

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

Crossroads of Flagler County

PLANNING, ZONING AND APPEALS BOARD AGENDA

Tuesday, February 6, 2024

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. January 4, 2024 Planning, Zoning and Appeals Board Minutes
 - New Business:**
 - 4.** RSD 2023-02 Request approval for the Family Estates Rural Subdivision via Administrative Order 2024-XX
 - 5.** SE 2023-06 Request approval of the special exception to store commercial vehicles and equipment on 105 North Forsyth Street
 - 6.** Ordinance 2024-XX Amending the Future Land Use Element and the Conservation Element in the City of Bunnell 2035 Comprehensive Plan
 - 7.** Ordinance 2024-XX Amending the City of Bunnell Land Development Code Chapter 18 - Natural Resource Protection and Management and Chapter 34 - Zoning.
 - Old Business: None**
 - 8. Public Comment**

Comments regarding items not on the agenda. Citizens are encouraged to speak; however, comments should be limited to three minutes.
 - 9. Board comment**
 - 10. 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

January 4, 2024 Planning, Zoning and Appeals Board Minutes

Type

Minutes



Crossroads of Flagler County

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

PLANNING, ZONING AND APPEALS BOARD MINUTES

Thursday, January 4, 2024

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; Janice Catoggio, Voting Alternate Board Member.

Excused: Lyn Lafferty

Non-Voting: Adrian Calderin, Community Development Coordinator; Marcus DePasquale, City Engineer; Paul Waters, City Attorney; William Whitson, Intergovernmental School Planner.

2. Disclosure of Ex-Parte communications.

None

3. Approval of Minutes

a. November 7, 2023 Planning, Zoning and Appeals Board Minutes

Motion: Approve the November 7, 2023 Planning, Zoning and Appeals Board Meeting Minutes.

Moved By: Gary Masten

Seconded By: Gary Garner

Board Discussion: None

Public Discussion: None

Vote: Motion carried by unanimous vote.

New Business:

4. FLUMA 2023-12 Requesting to change the Future Land Use Map in the Comprehensive Plan for 2.88+/- of land, owned by the City of Bunnell, located at 2400 Commerce Pkwy from "Commercial-Medium (COM-M)" to "Public (PUB)" Future Land Use designation.

Community Development Coordinator Calderin introduced and explained the item. He explained this amendment is for the new City Admin and PD Complex, and according to FLU Policy 12.2, the City shall initiate a land use amendment to redesignate property to the Public land use after the purchase and/or development by the government entity.

Motion: Approve FLUMA 2023-12 Requesting to change the Future Land Use Map for 2.88+/- acres owned by the City of Bunnell.

Moved By: Gary Masten
Seconded By: Gary Garner
Board Discussion: None
Public Discussion: None
Vote: Motion carried by unanimous vote.

5. **ZMA 2023-12 Requesting to change the Official Zoning Map for 2.88+/- acres of land, owned by the City of Bunnell, located at 2400 Commerce Pkwy from the "B-1, Business District" to the "P, Public District".**
Community Development Coordinator Calderin introduced and explained the item. He explained this is the companion item to the proposed Future Land Use Map amendment. Florida Statute requires zoning to be compatible and consistent with the Future Land Use designation. The proposed zoning is a one-to-one match with the proposed Future Land Use.

Motion: Approve ZMA 2023-12 Requesting to change the Official Zoning Map for 2.88+/- acres of land owned by the City of Bunnell.

Moved By: Gary Garner
Seconded By: Gary Masten
Board Discussion: None
Public Discussion: None
Vote: Motion carried by unanimous vote.

6. **MJSP 2023-16 Request Major Site Plan Approval for the City Admin/Police Department Complex**
Community Development Coordinator Calderin introduced and explained the item. He explained the City has been in discussions with the contractor awarded the bid from RFQ 2022-02. The project consists of the construction of a 17,852 square foot one-story building on 2.88+/- acres of land that will house the offices for City departments including Community Development, IT, Infrastructure, Finance, Executive, and Police Department and a City Meeting Chamber.

Motion: Approve MJSP 2023-16 Request major site plan approval for the City Admin/Police Department Complex.

Moved By: Janice Catoggio
Seconded By: Gary Masten
Board Discussion: None
Public Discussion: None
Vote: Motion carried by unanimous vote.

7. **Ordinance 2024-XX Amending the Capital Improvements Plan**
Community Development Coordinator Calderin introduced and explained the item. He stated per state statute 163.3177(3)(b), the City is required to annually amend its five-year schedule of capital improvements. This proposed amendment is for fiscal years 2023-2028.

Co-Chair Masten asked what the major changes are. Community Development Coordinator Calderin explained what the updates to the schedule entail.

Intergovernmental Planner Whitson stated in fiscal year 2029/2030, the School District is looking to potentially add new schools in the County according to their forecast.

Motion: Approve Ordinance 2024-XX Amending the Capital Improvements Plan.

Moved By: Gary Garner

Seconded By: Gary Masten

Public Discussion: None

Vote: Motion carried by unanimous vote.

Old Business: None

8. Public Comment

None.

9. Board comment

Community Development Coordinator Calderin stated the next PZA Meeting is February 6, 2024.

Co-Chair Masten asked if we are soliciting applications for the vacated Board Member seat. Community Development Coordinator Calderin said the City has already advertised the position and once applications are submitted, it will be put on the City Commission agenda.

Co-Chair Masten asked if the City Commission needs to formally recognize Alternate Board Member Catoggio as a regular member of the Board. Community Development Coordinator Calderin stated that is correct. The City Commission needs to approve the transition to the vacated regular member position, and it has been put on the City Commission agenda for the second meeting in January.

10. Adjournment of Planning and Zoning Meeting

Motion: Adjourn

Moved By: Gary Garner

Seconded By: Janice Catoggio

Vote: Motion carried by unanimous vote

PZA Chair

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



City of Bunnell, Florida

Agenda Item No. 4.

Document Date: 1/8/2024
Department: Community Development
Subject: RSD 2023-02 Request approval for the Family Estates Rural Subdivision via Administrative Order 2024-XX

Property Address:
Zoning Designation: AG&S
Future Land Use Designation: Agriculture & Silviculture
Agenda Section: New Business

ATTACHMENTS:

Description	Type
Admin. Order 2024-XX Family Estates Rural Subdivision	Exhibit
Admin. Order Exhibit "A" - Location Map	Exhibit
Admin. Order Exhibit "B" - Family Estates Rural Subdivision	Exhibit

Summary/Highlights:

The proposed request entails the subdividing of a 35+/- acre parcel into three separate lots: Lot 1 will be 12.16+/- acres, Lot 2 will be 12.16+/- acres, and Lot 3 will be 10.1+/- acres for the purposes of creating a rural subdivision.

The action of creating a rural subdivision is done through the approval of an Administrative Order by the City Commission and is attached to this report.

The owners intend to build single-family residences on the newly created lots.

Background:

The owners of the subject property, Vyacheslav Cheban, Oleksandr Cheban, and Pavel Dimov, are requesting approval of the subdivision of the subject parcel into three (3) separate parcels. The parcel to be subdivided is located on the east side of the intersection of County Road 75 and County Road 302. Parcels 1 and 2 will have direct access to County Road 302 and Parcel 3 will have access via a 25 foot ingress/egress access and Utility easement.

The Future Land Use designation of the subject parcel is AG&S (Agriculture and Silviculture) which supports residential uses but does not intend for larger development. Due to the location and zoning of the subject parcel, the subdivision would be considered a rural subdivision as described in FLU Policy 16 of the 2035 Comprehensive Plan, which highlights accommodating low-density

residential uses utilizing a maximum density of one dwelling unit per five acres. In concert with the FLU Policy 16, section 30-3 of the City of Bunnell, Land Development Code gives a more detailed explanation, Specifically, the intent stated in this referenced section of the Code, acknowledges the findings of fact that the majority of the City's land base is rural in nature, which therefore, will offer supporting agricultural and silviculture uses with rural subdivision in approved locations. Thus, residential uses would be viable use of the parcels to be split as well as agricultural and silvicultural uses.

The request to subdivide the subject parcel into three lots meets the intent that is sought to create and enhance residential areas where agricultural use compatible with a residential use is desired. In this regard, the request is consistent with the zoning district as the rural subdivision criteria entails each parcel is adhering to the minimum parcel size of five acres or greater.

The proposed rural subdivision meets the rural subdivision criteria listed in Sections 30-9 and 34-190 of the Land Development Code.

Staff Recommendation:

Staff recommends the Planning, Zoning and Appeals Board recommend approval to the City Commission for the Family Estates Rural Subdivision via Administrative Order 2024-XX.

City Attorney Review:

Approved

**CITY OF BUNNELL, FLORIDA
CITY COMMISSION
ADMINISTRATIVE ORDER 2024-XX**

AN ORDER OF THE CITY OF BUNNELL, FLORIDA CITY COMMISSION APPROVING THE MINOR RURAL SUBDIVISION REPLAT APPLICATION NO. RSD 2023-02, FAMILY ESTATES RURAL SUBDIVISION, A REPLAT OF BLOCK 2, TRACTS 1-3, PARCEL NO. 13-12-29-5550-00020-0010 OF ST. JOHNS DEVELOPMENT COMPANY SUBDIVISION TO LEGALLY SUBDIVIDE THE LOT INTO THREE SEPARATE PARCELS FOR THE FAMILY ESTATES RURAL SUBDIVISION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Vyacheslav Cheban, Oleksandr Choban, and Pavel Dimov (hereinafter the “Owners”) owns certain real property assigned Tax Parcel Identification Number 13-12-29-5550-00020-0010(hereinafter “Property”); and

WHEREAS, the above-described real property will be split into 3 lots: Lot 1 will be 12.16+/- acres, Lot 2 will be 12.16+/- acres, and Lot 3 will be 10.1+/- acres with Lots 1 and 2 having direct access to the improved County Road 302 while Lot 3 will have access via a mutual non-exclusive 25 foot ingress/egress and Utility easement; and

WHEREAS, the Applicant has submitted a Minor Rural Subdivision Replat Application No. RSD 2023-02, which is comprised of a signed and sealed sketch and legal for the Minor Rural Subdivision Replat, prepared by A1A East Coast Land Surveying, LLC, initially submitted on November 15th, 2023; and

WHEREAS, the Applicant seeks to legally subdivide the Property into three separate lots; and

WHEREAS, the Minor Rural Subdivision would result in the creation of 3 lots of a new subdivision, Family Estates Rural Subdivision; and

WHEREAS, the Property is Zoned AG&S (Agricultural and Silviculture District); and

WHEREAS, the City’s Planning, Zoning and Appeals Board held a public hearing on February 6th, 2024, and considered the evidence and testimony relating to the proposed Minor Rural Subdivision provided by City Staff and public comment regarding the subject subdivision; and

WHEREAS, the City’s Planning, Zoning and Appeals Board found that the proposed Minor Rural Subdivision is consistent with the City of Bunnell Rural Subdivision Regulations and recommended approval of the Minor Rural Subdivision to the City Commission; and

WHEREAS, on _____, 2024, the City Commission conducted a duly noticed public hearing on the proposed Minor Rural Subdivision and staff presented conclusions and findings of fact:

1. The proposed Minor Rural Subdivision complies with the Rural Subdivision specifications and design standards of the City Rural Subdivision Regulations (Sections 34-190 & 30-9).
2. The Minor Rural Subdivision is in conformance with the City's Rural Subdivision Regulations (Sections 34-190 & 30-9), the Land Development Code (Chapters 34 and 30), and all other applicable City Code requirements, including development of the land designed to preserve the unique rural character of the City and enacted in order to protect, promote, and improve the public health, safety, comfort, order, appearance, convenience, morals, and general welfare of the people.
3. The Minor Rural Subdivision is in conformance with City policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and if private, the guarantees for continued maintenance.
4. The three lots comply with the minimum lot width, depth, and area requirements for their respective zoning district, AG&S.
5. The road access meets all of the minimum requirements, as required by the City Rural Subdivision Regulations.
6. The proposed subdivision use, and density are consistent with the Future Land Use as identified within the Future Land Use Element of the City's 2035 Comprehensive Plan.
7. All procedural and substantive requirements of the City Code regarding the subdivision application have been satisfied.

NOW THEREFORE, the City of Bunnell, Florida hereby authorizes the Minor Rural Subdivision as represented in Exhibit "B" attached hereto and incorporated herein by reference and directs that this Administrative Order be recorded in the public records of Flagler County and shall run with the real property described as generally depicted in Exhibit "A", to serve as a covenant and restriction on the property.

IF THIS ADMINISTRATIVE ORDER IS NOT RECORDED WITHIN A YEAR OF THE DATE OF APPROVAL, THEN IT SHALL BECOME NULL AND VOID.

ANY FURTHER DIVISION OF THIS LAND OTHER THAN WHAT IS AUTHORIZED BY THIS ADMINISTRATIVE ORDER MUST ABIDE BY THE REQUIREMENTS FOR A SUBDIVISION OF LAND AS DEFINED BY THE CITY LAND DEVELOPMENT REGULATIONS AND FLORIDA STATUTES.

Section 1.

The above recitals are true and correct and are fully incorporated herein by reference.

Section 2.

The Minor Rural Subdivision application for a three-lot subdivision, Family Estates Rural Subdivision, located directly to the east of intersection of County Road 302 and County Road 65, recognized currently as Parcel Identification No. 13-12-29-5550-00020-0010 is hereby approved.

Section 3.

The applicant shall submit the original and one copy of the approved Minor Rural Subdivision within thirty (30) days of recording and the applicant shall provide the City with the costs of processing and advertising the request.

Section 4.

This Minor Rural Subdivision Administrative Order shall become effective immediately upon adoption.

ORDERED at a meeting of the City Commission of the City of Bunnell, Florida on the _____ day of _____, 2024.

