

ORDINANCE 2025-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY TOTALING 1,842.00± ACRES IN THE CITY OF BUNNELL LIMITS FROM “AG&S, AGRICULTURAL & SILVICULTURE DISTRICT” TO “L-2, HEAVY INDUSTRIAL DISTRICT” AND “ACI, AGRICULTURAL COMMUNITY INDUSTRIAL DISTRICT”; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR 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, 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 are the owners of certain real properties, which land totals 1,842± acres in size and is assigned Tax Parcel Identification Numbers, listed under Exhibits “B” and “C” of this Ordinance, by the Flagler County Property Appraiser’s Office; 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 and the *City of Bunnell Land Development Code*, to have the subject properties, totaling 1,842± acres generally located east of Old Haw Creek Road, north of County Road 304, and west of US Highway 1, rezoned to the “L-2, Heavy Industrial District” and “ACI, Agricultural Community Industrial District” zoning classifications from the existing “AG&S, Agricultural & Silviculture District” zoning classification; and

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

WHEREAS, the City has amended the Future Land Use Map (FLUM) for the subject properties from “Agriculture & Silviculture” to “Industrial” and “Agricultural Community Industrial” through a large-scale comprehensive plan amendment pursuant to §163.3184, *Florida Statutes*, as applied for by the owners of the subject properties; and

WHEREAS, the “L-2, Heavy Industrial” and “ACI, Agricultural Community Industrial” zoning districts are compatible with the “Industrial” and “Agricultural Community Industrial” Future Land Use designations, respectively, pursuant to §34-81 in the *City of Bunnell Land Development Code*; and

WHEREAS, the purpose of the “L-2, Heavy Industrial” zoning district is to provide areas appropriate where various heavy and extensive industrial operations can be conducted without creating hazards or property devaluation to the surrounding land uses and is intended to promote the most efficient use of the land for heavy industrial uses such that noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to all adjacent land uses; and

WHEREAS, the purpose of the “ACI, Agricultural Community Industrial” zoning district is to permit industrial uses that are compatible with and serve the agricultural and rural communities and is intended to allow industrial uses of land to support economic development; and

WHEREAS, no “L-2, Heavy Industrial” zoning district may not be created within a one-half mile radius of the Downtown District of Bunnell pursuant to §34-121(a) in the *City of Bunnell Land Development Code*; and

WHEREAS, the subject properties to be rezoned to the “L-2, Heavy Industrial” zoning district are not within a one-half mile radius of the Downtown District of Bunnell as referred to in Division 2, Article V., Chapter 34 in the *City of Bunnell Land Development Code* and is therefore found to be consistent with §34-121(a) in the *City of Bunnell Land Development Code*; 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 rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether it comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City’s *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, 2025 to consider amending the Official Zoning Map of the City of Bunnell and recommended _____ by _____ vote, of the proposed rezoning 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 rezoning of the

subject properties as set forth in this ordinance is consistent with the *2035 Comprehensive Plan of the City of Bunnell*, the *City of Bunnell Land Development Code*, 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 and local law.

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 rezoning of 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. Rezoning of Real Property/Implementing Actions.

(a) Upon enactment of this Ordinance, the following certain real property, as described herein and depicted in Exhibit “A” attached to this Ordinance, and totaling 1,842± acres in size, shall be rezoned to the “L-2, Heavy Industrial” and “ACI, Agricultural Community Industrial” zoning districts from the “AG&S, Agricultural & Silviculture” zoning district.

(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. L-2, Heavy Industrial Zoning District Legal Descriptions.

The legal descriptions for the “L-2, Heavy Industrial” zoning district being assigned to the properties that are the subject of this Ordinance are described in Exhibit “B” attached to this Ordinance.

Section 4. ACI, Agricultural Community Industrial Zoning District Legal Descriptions.

The legal descriptions for the “ACI, Agricultural Community Industrial” zoning district being assigned to the properties that are the subject of this Ordinance 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. Conflicts.

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

Section 7. 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 to be invalid, unlawful, or unconstitutional.

Section 8. Non-codification.

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

Section 7. Effective Date.

