

*Crossroads of Flagler County*

***Board Members:***

***Thea Mathen***

***Jan Reeger***

***Jerry Jones***

***Howard Kane***

***Carl Lilavois***

***Shannon Strickland***

**PLANNING, ZONING AND APPEALS BOARD  
AGENDA**

**Tuesday, June 20, 2017**

**7:00 PM**

201 West Moody Boulevard,  
City Commission Chambers - Building 3  
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**

2017 05 16 Planning, Zoning and Appeals Board Minutes

**New Business:**

- 4.** Public Hearing Case Number 2017-16: Special Exception Request to allow a transitional housing project at 210 N. Fig Street.
- 5.** Public Hearing Case Number 2017-17: Special Exception Request to allow soil extraction/a borrow pit to be located at 141 Opossum Lane located in a Flagler County AC, Agriculture zoning district.
- 6.** Public Hearing Case Number 2017-18: Special Exception Request to allow a church to operate at 207 N. Chapel St.
- 7.** Case Number 2017-19: Request for Site Plan Approval for 2270 S. State St.
- 8.** Public Hearing Case Number 2017-20: Variance request to exceed the maximum allowable impervious lot coverage by up to 10% at 601 S. State St.
- 9.** Public Hearing Case Number 2017-21: Ordinance 2017-XX Changing the Future Land Use designation of approximately .40 acres of property to Bunnell Commercial Medium.
- 10.** Public Hearing Case Number 2017-22: Ordinance 2017-XX Changing the Zoning designation of approximately .40 acres of property to B-1, Business district.
- 11.** Public Hearing Case Number 2017-23: Ordinance 2017-XX Amending the Bunnell Land Development Code Sec. 34-186 Home Occupations.

**Old Business: None**

**12. Public Comment**

Comments regarding items not on the agenda. Citizens are encouraged to speak; however, comments should be limited to three minutes.

**13. Board comment**

#### **14. 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's office at (386) 437-7500.



## City of Bunnell, Florida

### Agenda Item No.

#### ATTACHMENTS:

Description

Proposed Minutes

Type

Minutes



*Crossroads of Flagler County*

**Board Members:**  
**Thea Mathen**  
**Shannon Strickland**  
**Jerry Jones**  
**Jan Reeger**  
**Randy Morris**  
**Howard Kane**

## **PLANNING, ZONING AND APPEALS BOARD MINUTES**

**Tuesday, May 16, 2017**

**7:00 PM**

201 West Moody Boulevard,  
City Commission Chambers - Building 3  
Bunnell, FL 32110

- 
- 1. Call Meeting to Order for Planning and Zoning Meeting and Roll Call**  
**Present:** Thea Mathen, Chair; Shannon Strickland, Vice Chair; Randy Morris; Jan Reeger; Howard Kane (alternate)  
**Excused:** Jerry Jones  
**Not Present:**  
**Non-Voting:** Charlie Cino; Kristen Bates; Jameun Hamilton
  - 2. Disclosure of Ex-Parte communications.**  
None.
  - 3. Approval of Minutes**  
2017 04 18 Planning, Zoning and Appeals Board Minutes  
**Motion:** Approve the minutes of the April 18, 2017 meeting.  
**Moved By:** Randy Morris  
**Second By:** Jan Reeger  
**Vote:** Motion carried by unanimous vote.

### **New Business:**

- 4. Public Hearing Case Number 2017-11 Variance Request to reduce the front setback at 1208 Sherman St.**  
This item was introduced by Acting Community Development Director Kristen Bates. The applicant, Doris Williams, requested her front setback be reduced from 25 feet to 4 feet to allow the installation of a carport over her paved driveway.

The applicant, Doris Williams, was present to answer questions.

There was discussion by the Board about the location of the house and where the proposed carport would be placed.

Public Comment: None

**Motion:** Approve the variance request to reduce the front setback from 25 feet to 4 feet in accordance with Section 34-54 and Section 34-55 of the Land Development Code.

**Moved By:** Randy Morris

**Second By:** Jan Reeger

**Vote:** Motion carried by unanimous vote.

**5. Public Hearing Case Number 2017-12: Ordinance 2017-XX Changing the Future Land Use Designation on Approximately 1.92 Acres of Property from Bunnell Single Family Low Density and Single Family Medium Density to Bunnell Single Family Medium Density.**

This item was introduced by Acting Community Development Director Kristen Bates. The applicant, Manuel Madaleno, requested the future land use designation of two adjacent properties be changed from Single Family Low Density and Single Family Medium Density to just Single Family Medium Density. The request is consistent with the City's Comprehensive Plan. Mr. Madaleno plans to build duplexes on the properties.

The applicant, Manuel Madaleno, was present to answer questions.

There was discussion by the Board regarding the proposed use of the properties.

Public Comment: None

**Motion:** Approve Ordinance 2017-XX Changing the Future Land Use Designation on Approximately 1.92 Acres of Property from Bunnell Single Family Low Density and Single Family Medium Density to Bunnell Single Family Medium Density.

**Moved By:** Jan Reeger

**Second By:** Randy Morris

**Vote:** Motion carried by unanimous vote

**6. Public Hearing Case Number 2017-13: Ordinance 2017-XX Changing the Zoning Designation of Approximately 1.92 Acres of Property from City of Bunnell R-1, Single Family Residential district to City of Bunnell R-2, Multiple-Family Residential district.**

This item was introduced by Acting Community Development Director Kristen Bates. This is a companion to the previous agenda item. The applicant, Manuel Madaleno, requested the zoning designation for the two adjacent properties be changed to R-2, Multiple-Family Residential district to allow for the construction of duplexes which are not permitted in the R-1, Single Family Residential district, but would be permitted in the R-2, Multiple-Family Residential district.

The applicant, Manuel Madaleno, was present to answer questions.

Public Comment: None

**Motion:** Approve Ordinance 2017-XX Changing the Future Land Use Designation on Approximately 1.92 Acres of Property from Bunnell Single Family Low Density and Single Family Medium Density to Bunnell Single Family Medium Density.

**Moved By:** Jan Reeger

**Second By:** Randy Morris

**Vote:** Motion carried by unanimous vote

**7. Public Hearing Case Number 2017-14: Ordinance 2017-XX Request to Vacate a Portion of Hardy St.**

This item was introduced by Acting Community Development Director Kristen Bates. The applicant, Manuel Madaleno, requested an undeveloped portion of Hardy Street be vacated. Mr. Madaleno owns both adjacent properties to this right-of-way and would use the vacated right-of-way to building duplexes for family housing.

The applicant, Manuel Madaleno, was present to answer questions.

Randy Morris clarified how the vacated property would be divided between the adjacent property owners.

Public Comment: None

**Motion:** Approve Ordinance 2017-XX Request to Vacate a Portion of Hardy St.

**Moved By:** Jan Reeger

**Second By:** Howard Kane

**Vote:** Motion carried by unanimous vote

**8. Public Hearing Case Number 2017-15: Ordinance 2017-XX Amending the Land Development Code Section 2-87 Hearing Notification Requirements.**

This item was introduced by Acting Community Development Director Kristen Bates. The Bunnell Land Development Code provides regulations for Planning Board hearing notifications. The proposed ordinance would change notification letters be sent only to adjacent property owners if the adjacent properties were under City jurisdiction.

Jan Reeger asked if other jurisdiction or cities that had taken such actions. Staff advised this amendment has been reviewed by the City Attorney and it is within the City's right to limit notifications in this manner.

Public Comment:

Crystal Ray (Gallberry Ct.)- Stated concerns about getting notifications. Staff explain how the proposed changes would work.

Susie DeShazio (Gallberry Ct)- Asked why she did not get notification on a prior hearing. Staff explained the 300-foot radius for notification and stated if her property was more than 300 feet from the subject property she would not get a notice. Also advised that parcels marked confidential would not receive a notice because the contact information would not be available on the Property Appraiser website.

**Motion:** Approve Ordinance 2017-XX Amending the Land Development Code Section 2-87 Hearing Notification Requirements.

**Moved By:** Jan Reeger

**Second By:** Randy Morris

**Vote:** Motion carried by unanimous vote.

**Old Business: None**

**9. Public Comment:** None

**10. Board comment**

Charlie Cino advised Board members the Form 1 Financial disclosure notices have been sent out. They are due to the Supervisor of Elections Office by July 1.

**11. Adjournment of Planning and Zoning Meeting**

**Motion:** Adjourn.

**Moved By:** Jan Reeger

**Second By:** Randy Morris

**Vote:** Motion carried by unanimous vote.

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Thea Mathen, Chair



## City of Bunnell, Florida

### Agenda Item No. 4.

Document Date: 5/21/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-16: Special Exception Request to allow a transitional housing project at 210 N. Fig Street.  
Property Address: 210 N. Fig St.  
Zoning Designation: R-2, Multiple Family Residential district  
Future Land Use Designation: Single Family Low Density  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Location Map & Concept Sketch	Location Map(s)
Report from Fire Inspector	Exhibit

#### Summary/Highlights:

This is a request to allow a multi-family, transitional housing project to operate at 210 N. Fig Street.

The current property owner has granted the applicant permission to make this request.

#### Background:

The applicant, Samaritan Ministries, is in the process of purchasing 210 N. Fig Street. They would like to use the property as a transitional house for women and children. The house would house over six residents at one time.

From the Land Development Code:

***Sec. 34-112. - R-2 Multiple-family residential district.***

*(c) Permitted special exception. Permitted special exceptions in the R-2 district shall be as follows:*

*(5) 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.*

Special Exception requests allow the Planning Board to place certain restrictions on a use to ensure it is compatible with the surrounding properties and other uses within the district.

Given the congestion of this area during school hours and the narrowness of the existing street, the potential to park on the City right-of-way overnight, during school hours or for any length of time which may affect the traffic flow in this area is a concern that needs to be addressed.

As of the writing of this report, concerns that have already been raised by the property owners in the area are



the length of stay for each family and how much turn over there would be with different families moving in and out of the house.

As the property was developed and last used as a single family residence, before the house would be allowed to open, all required fire safety measures to convert the house for multi-family living would need to be completed. Additionally, the property would need to be able to meet the required parking requirements for this type of use. Depending on the amount of impervious area that may need to be added to the site, either minimal or minor site plan approval would be required. Neither of these site plans would come before the Planning Board.

As required by the Land Development Code *Sec. 2-87.- Hearing notification requirements*, an advertisement regarding this agenda item was run in the Wednesday, June 7, 2017 edition of the News Tribune and property owners within 300 feet of the property as identified by the Flagler County Property Appraiser website were mailed hearing notification letters.

The applicant can provide additional information about their request and the potential project.

