER INFORMATION</u>		
Owner: same as applicant		
Contact:		
Address:		
City:	State:	ZIP:
Phone:	Fax:	
Email:		

- All sections on this page must be completed

APPLICATION FOR REVIEW
CITY OF BUNNELL, FLORIDA COMMUNITY
 DEVELOPMENT DEPARTMENT

PO Box 756, Bunnell, FL 32110 Office: (386) 437-7516 Fax: (386) 437-8253

PROJECT INFORMATION

Parcel ID *(required)*: 10-12-30-4990-00000-0070

Project Name *(required)*: CALDER DEVELOPMENT

Project Address is Known *(required)*: 450 NINTH STREET

Current Zoning <i>(required)</i> : L1 - LIGHT INDUSTRIAL	Current Land Use <i>(required)</i> : VACANT LAND
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Intended Use of Property *(required)*:
WAREHOUSE / OFFICE

Source of Water: well city water Source of Sewer: septic city sewer

PROJECT TYPE (Check all that apply to proposed project)

Site Plan Reviews* Land Development Code Chapter 22 <i>Site plan requirements can be found in Section 22-9.</i>	<input type="checkbox"/> Minimal Site Plans (Technical Review Plans Only)	\$ 250.00*
	<input type="checkbox"/> Minor Site Plans (Technical Review Plans Only)	\$ 800.00*
	<ul style="list-style-type: none"> Residential: < 4 new dwelling units on one parcel not exempted single-family development Non-residential: new < 5000 sqft impervious improvement Non-residential expansion/replacement: > 1000 sqft but < 2000 sqft impervious area 	
	<input checked="" type="checkbox"/> Major Site Plans (PZA Approval Required)	\$1,000.00*
	<ul style="list-style-type: none"> Residential: structure having ≥ 4 new dwelling units on one parcel Non-residential: new ≥ 5000 sqft impervious improvement Non-residential expansion/replacement: ≥ 2000 sqft impervious area Any new development requiring special exception approval 	
Site Plan Re-submittals	1 st Resubmittal	No Cost
	2 nd Resubmittal	\$ 100.00
	3 rd Resubmittal	\$ 250.00
	4 th and all subsequent Resubmittals	\$ 500.00 each

*Plus Fire Review Cost: \$ 30.00 first 1000 sq feet, plus \$.03 per square foot over 1000 (Ord 2004-18) \$1,643

Future Land Use Map (FLUM) Amendments	<input type="checkbox"/> Small Scale Land Use Change (less than 10 acres of property)	From: _____ To: _____	\$ 750.00 + **
	<input type="checkbox"/> Large Scale Land Use Change (ten or more acres of property)	From: _____ To: _____	\$ 1,500.00 **

**the applicant is responsible for costs of required advertising, notifications and recording costs

PROJECTTYPECON'T			
Zoning Map Amendments	<input type="checkbox"/> ReZoning	From: _____	\$ 750.00 **
	<input type="checkbox"/> Small Scale Land Use Change (less than 10 acres of property)	To: _____	\$ 1,500.00 **
	<input type="checkbox"/> Large Scale Land Use Change (ten or more acres of property)	From: _____	\$ 800.00 + **
	<input type="checkbox"/> PUD Zoning Only (not in conjunction with Agreement)	To: PUD	
Plat/Re-Plat/Subdivision of Property ***	<input type="checkbox"/> Vacation of Plat		\$ 500.00 + **
	<input type="checkbox"/> Preliminary Plat		\$ 1,000 + \$25 each new parcel created + **
	Preliminary Plat Resubmittals	1 st Resubmittal	No Cost
		2 nd and all subsequent Resubmittals	\$ 250.00 per submittal
	<input type="checkbox"/> Final Plat with Preliminary Plat		\$ 500.00 + \$25 each new parcel created after Prelim Plat approval +**
	<input type="checkbox"/> Final Plat without Preliminary Plat		\$ 1,500.00 + \$25 each new parcel created + **
	Final Plat Resubmittals	1 st Resubmittal	No Cost
		2 nd and all subsequent Resubmittals	\$ 250.00 per submittal
<p>**the applicant is responsible for costs of required advertising, notifications and recording costs</p> <p>***the applicant is responsible for costs for the City Reviewing Surveyor. Plat/Re-plat will not get final approval by the City Commission until all fees are paid. The applicant is to record all Plats/Re-plats and provide the book and page number to the City upon recording.</p>			
<input type="checkbox"/> Development of Regional Impact (DRI)		\$ 1,500.00 plus \$ 25 per acre or fraction thereof plus \$ 5.00 per dwelling unit	
<input type="checkbox"/> DRI Amendment/ Notice of Proposed Change		\$ 500.00 plus \$ 20 per acre or fraction thereof impacted by the proposed change, \$ 5.00 per additional dwelling + **	
<input type="checkbox"/> Development Agreements		\$ 1,500.00	
<input type="checkbox"/> Development Agreement Amendment/Modification/Extension		\$ 300.00	
<input type="checkbox"/> PUD Agreements		\$ 2,500.00	
<input type="checkbox"/> PUD Agreement Amendment		\$ 1,000.00 per agreement	
<input type="checkbox"/> Text Amendment to Comprehensive Plan		\$ 1,000.00 + **	
**the applicant is responsible for costs of required advertising, notifications and recording costs			