This Ordinance shall take effect upon the effective date of Ordinance 2025-XX

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 Zoning Map

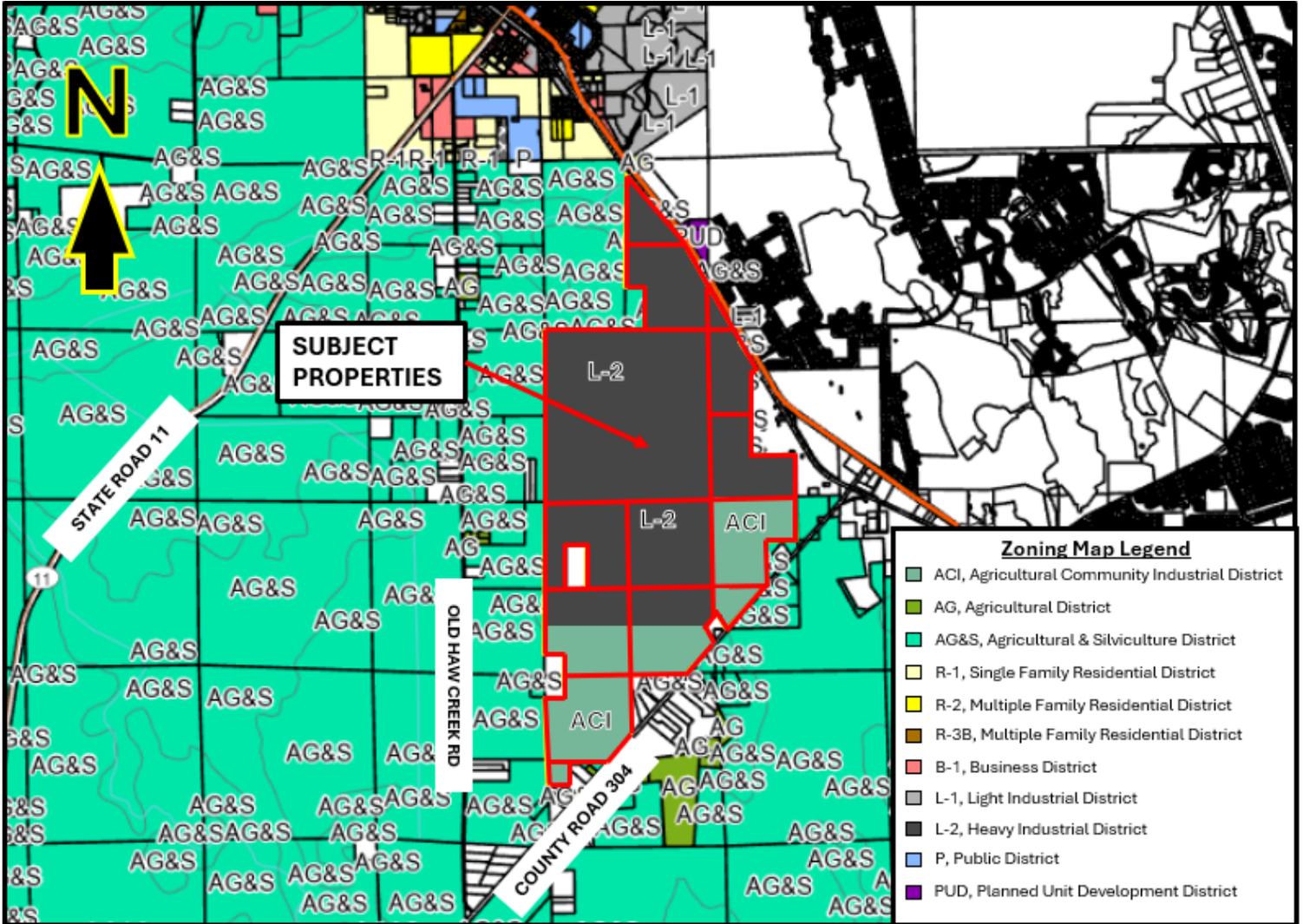


Exhibit “B”

L-2, Heavy Industrial Zoning District 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 “C”

ACI, Agricultural Community Industrial Zoning District 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.