This proposed Minor Rural Subdivision is approved by:

Catherine D. Robinson, Mayor

Approved for form and content by:

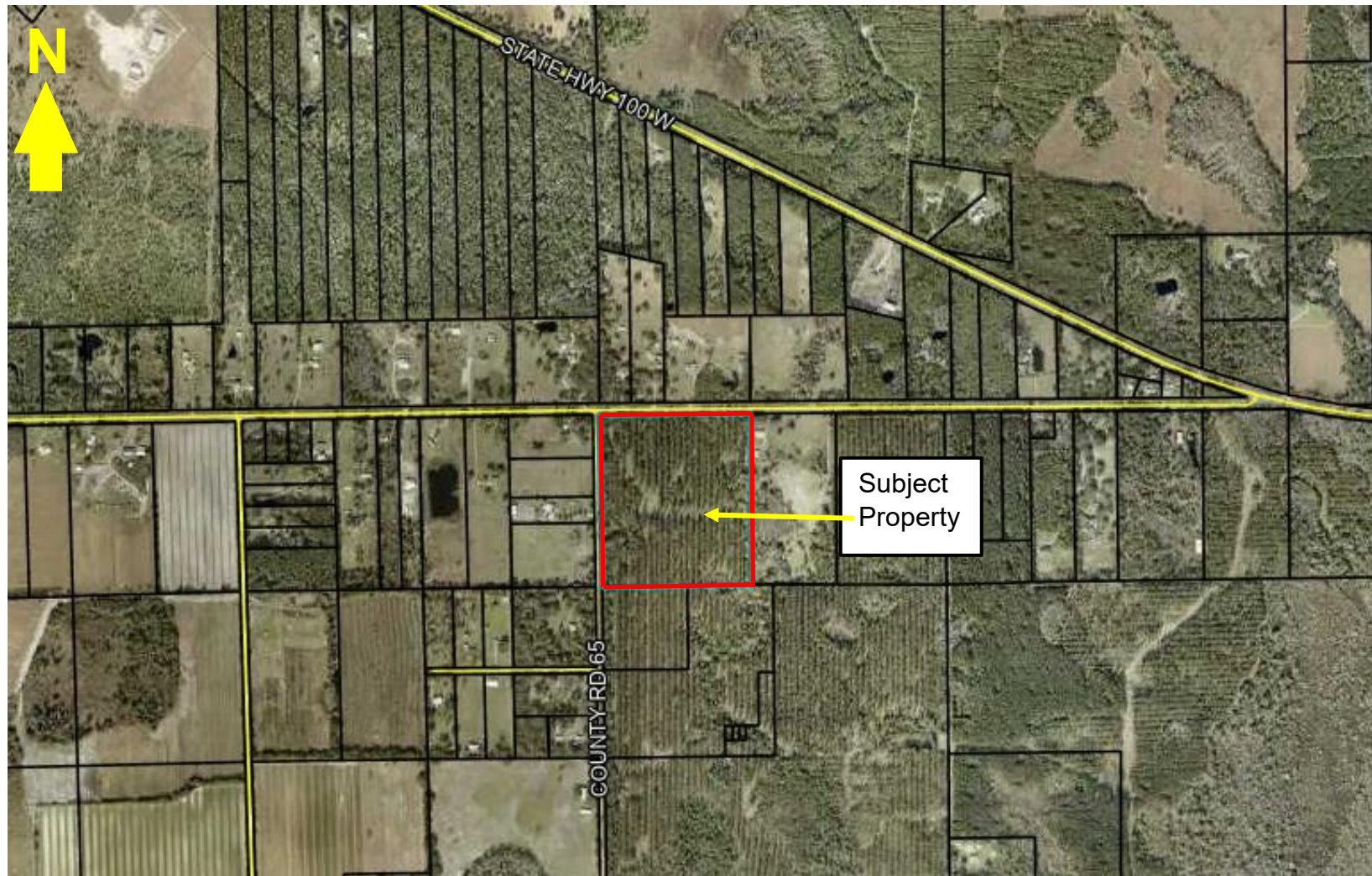
Vose Law Firm, City Attorney

Attest:

Seal:

Kristen Bates, CMC, City Clerk

Location Map



Family Estates

Northwest Corner of Block 2
St Johns Development Co. Map Book 1 Pg 7
Northwest Corner of the Northeast Quarter
of Section 13 Township 12S Range 29E

RURAL SUBDIVISION BUNNELL FLAGLER COUNTY FLORIDA

CR 302 95' R/W

N.89°32'50"E 1135.96'(M)

DESCRIPTION: OVERALL

THAT PART OF BLOCK 2, LYING WEST OF O.R. 250, PAGE 339, AND SOUTH OF COUNTY ROAD 302, ALL IN GOVERNMENT SECTION 13, TOWNSHIP 12S, RANGE 29E, ST. JOHNS DEVELOPMENT COMPANY SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 7, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA

DESCRIPTION: Parcel 1

THAT PART OF BLOCK 2, LYING WEST OF O.R. 250, PAGE 339, AND SOUTH OF COUNTY ROAD 302, ALL IN GOVERNMENT SECTION 13, TOWNSHIP 12S, RANGE 29E, ST. JOHNS DEVELOPMENT COMPANY SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 7, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF FORESAID BLOCK 2; THENCE RUN N.89°32'50"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 302 567.57'; THENCE S.00°49'40"E 930.88'; THENCE S.89°07'20"W 567.57' TO THE WEST LINE OF FORESAID BLOCK 2; THENCE N.00°49'40"W 935.09' TO THE POINT OF BEGINNING.

SUBJECT TO & TOGETHER WITH A MUTUAL NON-EXCLUSIVE 25 FOOT INGRESS/EGRESS AND UTILITY EASEMENT

DESCRIPTION: Parcel 2

THAT PART OF BLOCK 2, LYING WEST OF O.R. 250, PAGE 339, AND SOUTH OF COUNTY ROAD 302, ALL IN GOVERNMENT SECTION 13, TOWNSHIP 12S, RANGE 29E, ST. JOHNS DEVELOPMENT COMPANY SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 7, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF FORESAID BLOCK 2; THENCE RUN N.89°32'50"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 302 567.57' TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE N.89°32'50"E 568.39'; THENCE S.01°02'52"E 926.67'; THENCE S.89°07'20"W 571.92'; THENCE N.00°49'40"W 930.88' TO THE POINT OF BEGINNING.

SUBJECT TO & TOGETHER WITH A MUTUAL NON-EXCLUSIVE 25 FOOT INGRESS/EGRESS AND UTILITY EASEMENT

DESCRIPTION: Parcel 3

THAT PART OF BLOCK 2, LYING WEST OF O.R. 250, PAGE 339, AND SOUTH OF COUNTY ROAD 302, ALL IN GOVERNMENT SECTION 13, TOWNSHIP 12S, RANGE 29E, ST. JOHNS DEVELOPMENT COMPANY SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 7, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF FORESAID BLOCK 2; THENCE RUN S.00°49'40"E ALONG THE WEST LINE OF FORESAID BLOCK 2 935.09' TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE S.00°49'40"E 385.00'; THENCE N.89°07'20"E 1140.97'; THENCE N.01°02'52"W 385.00'; THENCE S.89°07'20"W 1139.49' TO THE POINT OF BEGINNING.

SUBJECT TO & TOGETHER WITH A MUTUAL NON-EXCLUSIVE 25 FOOT INGRESS/EGRESS AND UTILITY EASEMENT

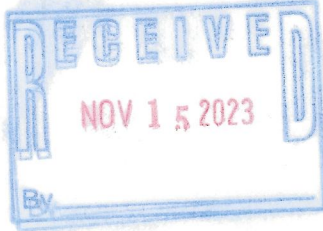
DESCRIPTION: Mutual Non-exclusive 25 foot Ingress/Egress & Utility Easement

THAT PART OF BLOCK 2, LYING WEST OF O.R. 250, PAGE 339, AND SOUTH OF COUNTY ROAD 302, ALL IN GOVERNMENT SECTION 13, TOWNSHIP 12S, RANGE 29E, ST. JOHNS DEVELOPMENT COMPANY SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 7, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF FORESAID BLOCK 2; THENCE RUN N.89°32'50"E ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 302 567.57' TO THE NORTHWEST CORNER OF PARCEL 2 ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE N.89°32'50"E 5.00'; THENCE S.00°49'40"E 409.20'; THENCE S.08°39'54"E 110.00'; THENCE S.00°49'40"E 412.65' TO A POINT ON THE NORTH LINE OF PARCEL 3; SAID POINT BEING 20.00' EAST FROM THE SOUTHWEST CORNER OF PARCEL 2; THENCE N.89°07'20"E ALONG NORTH LINE OF PARCEL 3 137.50'; THENCE S.00°49'40"E 25.00'; THENCE S.89°07'20"W 300.00'; THENCE N.00°49'40"W 25.00' TO THE SOUTH LINE OF PARCEL 1; THENCE N.89°07'20"E 137.50' TO A POINT, SAID POINT BEING 5.00' WEST FROM THE SOUTHEAST CORNER OF PARCEL 1; THENCE N.00°49'40"W 409.23'; THENCE N.08°39'54"W 110.00'; THENCE N.00°49'40"W 412.80' TO THE NORTH LINE OF COUNTY ROAD 302; THENCE N.89°32'50"E 20.00' TO THE NORTHEAST CORNER OF PARCEL 1 AND THE POINT OF BEGINNING.

LEGEND

FD.....FOUND
R/W.....RIGHT OF WAY
LS.....LICENSED SURVEYOR
LB.....LICENSED BUSINESS
● IR...5/8" IRON ROD
○ IP... IRON PIPE
PSM...PROFESSIONAL SURVEYOR & MAPPER
C.R....COUNTY ROAD
O.R....OFFICIAL RECORDS BOOK
L.....LENGTH
(M)..... MEASURED
(D)..... DESCRIPTION



GENERAL NOTES:

PER City of Bunnell Adoption of Municode:
Section 30-9(3) Rural Developments:
1.) The location and design of all homes constructed within the non-platted Rural Subdivision shall conform to firewise communities standards promulgated by the Division of Forestry of the Florida Department of Agriculture and Consumer Services, as set forth in Section 34-190 and as required in all applicable zoning and land development requirements.

PER Section 34-190(3) - Rural Subdivisions:
2.) Wildfire vulnerability prevention requirements, including mitigation measures addressing building design and materials, site design, and landscaping (including defensible space requirements and plant materials) shall be outlined prior to construction as set forth by City Officials.

REVISIONS
11/08/23 rural sub 2311030 ACS

THE FOREGOING SKETCH & LEGAL MEET THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, AS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

A Sanzone

11/08/2023

ANTHONY SANZONE PSM NO. 6309 LB NO. 8107
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

TYPE OF SURVEY:
SKETCH & LEGAL

A1A EAST COAST LAND SURVEYING, LLC

1366 US Highway 1 Suite 602, Ormond Beach FL 32174
PHONE (386) 672-3633 or (386) 437-0123 FAX (386) 672-3635

DRAWING FILE NAME: --

FILE: --

PREPARED FOR:
-- VYACHESLAV CHEBAN
-- OLEKSANDR CHOBAN
-- PAVEL DIMOV

OFFICE WORK BY : ACMS
DATE: 11/08/23 WO# 2310068



City of Bunnell, Florida

Agenda Item No. 5.

Document Date: 1/8/2024
Department: Community Development
Subject: SE 2023-06 Request approval of the special exception to store commercial vehicles and equipment on 105 North Forsyth Street
Property Address: 105 N. Forsyth St.
Zoning Designation: R-2, Multiple Family Residential
Future Land Use Designation: Single Family-Medium Density
Agenda Section: New Business

ATTACHMENTS:

Description	Type
Location Map	Location Map(s)
Project Narrative	Exhibit
Owner Statement	Exhibit
Site Plan	Plans

Summary/Highlights:

The applicant, Udell's Landscaping Services LLC, is requesting special exception approval to use the site that currently retains a residential zoning for the storage of commercial vehicles and equipment related to the applicant's landscaping business alongside the existing use of a single-family residence.

In accordance with local notification requirements, notice was provided in the Observer Local News on January 25th, 2024; letters providing notice of the hearing date, time, and location were sent to adjacent property owners within 300 feet of the subject property in the City of Bunnell limits on January 22, 2024; a sign showing the action being requested and the hearing date, time, and location was posted on site on January 22, 2024.

Background:

The applicant, Udell's Landscaping Services LLC, currently owns the subject property located at 105 N. Forsyth St. The property, according to current City records, is being utilized for a single-family residence. The residence on site was built back in 1960, according to the Flagler County Property Appraiser's Office, and is has depreciated over time. The applicant has made progress in restoring and beautifying the building/property. He has been operating his business out of the property for over a year but is making an effort to do the right thing.

The property is currently zoned R-2, Multiple Family Residential with an underlying Future Land Use designation of Single Family-Medium Density. Within the surrounding area are a mix of residential, commercial, and industrial uses, but in the immediate area are mainly commercial and residential. Directly adjacent to and across the roadway are single-family residences. There are also two commercial businesses operating across the roadway within the same block. Further down North Forsyth St is another commercial lot with an operating business. Behind the property are two multi-family zoned lots and the Pine Forest Mobile Home Park. The general nature in an estimated 300-foot radius of the property is an evenly mix of residential and commercial uses.

According to Sec. 34-112, use being requested is not listed within the permitted special exceptions; however, it does state "Other uses not listed above that may be compatible with and complement the permitted uses of the district as approved by the planning, zoning, and appeals board." The character and intent of the requested use is not intense in nature and does not pose a nuisance or a detriment to the surrounding properties. The property itself has an opaque white vinyl fence surrounding the entire lot and any potential vehicles parked on site will be visually buffered from the Right of Way. The applicant is also proposing to construct a garage/carport to house his company's vehicles should his request be approved.

The applicant has stated the company's employees will not operate on site in between the hours of operation except for the pickup of vehicles, trailers, and/or equipment and for dropping off said company equipment at the end of the business day. He has also stated there are plans, once the building is brought back up to standards, to utilize the existing residence for workforce housing.

Staff Recommendation:

Staff is recommending approval of the special exception to allow the parking/storage and operation of the landscaping business on the subject property with the following conditions to ensure the use does not adversely impact the surrounding area:

1. The property must adhere to the noise limitations outlined in Section 26-199 of the Code of Ordinances. Any violation of these limitations will follow adhere to Section 26-203 of the Code of Ordinances.
2. All proposed parking for the storage of the company's vehicles and/or trailers shall be that of a sealed surface according to Section 34-202(7).
3. The special exception use shall remain incidental and accessory to the existing residential building.
4. Commercial vehicles permitted to park overnight on the property shall be small in nature such as pickup trucks and associated light duty single axle landscape trailers. Trailers used for hauling small lawn mowers, edgers, weed eaters, and associated small equipment shall be allowed as well. No more than five (5) company vehicles and/or trailers shall be stored on site at any given time.
5. Heavy Duty trucks and trailers shall be prohibited on the property. These will include, but are not limited to, dump trucks, industrial vehicles, and tow trucks.
6. Storage of any landscaping materials and/or supplies on the subject property, such as sod, pavers, stones, concrete, mulch, fill material, soil, and other materials considered to be used by the landscaping company, shall be prohibited.
7. Storage of any debris collected through business operations, such as, but not limited to, tree and landscape debris, shall be prohibited on site.

8. This special exception use shall only be effective for the current owner of the property, Udell's Landscaping Services LLC, and will not be transferrable should the ownership of the property ever change. If under any circumstance the ownership of the property changes, this special exception shall become null and void.

City Attorney Review:

Approved

Location Map





STEPHENSON, WILCOX & ASSOCIATES, INC.

CIVIL ENGINEERS - LAND SURVEYORS - CONSULTANTS - PLANNERS
2729 E MOODY BLVD, STE 400 - PO BOX 186 - BUNNELL, FL 32110
OFFICE 386.437.2363 - FAX 386.437.0030 - EMAIL INFO.SWA@GMAIL.COM

October 16, 2023

Planning, Zoning, & Appeals Board Members
City of Bunnell

RE: 105 North Forsyth Street
Special Exception Narrative
Parcel ID: 10-12-30-0850-02710-0030

Dear Board Members,

The firm of **Stephenson, Wilcox and Associates, Inc. (SWA, Consultant)** is pleased to submit the following narrative for the Special Exception application for 105 North Forsyth Street on behalf of **Udell's Landscaping Services LLC (Client, Company)**.

OVERVIEW

Project Description

The subject property is located along Forsyth Street, being approximately 160 feet northwest of its intersection with Moody Boulevard (a.k.a. State Road 11), having a municipal address of 105 North Forsyth Street, Bunnell, FL 32110. The property is currently developed as a single-family residence that has been previously in a state of disrepair. The purpose of the Special Exception is to allow the current property owner, Udell's Landscape Services LLC, to add the use of storing vehicles, trailers, and/or equipment, etc. that is imperative to the operation of the company.

Site Data

The existing zoning classification for this parcel is R-2 (Multiple-Family Residential District) in accordance with the Bunnell Zoning Code. The Future Land Use Map designation for the site is SF-MED (single family – medium density). The proposed use is in accordance with the existing zoning classification and the Future Land Use Map for the City of Bunnell.

EXISTING SITE CONDITIONS

Existing Use and Cover

In 1960, this site was developed as a 900 square foot single family residence. This same home remains on the property, but now is in a state of disrepair and is vacant. The new owners are working diligently to renovate the home and return it to a condition that will be appreciated by neighbors and the City of

Bunnell. The majority of the property, from the front of the house rearward, is surrounded by a fully opaque vinyl fence with a gate to restrict access and visually buffer the property.

PROPOSED SITE CONDITIONS

Proposed Structure

The landowner is currently in the permitting process to add an 840 square foot garage/carport structure to the rear of the site. This building will accommodate the new use of the property. City of Bunnell Land Development Code (LDC) establishes a framework and criteria for the design and approval of this site. The proposed project has been designed in accordance with these and other provisions of the LDC. All lot dimensions, coverage, and setbacks are proposed in accordance with the LDC.