APPLICATION FOR ZONING REVIEW CITY OF BUNNELL, FLORIDA COMMUNITY DEVELOPMENT DEPARTMENT	
PO Box 756, Bunnell, FL 32110 Office: (386) 437-7516 Fax: (386) 437-8253	
APPLICANT'S SIGNATURE	
I understand that the application for plan review must include all required submittals as specified in the City of Bunnell Code of Ordinances. Submission of incomplete plans may create delays in review and plan approval.	
Applicant's Signature:	<i>James Calder</i>
Printed Name:	<i>James Calder</i>
Date:	<i>7/21/22</i>
FOR OFFICE USE ONLY	
ADDITIONAL NOTES	



APPLICATION FOR REVIEW
CITY OF BUNNELL, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT

PO Box 756, Bunnell, FL 32110 Office: (386) 437-7516 Fax: (386) 437-8253

CONCURRENCY REVIEW APPLICATION

Applicant's Name: JMC STAR PROPERTIES

Date: 06/24/22

Applicant's Address: 195 CR 335

City: BUNNELL

State: FL

Zip: 32110

Phone #: (386) 931.0177 Fax#: ()

Email: jamie12ga@gmail.com

Owner's Name: same as applicant

Owner's Phone#: (386) 931.0177

Owner's Address: 195 CR 335

City: BUNNELL

State: FL

Zip: 32110

Project Name: CALDER DEVELOPMENT

Project Address: 450 NINTH STREET

Project Location: LOTS 7, 8, & 13 - PALM INDUSTRIAL PARK

Property Tax/Parcel ID#: 10-12-30-4990-00000-0070

Application: (check one) Submitted in conjunction with a development plan
 Inquiry only (Non-binding Site Determination)

If submitted with a Development Application, check the box below for the type of development:

TYPES OF FINAL DEVELOPMENT ORDERS

Development of Regional Impact (DRI)

Preliminary Site Plan

PUD Final Master Plan

Final Site Plan

PID Final Master Plan

Commercial/Industrial Subdivision Final Plat

Single Family Subdivision Final Plat

Other:

Preliminary Plat

Multi-family Residential

CONCURRENCY REVIEW APPLICATION *Continued*

This proposal is for: (check one) New Development/Construction
 Construction of an expansion/addition
 Replace a current use of a _____
 Replace a past use of a _____

A signed, sealed Traffic Impact Study is: Attached Not Included

Utility Service Provision: City Water Service City Sewer Service

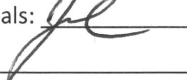
Landscape Irrigation System:

Will the project use potable water for landscape irrigation? Yes No

Over a landscaped area of _____ square feet,
at the applicable rate of _____ inches/
week, and _____ GDP.

A Water and Sewer Demand Estimate prepared by a Certified Engineer is:
 Attached Not Included

I understand that the City of Bunnell will make an estimate of water and sewer demand based upon the information in this application, but that I am solely responsible for assuring the accuracy of demand calculations for the purposes of paying connection fees. If sufficient data to perform an accurate demand calculation is not provided, the applicant's Engineer will need to meet with the City Utilities Division Director prior to utility agreement and payment of fees, to determine a final demand calculation.

Applicant's Initials: 

Project Size and Phasing: Below, clearly identify past or existing uses or structures (if applicable) and proposed new development/construction. (Note: Sizes, types, and number of units as filled out below and as indicated on the plans will be assumed as maximum for estimating project demand and the Certificate of Concurrency will be conditioned upon and only valid for such maximums provided on the application.)

