

## ORDINANCE 2025-XX

**AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL 2035 COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR THE LARGE-SCALE AMENDMENT TO THE FUTURE LAND USE MAP IN THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL 2035 COMPREHENSIVE PLAN RELATIVE TO CERTAIN REAL PROPERTY TOTALING 1,842± ACRES IN THE CITY OF BUNNELL LIMITS FROM “AGRICULTURE & SILVICULTURE (AG&S)” TO “INDUSTRIAL (IND)” AND “AGRICULTURAL COMMUNITY INDUSTRIAL (ACI)”;** PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATIONS FOR THE PROPERTY; PROVIDING FOR SERVERABILITY; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Bunnell to exercise any power for municipal purposes except as otherwise provided by law; and

**WHEREAS**, §166.041, *Florida Statutes*, provides for procedures and requirements for the adoption of ordinances by municipalities; and

**WHEREAS**, Brown & Johnston & Joly & Durshimer owns the certain real properties which land totals 1,842± acres in size, are assigned Tax Parcel Identification Numbers listed under Exhibits “B” and “C” of this Ordinance by the Flagler County Property Appraiser’s Office, and are the subject of this Ordinance; and

**WHEREAS**, Tara Tedrow, Esq. with Lowndes Law Firm, on behalf of the property owners, has applied to the City of Bunnell pursuant to the controlling provisions of state law, the *City of Bunnell Land Development Code*, and the *City of Bunnell 2035 Comprehensive Plan*, to amend the Future Land Use Map (FLUM) in the *City of Bunnell 2035 Comprehensive Plan* for the subject properties, generally located between Old Haw Creek Road, US Highway 1, and County Road 304, to the “Industrial” and “Agricultural Community Industrial” Future Land Use Map designations from the existing “Agricultural & Silviculture” designation; and

**WHEREAS**, the City of Bunnell’s Planning, Zoning and Appeals Board, as the City’s local planning agency, held a public hearing on May 2, 2023 to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Bunnell Comprehensive*

Plan and recommend approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the property owner; and

**WHEREAS**, the subject properties are currently vacant, undeveloped land primarily used for timbering; and

**WHEREAS**, the purpose of the “Industrial” Future Land Use designation is to provide sufficient land for existing and anticipated future industrial needs and requisite support services as described in FLU Policy 10.1 in the City’s *2035 Comprehensive Plan*; and

**WHEREAS**, the purpose of the “Agricultural Community Industrial” Land Use designation is to accommodate industrial uses in the agricultural community providing the uses do not interfere with agricultural uses and to support the economic viability of the agricultural community and the residents of the area as described in FLU Policy 15 in the City’s *2035 Comprehensive Plan*; and

**WHEREAS**, this is a large-scale FLUM amendment subject to the controlling provisions in Section 163.3184, *Florida Statutes*, which outlines the process for adopting comprehensive plan amendments; and

**WHEREAS**, this amendment is not submitted in accordance with a proposed development that is subject to the state coordinated review process pursuant to §380.06, *Florida Statutes*, and is otherwise subject to the expedited state review process pursuant to §163.3184(2)(a) and §163.3184(3), *Florida Statutes*; and

**WHEREAS**, Section 163.3184, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements for large-scale Future Land Use Map amendments not within an area of critical state concern; and

**WHEREAS**, the City’s Community Development Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject FLUM amendment application be approved pursuant to §163.3177(6)(a), *Florida Statutes*, and has otherwise reviewed and evaluated the application to determine whether it comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives, and policies set forth in the City’s *2035 Comprehensive Plan*, and

**WHEREAS**, the City of Bunnell’s Planning, Zoning and Appeals Board, acting as the City’s local planning agency, held a public meeting on May 6<sup>th</sup>, 2025, to consider amending the Future Land Use Map of the Future Land Use Element of the City’s *2035 Comprehensive Plan* and recommended \_\_\_\_\_, by \_\_\_\_\_ vote, of the proposed large-scale Future Land Use Map amendment to the *Comprehensive Plan* for the subject properties as requested by the applicant; and