**Staff Recommendation:**

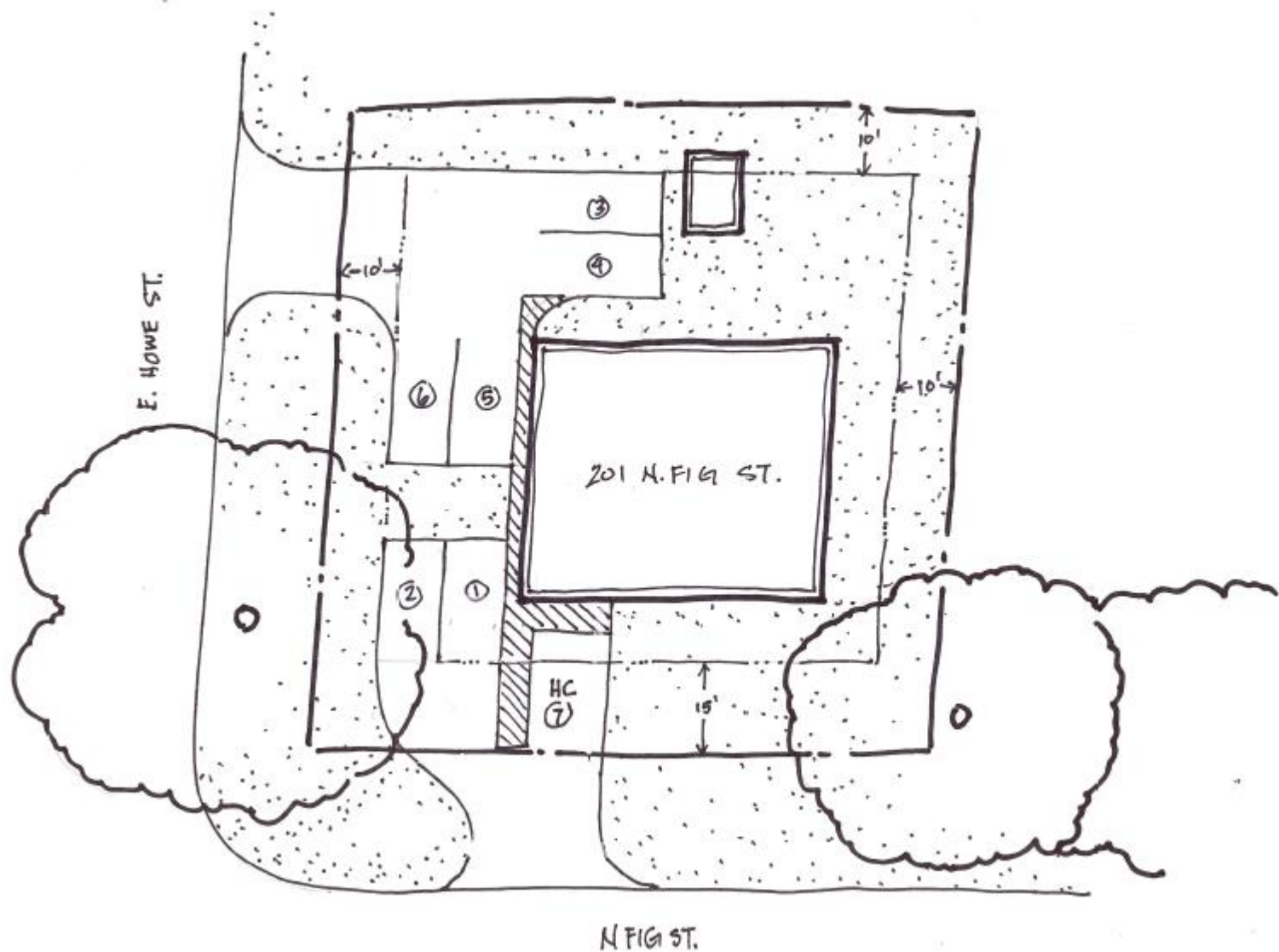
Approval of the special exception request contingent on the applicant demonstrating the use would have minimal impacts on the adjacent properties and with consideration for any reasonable conditions the Planning Board feels would be needed to lessen the impact of the use on the surrounding properties.

**City Attorney Review:**

# 210 N. Fig St Special Exception Request- Location Map



# 210 N. Fig St Special Exception Request- Concept Sketch



## Kristen Bates

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**From:** Hughes, Chris <CHughes@flaglersheriff.com>  
**Sent:** Tuesday, May 23, 2017 2:48 PM  
**To:** lo\_raine@bellsouth.net  
**Cc:** Kristen Bates  
**Subject:** Fig street Group home

Here are the codes that will apply to you

This chapter is divided into five sections as follows: (1) Section 32.1 General Requirements (2) Section 32.2 Small Facilities (that is, sleeping accommodations for not more than 16 residents) (3) Section 32.3 Large Facilities (that is, sleeping accommodations for more than 16 residents) (4) Section 32.4 Suitability of an Apartment Building to House a Board and Care Occupancy (Sections 32.5 and 32.6 are reserved.)

32.2.2.2.1 Every sleeping room and living area shall have access to a primary means of escape located to provide a safe path of travel to the outside.

32.2.2.3 Secondary Means of Escape. 32.2.2.3.1 Sleeping rooms, other than those complying with 32.2.2.3.2, and living areas in facilities without a sprinkler system installed in accordance with 32.2.3.5 shall have a second means of escape consisting of one of the following: (1) Door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or the finished ground level that is independent of, and remotely located from, the primary means of escape (2) Passage through an adjacent nonlockable space independent of, and remotely located from, the primary means of escape to any approved means of escape (3)\* Outside window or door operable from the inside, without the use of tools, keys, or special effort, that provides a clear opening of not less than 5.7 ft<sup>2</sup> (0.53 m<sup>2</sup>), with the width not less than 20 in. (510 mm), the height not less than 24 in. (610 mm), and the bottom of the opening not more than 44 in. (1120 mm) above the floor, with such means of escape acceptable, provided that one of the following criteria is met: (a) The window is within 20 ft (6100 mm) of the finished ground level. (b) The window is directly accessible to fire department rescue apparatus, as approved by the authority having jurisdiction. (c) The window or door opens onto an exterior balcony

32.2.2.3.2 Sleeping rooms that have a door leading directly to the outside of the building with access to the finished ground level or to an exterior stairway meeting the requirements of 32.2.2.6.3 shall be considered as meeting all the requirements for a second means of escape.

32.2.2.5.1.1 Bathroom doors shall be not less than 24 in. (610 mm) wide.

32.2.2.5.4 Every bathroom door shall be designed to allow opening from the outside during an emergency when locked

32.2.3.4.1 Fire Alarm Systems. A manual fire alarm system shall be provided in accordance with Section 9.6.

32.2.3.4.2 Occupant Notification. Occupant notification shall be provided automatically, without delay, in accordance with 9.6.3. 32.2.3.4.3

Smoke Alarms.

32.2.3.4.3.1 Approved smoke alarms shall be provided in accordance with 9.6.2.10. 32.2.3.4.3.2 Smoke alarms shall be installed on all levels, including basements but excluding crawl spaces and unfinished attics. 32.2.3.4.3.3 Additional smoke alarms shall be installed in all living areas, as defined in 3.3.21.5. 32.2.3.4.3.4 Each sleeping room shall be provided with an approved smoke alarm in accordance with 9.6.2.10.

32.2.3.5.2\* In conversions, sprinklers shall not be required in small board and care homes serving eight or fewer residents when all occupants have the ability as a group to move reliably to a point of safety within 3 minutes.

32.2.3.6.1 Corridor walls, other than those meeting the provisions of 32.2.3.6.2, shall meet all of the following requirements: (1) Walls separating sleeping rooms shall have a minimum 1-hour fire resistance rating. The minimum 1-hour fire resistance rating shall be considered to be achieved if the partitioning is finished on both sides with lath and plaster or materials providing a 15-minute thermal barrier. (2) Sleeping room doors shall be substantial doors, such as



those of 1 in. (44 mm) thick, solid-bonded wood-core construction or of other construction of equal or greater stability and fire integrity. (3) Any vision panels shall be fixed fire window assemblies in accordance with 8.3.4 or shall be wired glass not exceeding 9 ft

32.3.2.8 Illumination of Means of Egress. Means of egress shall be illuminated in accordance with Section 7.8.

32.3.2.9 Emergency Lighting. Emergency lighting in accordance with Section 7.9 shall be provided, unless each sleeping room has a direct exit to the outside at the finished ground level.

32.3.2.10 Marking of Means of Egress. Means of egress shall be marked in accordance with Section 7.10.

You will also need fire extinguishers but that will be figured out after you move in

Any questions please let me know

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PLEASE NOTE: Florida has a very broad public records law per Fla. Statute 119. Most written communications to or from the Flagler County Sheriff's Office regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. If you do not want your e-mail address released, do not send electronic mail to this agency. Instead, contact this office by phone..



## City of Bunnell, Florida

### Agenda Item No. 5.

Document Date: 5/21/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-17: Special Exception Request to allow soil extraction/a borrow pit to be located at 141 Opossum Lane located in a Flagler County AC, Agriculture zoning district.  
Property Address: 141 Opossum Ln.  
Zoning Designation: AC, Agriculture (Flagler County)  
Future Land Use Designation: Bunnell: Agriculture; Agriculture & Silviculture; Conservation 1  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Location Map	Location Map(s)
Concept Sketch	Concept Sketch

#### Summary/Highlights:

This is a special exception request to allow soil extraction or a borrow pit to be located at 141 Opossum Lane located in a Flagler County AC, Agriculture zoning district.

This property was recently sold to the applicant. On February 17, 2015, the Planning Board granted permission to the former owner, Jay Beggelman, to operate a borrow pit at this location.

#### Background:

The new owner of this property, Josh White Site Development, would like to create and operate a borrow pit on the property located at 141 Opossum Lane.

Even though the property has a Flagler County zoning designation, the property is under the jurisdiction of the City of Bunnell.

Opossum Lane is not a City maintained road. The City cannot regulate connections or changes to Opossum Lane.

From the Flagler County Land Development Code:

#### **3.03.02. - AC—Agriculture district.**

##### *C. Permitted special exceptions.*

##### *7. Mining, shell or soil extraction, gas and oil wells.*

Special exception requests allow the Planning Board to place certain restrictions on a use to ensure that it is

compatible with other uses in the district and the surrounding properties. Special exception permission is granted to the applicant only and is not granted to the property.

As required by the Land Development Code *Sec. 2-87.- Hearing notification requirements*, an advertisement regarding this agenda item was run in the Wednesday, June 7, 2017 edition of the News Tribune and property owners within 300 feet of the property as identified by the Flagler County Property Appraiser website were mailed hearing notification letters.