PHASE Number of Phases (if applicable)	NUMBER OF ACRES	SPECIFIC USE(S)	BUILDING GROSS SQUARE FEET or NUMBER OF UNITS/LOTS	OPEN SPACE: Total land area, coverage and ratio of coverage to land totals in percentages	DRAINAGE/ STORMWATER CALCULATIONS (both off site and on site)
2	4.044	WAREHOUSE	54,750 SF	70% IMPERV.	PROJECT APART
		OFFICE	30 UNITS		OF MASTER PLAN

CONCURRENCY REVIEW APPLICATION *Continued*

CERTIFICATION AND SIGNATURE

I hereby certify that the information contained herein is true and correct and that I am either the true and sole owner of the subject property, or I am authorized to act on behalf of the true owner(s) in all regards on this matter, pursuant to proof and authorization submitted with the corresponding development application or attached hereto. I hereby represent that I have lawful right and authority to file this application.

I understand that submittal of this form initiates the process and does not imply approval from the City. I further understand that the issuance of the Certificate of Concurrency will require the successful completion of the Development Review and payment of Impact Fees. No final Development Order shall be issued without successful completion of this Concurrency Review.

I further understand that "Inquiry Only" Review will result in no Certificate of Concurrency being issued and therefore, no binding assurance of future capacity, and that a new Concurrency application will be required in conjunction with the first and final development order applied for on this property.

Applicant's Signature:	Date:
------------------------	-------

FEE ENCLOSED: (Check one)	<input checked="" type="checkbox"/> Commercial/Industrial or Multi-family	\$ 200.00 + Legal, Planning, and Engineering Fees
	<input type="checkbox"/> PUD/IUD/RUD or modifications	\$ 1,000.00 + Legal, Planning, and Engineering Fees



BUILDING CORPORATION

3545 US 1 SOUTH
ST. AUGUSTINE, FL 32086

CenterState Bank of Florida, N.A.

63-1403/631

NO. 024422

CHECK NO.

24422

DATE

07/12/2022

AMOUNT

*****\$2,843.00

EXACTLY TWO THOUSAND EIGHT HUNDRED FORTY-THREE DOLLARS

City of Bunnell

P O Box 756

Bunnell FL 32110-0756



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THE
DER

⑈024422⑈ ⑆063114030⑆ 25384975⑈



City of Bunnell, Florida

Agenda Item No. 5.

Document Date: 7/26/2023
Department: Community Development
Subject: Ordinance 2023-XX, Amending Land Development Code, Chapter 2, Article III, Boards and Commissions, Division 2, Planning, Zoning and Appeals Board

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

ATTACHMENTS:

Description	Type
Attachment B-Proposed Land Development Code Text, Ch 2, Art III, Div 2, Sec. 2-81	Exhibit
Attachment A-Existing Land Development Code Text, Ch 2, Art III, Div 2, Sec. 2-81	Exhibit

Summary/Highlights:

The Department of Community Development is initiating a Land Development Code Text Amendment to the City of Bunnell, Land Development Code, Chapter 2, Article III, Boards and Commissions, Division 2, Planning, Zoning and Appeals Board

The proposed text amendment aims to create consistency across the board in the creation and organization of all advisory boards, in applicable areas.

Background:

The proposed Land Development Code Text Amendment (LDCA) is comprises of rewriting, Chapter 2, Article III, Division 2, to further improve the operations and effectiveness of the Planning, Zoning and Appeals Board by enhancing the regulations and other city ordinances, regulations and actions designed to implement the Bunnell City Plan.

This amendment is in effort to provide clarification of the Planning, Zoning and Appeals Board creation, qualifications, and quorum within the Land Development Code standards.

Staff Recommendation:

Based on the evidence in the record and the applicable standards, Staff requests approval of the proposed Land Development Code text amendment being enacted in the public interest and serving a valid public purpose.

City Attorney Review:

approved

- LAND DEVELOPMENT CODE
Chapter 2 - ADMINISTRATION
ARTICLE III. - BOARDS AND COMMISSIONS
DIVISION 2. PLANNING, ZONING AND APPEALS BOARD

DIVISION 2. PLANNING, ZONING AND APPEALS BOARD

Sec. 2-81. ~~Creation.~~ Powers and Duties.

~~There is hereby created the city planning, zoning and appeals board.~~
(LDC 1991, ch. 3, § 3-14(1))

The Planning, Zoning and Appeals Board shall have the following powers and duties:

- (1) To initiate, review and recommend amendments to the Bunnell City Plan to the City Commission.
- (2) To perform the functions, duties, powers and responsibilities of a local planning agency as set forth in F.S. ch. 163, and to determine where specific proposed developments conform to the principles and requirements of the Bunnell City Plan.
- (3) To review and make recommendations to the City Commission on applications for Major Site Plan uses, Development Agreements, Development Orders, Street and Right-of-Way Vacations, Subdivision Plats, Future Land Use Map Amendments, Zoning Map Amendments.
- (4) To approve with or without conditions, or deny applications for Special Exception uses.
- (5) To hear and decide appeals pertaining to denials of applications received by the Department of Community Development, Division of Planning and Zoning.
- (6) To initiate, review, and recommend proposed amendments to the text of these land development regulations.
- (7) To take testimony under oath.
- (8) To review and determine whether the design and layout of specific proposed developments depicted on site plans processed simultaneously with Special Exception request.
- (9) Such additional powers and duties may be set forth in this chapter or prescribed by state law.