**WHEREAS**, professional city planning staff, the City’s Planning, Zoning and Appeals Board, and the City Commission have determined that the proposed large-scale Future Land Use Map amendment for the subject properties as set forth in this Ordinance is consistent with the goals, objectives, and policies in the City’s *2035 Comprehensive Plan*, the City’s *Land Development Code*, and the controlling provisions of state law; and

**WHEREAS**, the City of Bunnell has complied with all requirements and procedures of Florida law in processing this large-scale amendment to the City’s *2035 Comprehensive Plan* including, but not limited to, Section 163.3184, *Florida Statutes*.

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

**Section 1. Legislative Findings and Intent.**

(a) The foregoing recitals (whereas clauses), along with the City staff report and City Commission agenda memorandum relating to the application of the proposed amendment to the City of Bunnell *2035 Comprehensive Plan* pertaining to the subject properties, are hereby adopted and incorporated into this Ordinance as the legislative and administrative findings of the City Commission.

(b) The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

**Section 2. Amendment to Future Land Use Map.**

Upon enactment of this Ordinance, the Future Land Use Map in the Future Land Use Element of the City of Bunnell *2035 Comprehensive Plan* is hereby amended, as described herein and depicted in Exhibit “A” attached to this Ordinance, and totaling 1,842± acres in size, by assigning the “Industrial” and “Agricultural Community Industrial” Future Land Use Map designations to the real properties, which are the subject of this Ordinance as set forth herein, from the existing “Agricultural & Silviculture” Future Land Use Map designation.

**Section 3. Industrial Future Land Use Designation Legal Descriptions.**

The legal descriptions for the “Industrial” Future Land Use designation being assigned to the properties that are the subject of this Ordinance, as depicted in Exhibit “A”, are described in Exhibit “B” attached to this Ordinance.

**Section 4. Agricultural Community Industrial Future Land Use Designation Legal Descriptions.**

The legal descriptions for the “Agricultural Community Industrial” Future Land Use designation being assigned to the properties that are the subject of this Ordinance, as depicted in Exhibit “A”, are described in Exhibit “C” attached to this Ordinance.

**Section 5. Incorporation of Maps.**

The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

**Section 6. Implementing Administrative Actions.**

The City Manager, or designee, is hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

**Section 7. Ratification of Prior Actions.**

The prior actions of the City Commission and its agencies in enacting and causing amendments to the *2035 Comprehensive Plan of the City of Bunnell*, as well as the implementation thereof, are hereby ratified and affirmed.

**Section 8. Severability.**

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, it shall not be held or impair the validity of the ordinance or effect of any other action or part of this Ordinance.

**Section 9. Conflicts.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 10. Codification/Instructions to Code Codifier.**

It is the intention of the City Commission of the City of Bunnell, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the City of Bunnell *2035 Comprehensive Plan*, the *City of Bunnell Code of Ordinances*, and/or the *City of Bunnell Land Development Code*, in terms of amending the Future Land Use Map of the City.

**Section 11. Effective Date.**

The large-scale Comprehensive Plan map amendment set forth herein shall not become effective, in accordance with Section 163.3184(3)(c)4., *Florida Statutes*, until 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If challenged within 30 days after adoption, the large-scale amendment set forth in this Ordinance shall not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the subject large-scale Comprehensive Plan map amendment is in compliance with the controlling state law.

First Reading: approved on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Second Reading/Final Reading: adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

**CITY COMMISSION, City of Bunnell, Florida.**

By: \_\_\_\_\_  
Catherine D. Robinson, Mayor

Approved for form and content by:

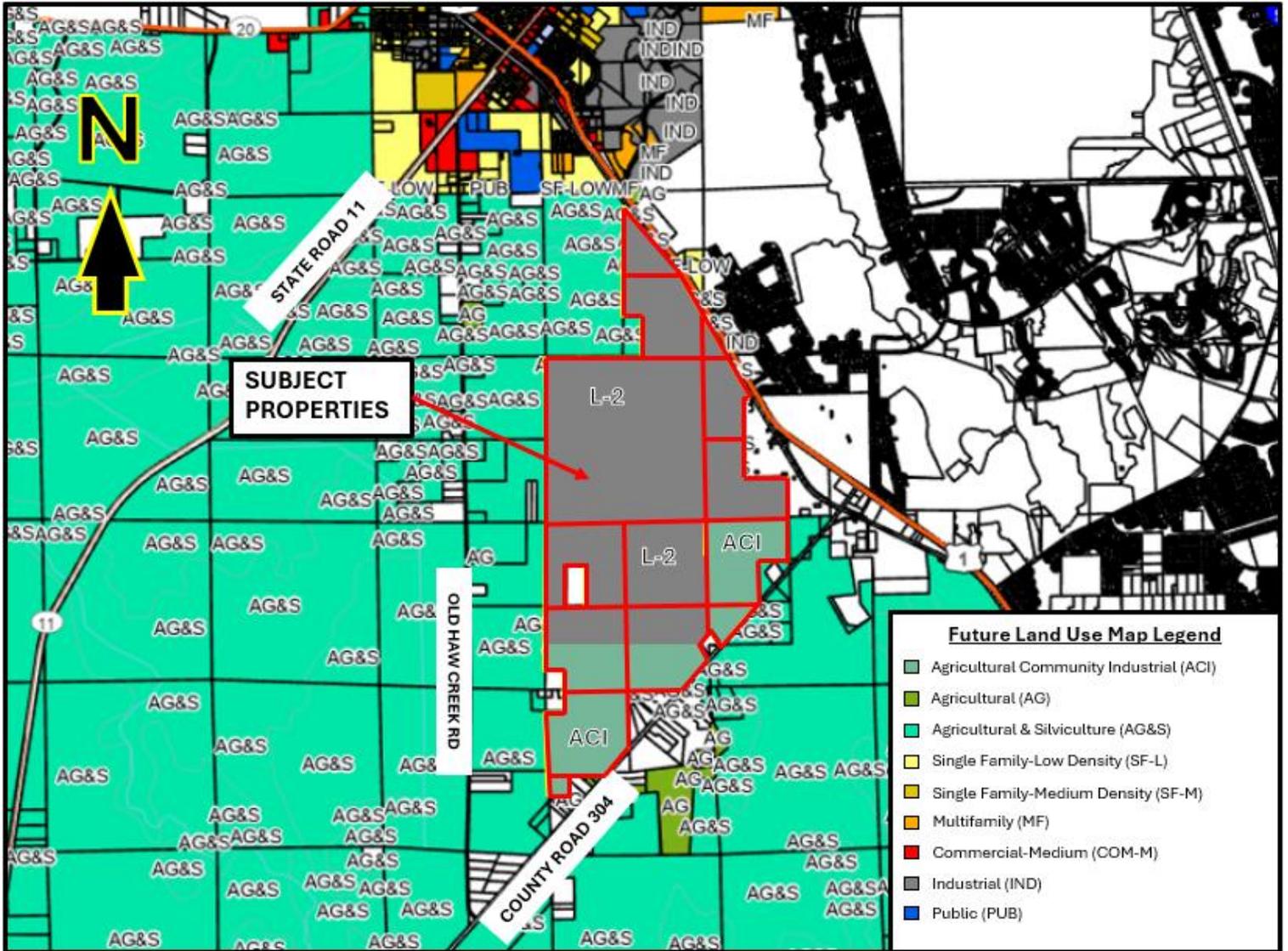
\_\_\_\_\_  
Vose Law Firm, City Attorney

Attest:

Seal:

\_\_\_\_\_  
Kristen Bates, CMC, City Clerk

Exhibit "A"  
Amended Future Land Use Map



**Exhibit “B”**

**Industrial Future Land Use Designation Legal Descriptions**

**Tax Parcel Identification Numbers:**

23-12-30-0650-000A0-0060

23-12-30-0650-000D0-0040

**Legal Description:**

That part of Tracts 6, 7, and 9 lying South and West of the Florida East Coast Railway right-of-way and all of Tract 8 of Block A; that part of Tracts 1, 2, 3, and 15 lying South and West of the Florida East Coast Railway right-of-way and all of Tracts 4, 5, 6, 9, 10, 11, 12, 13, and 14 of Block D; all in Section 23, Township 12 South, Range 30 East, Map of the Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1, in the Public Records of Flagler County, Florida.