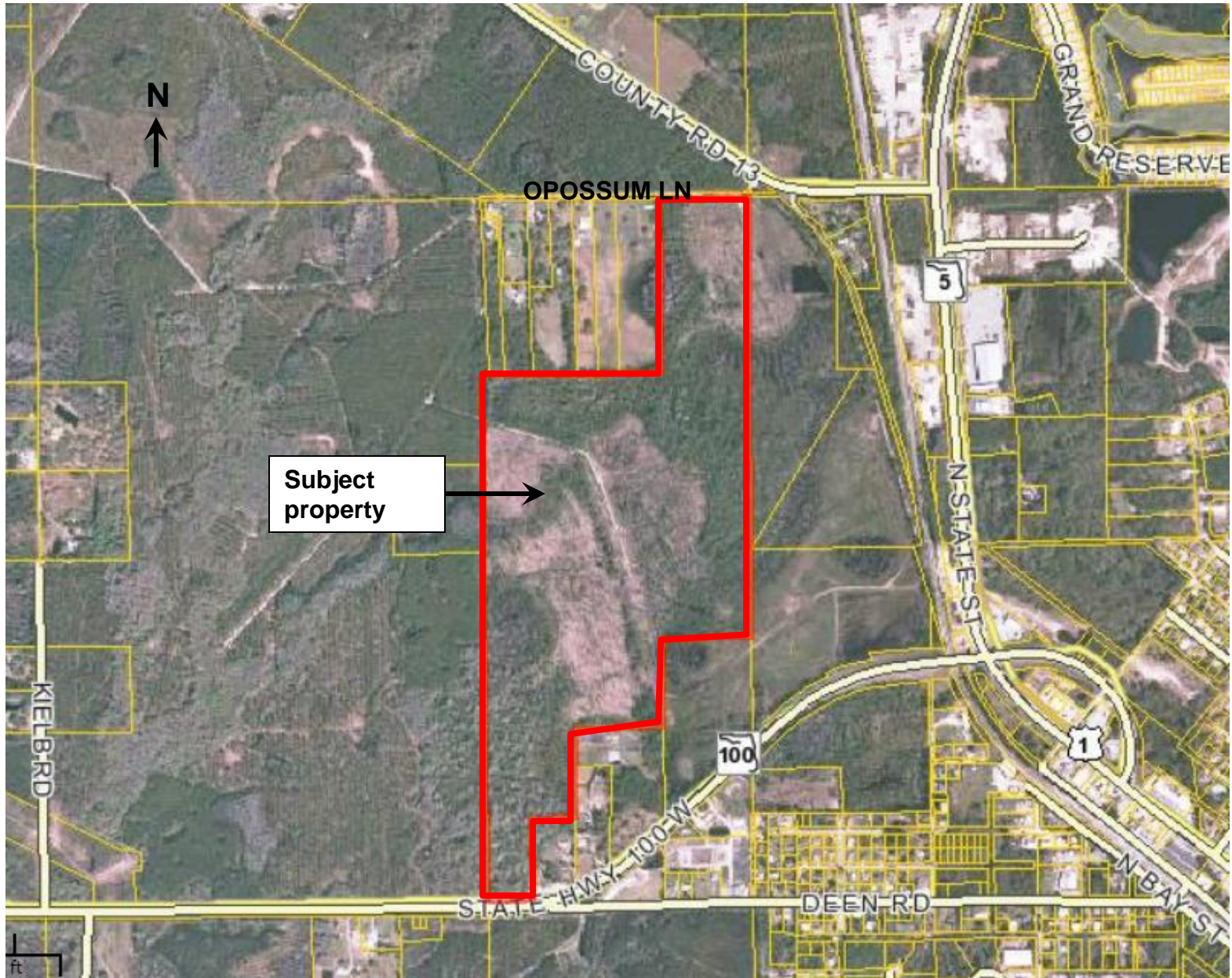
The applicant can further explain this request.

**Staff Recommendation:**

Approval of the special exception request contingent on the applicant demonstrating the use would have minimal impacts on the adjacent properties and with consideration for any reasonable conditions the Planning Board feels would be needed to lessen the impact of the use on the surrounding properties.

**City Attorney Review:**

# Josh White Special Exception Request- Location Map

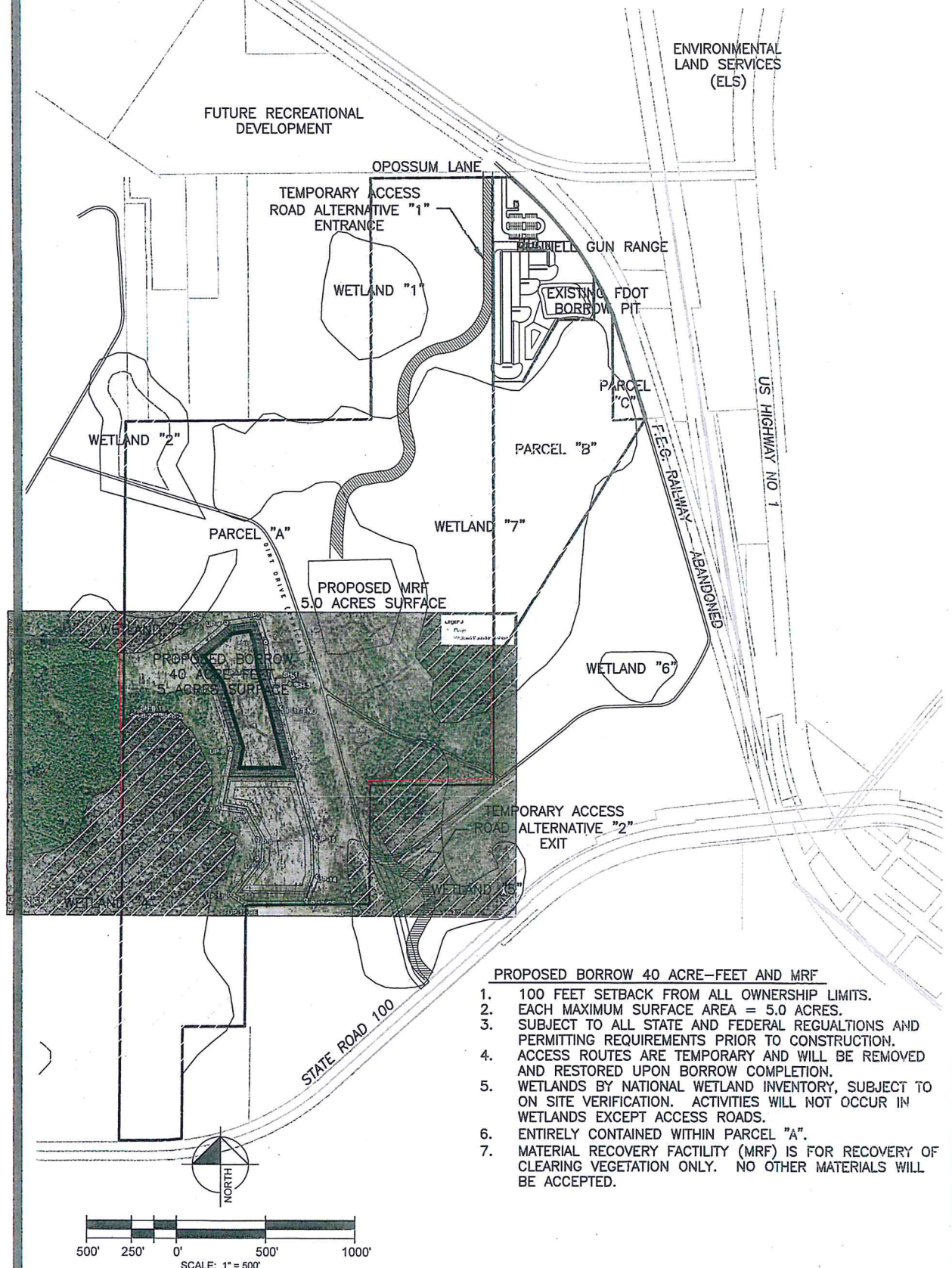




# BUNNELL BORROWS

## EXHIBIT FOR SPECIAL EXCEPTION

MAY 19, 2017



### PROPOSED BORROW 40 ACRE-FEET AND MRF

1. 100 FEET SETBACK FROM ALL OWNERSHIP LIMITS.
2. EACH MAXIMUM SURFACE AREA = 5.0 ACRES.
3. SUBJECT TO ALL STATE AND FEDERAL REGULATIONS AND PERMITTING REQUIREMENTS PRIOR TO CONSTRUCTION.
4. ACCESS ROUTES ARE TEMPORARY AND WILL BE REMOVED AND RESTORED UPON BORROW COMPLETION.
5. WETLANDS BY NATIONAL WETLAND INVENTORY, SUBJECT TO ON SITE VERIFICATION. ACTIVITIES WILL NOT OCCUR IN WETLANDS EXCEPT ACCESS ROADS.
6. ENTIRELY CONTAINED WITHIN PARCEL "A".
7. MATERIAL RECOVERY FACILITY (MRF) IS FOR RECOVERY OF CLEARING VEGETATION ONLY. NO OTHER MATERIALS WILL BE ACCEPTED.