Sec. 2-82. ~~Members.~~ Membership; terms; transition; vacancies; removal.

~~The board shall consist of five regular members and one alternate member appointed by the city commission for three year terms. Members must either own property in the city or be residents of the city. Upon the absence of a regular board member for a regular or special meeting, the alternate member shall be a voting member of the~~

board. Any vacancy on the board shall be filled within 30 days, and any member thereof may be removed for cause, including for failure to attend three consecutive regular or special meetings.

(LDC 1991, ch. 3, § 3-14(2); Ord. No. 2007-11, § 1, 5-1-07)

(a) Creation.

The Planning, Zoning and Appeals Board shall consist of five (5) members appointed by the City Commission, each for a term of three (3) years; provided that members serving on the board as of the date of adoption of these regulations shall serve until their term shall expire; provided, further, that all members shall serve until their successors are appointed and qualified. A sixth member as an Alternative. The alternate Planning, Zoning and Appeals Board member will replace one (1) of the five (5) Planning, Zoning and Appeals Board members appointed in accordance with subsection (a) above. On a case by case basis when:

(b) Alternate Planning, Zoning and Appeals Board Member.

The City Commission shall appoint one (1) alternate Planning, Zoning and Appeals Board member. It is preferred that the alternate Planning, Zoning and Appeals Board member have prior experience serving on the Planning, Zoning and Appeals Board. The alternate Planning, Zoning and Appeals Board member will replace one (1) of the five (5) Planning, Zoning and Appeals Board members appointed in accordance with subsection (a) above, on a case-by-case basis when:

(1) A sitting Planning, Zoning and Appeals Board member is unable to participate because his or her private or personal interests are involved in a matter coming before the Planning, Zoning and Appeals Board; or

(2) A sitting Planning, Zoning and Appeals is unable to serve as a fair and impartial decision maker of a quasi-judicial matters that is before the Planning, Zoning and Appeals Board; or

(3) Illness or unavailability results in an excused absence.

The sitting Planning, Zoning and Appeals Board members shall notify the assigned Community Development Coordinator when he or she will be unable to participate. The alternate Planning, Zoning and Appeals Board will be notified by the Community Development Coordinator when his or her service will be required. The alternate Planning, Zoning and Appeals Board member will be appointed for a term of three (3) years and shall serve until a successor alternative Planning, Zoning and Appeals Board Members has been appointed by the City Commission. The term "members" as used in this section , includes the alternate member.

(c) Qualifications of members.

Planning, Zoning and Appeals Board members shall not hold any other public position or office in the government of the city. Planning, Zoning and Appeals Board shall be residents of the city.

(d) Removal of Members.

Planning, Zoning and Appeals Board members and alternate may be removed from office by the affirmative vote of three (3) members of the City Commission.

(e) Vacancies.

Vacancies in the Planning, Zoning and Appeals Board membership shall be filled by appointment by the City Commission for the unexpired term of the member affected.

(f) Compensation of members.

Members of the Planning, Zoning and Appeals Board shall receive no salaries or fees for service on the board, but may received reimbursement for reasonable and necessary expenses incurred in the performance of their duties of office.

(g) Conflicts of Interest.

If any member of the Planning, Zoning and Appeals Board shall find that his or her private or personal interests are involved in the matter coming before the board he or she shall disqualify himself or herself from all participation in that matter. No current Planning, Zoning and Appeals Board shall appear before the Planning, Zoning and Appeals Board as agent or attorney for an applicant for a development approval or any other interested person. No former Planning, Zoning and Appeals Board member shall appear before the Planning, Zoning and Appeals Board as agent or attorney for an applicant for a development approval or any other interested person for period of one (1) year after leaving the board. No former Planning, Zoning and Appeals Board member shall appear before the City Commission as an agent or attorney for an applicant for a development approval or any other interested person with regard to any matter upon which the former member voted while seated as a member of the Planning, Zoning and Appeals Board.