**Tax Parcel Identification Numbers:**

24-12-30-0650-000C0-0070

**Legal Description:**

That part of Tracts 7, 8, and 9 of Block C lying South and West of the Florida East Coast Railway right-of-way in Section 24, Township 12 South, Range 30 East, Map of the Bunnell Development Company Subdivision, as recorded Plat Book 1, Page 1, in the Public Records of Flagler County, Florida.

**Tax Parcel Identification Numbers:**

25-12-30-0650-000B0-0070

25-12-30-0650-000C0-0010

**Legal Description:**

That part of Tracts 6, 11, and 12, lying South and West of the Florida East Coast Railway right-of-way and all of Tracts 7, 8, 9, 10, and all of Tracts 16 through 23, inclusive, of Block B; Tracts 1 through 16, inclusive, of Block C; SE 1/4 of SW 1/4 (of Block C); all in Section 25, Township 12 South, Range 30 East, Map of the Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1, in the Public Records of Flagler County, Florida.

**Tax Parcel Identification Numbers:**

26-12-30-0650-00000-0000

**Legal Description:**

All of Section 26, Township 12 South, Range 30 East, Map of the Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1, in the Public Records of Flagler County, Florida.

**Tax Parcel Identification Numbers:**

35-12-30-0650-000A0-0000

35-12-30-0650-000B0-0010

35-12-30-0650-000C0-0000

35-12-30-0650-000D0-0000

**Legal Description:**

All of Section 35, Township 12 South, Range 30 East, in Map of the Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1, in the Public Records of Flagler County, Florida; LESS Tract 9, Block B of said Section 35; and LESS the South one-half (1/2) of the South one-half (1/2) of said Section 35; and LESS the property described in O.R. Book 249, Page 049, Public Records of Flagler County, Florida.

**Exhibit “B”**

Agricultural Community Industrial Future Land Use Designation Legal Descriptions

**Tax Parcel Identification Numbers:**

35-12-30-0650-000C0-0000

35-12-30-0650-000D0-0000

**Legal Description:**

The South one-half (1/2) of the South one-half (1/2) of Section 35, Township 12 South, Range 30 East, in Map of the Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1, in the Public Records of Flagler County, Florida; LESS Tract 8 of Block C; and LESS that portion of Section 35 lying Southeasterly of County Road 304; and LESS the property described in O.R. Book 249, Page 049, Public Records of Flagler County, Florida.

**Tax Parcel Identification Numbers:**

36-12-30-0650-000B0-0020

36-12-30-0650-000C0-0021

**Legal Description:**

All of Block B; Tracts 2, 3, 4, 5, and 6 of Block C; all in Section 36, Township 12 South, Range 30 East, Map of the Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1, in the Public Records of Flagler County, Florida; LESS the following tracts in Block B; Tracts 16, 17, 18, the East one-half (1/2) of Tract 26, and all of Tract 27, in said Section 36; and LESS the property described in O.R. Book 249, Page 049, and O.R. Book 821, Page 86, Public Records of Flagler County, Florida.

**Tax Parcel Identification Numbers:**

02-13-30-0650-000B0-0010

02-13-30-0650-000C0-0054

**Legal Description:**

All of Block B except Tract 5; Tract 5 of Block C, all in Section 2, Township 13 South, Range 30 East, Map of Bunnell Development Company Subdivision, as recorded Plat Book 1, Page 1, in the Public Records of Flagler County, Florida; LESS those properties

described in O.R. Book 2333, Page 1427, and O.R. Book 2333, Page 1429, Public Records of Flagler County, Florida.