### PARCEL LEGEND:

"A" PARCEL ID: 09-12-30-5550-00010-0030  
 "B" PARCEL ID: 10-12-30-0650-000B0-0191  
 "C" PARCEL ID: 10-12-30-0650-000B0-0072

**STEPHENSON, WILCOX  
& ASSOCIATES, INC.**

CIVIL ENGINEERS LAND SURVEYORS • CONSULTANTS PLANNERS  
 204 N. RAILROAD ST. P.O. BOX 186 BUNNELL, FL 32110  
 PHONE: (386) 437-2363 FAX: (386) 437-0030 EMAIL: INFO.SWA@GMAIL.COM

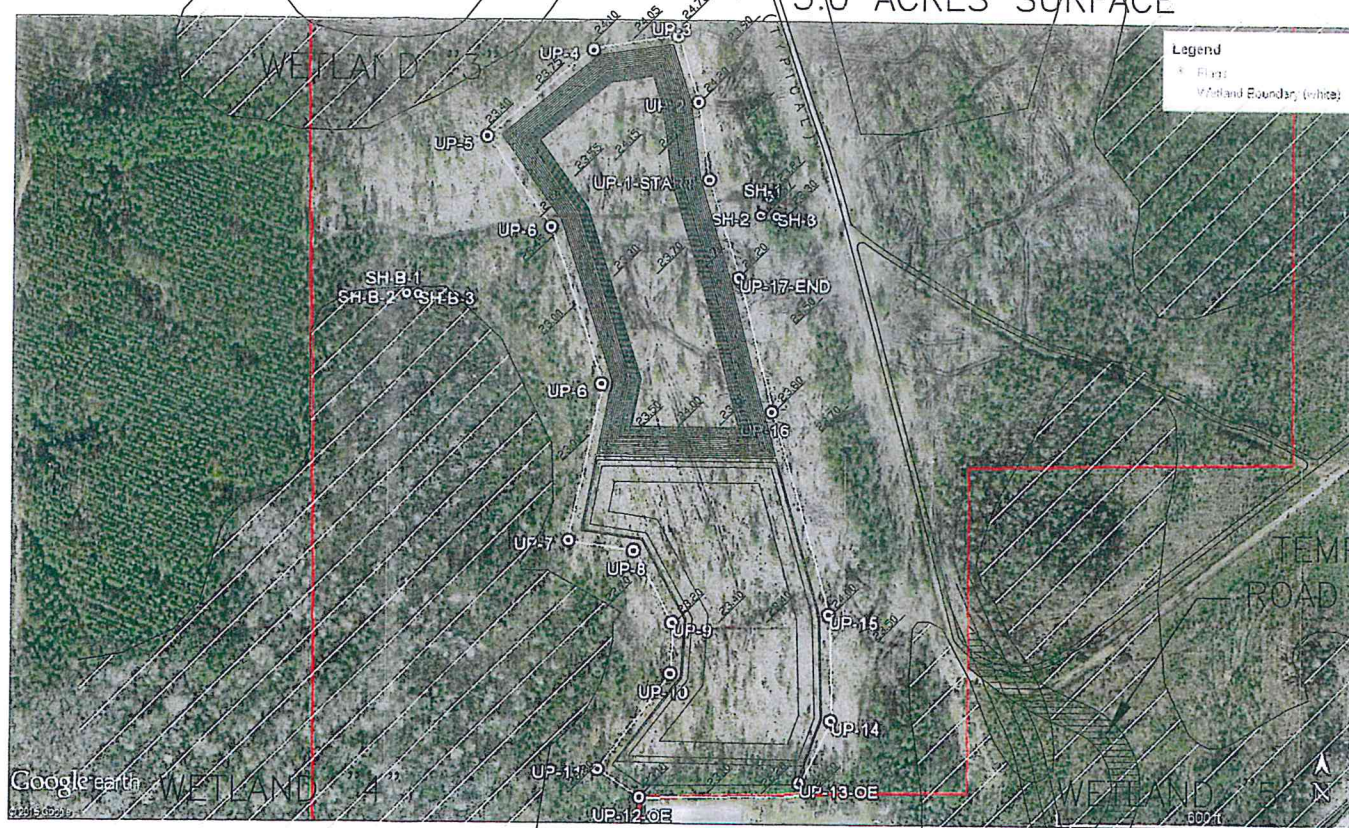
**SHEET**

1 of 2



PROPOSED BORROW  
40 ACRE-FEET,  
5 ACRES SURFACE

PROPOSED MRF  
5.0 ACRES SURFACE



WETLAND "6"

TEMPORARY ACCESS  
ROAD ALTERNATIVE "2"  
EXIT

STATE ROAD 100

# **BUNNELL BORROWS** **TOPOGRAPHICAL**

**STEPHENSON, WILCOX  
& ASSOCIATES, INC.**

CIVIL ENGINEERS LAND SURVEYORS • CONSULTANTS PLANNERS  
204 N. RAILROAD ST. P.O. BOX 186 BUNNELL, FL 32110  
PHONE: (386) 437-2363 FAX: (386) 437-0030 EMAIL: INFO.SWA@GMAIL.COM

**SHEET**  
**2 of 2**



## City of Bunnell, Florida

### Agenda Item No. 6.

Document Date: 5/25/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-18: Special Exception Request to allow a church to operate at 207 N. Chapel St.  
Property Address: 207 N. Chapel St.  
Zoning Designation: R-2, Multiple Family Residential district  
Future Land Use Designation: Single Family Low Density  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Location Map & Concept Sketch	Location Map(s)

#### Summary/Highlights:

This is a request to allow a church to operate at 207 N. Chapel Street. There is currently a daycare operating at this location.

The current property owner has granted the applicant permission to make this request.

#### Background:

The applicant, St. Nicholas Russian Orthodox Church, is in the process of purchasing 207 N. Chapel Street. They would like to use the property as a church.

From the Land Development Code:

***Sec. 34-112. - R-2 Multiple-family residential district.***

*(c) Permitted special exception. Permitted special exceptions in the R-2 district shall be as follows:*

*(1) Churches and related activities pursuant to article V, division 3 of this chapter;*

Special Exception requests allow the Planning Board to place certain restrictions on a use to ensure it is compatible with the surrounding properties and other uses within the district.

Given the congestion of this area during school hours and school functions and the narrowness of the existing street, the potential of parishioners and/or visitors to the church to park on the City right-of-way for any length of time which may affect the traffic flow in this area is a concern that needs to be addressed

As the property is currently used as a daycare, fire safety measures may need to be taken to convert the structure for assembly purposes. Additionally, the property would need to be able to meet the required parking requirements for this type of use and other site plan requirements such as landscaping. Depending

on the amount of impervious area that may need to be added to the site, either minimal or minor site plan approval would be required. Neither of these site plans would come before the Planning Board.

As required by the Land Development Code *Sec. 2-87.- Hearing notification requirements*, an advertisement regarding this agenda item was run in the Wednesday, June 7, 2017 edition of the News Tribune and property owners within 300 feet of the property as identified by the Flagler County Property Appraiser website were mailed hearing notification letters.

The applicant can provide additional information about their request and the potential project.

**Staff Recommendation:**

Approval of the special exception request contingent on the applicant demonstrating the use would have minimal impacts on the adjacent properties and with consideration for any reasonable conditions the Planning Board feels would be needed to lessen the impact of the proposed use on the surrounding properties.

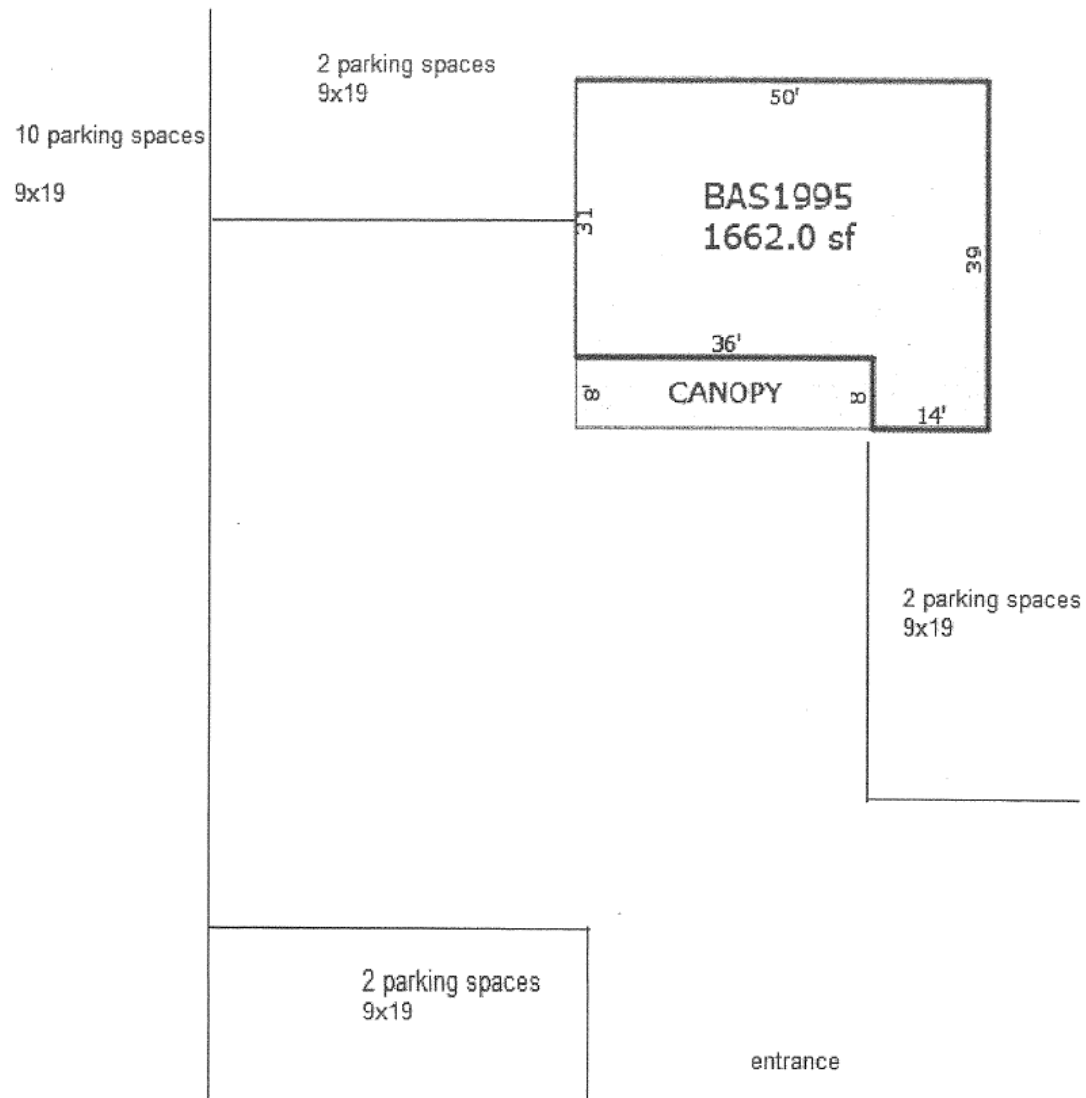
**City Attorney Review:**



# St. Nicholas Church Special Exception Request- Location Map



# St. Nicholas Church Special Exception Request- Concept Sketch





## City of Bunnell, Florida

### Agenda Item No. 7.

Document Date: 5/30/2017  
Department: Community Development  
Subject: Case Number 2017-19: Request for Site Plan Approval for 2270 S. State St.  
Property Address: 2270 S. State St.  
Zoning Designation: L-1, Light Industrial  
Future Land Use Designation: Industrial  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Location Map	Location Map(s)
Applicant Response Letter	Exhibit
Applicant Response Letter 6/5/17	Exhibit
Proposed Site Plan	Exhibit

#### Summary/Highlights:

This is a request for site plan approval for the expansion of an existing non-residential site.

This is a major site plan and requires approval by the Planning Board.

#### **Sec. 22-4. - Procedures for site plan review and approval.**

##### *(a) Site plan thresholds.*

- (1) *Major site plan.* The following developments shall require major site plan approval:
- c. Expansion or replacement on an existing nonresidential site which includes an addition of 2,000 square feet or more of impervious area.