~~Sec. 2-83. Initial organization and bylaws.~~

~~Not later than 30 days after January 31, 1992, the planning, zoning and appeals board shall hold an initial meeting to select officers and initiate the adoption of bylaws. Such bylaws shall be adopted within 30 days of the initial meeting and referred to the city commission for approval and final adoption, and shall provide for officer terms of one year, meetings at least one time each calendar month, keeping an indexed and securely bound public record of its actions and other provisions consistent with this Code and state law.~~

~~(LDC 1991, ch. 3, § 3-14(4))~~

~~Sec. 2-84. Powers and duties.~~

~~The planning, zoning and appeals board shall have the following duties and powers:~~

- ~~(1) — *Administrative appeals.* Hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination made in the enforcement of these regulations by the building and zoning official.~~
- ~~(2) — *Local planning agency.* Serve as the local planning agency.~~
- ~~(3) — *Review of matters and hearings.* Review those matters referred to it and hold meetings and public hearings for purposes of reviewing such matters and making recommendations thereon to the city commission.~~
- ~~(4) — *Issuance of written recommendations.* Transmit to the proper governmental bodies or agencies its written recommendations, where such recommendations are provided for in this Code.~~

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- ~~(5) *Changes in Code, atlas and internal procedures.* Recommend to the city commission for approval, internal procedures and changes in this Code or the official zoning atlas.~~
 - ~~(6) *Ensure compliance with Code.* Ensure that the applications that come before it shall not be approved until all requirements of this Code have been met.~~
 - ~~(7) *Books and records.* Keep a properly bound and indexed public record of its resolutions, transactions, findings and determinations.~~
 - ~~(8) *Other duties.* Perform any other duties lawfully assigned to it.~~

~~(LDC 1991, ch. 3, §§ 3-13(3), 3-14(5))~~

Sec. 2-84. Meetings, Quorum and Required Vote.

- (a) Planning, Zoning and Appeals Board meetings shall be held at the call of the Chair and at such other times as the Planning, Zoning and Appeals Board may determine. Special meetings shall not be held at least 24 hours' of notice given to each member.
- (b) Persons appears before the Planning, Zoning and Appeals Board shall have no right of challenge of any board member, provided that this provision shall not prohibit any person appearing before the board from placing in the record a statement alleging bias and requesting disqualification for bias of any member.
- (c) A quorum for the transaction of business shall consist of three (3) members.
- (d) The affirmative vote of three (3) Planning, Zoning and Appeals Board members shall be necessary to take official action provided, however, any motion pertaining to a procedural matter such as continuances and time limits for speakers shall require a majority vote of the members present. In the event any motion pertaining to a petition or other quasi-judicial matter fails to achieve the affirmative vote of three (3) board members., then such petition shall be automatically continued to the next regularly scheduled board meeting or a special meeting scheduled for such purpose. No petition or other quasi-judicial matter shall be automatically continued more than once. At the board meeting during which the continued petition is considered, if any motion pertaining to the petition or other quasi-judicial matter fails to achieve the affirmative vote of three (3) board members, then such petition or other quasi-judicial matter shall be deemed denied.

~~**Sec. 2-85. Administrative appeals to planning, zoning and appeals board.**~~

- ~~(a) *In general.* When the review of an administrative matter is not otherwise provided in this Code, a person aggrieved by any decision of the building and zoning official or any other administrative official under this Code may appeal such decision to the planning, zoning and appeals board. Also, an officer, board or department of the city that is affected by such decision may appeal the decision to the planning, zoning and appeals board.~~
- ~~(b) *Filing within 30 days.* Such appeal shall be taken within 30 days after the order, requirement or decision is rendered, by filing with the officer who rendered the decision and with the planning, zoning and appeals~~

board a notice of appeal on a form provided by the building and zoning official. All documents regarding the appeal shall be forwarded to the board.

- (c) ~~*Effect of appeal.* An appeal to the planning, zoning and appeals board stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken certifies that by reason of facts cited in the certificate a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed unless the board or a court of competent jurisdiction issues a restraining order for good cause shown after notice to the party and officer affected.~~
- (d) ~~*Hearing.* The board shall fix a reasonable time for the hearing of the appeal and give due public notice thereof and decide the matter appealed within 60 days of the filing of the notice. At the hearing, any party may appear in person, by agent or attorney.~~
- (e) ~~*Decision by board.* In exercising the powers granted by these regulations, the board, by the concurring vote of a majority of the membership of the board, may reverse or affirm, whole or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made; and to that end shall have all the power of the official from whom the appeal is taken. However, the board may not issue any order that contravenes the provisions of this Code. Rulings of the planning, zoning and appeals board shall become effective ten days after they are rendered.~~
- (f) ~~*Appeal of city commission decision.* Nothing in this section authorizes an appeal to the board from a decision of the city commission.~~

(LDC 1991, ch. 3, § 3-23)

~~Sec. 2-86. Appeals from decision.~~

~~Any person aggrieved by any decision of the planing, zoning and appeals board made pursuant to the provisions of this article may appeal the decision to the city commission by filing a written request for such an appeal with the city clerk. The request must specify the decision appealed and be filed within 30 days of the decision. The city commission may after a public hearing reverse, modify or affirm the decision on appeal.~~

Sec. 2-85. Officers and Staff.