SPECIAL EXCEPTION

Use

Within the R-2 zoning, parking/storage of commercial vehicles, trailers or equipment is not a principally permitted use. However, under Section 34-112.c.5 in the LDC, “other uses not listed above that may be compatible with and compliment the permitted uses of the district as approved by the planning, zoning, and appeals board” are permitted under special exception. The proposed use of parking/storage will be an accessory use to the primary use, which is a single-family residence. To be more specific, the land owner will use the property as a safe site to park the company vehicles and equipment when not in use. The proposed garage/carport mentioned previously will act as the main storage location for the vehicles/equipment. Any other parking will remain on a stabilized surface as allowed within the LDC and shall not infringe on the maneuverability within the site.

Justification

While this property is residential, the proposed use will not result in a large commercial presence. Employees will arrive in the morning to pick up their trailer/equipment and depart the site promptly to perform work activities within their service area. At the end of business hours, employees will drop off their trailer/equipment and once again depart the site promptly. The fence surrounding the property has been utilized to offer visual buffering to the neighboring properties.

These residences do not exist within a residential neighborhood. Across Forsyth Street and State Road 11, the majority of parcels are B-1 (Business District), so there is already a commercial presence in the area as well as the site’s proximity to State Road 11, being a major thoroughfare. It is our opinion that the impacts will be negligible.

Hardship

Unfortunately, if the special exception is not granted and the site can not be used by Udell’s Landscape Services LLC in this manner, they will be forced to sell the property and move the business elsewhere, most likely within City of Palm Coast city limits. This event would cease residence renovations as well.

We appreciate the time and effort of the board members in their review of this site.

Sincerely,

STEPHENSON, WILCOX AND ASSOCIATES, INC.

Noah Goerlich 10/19/23

Noah Goerlich

Engineering Division Manager

Udell's Landscape Services, LLC.

16 Piedmont Drive, Palm Coast, FL 32164
Office: 386-931-6539/Direct Cell: 386-225-0154

10/23/2023

To Whom it May Concern,

My name is Corey Udell and I am the owner of Udell's Landscape Services LLC. I opened Udell's in 2004 and have proudly serviced Flagler County area for 19 years. I grew up in Flagler County and decided to stay and raise my own family here. My wife Michelle and I have two children, Tyler, and Leah. We are involved in our community, local sports, and our church.

Udell's proudly sponsors local sports, community events, and currently takes care of the historic courthouse in Bunnell that is being used as a Christian school. We also maintain other commercial properties in Palm Coast.

I believe there is so much potential to bring more business into Bunnell. With landscape being our focus, we believe having a property with curb appeal makes a huge difference. 105 N Forsyth is surrounded by business and us taking over that run-down building will make a huge difference. As we believe in well landscaped property, I have attached pictures of our residence in Palm Coast and the upkeep of our personal home.

We operate out of that property Monday - Friday usually from 7:30-5. We are normally not there between those times. We go there, get set up for the day in our trucks and trailers and are gone until our day is done. The only time we are later or must go there on Saturday's is if the weather or some unforeseen circumstance comes up.

We purchased the property back in November of 2021 and have been working out of the property with no problems. The surrounding people have been very pleasant and welcoming and happy to see us there.

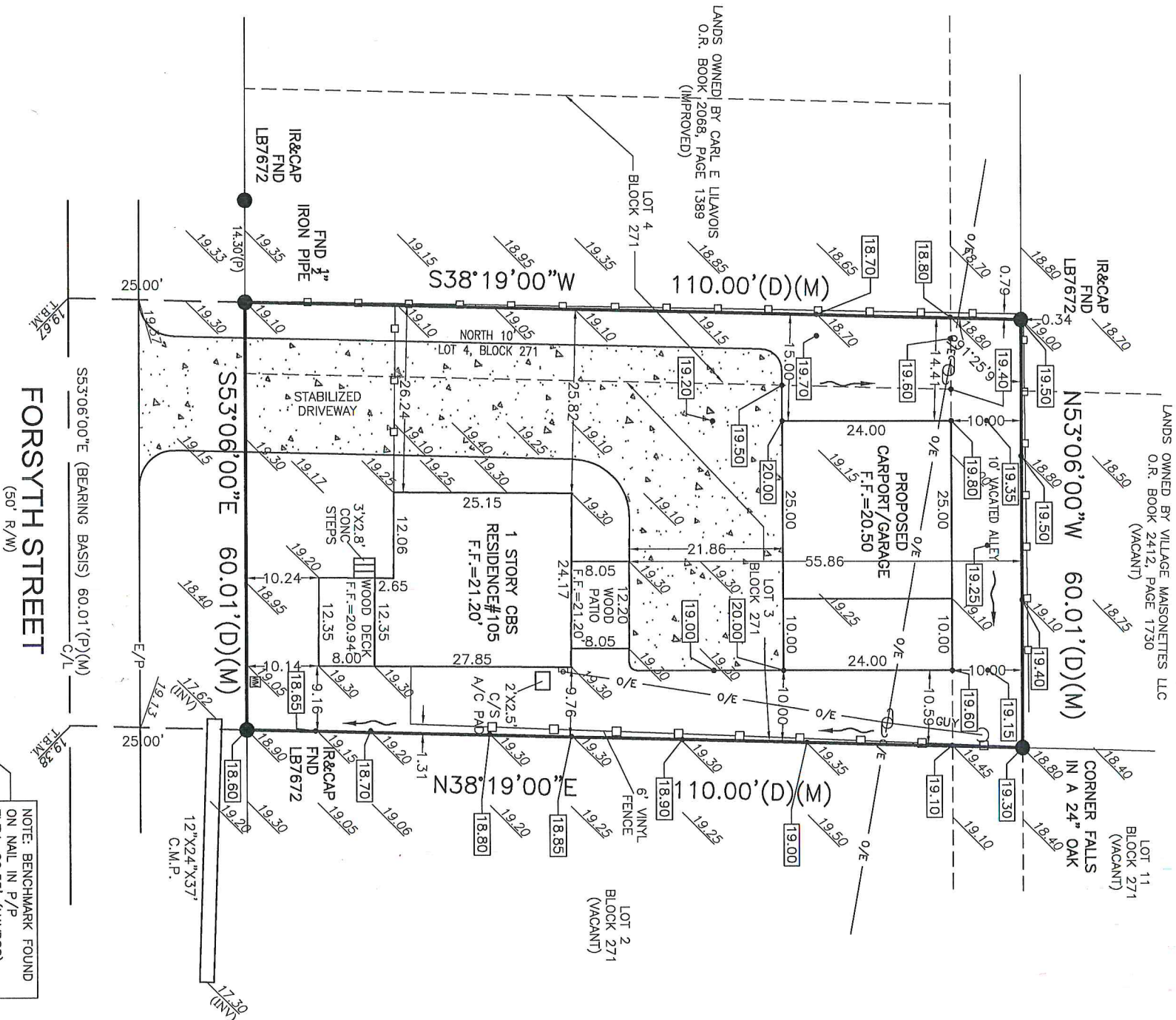
Our focus of the property is to use this property for the hub of Udell's Landscape with the intentions to store our trailers at the property.

We would greatly appreciate approval of this request as Udell's can offer upscale services to the Bunnell area proudly!

Sincerely,



Corey Udell



FORSYTH STREET
(50' R/W)

NOTE: BENCHMARK FOUND
ON NAIL IN P/P
ELEV.=20.55' (NAVD88)

SITE DATA TABLE

PARCEL ID / ADDRESS	105 NORTH FORSYTH STREET
PARCEL SIZE	6,599 SQFT
EXISTING USE	RESIDENTIAL
PROPOSED USE	SINGLE-FAMILY RESIDENCE / COMPANY EQUIPMENT STORAGE
CURRENT ZONING	R-2 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT)
FLUM DESIGNATION	SF-MED (SINGLE FAMILY - MEDIUM DENSITY)
BUILDING AREA	REQUIRED
BUILDING HEIGHT	3,300 SQFT MAX
BUILDING COVERAGE	35 FT MAX
LOT COVERAGE	50% MAX
FRONT SETBACK	50% MAX
REAR SETBACK	15 FT MINIMUM
LEFT SIDE SETBACK	10 FT MINIMUM
RIGHT SIDE SETBACK	10 FT MINIMUM

REVISIONS:
ENGINEERED SITE PLAN / GRADING PLAN
TYPE OF SURVEY: BOUNDARY / LOCATION / TOPOGRAPHIC
NOTE: PURSUANT TO FLORIDA STATE LAW, THIS SURVEY IS VALID NO MORE THAN 90 DAYS FROM DATE OF LAST FIELD WORK

DESCRIPTION: PARCEL C: LOTS 3 AND THE NORTH 10' OF LOT 4 ADJOINING PORTION OF A VACATED ALLEY OF BLOCK 271, TOWN OF BUNNELL,
AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:

- 1/2" Iron Rod set "LB7672"
- 5/8" Iron Rod found
- 1/2" Iron Pipe
- Nail and Disk set "LB7672"
- Nail and Disk found
- Concrete Monument set
- Concrete Monument found
- Permanent Reference Monument
- Found
- Licensed Business
- Licensed Surveyor
- Professional Surveyor & Mapper
- Official Records Book
- Page

DRAINAGE LEGEND

- EXISTING GRADE
- PROPOSED GRADE
- PROPOSED FLOW ARROWS
- The final design is to be reviewed and approved by the city, county, or other agencies

PI= PROPERTY LINE
FL= FLOW LINE
B= BERM
INV.= INVERT
HP= HIGH POINT
LP= LOW POINT
EX.= MATCH EXISTING

PT Point of Tangency
PI Point of Intersection
UE Utility Easement
D/E Drainage Easement
L/E Landscape Easement
N.G.V.D. National Geodetic Vertical Datum
M.S.L. Mean Sea Level
B.M. Bench Mark
T.B.M. Temporary Bench Mark
TOB Top Of Bank
TOE Toe of slope
F.F. First Floor Elevation
C.B.S. Concrete Block & Stucco
C/S Conc.
A/C Air Conditioner Pad
E/GP Pool Equipment Pad
PEP Pretreatment Effluent Pumping Tank
O/E Overhead Electric P/P - Power Pole
Mantle
Telephone Riser
Cable Television Riser
Fiber Optic Riser
Water Meter
Electric Meter
Fire Hydrant
Wood Fence
Viny Fence
Chain Link Fence

- NOTES:
- The entire map encompassing this survey is recorded in Map Book 1, Pages 2.
 - Elevations refer to N.A.V.D. 1988 datum and reference local datum.
 - Underground improvements and utilities not located.
 - Bearings refer to plat datum and to the centerline of Forsyth Street as being S53°06'00"E.
 - Property lies in Flood Zone "X", with reference to Map No. 12035C0209E, Effective Date: June 6, 2018. This location is based on maps prepared by the Federal Emergency Management Agency. Find location and flood zone determination rest with said agency and based on N.A.V.D. 1988 datum.
 - Description provided by client.
 - No search for encumbering instruments was made by surveyor.
 - Error of closure meets or exceeds 1:7500 feet.

CLIENT INFO	COREY UDELL 16 PIEDMONT DRIVE PALM COAST, FL 32164
JOB TYPE:	FIELD DATE 10/21/23
BOUNDARY	OFFICE DATE 10/05/23
SITE PLAN	JOB NO. 23-3283
HOUSE STAKE	BY: CJB
FOUNDATION	10/16/23
Final	23-3283
	NJC

STEPHENSON, WILCOX & ASSOCIATES, INC. CIVIL ENGINEERS • LAND SURVEYORS • CONSULTANTS • PLANNERS

2729 E. Moody Blvd., Ste. 400
PO Box 186 Bunnell FL 32110
Phone: 386.437.2363 • Email: info.swa@gmail.com

I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.027, Florida Statutes, and adopted in Chapter 5J-17 Florida Administrative Code.

DANA A. WILCOX Jr., PSM No. 5749, PE No. 57633

Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.

SHEET 1 of 1



City of Bunnell, Florida

Agenda Item No. 6.

Document Date: 1/8/2024
Department: Community Development
Subject: Ordinance 2024-XX Amending the Future Land Use Element and the Conservation Element in the City of Bunnell 2035 Comprehensive Plan

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

ATTACHMENTS:

Description	Type
Ordinance 2024-XX Comprehensive Plan Text Amendments	Ordinance
Ordinance Exhibit "A" - FLU Objective 7	Exhibit
Ordinance Exhibit "B" - FLU Objective 11	Exhibit
Ordinance Exhibit "C" - FLU Objective 13	Exhibit
Ordinance Exhibit "D" - FLU Objective 18.2	Exhibit
Ordinance Exhibit "E" - CON Objective 1.7	Exhibit
Ordinance Exhibit "F" - CON Objective 1.11	Exhibit
Comprehensive Plan Text Amendments Data & Analysis	Report
Business Impact Estimate (Ord. 2024-XX Comp Plan Text Amendments)	Exhibit

Summary/Highlights:

This is an administrative proposal to amend the City's Comprehensive Plan. The text of various policies within the Future Land Use and the Conservation Elements within the Comprehensive Plan are being amended to remove the "Conservation-One" future land use designation from the future land use element, rename the "Conservation-Two" as simply "Conservation" and to allow the City to rely on state and federal wetland regulations procedures. This is Phase 3 "A" of a 3-phase effort to rezone properties to an appropriate Bunnell zoning classification.

Background:

The City of Bunnell annexed many thousands of acres of land into its corporate limits in 2006-2007. The City's comprehensive plan was amended to provide future land use designations for the annexed land. These new land use designations were a one-to-one translation from the Flagler County future use designation that were already on a particular property to the closest City

equivalent. The underlying Flagler County zoning was left in place. Up until Phase 1 of this rezoning effort, almost all the annexed lands still retained their obsolete Flagler County zoning. A few properties having no zoning at all are shown on the official zoning map as “ND-No Designation”.

This is a problem because land without City of Bunnell zoning is not covered by the City’s land development code. At the same time, the City does not have the authority to administer the County’s land development code. This makes the remaining Flagler County zoning essentially a holding category and this has meant that property owners have been required to go through zoning changes before they can obtain building permits. Many property owners have had planned projects significantly delayed because they had not anticipated the time and expense associated with a rezoning.

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

As City staff embarked on the mass rezoning effort it was quickly learned that many landowners were unaware that portions of their property had been for many years designated “Conservation-One”. Although the “Conservation-One” future land use designation authorizes agriculture and residential land uses, its existence on properties has proved to be very controversial and endangered the entire mass rezoning effort. After a series of meetings with various landowners it was determined that the City would remove the “Conservation-One” future land use designation from properties within the City as the final phase of the mass rezoning.

This item is Phase “3-A” of a the 3-phase mass rezoning of properties that is providing Bunnell zoning classifications for properties without City zoning. Phase 1 included those properties without City of Bunnell zoning classifications that did not have any portion of the property designated as Conservation-1 or Conservation-2 on the City’s Future Land Use Map. Phase 1 was concluded in August of 2022. Phase 2 included the non-conservation portions of the properties excluded from Phase 1. Phase 2 was concluded in September 2023.

Phase 3 addresses the remaining portions of the properties that do have conservation designations. This Phase “3-A” address changes to the comprehensive plan and phase “3-B” will complete the rezoning.

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

Staff Recommendation:

Staff recommends the Planning, Zoning and Appeals Board make recommendation of approval to the City Commission for Ordinance 2024-XX Amending the Future Land Use Element and

Conservation Element in the City of Bunnell 2035 Comprehensive Plan.