#### **Background:**

The applicant, A Land Management of Flagler LLC, is requesting site plan approval for the removal and replacement of an existing building and the addition of two new buildings to the site. The replacement building will total 4,800 square feet and the two new buildings will each total 1,225 square feet.

The owner is planning to rent spaces to construction and landscape businesses.

As of the writing on this report, all City comments have not be addressed; however the applicant requested the site plan be brought before the Planning Board to avoid delays in obtaining the building permit. The following items or documentation still need to be provided to satisfy all City comments:

1. A copy of the Department of Health well permit for the expansion or replacement of the existing system.

2. A copy of the Department of Health septic permit for the expansion or replacement of the existing system.

The applicant can answer any additional questions about the proposed project.

**Staff Recommendation:**

Approval of the proposed site plan contingent on all City comments being addressed and all required state, county or local permits being provided.

**City Attorney Review:**



# A Land Management Site Plan Approval Request- Location Map





520 Palm Coast Pkwy SW  
Suite 200  
Palm Coast, FL 32137  
Phone: 386.445.6569  
Fax: 386.447.8991

May 17, 2017

The City Bunnell  
Community Development Department  
PO Box 756  
Bunnell, FL 32110

RE: Site Plan Review for A Land Management of Flagler LLC at 2270 S State Street

Dear Community Development Staff:

CPH provides the following responses to the comment letter dated April 26, 2017.

**Community Development:**

1. Please provide a signed and sealed survey by a professional land surveyor.
  - o **Land Development Code Sec. 22-9(b)(1)** *A survey signed and sealed by a professional land surveyor showing the locations of any existing structures, easements, rights-of-way, utilities and drainage structures, boundaries and significant topographic features.*  
***Signed and sealed surveys have been included.***
2. Please provide a copy of the permit or documentation from the St. Johns River Water Management District stating the existing stormwater management permit can handle the expansion of the site or a new permit for the expansion of the existing site.
  - o **Land Development Code Sec. 22-9(b)(5)** *When applicable, a copy of the completed stormwater management permit application.*  
***The stormwater system is currently under review with SJRWMD, and a copy of the permit will be provided as soon as it is received.***
3. Please provide a landscaping plan that meets City requirements.
  - o **Land Development Code Sec. 22-9(b)(6)** *A landscape plan meeting the requirements of Chapter 14 of the LDC, including protected tree requirements.*
  - o **Land Development Code Sec. 14-100(a)**  
*(1) All sites shall have perimeter landscaping or berms. Perimeter landscaping is defined as a minimum width of area that shall be landscaped to the fullest extent.*  
*(2) Perimeter landscaping shall consist of trees having a minimum caliper of 2A inches measured 4A feet above ground and a minimum height of eight feet when planted and planted no more than 50 feet apart and dense plantings achieving four feet in height at the time of planting for the entire length of the perimeter landscaping area. The remaining width of the perimeter landscaping area shall be landscaped in accordance with the definition of landscaping found in section 1-2 of the City of Bunnell Land Development Code.*  
***A Landscape plan has been included with this submittal package for your review.***
4. Please provide a statement of intended use for the property.



- **Land Development Code Sec. 22-9(c)(2)** Statement of intended uses to occur on the site.

*It is intended that each of these buildings will be rented out to construction and landscape type businesses for use primarily for storage of tools, equipment, materials, and overnight storage of vehicle and trailers.*

5. Please provide the legal description and parcel identification number.
- **Land Development Code Sec. 22-9(c)(6)** Legal description, including the section, township and range, and the property appraiser's tax parcel number(s) of the subject property.

*The legal description and parcel number have been added to the cover sheet of the plans.*

6. Please include an approximate timetable for project completion.
- **Land Development Code Sec. 22-9(c)(8)** Approximate timetable (month and year) for completion of the project, and any proposed phases of a phased development project. All phases of multi-phase projects must be able to meet all of the site plan requirements within the subject phase.

*The intent is to complete all of the proposed improvements by January of 2019.*

7. The plan listed only the zoning designation for this property and the adjacent properties. Please provide the required land use information for this property and the adjacent properties.

- **Land Development Code Sec. 22-9(c)(9)** Existing zoning and comprehensive plan land use map designations of the site and adjacent properties.

*The land use map designations have been added to sheet C-3 of the plans.*

8. Please include the floodplain information for this property.
- **Land Development Code Sec. 22-9(d)(1)** Limits of 100-year floodplain and/or coastal flood velocity areas (V-zones), as shown on the most recent Federal Emergency Management Agency (FEMA) maps or a statement of the 100-year flood elevation and the flood zone in which the project is located.

*A copy of the FEMA data has been added to the cover sheet.*

9. Please include the dimensions of the existing structures on the site including any existing parking or loading areas.

- **Land Development Code Sec. 22-9(d)(3)** Location and dimensions of any existing structures on the site, and any parking or loading areas.

*Building dimensions have been added to the plans based on the available survey. There are no paved drives or parking areas currently on the site, so specific parking areas have not been called out.*

10. Please list the intended use of each proposed new structure.

**Land Development Code Sec. 22-9(e)(1)** The number of proposed buildings and the intended use of all principal and accessory structures including the square footage for all principal and accessory structures.

*It is intended that each of these buildings will be rented out to construction and landscape type businesses for use primarily for storage of tools, equipment, materials, and overnight storage of vehicle and trailers.*

11. Please include any signage and signage details to be used on the property.

- **Land Development Code Sec. 22-9(e)(2)** Location, size, type, and orientation of all signs, including but not limited to traffic and directional signs, warning or guide signs, speed limit signs, parking signs, or hazard signs.

*The only traffic control signage currently proposed for this site is the existing stop sign located at US-1, and the handicapped signage as shown in the details. We do not feel that any additional signage is necessary for a single drive with a cul-de-sac. The dashed drives shown behind the buildings are to depict that tenants have the ability to drive behind the buildings for loading/unloading and overnight parking of vehicles and trailers. The areas behind each building are not intended for public access. A monument sign is proposed to be placed north of the entrance drive, as shown on the Landscape plan, and will be per City requirements.*

**12.** Please include the height of each proposed building.

- **Land Development Code Sec. 22-9(e)(3)** Number of stories and height of principal and accessory structures.

*A maximum height has been added for the proposed buildings.*

**13.** Please provide the location of any exterior mechanical equipment or a statement there will be no mechanical equipment for this project.

- **Land Development Code Sec. 22-9(e)(5)** Location of exterior mechanical equipment and/or utilities, and method of screening or buffering, if applicable.

*All mechanical equipment is to be installed behind the building within the fenced in areas and will be completely screened from view.*

**14.** Please provide lighting details or a statement there will be no outdoor lighting used for this project.

- **Land Development Code Sec. 22-9(e)(8)** Intended means of outdoor lighting, including location, method of shielding the light source from adjacent properties and roadways, and intensity of outdoor illumination and lighting.

*Lighting is addressed on the Landscape Plan. The only proposed lighting is to be security lighting around the buildings, which will be angled down to prevent offsite impacts.*

**15.** As the intended use was not provided on the plans, it cannot be determined if there will be any potential noise nuisance. Please provide the required information or a statement that the intended use will comply with the zoning regulations regarding noise.

- **Land Development Code Sec. 22-9(e)(9)** Intended means of buffering or otherwise attenuating potential noise nuisances generated by the proposed use(s).

*The proposed use for each building unit to function as primarily as storage for materials, equipment or vehicles for construction or landscape type businesses and not anticipated to generate nuisance levels of noise.*

**16.** Please provide facade and elevation plans.

- **Land Development Code Sec. 22-9(e)(10)** Facade and elevation plans as follows:

- a. Finished ground floor elevations for each building site and the first floor level.
- b. Exterior elevations with material designations.
- c. Outline specifications of facade and roof treatments.

*Information on the building and façade has been included in this submittal for your review.*

17. Please provide all required parking information including the size of the parking space.

- **Land Development Code Sec. 22-9(f)(2)** Designation of all parking spaces, including the number and dimensions of spaces and whether or not such spaces are designated for handicapped car parking.

*Typical parking space dimensions have been called out on the plans. The numbers of parking spaces are labeled in each parking area, and a summary of the proposed parking is provided in the site data on Sheet C-3.*

18. Be advised the City's required parking space size is 10' x 18' not 10' x 20'. You can exceed this size if you choose.

- **Land Development Code Sec. 34-202(2)** Each parking space shall be not less than ten by 18 feet in area and shall be designated, and marked as stalls adequate for one motor vehicle. Additionally, 25 percent of the required parking may be designated compact spaces, which can be as small as eight by 15 feet in area.

*We are providing typical parking stalls of 10'x18', but the handicapped stalls are 10'x20' to meet ADA standards. Stalls directly adjacent to handicapped spaces are also 20' deep for simplicity.*

19. Please provide loading space details or a statement that the proposed uses of the buildings will not require a load space.

- **Land Development Code Sec. 22-9(f)(3)** Number, size and designation of loading spaces.
- **Land Development Code Sec. 34-204 (1)&(2)**
  - (1) One off-street loading and unloading space shall be provided for buildings up to and including 20,000 square feet of floor area, plus one additional off-street loading and unloading space for each additional 20,000 square feet of floor area up to and including 100,000 square feet.
  - (2) Where tractor trailer trucks are involved such loading and unloading space shall be a minimum of 12 feet by 45 feet with a 14-foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area. Regular loading and unloading spaces shall be a minimum of 12 feet by 25 feet with a 14-foot height clearance with appropriate means of truck access to a street or alley as well as adequate maneuvering area.

*The drives on each side of the proposed buildings can accommodate the need for truck parking for use as unloading spaces as needed without impeding traffic flow.*

20. Please provide the overall traffic circulation plan.

- **Land Development Code Sec. 22-9(f)(6)** Overall internal traffic circulation plan, including directional arrows and signs to direct traffic flow.

*The site is designed with a single internal drive with a cul-de-sac. We do not feel that this is complex enough to necessitate additional signage and arrows. The drives shown behind the buildings are to be fenced and will not have public access.*

21. The stand-alone buildings in phase 2 will also require handicap access/parking.

- **Land Development Code Sec. 22-9(f)(10)** A handicap access plan meeting the criteria of the Chapter 11 of the Florida Building Code, (Florida Accessibility Code for Building Construction); F.S. §§ 553.501— 553.513, (Accessibility by Handicapped Persons) and Chapter 9B-7 of the Florida Administrative Code (Handicapped Accessibility Standards).