- (a) The Planning, Zoning and Appeals Board shall select a chair and vice-chair from among its members and may crate such other officers as it may determine necessary.
- (b) The Planning, Zoning and Appeals Board shall be provided with such professional assistance as may be deemed necessary to enable the board to perform the functions assigned to it under these land development regulations. The Community Development Director shall provide a secretary for the board.

Sec. 2-86. Rules and Records.

- (a) The Planning, Zoning and Appeals Board shall adopt rules of procedures necessary to its governance and the conduct of its affairs, in keeping with the applicable provisions of the City Charter, state laws, these land development regulations and other pertinent city ordinances. Such rules of procedure shall be available in a written form to personas appearing before the Planning, Zoning and Appeals Board and to the public.

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- (b) The Planning, Zoning and Appeal Board shall keep records of its proceedings, showing the vote of each member, included the chair or vice-chair, or , if any member is absent or fails to vote, indicating such fact.

Sec. 2-87. Powers and Duties

The powers and duties of the Planning, Zoning and Appeals Board in general shall be:

- (1) To acquire and maintain information and materials as are necessary to under past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of man-made and natural physical features of the City, statistics on past trends and present conditions with respect to population, property values, economic bases, land use and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the City;
- (2) To recommend to the City Commission for adoption and from time to time recommend amendments and revisions to the Comprehensive Plan for meeting present requirements and such future requirements as may be foreseen, and to act as the Local Planning Agency pursuant to F.S. §163.3174;
- (3) To commend principles and policies for guiding action affecting development in the City;
- (4) To recommend to the City Commission the preparation of other planning related material or studies;
- (5) It is the intent of this Land Development Code that all Future Land Use Map Amendments (FLUMs) and Zoning Map Amendments (ZMAs) shall be heard first by the Planning, Zoning and Appeals Board and that the Planning, Zoning and Appeals Board’s report and recommendation on such matters shall be advisory only to the City Commission;
- (6) It is the intent of this Land Development Code that all proposed text amendments shall be heard first by the Planning, Zoning and Appeals Board, except as expressly directed by a vote of the City Commission and the Planning, Zoning and Appeals Board’s report and recommendations on such matters shall be advisory only to the City Commission;
- (7) To keep the City Commission and public informed and advised on these matters;
- (8) To perform such other duties as may be lawfully assigned to it, or which have bearing on the preparation or implementation of the comprehensive plan; and
- (9) City employees shall, upon request by the Planning, Zoning and Appeals Board Chair through the City Administrator and within reasonable time, furnish to the Board such available records or information as may be required in its work. The Board may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized City agents or employees, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the Planning, Zoning and Appeals Board.

~~Sec. 2-87. Hearing notification requirements.~~

Sec. 2-88. Hearing notification requirements.

- (a) Notification and advertisement for comprehensive plan amendments, municipal annexations, municipal contractions, and changes to the Land Development Code shall be made in accordance with Florida Statutes.
- (b) Variance notification and advertisement procedures are as follows:
 - (1) Notice of the planning board hearing date, time, and location shall be published once in a newspaper of general circulation not less than ten days in advance of the hearing.
 - (2) Mail copy of the hearing date, time, and location shall be sent to property owners of adjacent properties within the city limits that are within 300 feet of the proposed variance request as documented by the property appraiser website. Notice shall be mailed out at least ten days prior to the hearing date.
 - (3) Failure of a property owner to appear during the public meeting to object or make comments on the request may preclude the ability of such person to contest the change at a later date.
- (c) Special exception notification and advertisement procedures are as follows:
 - (1) Notice of the planning board hearing date, time, and location shall be published once in a newspaper of general circulation not less than ten days in advance of the hearing.
 - (2) Mail copy of the hearing date, time, and location shall be sent to property owners of adjacent properties within the city limits that are within 300 feet of the proposed special exception request as documented by the property appraiser website. Notice shall be mailed out at least ten days prior to the hearing date.
 - (3) Failure of a property owner to appear during the public meeting to object or make comments on the request may preclude the ability of such person to contest the change at a later date.
- (d) Vacation of public property notification and advertisement procedures are as follows:
 - (1) Notification and advertisement for the vacation of public property shall be made in accordance with the Bunnell Code of Ordinances section 54-1.
- (e) Applicant-initiated zoning change notification and advertisement procedures are as follows:
 - (1) Notice of the planning board hearing date, time, and location shall be published once in a newspaper of general circulation not less than ten days in advance of the planning board hearing and as required by the Florida Statutes for commission hearings before the city commission.
 - (2) Mail copy of the hearing date, time, and location for the planning board hearing and first reading before the city commission shall be sent to property owners of adjacent properties within the city limits that are within 300 feet of the proposed zoning change request as documented by the property appraiser website. Notice shall be mailed out at least ten days prior to the hearing date.
 - (3) The city shall cause a sign or signs to be posted on any land upon which an application has been made to amend the zoning, not less than seven days in advance of the date both the planning board hearing and the first reading before the city commission, at which such application is to be considered. Such sign shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land concerning which a public hearing is scheduled. Such sign shall be posted in full view of the public and shall be maintained by the applicant until final determination has been made by the board or city commission. Such sign need not contain information regarding the specific hearing, however it must, at a minimum, provide a