City Attorney Review:

Approved

ORDINANCE 2024-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENT TO THE CONSERVATION ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, § 163.3161 through s. 163.3215, Florida Statutes, provide for adoption and enforcement of local government comprehensive plans pursuant to the “Community Planning Act”; and

WHEREAS, Chapter 163.3171, Florida Statutes, empowers the City Commission for the City of Bunnell to prepare and enforce a comprehensive plan for the development of the City; and

WHEREAS, the City Commission for the City of Bunnell has amended the City of Bunnell Comprehensive Plan from time to time; and

WHEREAS, the proposed text amendments to the *City of Bunnell 2035 Comprehensive Plan* are part of a 3-phase rezoning effort, “Mass Rezoning Initiative”, to update conservation policies and regulations, to revise conservation Future Land Use and Zoning designations within the City’s limits, and to increase development rights for land owners located in rural areas within the City of Bunnell; and

WHEREAS, on February 6, 2024, the Planning, Zoning and Appeals Board, the City of Bunnell local planning agency, made recommendation to the City Commission for the City of Bunnell for the adoption of the City of Bunnell Comprehensive Plan amendments and to update the City of Bunnell Comprehensive Plan; and

WHEREAS, Section 163.3184, Florida Statutes, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to text amendments and the process for adoption of Comprehensive Plan amendments in accordance with an expedited state review; and

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

WHEREAS, for purposes of the exhibits attached to this Ordinance, red underlined type shall constitute additions to the original text and red ~~striketrough~~ type shall constitute deletions to the original text.

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

Section 1. Legislative Findings and Intent

(a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City Staff report and the recitals (whereas clauses) to this Ordinance.

(b) The City of Bunnell has complied with all requirements and procedures of Florida Law in processing and advertising this Ordinance.

Section 2. Text Amendments to the Comprehensive Plan.

The City of Bunnell Comprehensive Plan text amendments attached hereto and incorporated herein as exhibits to this Ordinance, are hereby adopted.

Section 3. Inclusion in the Comprehensive Plan.

The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Comprehensive Plan of the City of Bunnell, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article, or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Implementing Administrative Actions.

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

Section 5. 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 6. 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 7. Conflicts.

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

Section 8. 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, Florida *2035 Comprehensive Plan*, in terms of amending the Future Land Use Element and the Conservation Element.

Section 9. Effective Date.

The Comprehensive Plan amendments set forth herein shall not become effective, in accordance with Section 163.3184(3)(c)(4), Florida Statutes, until 31 days after the state planning agency notifies the City that the plan amendment package is complete. If this ordinance is legally challenged within thirty (30) days after adoption, it shall not become effective until a final order is issued by the Department of Economic Opportunity or the Administrative Commission, whichever is later.

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 – FLU Objective 7 Comprehensive Plan Text Amendments

Future Land Use Element

FLU Objective 7

The City shall ensure that future development and redevelopment activities are located in appropriate areas of the City through a Future Land Use Map Series included as **Appendix A** of this element that contains the Future Land Use Map (FLUM), which forms the basis for consideration of future land use plan amendments. The Future Land Use Map Series, along with the City's land development regulations, shall reduce or eliminate existing land uses that are inconsistent with the community's character.

FLU Policy 7.1

The City shall consider the compatibility of adjacent future land use categories during the land use plan amendment process. The City shall consider potential maximum densities and intensities and the appropriate transition of uses, densities and intensities.

FLU Policy 7.2

The City shall discourage the continuation of nonconforming uses to the extent established in the land development regulations. Redevelopment of the property will include and evaluation of consistency with the current FLUM and zoning district, as well as adjacent land use and zoning districts.

FLU Policy 7.3

The City Commission may approve the development of housing that is affordable, as defined in Chapter 420.0004, Florida Statutes, on any parcel in a residential, commercial or industrial land use and zoning category.

FLU Policy 7.4

The adopted FLUM contains and identifies appropriate locations for the following land use categories which were established to prevent urban sprawl, provide for the protection of natural, historical, and agricultural resources and maximize economic development:

Exhibit A – FLU Objective 7 Comprehensive Plan Text Amendments

Future Land Use Element

Future Land Use Categories

Future Land Use Categories	Maximum Density/Intensity (per gross acre)
Residential Land Use	
Single-Family Low Density	4 units per acre
Single-Family Medium Density	8 units per acre
Multi-Family	Min: 8 units per acre; Max 20 units per acre
Residential Mixed Use	12 units per acre/ 0.2 FAR
Commercial Land Use	
Commercial-Low	0.2 FAR/if mixed-use 12 units per acre
Commercial-Medium	0.4 FAR/if mixed-use 20 units per acre
Industrial Land Use	
Industrial	0.5 FAR
Agricultural Land Use	
Agricultural Community Commercial	1 unit per acre/ 0.4 FAR
Agricultural Community Industrial	0.5 FAR
Agricultural	1 unit per acre
Agriculture & Silviculture	1 unit per 5 acres
Rural Estates	1 unit per acre
Open Land Use	
Conservation One	1 unit per 5 acres
Conservation Two	Not Developable
Recreation	N/A
Public Land Use	
Public	0.6 FAR
Institutional	0.5 FAR

Exhibit B – FLU Objective 11 Comprehensive Plan Text Amendments

Future Land Use Element

FLU Objective 11

Open Land Use Category. The open land use category is established for the long-term protection and preservation of publicly or privately owned lands that contain valuable and threatened natural resources, such as wetlands, uplands, floodplains, potential greenway corridors, other unique ecological communities, and for recreational uses

FLU Policy 11.1

~~**Conservation One (CON-1).** Consists of all lands deemed environmentally significant to be verified by appropriate jurisdictional field analysis, and regulated by applicable jurisdictional oversight, but not under a conservation easement or other permanent protection; only activities outlined in the City's Comprehensive Plan or limited by applicable regulating jurisdictions, but which may include agricultural uses, and could be applied to wetlands, uplands, and greenway corridors. The established density in CON-1 category is one unit per five acres; however, permitted units are required to be developed on adjacent uplands or Category II wetlands per the adopted wetlands policies or transferred as allowed by future amendments to this plan unless this results in a denial of all reasonable use of the property. This category is created by the City to designate the City's existing conservation area, as well as, to specifically designate the Conservation acreage annexed into the City from Flagler County.~~

FLU Policy 11.12

Conservation Two (CON-2). Consists of all lands under conservation easement or other permanent protection where only activities specified in the easement are permitted.

FLU Policy 11.23

Recreation (REC). The recreation category is established to provide sufficient space for public and private parks that are open to the public for active and passive recreational use.

FLU Policy 11.34

The recreational land use category is intended to accommodate existing public parks and recreation areas as well as committed public and semi-public open spaces.

FLU Policy 11.45

Recreational uses shall be allowed in other categories as support uses.

Exhibit C – FLU Objective 13 Comprehensive Plan Text Amendments

Future Land Use Element

FLU Objective 13:

Agricultural Land Use Category. Encourage the agricultural lifestyle within the municipal limits of the City.

FLU Policy 13.1:

Protection of Agricultural Uses

The City shall implement and enforce policies and programs designed to preserve and reinforce the positive qualities of the agricultural lifestyle presently enjoyed in Flagler County as they are annexed into the municipal limits of the City of Bunnell.

FLU Policy 13.2:

Protection of Bona Fide Agricultural Uses

The City shall encourage the continuation and preservation of bona fide agricultural uses and enterprises as they are annexed into the municipal limits per the Florida Right to Farm Act, F.S. 823.14 .

FLU Policy 13.3:

Agricultural Primacy

The City shall encourage the continuation of agricultural operations. Agricultural uses on lands that have an agricultural exemption from the Flagler County Property Appraiser will be considered to have “primacy” in the area. Primacy means that conflicts between such agricultural lands and other non-agricultural uses will be resolved in favor of the agricultural interests.

FLU Policy 13.4:

Land Development Code Provisions to Accommodate Agricultural Uses

The City shall develop and enforce Land Development Code provisions regarding the “Agricultural” and “Rural Estates” series of land uses to the appropriate agricultural zoning classification.

FLU Policy 13.5:

Buffering Requirements between Agricultural and Non-Agricultural Uses

The City shall develop and enforce Land Development Code regulations regarding buffering requirements for the protection of agricultural uses from non-agricultural uses.

FLU Policy 13.6

Scenic Corridors in Agricultural Areas

The City shall develop Land Development Code regulations that protect the rural and scenic character of the roadway corridors within the City of Bunnell. A scenic corridor overlay will help regulate land development, as they transition from agricultural to non-agricultural uses,

Exhibit C – FLU Objective 13 Comprehensive Plan Text Amendments

Future Land Use Element

along major roadways to improve or protect the rural character of the area. The overlay corridor classification shall extend 200 feet on each side of the road right-of-way for non-residential and non-agricultural development and 100 feet on each side of the road right-of-way for residential developments, which will generally correspond to the building, parking, and clearing setbacks unless specifically determined that a particular structure or activity that is located upon property assigned the classification uniquely reinforces the rural character of the area. The scenic corridor will establish land development regulations that address the following, but not limited to:

- Signage;
- Landscaping;
- Façade treatments;
- Buffering;
- Parking;
- Ingress/Egress management;
- Utility placement;
- Storm water retention ponds;
- Building setbacks;
- Fences, walls, and similar treatments locations; and
- Lighting.

FLU Policy 13.7

Agricultural Land Uses

The following land uses promote the agricultural industry and lifestyle within the City of Bunnell at a maximum density of one (1) dwelling unit per acre.

Agricultural Community Commercial (ACC)

A land use category permitting limited commercial services to serve the agricultural community, as identified on the Future Land Use Map series. The intent is to not encourage strip commercial but to provide some commercial industry that would immediately support the agricultural community and the residents of the area. Minimum lot size shall be 1 acre and density shall be limited to one (1) unit per acre maximum. Intensity of development for allowable non-residential land uses shall be limited to either 1: a maximum coverage of forty (40%) and thirty-five feet in height or 2: a floor area ratio of .4.

As a part of the ACC, design guidelines, which emphasize the rural character, shall be developed as the Land Development Code regulations.

Land uses allowed in the ACC shall include, but not limited to:

- Convenience Stores with gas pumps;
- Feed stores;
- Farmer's Market and/or co-op;
- Ornamental horticulture, floriculture and nursery products, wholesale and retail;
- Commercial establishments that support agricultural activities;
- Churches;

Exhibit C – FLU Objective 13 Comprehensive Plan Text Amendments

Future Land Use Element

- Public/private elementary, middle, and high schools;
- Recreational uses; and
- Private hunting clubs and public hunting areas.
- Special exception uses, residential dwellings as an accessory to the commercial structure, kennels, and veterinary offices with or without boarding.

Agriculture (AG)

A land use category permitting a range of agricultural and/or agricultural related uses, and accommodating very low-density residential development at a minimum density of one (1) dwelling unit gross per acre.

Such uses include, but not limited to:

- Bona-fide agricultural uses;
- Silviculture uses;
- Ornamental horticulture, floriculture and nursery products, wholesale and retail;
- Livestock;
- Single-family residences;
- Churches and country clubs;
- Private/Public elementary, middle, and high schools;
- Recreational uses; and
- Private hunting clubs and public hunting areas.
- Solar Facilities, as defined in FS 163.3205(2); and
- Special exception uses, such as cemeteries, kennels, migrant farm housing, and public utility structures.

FLU Policy 14:

The City shall adopt land development regulations, which reflect very low density residential uses at a maximum of one (1) dwelling unit per gross acre. Notwithstanding this density limit, the LDC may contain language that will allow density bonuses for the permanent preservation of wetlands.

Rural Estates (RE)

The Rural Estates future land use category is intended to serve as a transitional land use between agricultural, residential, and urban uses. This land use is established to allow the development of large lot single-family estates as a desired final land use. A minimum lot size of one (1) acre shall be required.

Lots sizes of less than one (1) acre may be permitted with an accompanying Planned Development zoning; provided however, that density shall be computed on the basis of one (1) dwelling unit per gross acre; provided, further, however, that clustering shall not cause incompatibility with adjacent parcels and shall be directed internal to the parcel.

Such uses include, but not limited to:

- Single-family residences on a minimum of one (1) acre;

Exhibit C – FLU Objective 13 Comprehensive Plan Text Amendments

Future Land Use Element

- Churches;
- Private/Public elementary, middle, and high schools;
- Recreational uses; and Special exception uses, such as utility structures and horses and their accessory uses/structures.

FLU Policy 15:

Agricultural Community Industrial (ACT).

The agricultural community industrial category shall accommodate industrial uses in the agriculture community, similar to the industrial category, providing that the uses do not interfere with Agricultural uses. This category shall provide industrial uses to support the economic viability of the agricultural community and the residents of the area. Appropriate uses include agricultural, recreation, public and institutional uses and conservation areas.

Intensity of development for allowable land uses shall be limited to 0.5 FAR and 50% impervious surface maximum.

FLU Policy 16:

Agriculture and Silviculture (AG&S).

The agriculture and silviculture land use category shall accommodate a range of agricultural and/or agricultural related uses, and accommodating low density residential development, including modular, mobile and manufactured homes at a maximum density of one (1) dwelling unit per five (5) acres. Notwithstanding this density limit, the LDC may contain language that will allow density bonuses for the permanent preservation of wetlands. Appropriate uses include agricultural, recreation, public and institutional uses, PUD developments, conservation areas, participation in the City rural preservation program, including rural nodes, conservation communities, clustering and mixed-use. This category is created by the City to specifically designate the Agriculture and Timberlands (Ag&T) acreage annexed into the City from Flagler County.

Such uses include, but not limited to:

- Bona-fide agricultural uses;
- Silviculture uses;
- Ornamental horticulture, floriculture and nursery products, wholesale and retail;
- Livestock;
- Single-family residences;
- Churches;
- Passive recreational uses; and
- Private hunting clubs and public hunting areas;
- Special exception uses, such as cemeteries, kennels, seasonal farm housing; and,
- Other similar uses.

Exhibit C – FLU Objective 13 Comprehensive Plan Text Amendments

Future Land Use Element

FLU Policy 16.1:

The City of Bunnell will allow a family homestead for a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild on property designated Agriculture provided that the homestead parcel is not less than 20,000 square feet. A family homestead shall only be granted one time to an individual family member and that family member shall not sell or dispose of the family homestead for a period of five (5) years.

FLU Policy 16.2

The City shall amend the Land Development Code (LDC) to include Minor Rural Subdivision provisions applying to minor rural subdivisions, which shall address, at a minimum:

- Provision of adequate access to all parcels;
- Deed restrictions and disclaimer requirements acknowledging the government services that will not be provided to the development;
- Wildfire vulnerability prevention requirements, including mitigation measures addressing building design and materials, site design, and landscaping (including defensible space requirements and plant materials).

Exhibit D – FLU Objective 18.2 Comprehensive Plan Text Amendments

Future Land Use Element

FLU Objective 18.2

The specific intent is to limit new rural communities in order to protect agricultural land and discourage the proliferation of urban sprawl. New low density-rural estate and new rural communities shall only be permitted when consistent with the adopted Comprehensive Plan, and the Land Development Code.

FLU Policy 18.2.1

The City shall plan its rural area to prevent urban sprawl by restricting development of lands within the rural area of the City through plan policies that ensure compact rural development and protection for agricultural lands and ecologically significant areas. The approval of development within the rural area is predicated upon compliance with the objectives and policies that prescribe the development options within these objectives and policies. The following criteria shall be used for approving new development within the rural area:

- During the 2035 planning horizon, the majority of the rural area shall remain as large tracts of agricultural land with some low density residential. Continued agriculture and silviculture will be emphasized in diverse forms.
- The character of the rural areas shall be maintained as predominantly agrarian, contain compact nodes of residential development with supporting commercial services.
- The majority of the City's population in this area will be a clustered mix of low density conservation developments, and compact rural nodes that will not negatively impact the existing large tracts of agricultural land and ecologically significant lands.