*We have provided three handicapped accessible parking stalls spaced throughout the site with connected sidewalks to provide access between buildings.*

**22.** Please clearly identify all existing and proposed water lines, fire protection and well and septic systems.

- **Land Development Code Sec. 22-9(f)(3)** All existing and proposed fire protection water lines within the boundaries of , or adjacent to, the site must be shown. This shall include backflow prevention devices, fire department connections, and fire hydrants.
- **Land Development Code Sec. 22-9(f)(4)** All existing on-site sewage disposal facilities, septic systems, and wells on the subject property must be shown.
- **Land Development Code Sec. 22-9(f)(5)** All existing private sewage disposal facilities, septic systems and wells within a radius as required by Florida Administrative Code must be shown.
- **Land Development Code Sec. 22-9(f)(7)** Location of all proposed water wells, private wastewater treatment facilities, fire hydrants or other similar facilities or services.

*The location of existing well and septic systems are shown on sheet C-3 of the plans. All proposed new water and septic lines are indicated on plan sheet C-4.*

**23.** The Solid Waste Director has determined the proposed dumpster enclosure needs to be angled for better access. You can contact Perry Mitrano at 386-263-8980 to discuss the best angle for the enclosure. Please include the required landscaping for the enclosure.

- **Land Development Code Sec. 22-9(h)(8)** Solid waste storage locations and the method of storage and screening must be provided and identified. Where dumpsters are utilized, the location and paving material of the pad shall also be shown. All dumpsters shall be totally enclosed on all sides.

*The dumpster enclosure location has been adjusted per discussions with Perry Mitrano. The City's dumpster enclosure detail is provided on sheet D-1 of the plans. Per the detail, the pad is to be concrete. As noted on sheet C-3 of the plans, if the access drive is not constructed of asphalt or concrete, a 20'x20' concrete pad is to be constructed in front of the enclosure.*

**24.** Please provide copies of all Flagler County Department of Health information on the existing and proposed well and septic systems to be used for the entire project.

- **Land Development Code Sec. 22-9(h)(10)** When the project proposes to utilize a public or private water franchise and/or sewage system, all application and submittal items and information required by the city utilities department must be satisfied.

*The septic system is currently in the process of permitting and information will be provided as soon as it is available.*

#### **Fire Inspector:**

1. A fire hydrant will be needed at the front entrance of the driveway/road.



*A fire hydrant has not been provided at the front entrance since there is no available water main to service it.*

2. A fire hydrant will be needed at the rear of the drive. This may be a dry hydrant using the existing retention pond as a water source as long as it meets the depth requirements and remains full.

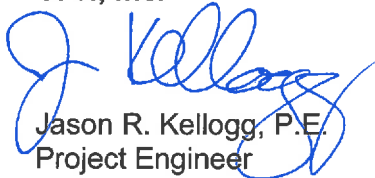
*A fire hydrant has been added at the rear of the drive (See Sheet C-4) with a connection to the existing retention pond. Details have been provided for the proposed pond intake.*

**City Engineer:**

1. Please provide the proposed well and septic system information.  
*The septic system is currently in the process of permitting and information will be provided as soon as it is available.*
2. Please identify the waterline size emanating from the well.  
*Waterline sizes have been indicated on the plans.*
3. Please provide septic system details including any electrical feed to the pump station.  
*The septic system is currently in the process of permitting and information will be provided as soon as it is available.*
4. Please provide manhole invert/top design elevations along with the sewer line slopes.  
*Manhole top elevations, inverts, and design slopes have been provided in the tables on sheet C-4 of the plans.*
5. Please provide a separate topographic survey including the contour lines and surrounding off-site elevations.  
*See attached survey.*
6. Please provide elevation information on S. State St. frontage and driveway. The pavement grades are lacking in many areas.  
*The access drive is to match the existing paved drive at the ROW. The drive and parking areas are intended to be constructed as inverted crown with a 2% cross slope per the details on sheet C-3, and 0.5% running slopes as shown on Sheet C-4. Additional elevations have been added for clarity.*
7. Clarify pavement limits proposed in phase 1 construction and additional phases. Please identify the limits of work area for phase 1.  
*Limits of construction and pavement have been noted on the plans.*
8. Please identify what the dashed areas encircling the typical 35'x35' represent.  
*The dashed areas are shown to indicate that the tenant of each building has the ability to access the rear yard for loading/unloading, storage, or overnight parking of their vehicle or trailer. The rears of the buildings are intended to be fenced in for security.*
9. Please provide the stormwater calculations.  
*A copy of the stormwater design calculations have been included.*

10. Please clarify that the dirt drives are labeled as "existing dirt drives."  
*Callouts have been revised to call out the dirt drives as existing.*
11. Please provide curb stop information/locations.  
*Additional information has been added to the plans to show the curb stop information for each of the buildings.*
12. Two types of roadway pavement have been shown. Please indicate which will be used where and under what conditions.  
*It is the owners intent to use provide stabilized drive and parking areas, with concrete pads for the handicapped stalls and dumpster enclosure.*
13. Identify where the concrete coat (A-A) and the stabilized road section A-A are to be constructed.  
*The concrete is to be used in handicapped stalls and for the dumpster enclosure. All drives and parking areas are to be stabilized.*
14. Clarify where the thickened edge detail (sheet C-4) applies. If you need to discuss the Engineer comments, please call Fred Griffith at (386) 517-2000 ext. 243.  
*The thickened edge pavement is to be provided where the sidewalk abuts parking areas. Additional callouts have been added to the plans to clarify the locations.*

Sincerely,  
CPH, Inc.



Jason R. Kellogg, P.E.  
Project Engineer





June 5, 2017

520 Palm Coast Pkwy S  
Suite 2  
Palm Coast, FL 321  
Phone: 386.445.65  
Fax: 386.447.89

The City Bunnell  
Community Development Department  
PO Box 756  
Bunnell, FL 32110

RE: Site Plan Review for A Land Management of Flagler LLC at 2270 S State Street  
CPH Job #: L14701

Dear Community Development Staff:

CPH provides the following responses to your latest comments.

1. Sabal Palms need to be replaced with a type listed in this link [https://www.municode.com/library/fl/bunnell/codes/land\\_development\\_code?nodeId=LADECO\\_CH14\\_LATRPTRPL\\_ARTIVTRPLRE\\_S14-197INTRL](https://www.municode.com/library/fl/bunnell/codes/land_development_code?nodeId=LADECO_CH14_LATRPTRPL_ARTIVTRPLRE_S14-197INTRL)  
The Landscape Plans have been revised as requested.

2. The façade information was not provided as stated in the letter. Please be aware that you need to meet the zoning district regulations regarding facades.

**Sec. 34-120. - L-1 Light industrial district.**

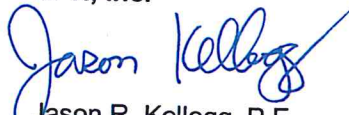
(h) *Design regulations.* Any building located on a parcel adjacent to SR100, US1 or SR11, must have the front facade designed using an architectural finish (e.g., simulated stone or brick, natural stone veneers, masonry facades, insulated stucco finish, etc.) complete with architectural treatments (e.g., wainscoting, shutters, canopies, louvers, etc.) to ensure the building is not plain nor appear as a steel building. In cases where the front facade (or main building entrance) is not facing the above-mentioned streets, both the front facade and the facade facing the above-mentioned streets must receive an architectural finish and treatments. In cases where there are multiple buildings on a parcel, only the buildings with frontage along the above-mentioned streets must meet this requirement

The front and left side of the building (facing the road) will have stucco placed to approximately 36" up from the ground of the building.

3. The finished floor elevations for all proposed building sites need to be provided.  
Finished floor elevations have been added to the Site Grading Plan for all buildings.

4. Regarding the dry hydrant- please provide float pump/valve on the pond to ensure the pond remains full OR provide an analysis/evaluation to support that normal ground water elevation is high enough to ensure adequate water supply in the pond for a dry fire hydrant.  
An analysis of the available capacity in the proposed pond for supplying the dry hydrant has been provided. The table indicates the total volume available in the pond by water elevation, as well as how long the water will last given a 1000 gallon per minute usage.

Sincerely,  
CPH, Inc.

  
Jason R. Kellogg, P.E.  
Project Engineer

RECEIVED  
JUN 05 2017

BY: .....

## Dry Hydrant Water Availability Analysis

Elevation	Area	Available Volume		Hours @ 1000 GPM
10.7 ft	2540 sf	=0 CF	0 Gal	0.0
11.0 ft	2809 sf	=802 CF	6002 Gal	0.1
12.0 ft	3707 sf	=4060 CF	30374 Gal	0.5
13.0 ft	4605 sf	=8216 CF	61463 Gal	1.0
14.0 ft	6729 sf	=13883 CF	103855 Gal	1.7
15.0 ft	8854 sf	=21675 CF	162139 Gal	2.7
16.0 ft	10978 sf	=31591 CF	236316 Gal	3.9
17.0 ft	13103 sf	=43631 CF	326385 Gal	5.4
18.0 ft	15277 sf	=57821 CF	432534 Gal	7.2
19.0 ft	17824 sf	=74372 CF	556340 Gal	9.3
20.0 ft	20421 sf	=93494 CF	699386 Gal	11.7

Notes:

- 1 Top elevation of the proposed intake pipe is 10.7'.
- 2 Normal Water Elevation in the pond is 20.0'.

**To view a copy of the  
proposed Site Plan,  
please visit the  
Community  
Development  
Department  
at  
201 W. Moody Blvd.**



## City of Bunnell, Florida

### Agenda Item No. 8.

Document Date: 6/2/2017  
Department: City Clerk  
Subject: Public Hearing Case Number 2017-20: Variance request to exceed the maximum allowable impervious lot coverage by up to 10% at 601 S. State St.  
Property Address: 601 S. State St.  
Zoning Designation: B-1, Business district  
Future Land Use Designation: Commercial-Medium  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Location Map & Concept Sketch	Location Map(s)
Proposed Site Plan & Site Conditions Information	Concept Sketch

#### Summary/Highlights:

This is a request to exceed the maximum allowable impervious lot coverage by up to 10% at 601 S. State St., an existing commercial development.

#### Background:

The applicant, Mark Ferraz, has requested a variance to exceed the maximum allowable impervious lot coverage on his property located at 601 S. State St. This is an existing commercial development.

Mr. Ferraz would like add a 24 foot x 41 foot shed to the property. The addition of this impervious area would exceed the total amount allowed by zoning regulations.

This lot lost a portion of it's frontage with the development/expansion of SR 5/US Highway 1/S. State St. Additionally, the property cannot remove impervious area to offset this proposed structure as the area which could be removed is the parking lot/area adjacent to E. Drain St. Removal of any of this material could impact the condition of the City's right-of-way.