phone number and a uniform resource locator (URL) where information regarding the hearing will be provided.

- (4) Failure of a property owner to appear during the public meeting to object or make comments on the request may preclude the ability of such person to contest the change at a later date.
- (f) For the purposes of satisfying the requirements of this section only, notices that are required to be mailed to adjacent property owners are required only to the extent that the property information is available in the public database of the county property appraiser.

(Ord. No. 2012-08, § 1, 4-9-12; Ord. No. 2017-17, § 1, 6-26-17; Ord. No. 2022-04, § 2, 2-28-22)

Secs. 2-88—2-110. Reserved.

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(LDC 1991, ch. 3, § 3-14(1))

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The board shall consist of five regular members and one alternate member appointed by the city commission for three-year terms. Members must either own property in the city or be residents of the city. Upon the absence of a regular board member for a regular or special meeting, the alternate member shall be a voting member of the board. Any vacancy on the board shall be filled within 30 days, and any member thereof may be removed for cause, including for failure to attend three consecutive regular or special meetings.

(LDC 1991, ch. 3, § 3-14(2); Ord. No. 2007-11, § 1, 5-1-07)

Sec. 2-83. Initial organization and bylaws.

Not later than 30 days after January 31, 1992, the planning, zoning and appeals board shall hold an initial meeting to select officers and initiate the adoption of bylaws. Such bylaws shall be adopted within 30 days of the initial meeting and referred to the city commission for approval and final adoption, and shall provide for officer terms of one year, meetings at least one time each calendar month, keeping an indexed and securely bound public record of its actions and other provisions consistent with this Code and state law.

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Sec. 2-84. Powers and duties.

The planning, zoning and appeals board shall have the following duties and powers:

- (1) *Administrative appeals.* Hear and decide appeals when it is alleged there is an error in any order, requirement, decision or determination made in the enforcement of these regulations by the building and zoning official.
- (2) *Local planning agency.* Serve as the local planning agency.
- (3) *Review of matters and hearings.* Review those matters referred to it and hold meetings and public hearings for purposes of reviewing such matters and making recommendations thereon to the city commission.
- (4) *Issuance of written recommendations.* Transmit to the proper governmental bodies or agencies its written recommendations, where such recommendations are provided for in this Code.
- (5) *Changes in Code, atlas and internal procedures.* Recommend to the city commission for approval, internal procedures and changes in this Code or the official zoning atlas.

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- (6) *Ensure compliance with Code.* Ensure that the applications that come before it shall not be approved until all requirements of this Code have been met.
 - (7) *Books and records.* Keep a properly bound and indexed public record of its resolutions, transactions, findings and determinations.
 - (8) *Other duties.* Perform any other duties lawfully assigned to it.

(LDC 1991, ch. 3, §§ 3-13(3), 3-14(5))

Sec. 2-85. Administrative appeals to planning, zoning and appeals board.