FLU Policy 18.2.2

No more than six (6) clustered developments within the rural area shall be allowed within the planning timeframe. A comprehensive plan amendment is required to add to the number of clustered developments or to increase the amount of development permitted by the existing policies. All clustered development within the rural area shall be subject to the following guidelines and standards:

- The clustered development must be immediately contiguous to an existing, publicly maintained arterial road.
- The development shall not be located close enough to existing agriculture to be affected by noise, odors, dust/debris, or any other occurrence or activity related to normal agriculture operations.
- The development may participate in the rural preservation program
- Lots within the development area shall not exceed one (1) acre in size but may be less when served by water and sewer.
- The total site must be divided so that 60% is open space 40% is developable. The clustered development must be entirely within the 40% and cannot exceed 300 acres. Therefore, the entire development footprint cannot exceed 750 acres.

Exhibit D – FLU Objective 18.2 Comprehensive Plan Text Amendments

Future Land Use Element

- Standard developments as described by Policy 17.2.7 shall not exceed 375 units, any proposal above this threshold will require a large scale land use plan amendment; unless,
- The development participates in the City’s rural preservation program according to Policy 17.2.8. In this case the development shall not exceed 600 units, any proposal above this threshold will require a large scale land use plan amendment or DRI review, if applicable.
- The total number of units proposed shall not exceed the need demonstrated by the data and analysis of the Comprehensive Plan for the planning timeframe unless it is demonstrated through data and analysis gathered by a professionally accepted and applied methodology, that additional need exists for growth and economic development purposes.

FLU Policy 18.2.3

Within the planning timeframe the City shall establish incentives such as clustering bonuses, reduced fees, abbreviated review timelines, transfer of development rights, selling of fee simple development rights or the selling of off-setting density allocations to steer new development away from natural resources.

FLU Policy 18.2.4

The City shall establish clustered communities to provide rural residential or mixed use alternatives in the form of rural nodes or conservation communities to promote the conservation of natural resources and reduce greenhouse gases. When established clustered communities shall promote the creation of a greenway network to connect or preserve viable agriculture and natural resources as development occurs.

FLU Policy 18.2.5

To further protect the City’s natural resources, rural nodes may be established to provide for housing and employment options in the rural and agricultural areas of Bunnell. The goals of rural nodes may:

- Improve the viability of continued agricultural operations, reduce development pressure on prime agricultural land, and provide a mechanism for the long-term protection and conservation of land.
- Allow clustering of permitted lots, reduced lot sizes, limited neighborhood commercial and appropriate industrial uses, and incentives to support and direct agriculture and conservation land.

FLU Policy 18.2.6

The Land Development Regulations shall provide standards for development in those lands designated as Agriculture and Silviculture (Ag&S) to address the following criteria for development approval:

Exhibit D – FLU Objective 18.2 Comprehensive Plan Text Amendments

Future Land Use Element

- A. Rural and agricultural uses shall be protected from intrusion upon by other permitted uses (such as residential and commercial) and compatibility with those uses must be assured. Compatibility and protection for the rural area will be accomplished using buffering, setbacks, and incentives included within the proposed development.
- B. Clustering is the preferred design for new rural development. Clustering will protect the characteristics of the rural area through the following goals:
 - 1. Support continued agriculture by reducing development pressure on farmland and creating economic opportunity for existing agriculture operations.
 - 2. Provide recreational and habitat corridors through linked open space networks.
 - 3. Achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure.
- C. Appropriate locations for rural nodes and conservation developments shall be considered for approval upon meeting, or providing an economically feasible plan to meet, the following minimum criteria:
 - 1. Direct access to the existing transportation network including interstates, U.S. routes, state roads, city roads, county roads, and active railways. These may include:
 - Old Haw Creek Road;
 - CR 205, CR 302, CR 304, CR 305;
 - SR 100/SR 20, SR 11; and
 - US 1.
 - 2. Access to potable water and sanitary sewer.
 - 3. Within a ten minute response time zone to proposed or existing City of Bunnell emergency services facilities.
- D. Rural nodes and Conservation Developments will be subject to specific design and performance criteria to achieve at a minimum:
 - 1. The protection of the natural environment and integration with the topography and natural features of the site.
 - 2. The creation of usable interconnected open space and recreational facilities on the development site that encourage the establishment of a greenway corridor.
 - 3. Clustered areas with higher net densities than may be allowed through conventional zoning, with development organized along a density and intensity gradient suitable to the site and surrounding uses.
 - 4. A sense of community through:
 - a. Well-defined centers and edges, with public space or civic use as an organizing element around which other development is located.
 - b. An integrated range of housing types and lot sizes to serve a variety of age and income groups.
 - 5. Safe, comfortable, and convenient pedestrian and bicycle connectivity.

FLU Policy 18.2.7

New development in the rural area shall occur in the following forms, except as otherwise permitted by this comprehensive plan.

- A. Traditional Family homesteads per provisions in the LDC.

Exhibit D – FLU Objective 18.2 Comprehensive Plan Text Amendments

Future Land Use Element

- B. Traditional development at the base density of the Agriculture and Silviculture (Ag&S) land use category (formerly Flagler County Agriculture and Timberlands) at 1 unit per 5 acres, per rural subdivision provisions in the LDC.
- C. Conservation rural subdivisions that promote agriculture and compact rural development, residential subdivisions in the rural area may achieve greater density through the rural preservation program process as defined in Policy 17.2.8.
 - 1. Conservation rural subdivisions shall be designed to protect the characteristics and features of the City through the following goals:
 - a. Protect natural and historical resources;
 - b. Encourage functional active and passive recreational areas;
 - c. Maintain significant areas for silviculture and agriculture;
 - d. Minimize land use conflicts through buffering and landscaping;
 - e. Provide wildlife habitat corridors through linked open space networks, such as greenway corridors; and
 - f. Achieve flexibility, efficiency, and cost reduction in the provision of services.
 - 2. Conservation rural subdivisions shall meet the following minimum requirements:
 - a. Clustering residential units on forty percent (40%) of the land area to retain sixty percent (60%) or more of the parcel as protected open space in an agricultural protection agreement, conservation easement or other protection instrument;
 - b. A minimum of 100 acres in land area;
 - ~~c. Protection of Category I wetlands and required wetland buffers except as required for access;~~
 - c. Avoidance, to the greatest extent feasible, of ~~Category I~~ **Category II** wetlands and required wetland buffers and historical and cultural resources; and,
 - d. Paved road access and internal paved roads that meet updated rural road standards.
 - 3. Density of Conservation rural subdivisions shall be calculated based on the following guidelines:
 - a. For Conservation rural subdivisions not connected to potable water and sanitary sewer the base density of one (1) unit per five (5) acres will determine the appropriate density.
 - i. As incentive for clustering an additional two (2) dwelling units shall be added to the allowable base density.
 - ii. As incentive for clustering an additional one (1) unit per five (5) acres will be assigned for all lands placed in conservation easement or other protection instrument.
 - iii. As incentive for clustering an additional one (1) dwelling unit per ten (10) acres will be assigned for non-conservation set asides (Ag and Rec).
 - iv. A Conservation rural subdivision may not exceed a gross density of one (1) dwelling unit per one (1) acre. Gross density is defined

Exhibit D – FLU Objective 18.2 Comprehensive Plan Text Amendments

Future Land Use Element

- as the total number of units divided over the total land area, regardless of actual development area.
- b. For Conservation rural subdivisions connected to sanitary sewer and potable water the base density will be one (1) unit per five (5) acres.
 - i. As incentive for clustering additional density may be achieved through the rural preservation program described in FLU Policy 17.2.8.
 - 4. Open Space area (the 60%) in Conservation rural subdivision shall be designated, protected, and maintained as undeveloped conservation, agriculture, or recreational uses. Open Space shall be selected and designed according to the following guidelines:
 - a. Greenway corridors, avoided ~~Category I and II~~ wetlands and required wetland buffers, and natural, historical, and cultural resources shall be included as part of the designated Open Space area.
 - b. Agricultural areas may be included as part of the designated Open Space area after resource protection criteria are met. Agricultural uses are encouraged to be included as part of the designated Open Space area.
 - c. Open Space shall be designed as a contiguous area to eliminate or minimize fragmentation and promote the formation of linked greenway corridors with existing or potential Open Space areas on adjacent properties.
 - d. Conservation rural subdivisions shall provide a buffer between the Open Space and the developed portions to minimize the potential for negative impacts from the Development Area on the Open Space within the project or adjacent to the project.
 - i. In such cases where the required Open Space buffer overlaps additional required buffers one buffer may be used to perform both functions.
 - ii. When one buffer is used to fulfill overlapping buffering requirements the greater buffer width shall take precedence.
 - e. Open Space shall be configured to permit continued agriculture or silviculture uses, or recreation uses, and can include stormwater management facilities.
 - f. Development Areas of Conservation rural subdivisions shall be compact, contiguous, and clustered on forty percent (40%) of the land area. Development amenities such as swimming pools or community centers shall be included within the forty percent (40%).
 - g. The Conservation rural subdivisions shall be compact and contiguous and shall not be scattered throughout the gross parcel. It shall be configured to create internal connectedness through integrated Open Space within the subdivision parcel. The location of residential development lots shall be arranged in a context-sensitive manner to form a contiguous pattern, and clustered to preserve the function and purpose of the on-site natural resources to the maximum extent practicable to preserve Greenway Corridors and to potentially provide connection to Greenway Corridors on abutting properties.

Exhibit D – FLU Objective 18.2 Comprehensive Plan Text Amendments

Future Land Use Element

- h. The Development Area (40%) within the Conservation rural subdivisions shall provide a buffer to minimize the potential for negative impacts from the Development Area on the undeveloped (60% agricultural or other protected lands) area within the project or adjacent to the project, such that the long-term continuance of uses in either area is not threatened by such impacts.
 - i. In such cases where the required Development Area buffer overlaps additional required buffers one buffer may be used to perform both functions.
 - ii. When one buffer is used to fulfill overlapping buffering requirements the greater buffer width shall take precedence.
 - i. The undeveloped area means that 60% area set aside that cannot be developed as part of the Conservation rural subdivisions. Uses permitted in these areas are agriculture, silviculture, conservation, greenway corridor or recreation, and can include stormwater management facilities.
 - j. In an effort to reduce greenhouse gases, and trips on the roads, conservation rural subdivisions may contain commercial uses as described by the Commercial-Low Intensity (COM-L) land use category with a maximum intensity of 0.2 FAR, 50% impervious surface maximum, and residential uses as a minimum of 70% to a maximum of 90% of the development area in an effort to introduce a mix of uses.
- D. Rural node developments shall follow the provisions outlined in C. above except as described below.
 - 1. Rural node development must be on central utilities.
 - 2. A minimum of 300 acres in land area.
 - 3. As incentive for clustering an additional four (4) dwelling units shall be added to the allowable base density.
 - 4. As incentive for clustering an additional one (1) dwelling unit per five (5) acres will be assigned for non-conservation set asides (Ag and Rec).
 - 5. In an effort to reduce greenhouse gases, and trips on the roads, rural node developments shall contain commercial uses as described by the Commercial-Low Intensity (COM-L) land use category with a maximum intensity of 0.2 FAR, 60% impervious surface maximum, and residential uses as a minimum of 60% to a maximum of 80% of the development area in an effort to introduce a mix of uses.

FLU Policy 18.2.8

The rural preservation program also includes incentives to preserve resources, encourage efficient development and preserve open space if connected to central utilities.

- Resource based preservation incentives:
 - Agricultural land setaside .3 du per acre incentive
 - Greenway Corridor .3 du per acre incentive
 - Wetland setaside .2 du per acre incentive
 - Floodplain setaside .1 du per acre incentive

Exhibit D – FLU Objective 18.2 Comprehensive Plan Text Amendments

Future Land Use Element

- Recreation and Open Space .1 du per acre incentive
- Efficient development incentives:
 - Firewise/waterwise/Greenwise .3 du per acre incentive
 - Clustered development .2 du per acre incentive
 - Central utilities .3 du per acre incentive
(Potable water, sanitary sewer, reclaim water)
 - Mixed use .2 du per acre incentive
- Preservation of open space incentives:
 - Increase open space ratio 70/30 .3 du per acre incentive
 - Increase open space ratio 80/20 .4 du per acre incentive
 - Increase open space ratio 90/10 .5 du per acre incentive

Incentives are totaled based on the development proposal, and limited by Policies 17.2.2 and 17.2.9. All development design standards outlined in Policy 17.2.7 apply.

FLU Policy 18.2.9

Development within the rural area shall be permitted consistent with the comprehensive plan map and policies to the extent that the supporting roadway network of the City has available capacity within the adopted LOS standards. The level of service for any given facility (potable water, sanitary sewer, solid waste, drainage, parks, schools, and roadway links) shall not be reduced below the standards established by the City's adopted Comprehensive Plan.

- A facility impact analysis shall be required at the time of the development application or subdivision application development review, prior to the issuance of a development order, to determine the extent of impact that any development may have on the capacity of the facility system.
- All necessary facility improvements, including, but not limited to, right-of-way acquisition, roadway widening, traffic signalization, pedestrian and bicycle facilities, water lines, sewer lines, lift stations, school capacity or other such facilities that accrue due to the impact of a development, shall be provided by the developer and be in place prior to the issuance of the certificate of occupancy. This policy may be satisfied by contractual agreements that establish the timing of improvements and financial responsibilities of all parties.
- The City shall not construct water or sewer line extensions or new roadways other than arterials and collectors in the rural area at public expense. The City shall assume operation and maintenance responsibilities only on water, sewer or roadways facilities dedicated to, and meeting the standards of, the City.

Exhibit E – CON Objective 1.7 Comprehensive Plan Text Amendments

Conservation Element

CON Objective 1.7

The City shall conserve protect and appropriately use and protect wildlife, native wildlife habitat and environmentally sensitive areas.

CON Policy 1.7.1

The City shall seek to increase its conservation areas, through land acquisition, when possible, incentives for protective easements, and other mechanisms through the rural preservation program acreage to ensure the preservation of natural communities and listed animal species habitat.

CON Policy 1.7.2

The City shall work closely with the Florida Fish and Wildlife Conservation Commission (FFWCC) and private landowners to increase the public's knowledge of habitat protection and best management practices to protect endangered and threatened species, as well as species of special concern.

CON Policy 1.7.3

The City shall notify the FFWCC of the presence of any roosting, nesting or frequented habitat areas for endangered or threatened wildlife occurring within its jurisdiction.

CON Policy 1.7.4

The City's Land Development Code (LDC) shall establish regulations to ensure the protection of areas of native vegetation, wildlife habitat and endangered and threatened species, including the following:

- Developers shall be required to identify wildlife habitat and endangered and threatened species as part of the development review process, and they shall be required to submit mitigation measures for review as part of the City's development review process.
- The City shall require proposed development to utilize and preserve existing topographic contours to the maximum extent feasible in project design.
- The City shall require proposed development to assess the potential of creating or adding to greenway corridors within their project to adjacent land or adjacent jurisdictions in an effort to incrementally build protected corridors.

CON Policy 1.7.5

The City shall regulate the following activities in areas identified as being environmentally sensitive and in areas containing endangered and/or threatened wildlife:

- The removal, excavation or dredging of soil, sand, gravel, minerals, organic matter or materials of any kind;

Exhibit E – CON Objective 1.7 Comprehensive Plan Text Amendments

Conservation Element

- The changing of existing drainage characteristics, sedimentation patterns, flow patterns or flood retention characteristics;
- The disturbance of the environmentally sensitive area's water level or water table by drainage, impoundment or other means;
- The dumping or discharging of material, or the filling of an environmentally sensitive area with material;
- The placing of fill or the grading or removal of material that would alter topography;
- The destruction or removal of plant life that would alter the character of an environmentally sensitive area or wildlife habitat; and
- The undertaking of an activity that results in a significant change of water temperature, a significant change of physical or chemical characteristics of environmentally sensitive area water sources, or the introduction of pollutants.