From the Bunnell Land Development Code:

#### ***Sec. 34-117. - B-1 Business district.***

*(e) Area regulations. Area regulations within the B-1 Business district shall be as follows:*

*(5) Maximum lot coverage. Main and accessory buildings shall cover no more than 50 percent of the total lot area with a maximum of 60 percent impervious area.*

The Land Development Code does provide for variances based upon the following criteria being met:

#### ***Sec. 34-54. - Standards for variances.***

*In granting a variance, the planning, zoning and appeals board shall ascertain that the following criteria are met:*

- (1) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, or siting) fully described in the findings of the board, do not apply generally in the district.*
- (2) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.*
- (3) For reasons fully set forth in the finding of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of reasonable use of his land.*
- (4) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of land.*
- (5) The granting of any variance is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.*

***Sec. 34-55. - Requirements for the granting of a variance.***

*Before the planning, zoning and appeals board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:*

- (1) That the granting of the variance will not be contrary to the public interest;*
- (2) That the literal enforcement of this chapter will result in unnecessary hardship;*
- (3) That by granting the variance the spirit of this chapter will be observed; and*
- (4) That by granting the variance, substantial justice will be done.*

As required by the Land Development Code Sec. 2-87.- *Hearing notification requirements*, an advertisement regarding this agenda item was run in the Wednesday, June 7, 2017 edition of the News Tribune and property owners within 300 feet of the property as identified by the Flagler County Property Appraiser website were mailed hearing notification letters.

The applicant can further explain this request and demonstrate why they meet the requirements for the granting of a variance.

**Staff Recommendation:**

Approval of the variance request contingent on the applicant demonstrating they meet the requirements for the granting of a variance as required by the Land Development Code.

**City Attorney Review:**



# 601 S. State St. Variance Request- Location Map



**SR 5/US HIGHWAY 1/ S. STATE ST.**

**US 1**

**EAST DRAIN STREET**  
(50' PUBLIC R/W)

**LOT 5**  
BLOCK 167  
1 STORY C.B.S. COMMERCIAL BUILDING

**LOT 7**  
BLOCK 167  
ASPHALT PARKING

**LOT 8**  
BLOCK 167  
1 STORY C.B.S. COMMERCIAL BUILDING

**S. RAILROAD ST.**

**LOT 5**  
BLOCK 167  
NEW BLDG

**LOT 7**  
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ADDRESS: 601 SOUTH STATE STREET  
CERTIFICATIONS:  
1. MARK & VICTORIA FERRAZ  
2. COMMONWEALTH LAND TITLE INSURANCE COMPANY  
3. FLAGLER COUNTY ABSTRACT COMPANY

#### EXISTING SITE SUMMARY

PARCEL = 14537.50 S.F. 100%  
BUILDING = 2507.81 S.F. 17%  
ASPHALT = 2292.08 S.F. 16%  
CONCRETE DRIVES & WALKS = 2186.59 S.F. 15%  
COARSE GRAVEL W/ GRASS = 4775.96 S.F. ( 40% PERVIOUS =1910=13%  
60% IMPERVIOUS =2866=20%)  
OPEN SAND AREA = 2775.06 S.F. (100% PERVIOUS=2775)=19%  
EXISTING TOTAL PERVIOUS = 4685.06 S.F. = 32%  
EXISTING TOTAL IMPERVIOUS = 9852.44 S.F. = 68%

#### PROPOSED SITE SUMMARY

PARCEL = 14,537.5 S.F. = 100%  
EXISTING BUILDINGS = 2507.81 S.F. = 17%  
PROPOSED BUILDING = 800.00 S.F. = 6%  
EXISTING ASPHALT = 2292.08 S.F. = 16%  
EXISTING CONC DRIVES & WALKS = 2186.59 S.F. = 15%  
\*\*COARSE GRAVEL W/ GRASS = 3975.96 S.F. 1590.38 = 11% (PER)  
2385.58 = 16% (IMP)  
\*\*SET AS 40% PERVIOUS RATIO & 60% IMPERVIOUS RATIO

OPEN SAND AREA = 2775.06 S.F. = 19%  
TOTAL PROPOSED PERVIOUS = 4365.44 S.F. = 30.0%  
TOTAL PROPOSED IMPERVIOUS = 10172.06 S.F. = 70.0%

#### NOTES

1. THE ENTIRE MAP ENCOMPASSING THIS SURVEY IS RECORDED IN MAP BOOK 1, PAGE 2.
2. US HIGHWAY # 1 RIGHT OF WAY INFORMATION LOCATED IN FDOT (FLORIDA DEPARTMENT OF TRANSPORTATION) RIGHT OF WAY MAP SECTION 7301-175 SHEET NO 3.
3. NO ELEVATIONS SHOWN ON SURVEY.
4. UNDERGROUND IMPROVEMENTS AND UTILITIES NOT LOCATED.
5. NO BEARINGS SHOWN ON PLAT.
6. DESCRIPTION PROVIDED BY CLIENT.
7. NO SEARCH FOR ENCUMBERING INSTRUMENTS WAS MADE BY SURVEYOR.
8. ERROR OF CLOSURE MEETS OR EXCEEDS 1:7500 FEET.

#### DESCRIPTION:

LOTS 5 & 6, BLOCK 167, BUNNELL A.K.A. TOWN OF BUNNELL, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

ALL OF THAT PORTION OF LOTS 7 AND 8, OF BLOCK 167, OF THE TOWN OF BUNNELL, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 2 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, WHICH LIES SOUTHWESTERLY OF AND ADJACENT TO THE EXISTING RIGHT-OF-WAY OF STATE ROAD 5 (US #1).

PARCEL CONTAINS 0.3338 ACRES ±

PLOT PLAN: 05/24/17 17-1563 CJB  
SITE SUMMARY: 05/31/17 17-1563 DAW & CJB

TYPE OF SURVEY: BOUNDARY & LOCATION

PREPARED FOR:				
MARK FERRAZ				
33 ISLAND ESTATES PARKWAY				
PALM COAST, FL 32137				
TYPE SURVEY:	FIELD DATE	OFFICE DATE	JOB NO.	BY:
Boundary	06/23/11	06/24/11	11-0638	AC
Revision	N/A	08/19/11	11-0638	JAP
Revision	09/08/11	09/13/11	11-1092	JAP
Revision				

#### LEGEND:

○ IR&C 5/8" Iron Rod & Cap set  
● IR&C 5/8" Iron Rod & Cap found  
○ IP 1/2" Iron Pipe  
○ N/D Nail and Disk set  
○ N/D Nail and Disk found  
● PCP Permanent Control Point  
□ CM 4"x4" Concrete Monument set  
■ CM 4"x4" Concrete Monument found  
FND Found  
C/L Center Line  
E/P Edge of Pavement  
R/W Right of Way  
PC Point of Curvature  
PI Point of Intersection

△ Delta  
R Radius  
L Length  
CB Chord Bearing  
CH Chord Distance  
MSL Mean Sea Level  
N.G.V.D. National Geodetic Vertical Datum  
N.A.V.D. North American Vertical Datum  
B.M. Bench Mark  
T.B.M. Temporary Bench Mark  
TOP Top of Bank  
TOE Toe of Slope  
C.M.P. Corrugated Metal Pipe  
C.B.S. Concrete Block & Stucco  
Conc. Concrete  
C/S Concrete Slab

O/E Overhead Electric  
P/P Power Pole  
PEP PEP Tank  
Manhole  
Television Riser  
Cable Television Riser  
Water Meter  
Electric Meter  
Fire Hydrant  
Licensed Business  
LS Licensed Surveyor  
Official Records Book & Page  
O.R. Official Records Book & Page  
F.F. Finish Floor Elevation  
N.R. Non-Radial to Curve  
(P) Plat Bearing & Distance  
(M) Measured Bearing & Distance

**swa**

**STEPHENSON, WILCOX  
& ASSOCIATES, INC.**

204 N. Railroad Street PO Box 186 Bunnell FL 32110  
Phone: 386.437.2363 Fax: 386.437.0030  
Email: info.swa@gmail.com

CIVIL ENGINEERS • LAND SURVEYORS • CONSULTANTS • PLANNERS

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.

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

DAVID T. WILCOX, PSM No.5871

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. 9.

Document Date: 5/21/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-21: Ordinance 2017-XX Changing the Future Land Use designation of approximately .40 acres of property to Bunnell Commercial Medium.  
Property Address: 2950 E. Moody Blvd.  
Zoning Designation: C-2, General Commercial and Shopping Center district (Flagler County)  
Future Land Use Designation: Commercial Low density (Flagler County)  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Proposed Ordinance	Ordinance
Adjacent Land Use Map	Location Map(s)

#### Summary/Highlights:

This property was recently annexed into the City of Bunnell. This is a request to change the future land use designation of this property from a Flagler County designation to a City of Bunnell designation.

#### Background:

The owners of this property, David and Thea Mathen, are the owners of approximately .40 acres of property within the City of Bunnell. The property is currently vacant and addressed 2950 E. Moody Blvd.

The property has a current Flagler County land use designation of Commercial Low Density.

The applicants would like to apply the future land use designation of Bunnell Commercial Medium to the property. This is consistent with the adjacent properties and the City's Comprehensive Plan.

The applicant can further explain this request to the Board.

#### Staff Recommendation:

Approval of Ordinance 2017-XX Changing the Future Land Use designation of approximately .40 acres of property to Bunnell Commercial Medium.

#### City Attorney Review:

## **ORDINANCE 2017-XX**

**AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE *CITY OF BUNNELL COMPREHENSIVE PLAN*, AS PREVIOUSLY AMENDED; PROVIDING FOR AMENDMENT OF THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE *CITY OF BUNNELL COMPREHENSIVE PLAN* RELATIVE TO CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY .40 ACRES AND DESCRIBED IN THIS ORDINANCE TO A COMMERCIAL MEDIUM FUTURE LAND USE DESIGNATION; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ASSIGNMENT OF THE LAND USE DESIGNATION FOR THE PROPERTY; PROVIDING FOR SEVERABILITY; 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**, the real property which is the subject of this Ordinance is located at 2950 East Moody Boulevard in the City of Bunnell; and

**WHEREAS**, the owners of the property, David and Thea Mathen, have requested this change to the future land use; and

**WHEREAS**, the City of Bunnell has not had any small scale land use amendments since May 9, 2016 and has not submitted any small scale land use amendments to the Department of Economic Opportunity since May 12, 2016; and

**WHEREAS**, the City of Bunnell's Planning, Zoning and Appeals Board, as the City's local planning agency, held a public hearing on June 20, 2017 to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Bunnell Comprehensive Plan* and recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the property owner; and

**WHEREAS**, Section 163.3187, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to small scale amendments and which are related to proposed small scale development activities and provides, among other things, that such amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the *City of Bunnell Comprehensive Plan*; 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 163.3187, *Florida Statutes*.