- (a) *In general.* When the review of an administrative matter is not otherwise provided in this Code, a person aggrieved by any decision of the building and zoning official or any other administrative official under this Code may appeal such decision to the planning, zoning and appeals board. Also, an officer, board or department of the city that is affected by such decision may appeal the decision to the planning, zoning and appeals board.
- (b) *Filing within 30 days.* Such appeal shall be taken within 30 days after the order, requirement or decision is rendered, by filing with the officer who rendered the decision and with the planning, zoning and appeals board a notice of appeal on a form provided by the building and zoning official. All documents regarding the appeal shall be forwarded to the board.
- (c) *Effect of appeal.* An appeal to the planning, zoning and appeals board stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken certifies that by reason of facts cited in the certificate a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed unless the board or a court of competent jurisdiction issues a restraining order for good cause shown after notice to the party and officer affected.
- (d) *Hearing.* The board shall fix a reasonable time for the hearing of the appeal and give due public notice thereof and decide the matter appealed within 60 days of the filing of the notice. At the hearing, any party may appear in person, by agent or attorney.
- (e) *Decision by board.* In exercising the powers granted by these regulations, the board, by the concurring vote of a majority of the membership of the board, may reverse or affirm, whole or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made; and to that end shall have all the power of the official from whom the appeal is taken. However, the board may not issue any order that contravenes the provisions of this Code. Rulings of the planning, zoning and appeals board shall become effective ten days after they are rendered.
- (f) *Appeal of city commission decision.* Nothing in this section authorizes an appeal to the board from a decision of the city commission.

(LDC 1991, ch. 3, § 3-23)

Sec. 2-86. Appeals from decision.

Any person aggrieved by any decision of the planing, zoning and appeals board made pursuant to the provisions of this article may appeal the decision to the city commission by filing a written request for such an appeal with the city clerk. The request must specify the decision appealed and be filed within 30 days of the decision. The city commission may after a public hearing reverse, modify or affirm the decision on appeal.

Sec. 2-87. Hearing notification requirements.

- (a) Notification and advertisement for comprehensive plan amendments, municipal annexations, municipal contractions, and changes to the Land Development Code shall be made in accordance with Florida Statutes.
- (b) Variance notification and advertisement procedures are as follows:
 - (1) Notice of the planning board hearing date, time, and location shall be published once in a newspaper of general circulation not less than ten days in advance of the hearing.
 - (2) Mail copy of the hearing date, time, and location shall be sent to property owners of adjacent properties within the city limits that are within 300 feet of the proposed variance request as documented by the property appraiser website. Notice shall be mailed out at least ten days prior to the hearing date.
 - (3) Failure of a property owner to appear during the public meeting to object or make comments on the request may preclude the ability of such person to contest the change at a later date.
- (c) Special exception notification and advertisement procedures are as follows:
 - (1) Notice of the planning board hearing date, time, and location shall be published once in a newspaper of general circulation not less than ten days in advance of the hearing.
 - (2) Mail copy of the hearing date, time, and location shall be sent to property owners of adjacent properties within the city limits that are within 300 feet of the proposed special exception request as documented by the property appraiser website. Notice shall be mailed out at least ten days prior to the hearing date.
 - (3) Failure of a property owner to appear during the public meeting to object or make comments on the request may preclude the ability of such person to contest the change at a later date.
- (d) Vacation of public property notification and advertisement procedures are as follows:
 - (1) Notification and advertisement for the vacation of public property shall be made in accordance with the Bunnell Code of Ordinances section 54-1.
- (e) Applicant-initiated zoning change notification and advertisement procedures are as follows:
 - (1) Notice of the planning board hearing date, time, and location shall be published once in a newspaper of general circulation not less than ten days in advance of the planning board hearing and as required by the Florida Statutes for commission hearings before the city commission.
 - (2) Mail copy of the hearing date, time, and location for the planning board hearing and first reading before the city commission shall be sent to property owners of adjacent properties within the city limits that are within 300 feet of the proposed zoning change request as documented by the property appraiser website. Notice shall be mailed out at least ten days prior to the hearing date.
 - (3) The city shall cause a sign or signs to be posted on any land upon which an application has been made to amend the zoning, not less than seven days in advance of the date both the planning board hearing and the first reading before the city commission, at which such application is to be considered. Such sign shall be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, such signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land concerning which a public hearing is scheduled. Such sign shall be posted in full view of the public and shall be maintained by the applicant until final determination has been made by the board or city commission. Such sign need not contain information regarding the specific hearing, however it must, at a minimum, provide a

phone number and a uniform resource locator (URL) where information regarding the hearing will be provided.

- (4) Failure of a property owner to appear during the public meeting to object or make comments on the request may preclude the ability of such person to contest the change at a later date.
- (f) For the purposes of satisfying the requirements of this section only, notices that are required to be mailed to adjacent property owners are required only to the extent that the property information is available in the public database of the county property appraiser.

(Ord. No. 2012-08, § 1, 4-9-12; Ord. No. 2017-17, § 1, 6-26-17; Ord. No. 2022-04, § 2, 2-28-22)

Secs. 2-88—2-110. Reserved.