CON Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CON Policy 1.7.7

The City shall cooperate with federal and state environmental and wildlife preservation agencies in their efforts to protect fish populations within the City's lakes and to promote environmental management activities that enhance fish propagation through natural processes or by managed fish restocking.

CON Policy 1.7.8

Annually, the City shall obtain updated maps from FFWCC showing the locations of unique natural areas and of habitat for endangered and threatened species and species of special concern.

CON Policy 1.7.9

The City shall coordinate with Flagler County to ensure the protection of environmentally sensitive areas that cross jurisdictional boundaries.

CON Policy 1.7.10

The City will encourage the restoration of degraded natural areas through the restoration of natural communities, restoration of natural hydrology and removal of non-native vegetation through the development review process.

Exhibit E – CON Objective 1.7 Comprehensive Plan Text Amendments

Conservation Element

CON Policy 1.7.11

The City shall protect any natural preservation property identified in the recreation and open space element.

CON Policy 1.7.12

In an effort to protect and enhance wetlands, surface waters, listed species, large range mammal habitat, natural hydrologic connections, and large expanses of native vegetation, the concept of a greenway corridor shall be encouraged throughout the City. Greenway corridors shall be a part of an incentive-based method for protecting natural resources and shall be implemented by goals, objectives and policies within the Future Land Use and Conservation Elements and the future land use map series.

CON Policy 1.7.13

The creation of greenway corridors shall be implemented by the Comprehensive Plan and the Future Land Use Map Series in an effort to identify generalized locations of ecologically significant areas within the City.

- Policies regarding greenway corridors have been designed to:
 1. Protect Category I wetlands and required wetland buffers;
 2. Protect surface and ground water quality;
 3. Protect listed species and large range mammal habitat;
 4. Protect flood storage and floodplain capacity;
 5. Provide for site analysis including, but not limited to, soil suitability, topographic relief, and geologic characteristics; and,
 6. Provide protected, natural corridors which facilitate wildlife movement, conserve natural hydrologic connections, and which link to other protected areas such as parks, conservation lands, and water bodies.
- The Future Land Use Map Series shall be used in its entirety to illustrate generalized potential corridor locations. Actual boundaries will be established during the development review process. The potential corridor shall be reviewed to determine the appropriate boundaries in relation to a proposed development based upon site-specific information and features and other related data. At a minimum, the greenway corridor(s) shall include:
 1. ~~Category I~~ Quality of wetlands and associated buffers;
 2. Surface waters;
 3. 100 year floodplain;
 4. Significant habitat;
 5. Significant geologic features; and
 6. All lands under permanent protection agreements.
- In addition to the Future Land Use Map Series, data from the Florida Fish and Wildlife Commission (FWC), Florida Natural Area Inventory (FNAI), or other recognized conservation organizations shall be used to determine appropriate areas for inclusion in

Exhibit E – CON Objective 1.7 Comprehensive Plan Text Amendments

Conservation Element

the greenway corridor(s). The following features will also be considered during the development review process in order to achieve the required conservation acreage:

1. ~~Category II w~~Wetlands and associated buffers;
 2. 500 year floodplain;
 3. Steep slopes;
 4. Large-range mammal habitat;
 5. Listed species habitat;
 6. Prime agriculture land; and,
 7. Land that provides a connection between areas of high ecological value.
- Management plans shall provide for the retention of the natural function of the ecologically significant lands within the greenway corridor and shall be required for all developments containing these resources. Management strategies for greenway corridors shall be developed by landowners in conjunction with planned developments and may include, but are not limited to:
 1. Prescribed burning;
 2. Control of invasive species;
 3. Agriculture and Silviculture activities according to BMPs, with particular emphasis on maintenance and improvement of water quality, and the function of natural systems;
 4. Provision for listed species habitat needs, including restricting, at appropriate times, intrusions into sensitive feeding and breeding areas; and,
 5. Cooperative efforts and agreements to help promote or conduct certain management activities, such as cleanups, maintenance, public education, observation, monitoring and reporting.
 - The City shall facilitate planning across multiple parcels or jurisdictions that protect greenway corridors.

CON Policy 1.7.14

Through the Comprehensive Plan the City shall create options and incentives, such as, but not limited to, the rural preservation program and development transfers to maintain open space and potential greenway corridors, and to maximize preservation of wetlands, floodplains, associated uplands, and areas referred to in FLU Policy 1.1.6, and the Conservation Element.

Exhibit F – CON Objective 1.11 Comprehensive Plan Text Amendments

Conservation Element

CON Objective 1.11

The City of Bunnell will protect and manage wetlands and the natural functions of wetlands in accordance with Section 163.3177(6)(d), F.S., by implementing the following policies:

~~CON Policy 1.11.1~~

- ~~1. Category I wetlands will meet one of the following criteria and will be classified as Conservation land use category:
 - ~~a. Any wetland of any size that has a direct hydrological connection to a lake or navigable water course and is located adjacent to such water course.~~
 - ~~b. Any isolated uninterrupted wetland 250 acres or larger.~~
 - ~~c. Any wetland of any size that provides critical habitat for Federal and/or State-listed threatened or endangered species.~~~~
- ~~2. Category II wetlands will meet all of the following criteria:
 - ~~a. Isolated and disturbed wetlands that are five acres or more.~~
 - ~~b. Wetland that are less than 250 and do not otherwise qualify as a Category I wetlands.~~~~
- ~~3. Jurisdictional wetland lines will be field verified for Category I and Category II wetlands.~~

CON Policy 1.11.12

No development will be allowed in areas assigned Conservation land use category, except the following uses:

1. Existing uses within wetland areas may continue, but shall not be allowed to expand except as provided for elsewhere in this Comprehensive Plan and the City Land Development Regulations, subject to permitting by St. Johns River Water Management District (SJRWMD) or Florida Department of Environmental Protection (DEP).
2. Activities designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, commercially or recreationally valuable fish and shellfish, or protection of vegetative communities or wildlife habitats.
3. New development and redevelopment that shall have no significant impact on the wetlands such as passive recreation, trails, wooded boardwalks, construction of wildlife management shelters, discharge structures from upland developments, utility crossings; footbridges; observation decks and similar structures not requiring dredging and/or filling for their placement or maintenance.
4. Allow for Insect Control Structures, storm water management structures, as well as Utility installation with temporary impacts to the wetlands.
5. Setbacks shall be of 25 feet average with 15 feet minimum from the jurisdictional wetland line. Setbacks of less than 25 feet must be justified.

Exhibit F – CON Objective 1.11 Comprehensive Plan Text Amendments

Conservation Element

CON Policy 1.11.~~23~~

The fragmentation of large wetland community associations shall be discouraged by allowing for density transfers, conservation easements, transfer of development rights, fee simple acquisition, and encouraging development clustering away from the wetlands and the use of planned unit development as tools to enhance conservation.

CON Policy 1.11.~~34~~

The City will discourage any disturbance or development in wetlands. The City will encourage development away from wetland areas by providing Development Transfer Rights from affected wetlands to the adjacent properties. The densities transferred from the wetland areas shall be at the densities allowed to the adjacent receiving properties.

CON Policy 1.11.~~45~~

All wetlands on any proposed development site must be identified and classified as part of the City's application process prior to the issuance of development orders which permit site alteration.

CON Policy 1.11.~~56~~

Wetlands area will be delineated based on the procedures contained in Section 373.421(1) F.S. The precise delineation of these areas shall be determined through site- specific studies and field determination through the permitting and review process.

CON Policy 1.11.~~67~~

City of Bunnell shall coordinate with the FDEP, USACE and SJRWMD to identify and regulate wetland areas under their respective jurisdiction. When ~~Category-II~~ wetlands that are being utilized by listed species for nesting or reproduction are proposed for alteration, the proposal must be submitted to the Florida Fish and Wildlife Conservation Commission for review and recommendations.

CON Policy 1.11.~~78~~

Removal, encroachment, and alteration of ~~Category-II~~ wetlands are presumed to be allowed pursuant to the requirement of SJRWMD, ~~or~~ FDEP, and USACE shall be in compliance with the following policies.

1. Appropriate justification for the proposed alteration is provided to the City;
2. Such activity complies with the requirements of all Federal, State and regional agencies claiming jurisdiction over wetland alteration;
3. Adequate mitigation of any adverse hydrological and physical alterations is provided in accordance with the requirements of the agencies claiming jurisdiction over the wetland;

Exhibit F – CON Objective 1.11 Comprehensive Plan Text Amendments

Conservation Element

4. Setbacks shall be 25 feet average with 15 feet minimum from the jurisdictional wetland line. Setbacks of less than 25 feet must be justified;
5. The following activities are permitted in wetland setback areas provided they are consistent with a permit obtained from the agency with jurisdiction over the wetland;

Construction of boardwalks/catwalks for direct access to water bodies; construction of wildlife management shelters; discharge structures from upland developments; utility crossings; foot bridges; observation decks and similar structures not requiring dredging and/or filling for their placement and maintenance.

CON Policy 1.11.~~89~~

The City shall retain in its land development regulations provisions for mandatory site plan review for all development proposed in State ~~and Federal~~ jurisdictional wetlands. The regulations include appropriate standards for mitigation of adverse impacts to wetlands values and the provision that if reasonable use of property, restoration of the disturbed wetlands and/or creation of new wetlands will be required in accordance with the rules and criteria of FDEP and SJRWMD. Verification of permit approval from these agencies as required shall be a condition of a final development order by the City.

CON Policy 1.11.~~94~~

The purpose of mitigation is to offset environmental impacts for the public good. Mitigation activities approved by federal, state or regional agencies are supported by the City. Mitigation shall be as permitted by the SJRWMD. Prioritization of mitigation shall be as determined by SJRWMD current policies or as amended in the future.

Background Data & Analysis

FLU Policy 7.4

Amends the table of Future Land Use Categories to remove the “Conservation-One” future land use designation and change the name of “Conservation-Two” FLUM designation to “Conservation”. This is a consequence of removing the description of the Conservation-One future land use designation in FLU Policy 11.1 and a name change in FLU Policy 11.2.

FLU Policy 11.1

Deletes the text of FLU Policy 11.1 describing the “Conservation-One” future land use designation from the comprehensive plan. The “Conservation-One” future land designation operates as an agricultural district allowing residential densities of up to one unit per five acres and is similar to the “Agricultural & Silviculture” future land use designation. It does direct residential development away from some wetlands but allowed housing to be developed in “Category II” wetlands. This mention of Category II wetlands refers to a system of wetland categorization that was developed by the U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA) to determine the regulatory jurisdiction of wetland areas under the Clean Water Act. But this methodology is not the currently used by State and Federal regulators to define wetlands. The state of Florida uses the Florida Unified Wetland Delineation Methodology (Chapter 62-340, F.A.C.) to define wetlands as a whole and then uses the Uniform Mitigation Assessment Method (UMAM) to place an appropriate value on those wetlands. (373.414(18), F.S.). UMAM provides a standardized procedure for assessing the ecological functions provided by wetlands and other surface waters, the amount that those functions are reduced by a proposed impact, and the amount of mitigation necessary to offset that loss. If the City of Bunnell were to retain this language it would commit the City of Bunnell to maintaining its own regulatory scheme for evaluating wetlands that it does not have the resources or expertise to implement. A more appropriate strategy is to rely on the established state and federal regulatory apparatus.

FLU Policy 11.2

Amends the text of Policy 11.2 renaming the “Conservation-Two” future land use designation as the “Conservation” future land designation. This is a true conservation designation as normally understood by the public and landowners in which resources are protected by easements or other forms of permanent protection.

FLU Policy 13.7

Amends the description of the “Agriculture (AG)” future land designation to allow the establishment of a density bonus. The “Agriculture” future land use designation allows densities up to 1 unit per acre. The added language will allow the creation of a density bonus in the land development code that will provide densities higher than one unit per acre in return for the permanent preservation of wetlands. There is current language in the LDC that does allow onsite “transfers” of density to the uplands portions of a site in return for wetlands preservation, but this language has never been utilized. Given that the City has not used a “net” density approach to calculating densities, the current transfer language is not an incentive to preserve wetlands.

FLU Policy 14

Amends the description of the “Rural Estates (RE)” future land designation to allow the establishment of a density bonus in return for the permanent preservation of wetlands. The “Rural Esates (RE)” future land use designation allows densities up to 1 unit per acres.

FLU Policy 16

Amends the description of the “Agriculture and Silviculture (AG&S)” future land designation to allow the establishment of a density bonus in return for the permanent preservation of wetlands. The “Agriculture and Silviculture (AG&S)” future land use designation allows densities up to 1 unit per 5 acres.

FLU Policy 18.2.7

Amends this policy which relates to new development in rural areas deleting references to Category I and Category II wetlands in a description of Conservation Rural Subdivisions. The removal of the Category I & II leaves language indicates that the design of Conservation Rural Subdivision will avoid impacts to wetlands to the “greatest extent feasible” instead of distinguishing between the various categories.

CON Policy 1.7.13

Amends language related to the creation of “greenway” corridors to eliminate references to Category I and Category II wetlands.

CON Policy 1.11.1

Deletes the language that describes Category I and Category II wetlands. Deleting this language means that the City of Bunell will not have its own wetland definitions but will rely on the State of Florid and the water management district to use the Florida Unified Wetland Delineation Methodology (Chapter 62-340, F.A.C.) to define wetlands.

CON Policy 1.11.7

Removes a reference to Category II wetlands in a policy related to wetland alterations presumed to be allowed pursuant to the requirements of the SJRWMD and FDEP. In addition, the amendment adds a specific reference to the USACE in the policy recognizing that the federal agency has a significant role in wetland regulation. This policy change will allow the City of Bunnell to relay on the expertise and resources of these agencies to regulate wetlands.

CON Policy 1.11.9

Adds a reference to the federal government in policy that requires site plan approval for any development that will impact jurisdictional wetlands.

Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Bunnell has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Bunnell may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

Proposed ordinance’s title/reference:

ORDINANCE 2024-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN; PROVIDING FOR AMENDMENT TO THE CONSERVATION ELEMENT OF THE CITY OF BUNNELL COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR RATIFICATION OF PRIOR ACTS OF THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR AN EFFECTIVE DATE.

Applicable Exemptions:

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - ☒ Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Business Impact Estimate:

The City of Bunnell hereby publishes the following information:

1. **A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

This Ordinance is to amend the Comprehensive Plan to amend the Conservation and Future Land Use Elements to update the regulations.

2. **An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) **An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

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- (b) **Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

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- (c) **An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

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3. **A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

--

4. **Additional information the governing body determines may be useful (if any):**

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Note: The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.



City of Bunnell, Florida

Agenda Item No. 7.

Document Date: 1/8/2024
Department: Community Development
Subject: Ordinance 2024-XX Amending the City of Bunnell Land Development Code Chapter 18 - Natural Resource Protection and Management and Chapter 34 - Zoning.

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

ATTACHMENTS:

Description	Type
Ordinance 2024-XX Land Development Code Text Amendments	Ordinance
Ordinance Exhibit "A" - Sec. 18-52 Wetlands	Exhibit
Ordinance Exhibit "B" - Sec. 34-81 Establishment of Zoning Districts	Exhibit
Ordinance Exhibit "C" - Sec. 34-106 AG&S Agriculture and Silviculture District	Exhibit
Ordinance Exhibit "D" - Sec. 34-107 Agricultural District	Exhibit
Ordinance Exhibit "E" - Sec. 34-107 C-1 Conservation District	Exhibit
Ordinance Exhibit "F" - Sec. 34-126 C-2 Conservation District	Exhibit
Business Impact Estimate (Ord. 2024-XX LDC Text Amendments)	Exhibit

Summary/Highlights:

This is an administrative proposal to amend the City of Bunnell Land Development Code to streamline and simplify language related to the regulation of wetlands, eliminate the C-1 Conservation zoning district, rename the C-2 Conservation zoning district, add a density bonus to the AG&S zoning district and modify the density bonus in the AG zoning district to encourage the preservation of wetlands.

