

ORDINANCE 2025-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY TOTALING 1.36± ACRES, BEARING PARCEL ID: 14-12-30-3750-000Q0-0011 LOCATED DIRECTLY AT THE END OF HIBISCUS AVENUE IN THE CITY OF BUNNELL LIMITS FROM “R-1, SINGLE FAMILY RESIDENTIAL DISTRICT” TO “L-1, LIGHT INDUSTRIAL DISTRICT”; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; 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, 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 for the adoption of ordinances by municipalities; and

WHEREAS, Louis Patane, the owner of certain real property, which land totals 1.36± acres in size and is assigned Tax Parcel Identification Number 14-12-30-3750-000Q0-0011 by the Property Appraiser of Flagler County; and

WHEREAS, Louis Patane 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 property, totaling 1.36± acres located directly at the end of Hibiscus Avenue, rezoned to the “L-1, Light Industrial District” zoning classification from the existing “R-1, Single Family Residential” zoning classification; and

WHEREAS, the subject property is currently vacant and wooded; and

WHEREAS, the subject property is currently assigned a Future Land Use designation of “Industrial” as depicted on the Future Land Use Map in the *City of Bunnell 2035 Comprehensive Plan*; and

WHEREAS, §163.3194(1)(b), *Florida Statutes*, states that all land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof; and

WHEREAS, the “L-1, Light Industrial” zoning district is appropriate and compatible with the “Industrial” Future Land Use designation pursuant to §34-81 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 June 3, 2025 to consider amending the Official Zoning Map of the City of Bunnell and recommended _____ of the proposed rezoning for the subject property as requested by the property owner; and

WHEREAS, professional City planning staff, the City’s Planning, Zoning and Appeals Board, and the City Commission have determined that the proposed rezoning of the subject property as set forth in this ordinance is consistent with the *City of Bunnell 2035 Comprehensive Plan*, 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 local and 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 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 1.36± acres in

size, shall be rezoned to the “L-1, Light Industrial” zoning district from the existing “R-1, Single Family Residential” 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. Property Information.

The property which is the subject of this Ordinance is described as follows:

TAX PARCEL IDENTIFICATION NUMBER: 14-12-30-3750-000Q0-0011

LEGAL DESCRIPTION: Being a portion of that tract of land described in Official Records Book 352, Page 34, lying in Section 14, Township 12 South, Range 30 East, Flagler County, Florida, more particularly being a portion of Block “C” Bunnell Development Company’s Subdivision of said section as recorded in Map Book 1, Page 1, said parcel also being a portion of Lake Terrace Subdivision, both recorded in Public Records of Flagler County, Florida, being more specifically described as follows:

A point of reference being the southeast corner of said Section 14; thence run South 88°27’11” West along the South line of Section 14, a distance of 2426.97 feet; thence departing said South line run North 28°52’17” West, a distance of 1480.70 feet to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 14, also being the Point of Beginning of this description:

Thence Northerly along the Westerly line of the Southwest 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section 14, North 02°46’04” West, a distance of 759.59 feet to a point of 557.50 feet South of the North line of the Southwest 1/4 of said Section 14; thence parallel with aforesaid North line North 88°22’40” East, a distance of 575.41 feet; thence south 02°46’04” East, a distance of 759.59 feet; thence South 88°22’40” West, a distance of 575.41 feet to the Point of Beginning.

Section 4. 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 5. Conflicts.

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

Section 6. 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 7. 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 8. Effective Date.

This Ordinance shall take effect immediately upon adoption.

First Reading: approved on this _____ day of _____, 2024.

Second Reading/Final Reading: adopted on this _____ day of _____ 2024.

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