Background:

This item is part of Phase "3-A" of a the 3-phase mass rezoning of properties that is providing Bunnell zoning classifications for properties without City zoning. Phase 1 included those properties without City of Bunnell zoning classifications that did not have any portion of the property designated as Conservation-1 or Conservation-2 on the City's Future Land Use Map. Phase 1 was concluded in August of 2022. Phase 2 included the non-conservation portions of the properties excluded from Phase 1. Phase 2 was concluded in September 2023. Phase 3 addresses the

remaining portions of the properties that do have conservation designations. In addition to map changes, the mass rezoning involves text changes to the comprehensive plan and the land development code. Phase “3-A” is addressing changes to the comprehensive plan’s future land use map, the text of policies in the future land use and conservation elements and these changes to the land development. This phase “3-B” will complete the rezoning through changes to the zoning map once the comprehensive changes are complete. Each of the proposed land development code changes is explained below.

Sec. 18-52 Wetlands

Section 18 is the LDC’s primary protection language for the protection of wetlands. It largely ignores the existence of federal and state agencies wetland regulations. It applies to all wetlands regardless of size and isolation. It includes a wetland mitigation component of two times the wetland disturbance and requires mitigation be in the vicinity of the disturbance. State and federal agencies will not support this approach because it runs counter to state and federal agency mitigation requirements which rely on regional mitigation banks. Although the comprehensive plan and the federal agencies allow the averaging of buffer widths, this section set it a 25’ minimum width. It vests all decision making related to disturbances, mitigation, and buffer width reductions at the City Commission level when most site plans do not go to the City Commission. More importantly it doesn’t provide any real standards or guidance for these decisions. The practical effect of enforcing these regulations as written would mean that the City would be on its own and have to hire the expertise to do so or use consultants. The proposed changes to section 18-52 will allow the City to rely on the state and federal permitting agencies and their well-established permit processes for the regulation of wetlands. Subsection 18-52(c) refers to a buffer for FDEP jurisdictional wetlands, but then it had a buffer requirement that differs from the FDEP standard. This has been corrected. Subsection 18-52(e) had references to policies not in the current version of the conservation element. Those references have been deleted.

Section 34-106 AG&S Agricultural and Silviculture district

A new subsection 34-106(i) is added to the AG&S adding a density bonus return for the permanent preservation of wetlands. This new language provides up to a maximum 20% density bonus for the preservation of wetlands. One unit is awarded for each 5 acres preserved. There is language that allows for a reduction in the minimum lot size, but no more than a 40% reduction.

Section 34-107 AG Agricultural

Under Subsection 34-107(d) Building Site Area Regulations the AG district has language that describes an existing density transfer. The AG has a residential density of 1 unit per gross acre and then goes on to explain that density may be transferred to upland portions of the property. This is normal practice in any system of density that is based on gross acreage. Density is calculated over the entire project area. This is therefore not a significant incentive to preserve wetlands by just transferring density to the more developable portions of the property. The subsection does indicate, but not very clearly, that the minimum lot size may be reduced to help with the transfer. However, it does require centralized utilities when net density exceeds dwelling per acre. Given the cost of providing utilities to such the low-density development, this provision has not incentivized any development. The language relating to wetlands has been removed from

Subsection 34-107(d). A new subsection 34-107(h) Wetland Preservation Density Bonus is added. This new language provides up to a maximum 20% density bonus for the preservation of wetlands. One unit is awarded for each 5 acres preserved. There is language that allows for a reduction in the minimum lot size, but no more than a 40% reduction.

Section 34-125 C-1 Conservation district

The proposed changes to Section 34-125 remove the C-1 Conservation from the LDC. This zoning district doesn't really do preserve wetlands. It does have language in the purpose and intent section that says residential density is to be located on the uplands or category II wetlands. This mention of Category II wetlands refers to a system of wetland categorization that was developed by the U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA) to determine the regulatory jurisdiction of wetland areas under the Clean Water Act. But this methodology is not the currently used by State and Federal regulators to define wetlands.

Section 34-126 C-2 Conservation district

The proposed changes to Section 34-126 rename the C-2 Conservation district as simply the C Conservation district and clarifies that easements must be recorded in the public records of Flagler County.

Staff Recommendation:

Staff recommends the Planning, Zoning and Appeals Board make recommendation of approval to the City Commission for Ordinance 2024-XX Amending the City of Bunnell Land Development Code Chapter 18 - Natural Resource Protection and Management and Chapter 34 - Zoning.

City Attorney Review:

Approved

ORDINANCE 2024-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT TO SECTION 18-52 WETLANDS; PROVIDING FOR AMENDMENT TO VARIOUS SECTIONS WITHIN CHAPTER 34 – ZONING; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR CODIFICATION AND PROVIDING 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, Chapters 166 and 163, Florida Statutes, include authority to enact regulations to protect the health, safety and welfare, and interests of the citizens of the City; and

WHEREAS, the City has amended policies within the Future Land Use and Conservation Elements of the City of Bunnell 2035 Comprehensive Plan; and

WHEREAS, Section 163.3194(1)(b), Florida Statutes, requires land development regulations to be amended to be consistent with the adopted Comprehensive Plan, or element or portion thereof; and

WHEREAS, Section 163.3174(4)(c), Florida Statutes, requires the local planning agency to review proposed land development regulations and amendments, and make recommendations to the governing body as to the consistency of the proposal with the adopted Comprehensive Plan, or element or portion thereof; and

WHEREAS, on February 6, 2024, the Planning, Zoning and Appeals Board, the City of Bunnell local planning agency, made recommendation to the City Commission for the City of Bunnell for the adoption of the City of Bunnell Land Development Code amendments and to update the City of Bunnell Land Development Code; and

WHEREAS, the City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, these text amendments are enacted as Phase 3A of a three-phase City rezoning initiative to rezone various properties annexed into the City of Bunnell in 2006-2007 from an unincorporated zoning designation to a proper City of Bunnell zoning designation; and

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

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

Section 1. Legislative Findings and Intent.

- (a) The City Commission of the City of Bunnell hereby adopts and incorporates into this Ordinance the City staff report and the recitals (whereas clauses) to this ordinance.
- (b) The City of Bunnell has complied with all requirements and procedures of Florida Law in processing and advertising this Ordinance.
- (c) This Ordinance is internally consistent with the Comprehensive Plan text amendments relating to the Future Land Use and Conservation Elements in the 2035 Comprehensive Plan.

Section 2. Amendments to the City of Bunnell Land Development Code.

The City of Bunnell Land Development Code amendments attached hereto and incorporated herein as exhibits to this Ordinance, are hereby adopted.

Section 3. Implementing Administrative Actions.

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

Section 4. Codification.

The exhibits attached to and incorporated into this Ordinance shall become and be made a part of the *City of Bunnell Land Development Code* and the Sections contained within the exhibits may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 5. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date.

This Ordinance shall take effect upon the effective date of Ordinance 2024-XX

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 – Section 18-52 Land Development Code Text Amendments

Chapter 18 – Natural Resource Protection and Management

Sec. 18-52. - Wetlands.

- (a) No excavation or filling shall be undertaken within a wetland ~~unless without obtaining a state or federal wetland alteration permit unless the activity is exempt from permitting and applicant has presented an agency exemption letter to the City.~~ the city commission finds, on the basis of reasonable evidence, that there are no practical alternatives to the filling. ~~Examples of situations where such activities may be permitted include the need to provide access to property, to provide utilities, and to create a building site on an approved lot. Where any such disturbance of a wetland is permitted, it shall be the minimum disturbance necessary to meet the needs of the use. No excavation or other disturbance shall be permitted in a floodway. Except where specifically permitted by the city commission, no native wetland vegetation shall be disturbed.~~
- ~~(b)~~ Where disturbance is permitted, new wetland areas shall be created at a minimum rate of two times the area of wetlands destroyed. New wetland areas shall be in the vicinity of the areas destroyed and, at maturity, shall be functionally related (in terms of elevation, hydrology, and vegetation) to the remaining wetlands in the area. ~~Where the city commission finds that it is impractical to create such replacement wetlands, it may make alternative mitigation requirements.~~
- ~~(b) (c)~~ A buffer area shall be retained in its natural state surrounding connected (i.e., FDEP jurisdictional) wetlands. Such buffer shall be an minimum average of 25 feet in width with a minimum width of no less than 15 feet ~~except where the city commission finds that it is impractical to maintain that width, as per Chapter 373 Florida Statutes, and Section 12.2.7 of the St. John's River Water Management District Applicant's Handbook: Management and Storage of Surface Waters.~~ Buffer areas shall not be disturbed except to provide for surface water management areas.
- ~~(c) (d)~~ Modifications to wetlands shall ensure that predevelopment water flow (rate and quantity) is maintained to preserve wetland viability.
- ~~(d) (e)~~ Wetlands management shall conform to standards included in the comprehensive plan ~~(specifically including conservation element policies 2.3 and 4.2).~~

Exhibit B – Section 34-81 Land Development Code Text Amendments

Chapter 34 - Zoning

Sec. 34-81. Establishment of zoning districts.

For the purpose of this chapter, the city is hereby divided into zoning districts, as follows:

Agricultural:

AG&S Agricultural and silviculture district

This district is appropriate for areas designated as AG&S on the future land use map of the comprehensive plan.

AG Agricultural district

This district is appropriate for areas designated AG on the future land use map of the comprehensive plan.

ACI Agricultural community industrial district

This district is appropriate for areas designated ACI on the future land use map of the comprehensive plan.

ACC Agricultural community commercial district

This district is appropriate for areas designated ACC on the future land use map of the comprehensive plan.

RE Rural estate district

This district is appropriate for areas designated RE on the future land use land map of the comprehensive plan.

Residential:

R-1 Single-family residential district

This district is appropriate for areas designated as single-family low density on the future land use map of the comprehensive plan.

R-2 Multifamily residential district

This district is appropriate for areas designated as single-family medium density on the future land use map of the comprehensive plan.

Exhibit B – Section 34-81 Land Development Code Text Amendments

Chapter 34 - Zoning

R-3 Multifamily residential (zero lot line) district

This district is appropriate for areas designated as single-family medium density on the future land use map of the comprehensive plan.

R-3A Multifamily residential district

This district is appropriate for areas designated as multifamily on the future land use map of the comprehensive plan.

R-3B Multifamily residential district

This district is appropriate for areas designated as multifamily on the future land use map of the comprehensive plan.

RMU Residential mixed use district

This district is appropriate for areas designated as residential mixed use or multifamily on the future land use map of the comprehensive plan.

Commercial:

B-1 Business district

This district is appropriate for areas designated as commercial or commercial high on the future land use map of the comprehensive plan.

B-2 Business district

This district is appropriate for areas designated as commercial or commercial low on the future land use map of the comprehensive plan.

O-1 Office, medical and related service district

This district is appropriate for areas designated as commercial or commercial low on the future land use map of the comprehensive plan.

Industrial:

L-1 Light industrial district

This district is appropriate for areas designated as industrial on the future land use map of the comprehensive plan.

Exhibit B – Section 34-81 Land Development Code Text Amendments

Chapter 34 - Zoning

L-2 Heavy industrial district

This district is appropriate for areas designated as industrial on the future land use map of the comprehensive plan.

Public:

P Public district

This district is appropriate for areas designated as public on the future land use map of the comprehensive plan.

Conservation:

~~C-1 Conservation district~~

~~This district is appropriate for areas designated as C-1 conservation on the future land use map of the comprehensive plan.~~

C-2 Conservation district

This district is appropriate for areas designated as C-2 conservation on the future land use map of the comprehensive plan.

Planned unit development:

This district is appropriate in several land use categories as determined by the planning, zoning and appeals board.

RP-PUD Rural preservation PUD

This district is appropriate for areas designated as AG&S on the future land use map of the comprehensive plan.

Exhibit C – Section 34-106 Land Development Code Text Amendments

Chapter 34 - Zoning

Sec. 34-106. - AG&S Agricultural and Silviculture District.

- (a) *Purpose and intent.* The purpose of this district is to permit a range of agricultural and/or silvicultural uses and to accommodate very low density residential development at a concentration of one dwelling unit per five acres. The intent of this district is to support and enhance the agricultural character and lifestyle of existing low density areas while encouraging the continuation of agricultural and silvicultural activities as a primary use in the rural area of the city, and to promote the protection of natural resources and wildlife habitat.
- (b) *Permitted principal and accessory uses and structures:*
- (1) Single-family residences, mobile and modular homes, and accessory uses;
 - (2) Agricultural and silvicultural uses;
 - (3) Nurseries, wholesale and retail;
 - (4) Greenhouses;
 - (5) Churches and their accessory uses;
 - (6) Country clubs, hunting clubs, hunting areas, shooting ranges, golf courses;
 - (7) Passive and active recreation facilities;
 - (8) Public and private schools;
 - (9) Farmers markets;
 - (10) Equestrian facilities including riding academies, riding stables/grounds, boarding, and dude ranches;
 - (11) Energy solution facilities;
 - (12) Special care housing;
 - (13) Public facilities;
 - (14) Historic sites and museums;
 - (15) Animal shelters, and kennels;
 - (16) Veterinarian offices with or without boarding;
 - (17) Participation in the rural preservation program including clustered conservation developments and rural nodes in accordance with the City of Bunnell Comprehensive Plan policies;
 - (18) Rural subdivisions as outlined in the supplemental regulations;
 - (19) Home occupations;
 - (20) Farm machinery, manufacturers, and repair;

Exhibit C – Section 34-106 Land Development Code Text Amendments

Chapter 34 - Zoning

- (21) Machine shops, welding or soldering shops;
- (22) Sawmills, lumberyards, hardware and building supplies retail and wholesale sales;
- (23) Cemeteries subject to the following criteria:
 - a. The property must abut and be granted access from a public road.
 - b. The cemetery shall be buffered from adjacent properties by natural vegetation or shrubs a minimum of four feet high.
 - c. All structures shall be setback 50 feet from all property lines.
- (24) Animal or wildlife rescues or sanctuaries;
- (25) Accessory dwellings (e.g., guest houses, caretaker's quarters, security stations, etc.) subject to the following criteria:
 - a. Accessory dwellings shall remain accessory to and under the same ownership as the principal dwelling.
- (26) Seasonal farm worker housing;
- (27) Family homesteads as outlined in the supplemental regulations;
- (28) Daycares;
- (29) Grain blending and packaging;
- (30) Cold storage and frozen lockers, freezing, packaging, and distribution;
- (31) Agriculture related wholesale sales and distribution, product processing, storage, including packaging food products and fruit and vegetable handlers and processors, feed and seed products for distribution, and fertilizer facilities beyond that required for normal day to day agricultural operations; and
- (32) All permitted uses allowed in the Agriculture (Ag) zoning district.

(c) *Permitted special exceptions:*

- (1) Mining, excavation and fill operations over four acres [under four acres normally exempt from the SJRWMD regulations as of this date adopting Ordinance 2012-03 not included as a special exception]; and
- (2) Junkyards meeting the minimum requirements listed below:
 - a. The materials or vehicles are visually screened from roadways and neighboring properties by a solid fence of six-foot in height or thick vegetation buffer.
 - b. Materials or stacked vehicles greater than six feet in height shall be setback from all property lines a minimum of ten feet.
 - c. Materials or stacked vehicles shall not exceed 15 feet in height.
 - d. Junkyards shall not be visible from US1, State Road 100, or State Road 11; and

Exhibit C – Section 34-106 Land Development Code Text Amendments

Chapter 34 - Zoning

- e. The special exception must be reviewed by the city commission at an advertised public hearing to evaluate its compatibility with the surrounding area.
 - (3) Any uses by special exception in the Agriculture (AG) zoning district; and
 - (4) Other uses and structures not listed above that with certain restrictions can be compatible uses with other uses in the district as approved by the planning, zoning and appeals board.
- (d) *Area regulations for single-family residences within the AG&S district shall be as follows:*
- (1) Minimum lot size. Five acres.
 - (2) Minimum lot width. 200 feet.
 - (3) Maximum lot coverage. 35 percent for all principal and accessory buildings.
 - (4) Building setbacks. These are considered minimum setbacks, but may be increased if appropriate to prevent interference with agricultural operations and appropriate buffers.
 - a. *Front yard.* There shall be a front yard of not less than 25 feet measured from the front property line to the front building line.
 - b. *Side yard.* There shall be a side yard of not less than ten feet for all residential and accessory buildings. All other permitted buildings shall have a side yard of not less than 20 feet. In the case of corner lots, no building and no addition to a building shall be erected or placed nearer than 20 feet to the side street line of any such lot.
 - c. *Rear yard.*
 - 1. There shall be a rear yard of all main buildings of not less than 20 feet from the rear building line to the rear lot line.
 - 2. Accessory buildings, such as garages, shall have a rear yard of not less than ten feet, measured from the rear building line of such garage or accessory building to the rear lot line.
- (e) *Area regulations for commercial uses within the AG&S district shall be as follows:*
- (1) Minimum lot size. Half acre.
 - (2) Minimum lot width. None.
 - (3) Maximum lot coverage. 40 percent for all principal and accessory buildings.
 - (4) Building setbacks.
 - a. *Front yard.* There shall be a front yard of not less than 25 feet measured from the property line to the front building line.
 - b. *Side yard.*
 - 1. There shall be a side yard of not less than ten feet.

Exhibit C – Section 34-106 Land Development Code Text Amendments

Chapter 34 - Zoning

2. When a commercially used lot in the AG&S district abuts a residential use there shall be a 30-foot buffer area on the commercial property.
- c. Rear yard.
 1. There shall be a rear yard of not less than ten feet.
 2. Where a commercially used lot in the AG&S district abuts a residential use there shall be a 30-foot buffer area on the commercial property.
- (f) Height regulations. No main building or towers (except agricultural structures) associated with residential buildings and/or accessory structures shall exceed 35 feet in height. No buildings or towers (except agricultural structures) associated with commercial use shall exceed 50 feet in height; except wireless communication facilities per section 34-271.
 - (g) Off-street parking. Off-street parking shall be as regulated in article V, division 2 of this chapter.
 - (h) Buffers. Residential developments abutting bona-fide agricultural uses shall be buffered to minimize visual, odor and noise impacts customarily associated with agricultural operations. Buffers must be located on the residential parcel. Buffers may vary in width but shall not be less than 50 feet wide at their narrowest point. Buffers shall incorporate any combination of fencing and landscape material necessary to create an opaque barrier with a minimum height of six feet above the grade of the residential structure. In multi-phased developments, where agricultural use on a phase(s) is projected to continue until that/those phase(s) is/are developed, temporary buffers shall be required. Since the type/intensity of the abutting agricultural use may vary, so will the appropriate type of temporary buffer. Temporary buffers are subject to the review and approval of the PZA board and certificates of occupancy may not be issued until such temporary buffers are in place. The PZA board may establish a time limit on the use of temporary buffers after which the buffers must meet the permanent buffer requirements. The PZA board shall review buffers and barriers associated with rural preservation developments as part of the specific project application. Buffers must be designed with a minimum of a 50-foot clear visibility zone at ingress and egress points.
 - (i) Wetland preservation density bonus. A density bonus of up to a maximum of 20 percent of the allowed density based on the properties total acreage is permitted in return for the permanent preservation of wetlands onsite. One bonus unit is permitted for each 5 acres of wetlands preserved. The wetlands along with an upland buffer with an average width of no less than 25 feet and a minimum width of no less than 15 feet shall be placed in a restrictive covenant, conservation easement, or other instrument recorded in the official records of Flagler County intended to insure the permanent preservation of the wetland and buffer in their natural state. All bonuses shall be in whole numbers only. Fractions shall be converted upward, if ½ or more of a whole unit. The minimum lot size may be reduced up to 40% to accommodate the total number units permitted.

Exhibit D – Section 34-107 Land Development Code Text Amendments

Chapter 34 - Zoning

Sec. 34-107. - AG Agricultural District.

- (a) *Purpose and intent.* The purpose of this district is to permit a range of agricultural and/or agricultural related uses in designated areas and to accommodate low density residential development at a maximum concentration of one dwelling unit per acre. The intent of this district is to preserve and enhance an agricultural lifestyle while facilitating orderly and sustainable development.
- (b) *Permitted principal and accessory uses and structures.* Within the agricultural district, no building, structure or land shall be used except for one or more of the following uses:
- (1) Agricultural uses;
 - (2) Silviculture uses;
 - (3) Ornamental horticulture, floriculture and nursery products, wholesale and retail;
 - (4) Livestock;
 - (5) Equestrian facilities including riding academies, riding stables/grounds, and boarding facilities;
 - (6) Single-family residences, mobile and modular homes, and accessory uses;
 - (7) Country clubs;
 - (8) Passive and active recreational uses;
 - (9) Hunting clubs and hunting areas, and shooting ranges;
 - (10) Special care housing;
 - (11) Churches and their accessory uses;
 - (12) Energy solution facilities;
 - (13) Farmer's market;
 - (14) Public/private educational facilities;
 - (15) Home occupations;
 - (16) Family homesteads, as outlined in the supplemental regulations;
 - (17) Rural subdivisions, as outlined in the supplemental regulations; and
 - (18) Other similar and/or compatible uses and structures not listed above that are determined to be compatible with the scope of the district.
- (c) *Permitted special exception.* Permitted special exceptions in the AG district shall be as follows:
- (1) Cemeteries.

Exhibit D – Section 34-107 Land Development Code Text Amendments

Chapter 34 - Zoning

- a. The property should abut and be granted access from a public road.
 - b. The cemetery shall be buffered from adjacent properties by natural vegetation or shrubs a minimum of four feet high.
 - c. All structures shall be setback 50 feet from all property lines.
 - (2) Veterinarian offices, animal shelters, pet rescues, animal hospitals and kennels;
 - (3) Seasonal farm worker housing;
 - (4) Public/private utility structures; and
 - (5) Other uses and structures not listed above that with certain restrictions can be compatible uses with other uses in the district as approved by the planning, zoning, and appeals board.
- (d) *Area regulations.* Area regulations within the AG district for single-family residential residences shall be as follows:
- (1) Minimum lot size. One acre.
 - (2) Minimum lot width. 100 feet.
 - (3) Maximum lot coverage.
 - a. Residential dwellings and buildings accessory thereto shall cover not more than 50 percent of the lot area.
 - b. All other main and accessory buildings, shall cover not more than 50 percent of the lot area.
 - (4) Building setbacks:
 - a. *Front yard.* There shall be a front yard of not less than 25 feet measured from the front property line to the front building line.
 - b. *Side yard.* There shall be a side yard of not less than ten feet for all residential and accessory buildings. All other permitted buildings shall have a side yard of not less than 20 feet. In the case of corner lots, no building and no addition to a building shall be erected or placed nearer than 20 feet to the side street line of any such lot.
 - c. *Rear yard.*
 - 1. There shall be a rear yard of all main buildings of not less than 20 feet from the rear building line to the rear lot line.
 - 2. Accessory buildings, such as garages, shall have a rear yard of not less than ten feet, measured from the rear building line of such garage or accessory building to the rear lot line.
- (e) *Building site area regulations.* The residential density of the AG district is one dwelling unit per gross acre. ~~AG district parcels that are proposed for residential development may include~~

Exhibit D – Section 34-107 Land Development Code Text Amendments

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~~jurisdictional wetlands. A density transfer of one dwelling unit per one acre of wetland to the upland portion of the parcel is permitted provided that the wetland is placed in a conservation easement to insure the perpetual preservation/protection of the wetland. In addition,~~ If a portion of the parcel is intended to remain in agricultural use for perpetuity, and that portion of the parcel is placed in an agricultural easement, a density transfer of one unit per one acre of land within the agricultural easement is permitted. If as a result of ~~a wetland and/or~~ agricultural easement density transfer, the net density of the residential development exceeds two dwelling units per net acre, these developments shall require the provision of central water and wastewater services. In no event shall the minimum building site area be less than 10,000 square feet nor have a lot width of less than 80 feet at the front of the building line.

- (f) *Height regulations.* No main building or towers (except agricultural structures) associated with residential buildings and/or accessory structures shall exceed 35 feet in height to the bottom of the third story windows, as applicable or as defined; except wireless communication facilities per Chapter 34-271.
- (g) *Off-street parking.* Off-street parking shall be as regulated in article V, division 2 of this chapter.
- (h) *Buffers.* Residential uses abutting bona-fide agricultural uses shall be buffered to minimize visual, odor and noise impacts customarily associated with agricultural operations. Buffers must be located on the property proposing new construction, a change of use or a PUD. Buffers may vary in width but must not be less than 30 feet wide at their narrowest point. Buffers shall incorporate any combination of fencing and landscape material or native vegetation necessary to create an opaque barrier with a minimum height of six feet above the grade of the nearest residential structure. In multi-phased developments, where agricultural use on a phase(s) is projected to continue until that/those phase(s) is/are developed, temporary buffers shall be required. Since the type/intensity of the abutting agricultural use may vary, so will the appropriate type of temporary buffer. Temporary buffers are subject to the review and approval of the planning, zoning and appeals board and certificates of occupancy shall not be issued until such temporary buffers are in place. The planning, zoning and appeals board may establish a time limit on the use of temporary buffers after which the buffers must meet the permanent buffer requirements above. Buffers must be designed with a minimum of a 50-foot clear visibility zone at ingress and egress points.
- (i) Wetland preservation density bonus. A density bonus of up to a maximum of 20 percent of the allowed density based on the properties total acreage is permitted in return for the permanent preservation of wetlands onsite. One bonus unit is permitted for each 5 acres of wetlands preserved. The wetlands along with an upland buffer with an average width of no less than 25 feet and a minimum width of no less than 15 feet shall be placed in a restrictive covenant, conservation easement, or other instrument recorded in the official records of Flagler County intended to insure the permanent preservation of the wetland and buffer in their natural state. All bonuses shall be in whole numbers only. Fractions shall be converted upward, if ½ or more of a whole unit. The minimum lot size may be reduced up to 40% to accommodate the total number units permitted.

Exhibit E – Sec. 34-125 Land Development Code Text Amendments

Chapter 34 - Zoning

Sec. 34-125. - ~~C-1 Conservation district.~~ **RESERVED**

- ~~(a) — Purpose and intent. The purpose of the conservation district is to support the ecological integrity of natural resources and wildlife. This district is intended to provide preservation sensitive lands and to conserve important natural, ecological, and unique habitat resources with residential development at a concentration of one unit per five acres. All residential density must be transferred to developable uplands or category II wetlands based on an appropriate jurisdictional survey.~~
- ~~(b) — Permitted principal and accessory uses and structures. The following uses may be permitted provided they do not adversely affect natural resource function and ecological integrity within the area:~~
- ~~(1) — Parks or other passive recreation activities;~~
 - ~~(2) — Hunting clubs and hunting areas;~~
 - ~~(3) — Scenic, historic, wildlife, or scientific preserves;~~
 - ~~(4) — Scientific and educational activities;~~
 - ~~(5) — Single family residences, mobile and modular homes, and accessory uses;~~
 - ~~(6) — Agricultural or silvicultural uses; and~~
 - ~~(7) — Other uses demonstrated to be compatible with natural resource protections.~~
- ~~(c) — Permitted special exceptions:~~
- ~~(1) — Animal sanctuaries;~~
 - ~~(2) — Seasonal farm worker housing;~~
 - ~~(3) — Family homesteads as outlined in the supplemental regulations; and~~
 - ~~(4) — Accessory dwellings (e.g., guest houses, caretaker's quarters, security stations, etc.) subject to the following criteria:~~
 - ~~a. — Accessory dwellings shall remain accessory to and under the same ownership as the principal dwelling.~~
- ~~(d) — Area regulations for single family residences within the C-1 district shall be as follows:~~
- ~~(1) — Minimum lot size. Five acres.~~
 - ~~(2) — Minimum lot width. None.~~
 - ~~(3) — Maximum lot coverage. Thirty percent for all principal and accessory buildings.~~
 - ~~(4) — Building setbacks. Buffers and setbacks may also be established by applicable regulating jurisdictional agency depending upon an appropriate jurisdictional survey.~~
 - ~~a. — Front yard. There shall be a front yard of not less than 25 feet measured from the front property line to the front building line.~~

Exhibit E – Sec. 34-125 Land Development Code Text Amendments

Chapter 34 - Zoning

- ~~b. *Side yard.* There shall be a side yard of not less than 10 feet for all residential and accessory buildings. All other permitted buildings shall have a side yard of not less than 20 feet. In the case of corner lots, no building and no addition to a building shall be erected or placed nearer than 20 feet to the side street line of any such lot.~~
- ~~c. *Rear yard:*~~
 - ~~1. There shall be a rear yard of all main buildings of not less than 20 feet from the rear building line to the rear lot line.~~
 - ~~2. Accessory buildings, such as garages, shall have a rear yard of not less than ten feet, measured from the rear building line of such garage or accessory building to the rear lot line.~~
- ~~(e) *Height regulations.* No main building or towers (except agricultural structures) associated with residential buildings and/or accessory structures shall exceed 35 feet in height, except wireless communications facilities per section 34-271.~~
- ~~(f) *Off-street parking.* Off-street parking shall be as regulated in article V, division 2 of this chapter.~~
- ~~(g) *Buffers.* Residential developments abutting conservation uses shall be buffered to minimize impacts to the natural environment. Buffers must be located on the residential parcel. Buffers may vary in width but must not be less than 25 feet wide at their narrowest point. Buffers shall maintain native vegetation as much as practicable or as required by the appropriate jurisdictional agency. In multi-phased developments, where conservation use on a phase(s) is projected to continue until that/those phase(s) is/are developed, temporary buffers shall be required. Since the type/intensity of the abutting residential use may vary, so will the appropriate type of temporary buffer. Temporary buffers are subject to the review and approval of the PZA and appropriate jurisdictional agency. The PZA board may establish a time limit on the use of temporary buffers after which the buffers must meet the permanent buffer requirements. Certificates of occupancy may not be issued until such temporary buffers are established. Buffers between residential uses and agricultural uses shall meet requirements established in subsection 34-106(h).~~

Exhibit F – Sec. 34-126 Land Development Code Text Amendments

Chapter 34 - Zoning

Sec. 34-126. - C-2 Conservation district.

- (a) *Purpose and intent.* The purpose of the C-2 Conservation district is to support the ecological integrity of the natural resources and wildlife. This district is intended to provide lasting support to environmentally sensitive lands and to conserve important natural and ecological resources from development. Impacts or uses allowed within the C-2 Conservation district must be outlined in the conservation easement or other permanent protection instrument.

Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Bunnell has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Bunnell may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

Proposed ordinance’s title/reference:

ORDINANCE 2024-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE CITY OF BUNNELL LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENT TO SECTION 18-52 WETLANDS; PROVIDING FOR AMENDMENT TO VARIOUS SECTIONS WITHIN CHAPTER 34 – ZONING; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

Applicable Exemptions:

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - ☒ Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Business Impact Estimate:

Business Impact Estimate Form
Form Revised 09/28/23
Page 1 of 2

Note to Staff: This form should be completed and included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City’s website by the time notice of the proposed ordinance is published.

The City of Bunnell hereby publishes the following information:

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

This Ordinance is to update the Land Development Regulations regarding wetlands and conservation to be compliant with the Comprehensive Plan.

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

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- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

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- (c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

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- 3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

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- 4. Additional information the governing body determines may be useful (if any):**

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Note: The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.