**NOW, THEREFORE, BE IT ENACTED 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 City Commission agenda memorandum relating to the application relating to the proposed amendment to the City of Bunnell *2030 Comprehensive Plan* pertaining to the subject property.
- (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 goals, objectives and policies of the City of Bunnell *2030 Comprehensive Plan*.
- (d) The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

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

- (a) The Future Land Use Plan Element of the City of Bunnell *2030 Comprehensive Plan* and the City's Future Land Use Map are hereby amended by assigning the Commercial Medium future land use designation to the real properties which are the subject of this Ordinance as set forth herein.
- (b) The properties which are the subject of this Comprehensive Plan amendment are described as follows:

**LEGAL DESCRIPTION:** .40 AC BUNNELL DEV CO SUB PT OF TR 8 BLK B & WLY 20.5 OF SLY 200' OF ELY 75.95' OF LT 3DURRANCEPLAT, OR 15 PG 525 OR 276 PG 802, OR 538 PG 1900 OR 1488 PG 246-DC OR 1488 PG 250-LOA NORMA D TURNER PR FOR IRENE OR 1573 PG 672 OR 1579 PG 152 EXC DOT#118.1 1054/1138AND EXC DOT#119.1 1054/1124 OR 2097/773-NO POA OR 2161/854-DC OR 2161/856-LOA OR 1920 PG 204-DC OR 2161/859-LEAH HELMS SMITH PR FOR JOHNNIE OR 2161/862

**ADDRESS:** 2950 East Moody Boulevard

**TAX PARCEL IDENTIFICATION NUMBER:** 12-12-30-0650-000B0-0081

**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. Ratification of Prior Actions.**

The prior actions of the City Commission and its agencies in enacting and causing amendments to the *2030 Comprehensive Plan of the City of Bunnell*, as well as the implementation thereof, are hereby ratified and affirmed.

**Section 5. Severability.**

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

**Section 6. Conflicts.**

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

**Section 7. 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 *2030 Comprehensive Plan* and/or the *Code of Ordinances of the City of Bunnell*, Florida in terms of amending the Future Land Use Map of the City.

**Section 8. Effective Date.**

The small scale Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section 163.3187(5)(c), *Florida Statutes*, until 31 days after the enactment of this Ordinance. If challenged within 30 days after enactment, the small scale amendment set forth in this Ordinance shall not become effective until the State land planning agency or the Administration Commission, respectively, issues a final order determining that the subject small scale amendment is in compliance with controlling State law.

First Reading: approved on this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

Second Reading: adopted on this \_\_\_\_\_ day \_\_\_\_\_ 2017.

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

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

Approved for form and content by:

\_\_\_\_\_  
Wade Vose, City Attorney  
Attest:

Seal:

\_\_\_\_\_  
Sandra Bolser, City Clerk

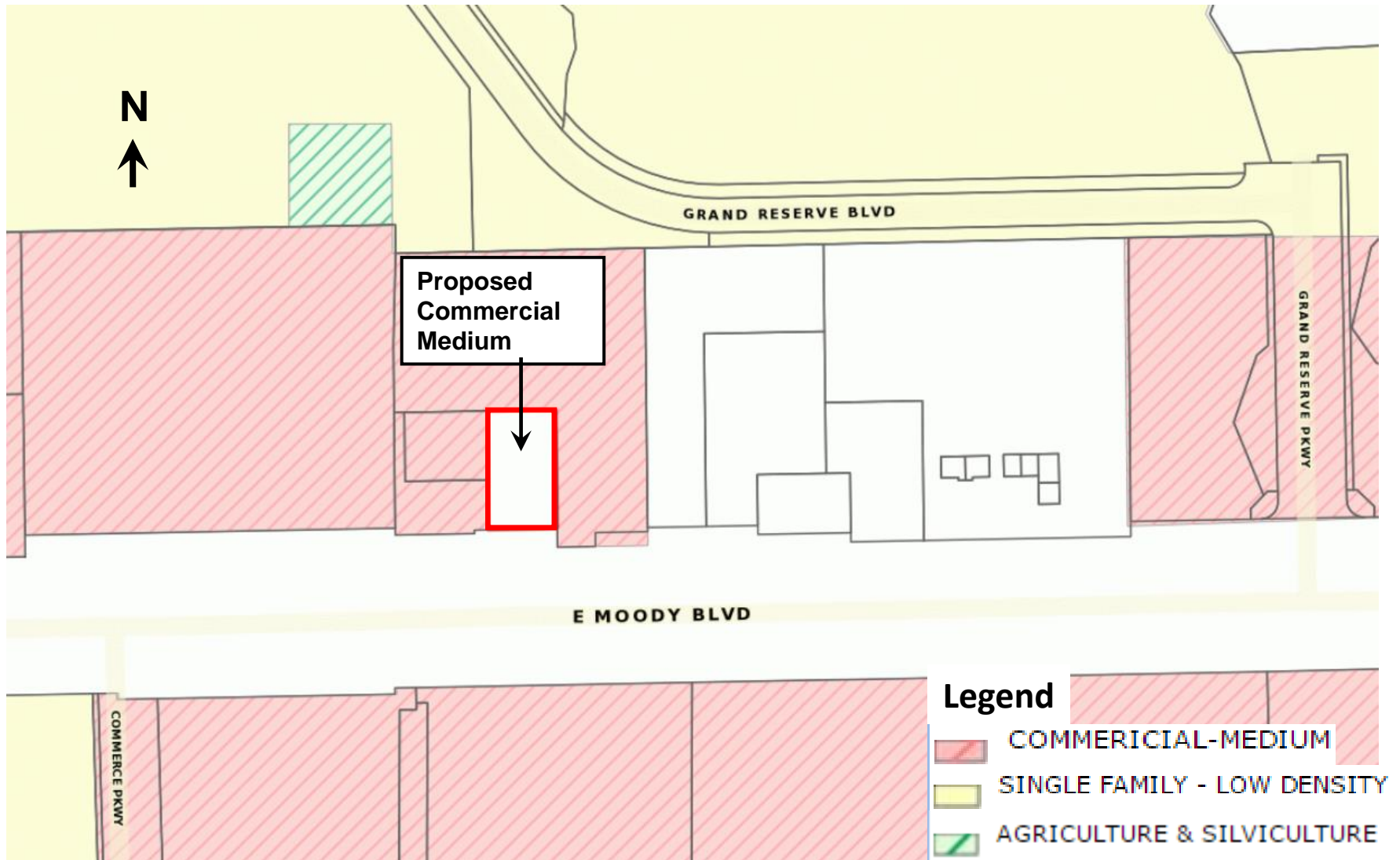
## EXHIBIT A

### Location Map





# Mathen FLUM Change Request- Location Map





## City of Bunnell, Florida

### Agenda Item No. 10.

Document Date: 5/21/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-22: Ordinance 2017-XX Changing the Zoning designation of approximately .40 acres of property to B-1, Business district.  
Property Address: 2950 E. Moody Blvd.  
Zoning Designation: C-2, General Commercial and Shopping Center district (Flagler County)  
Future Land Use Designation: Commercial Low density (Flagler County)  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Proposed Ordinance	Ordinance
Adjacent Zoning Map	Location Map(s)

#### Summary/Highlights:

This property was recently annexed into the City of Bunnell. This is a request to change the zoning designation of approximately .40 acres of property from a Flagler County designation to a City of Bunnell designation. This is a companion item to the request to change the future land use designation for the same property found elsewhere on this agenda.

#### Background:

The applicants, David and Thea Mathen, are the owners of approximately .40 acres of property within the City of Bunnell. The property is addressed 2950 East Moody Boulevard.

The applicants wish to apply the zoning designation of Bunnell B-1, Business district to this property.

This request is consistent with the adjacent properties which are also owned by the Mathens.

The applicant can further explain this request.

#### Staff Recommendation:

Approval of Ordinance 2017-XX Changing the Zoning designation of approximately .40 acres of property to B-1, Business district.

#### City Attorney Review:



## **ORDINANCE 2017-XX**

**AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF REAL PROPERTY TOTALING APPROXIMATELY .40 ACRES IN SIZE AND ADDRESSED 2950 EAST MOODY BOULEVARD WITHIN THE BUNNELL CITY LIMITS FROM FLAGLER COUNTY C-2, GENERAL COMMERCIAL AND SHOPPING CENTER DISTRICT TO CITY OF BUNNELL B-1, BUSINESS DISTRICT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, David and Thea Mathen, the owners of certain real property, which land totals approximately .40 acres in size, addressed 2950 E. Moody Blvd. and is assigned Tax Parcel Identification Numbers 12-12-30-0650-000B0-0081 by the Property Appraiser of Flagler County; and

**WHEREAS**, David and Thea Mathen applied to the City of Bunnell pursuant to the controlling provisions of State law and the *Code of Ordinances of the City of Bunnell*, to have the subject property rezoned to the City of Bunnell B-1, Business district (“B-1”) zoning classification from the existing Flagler County C-2, General Commercial and Shopping Center district (“C-2”) zoning classification; and

**WHEREAS**, the City’s Community Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application be approved and has otherwise reviewed and evaluated the application to determine whether it comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City's *Comprehensive Plan*; and

**WHEREAS**, on June 20, 2017 the Planning, Zoning and Appeals Board of the City of Bunnell reviewed this request and did not recommend the City Commission approve the subject rezoning as set forth in this Ordinance; and

**WHEREAS**, professional City planning staff, the City’s Planning, Zoning and Appeals Board and the City Commission have determined that the proposed rezoning of the subject property as set forth in this Ordinance is consistent with the *Comprehensive Plan of the City of Bunnell*, the land development regulations of the City of Bunnell, and the controlling provisions of State law; and

**WHEREAS**, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

**NOW, THEREFORE, BE IT ENACTED 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 City Commission agenda memorandum relating to the application relating to the proposed rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
- (b) The subject property, which is approximately .40 acres in size, is located on Deen Road and is currently unaddressed.
- (c) The City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

### **Section 2. Rezoning of Real Property/Implementing Actions.**

- (a) Upon enactment of this Ordinance the following described property, as depicted in the map attached to this Ordinance, and totaling approximately .40 acres in size, shall be rezoned from the existing Flagler County C-2, General Commercial and Shopping Center district (“C-2”) zoning classification to the City of Bunnell B-1, Business district (“B-1”) zoning classification:

**LEGAL DESCRIPTION:** .40 AC BUNNELL DEV CO SUB PT OF TR 8 BLK B & WLY 20.5 OF SLY 200' OF ELY 75.95' OF LT 3DURRANCEPLAT, OR 15 PG 525 OR 276 PG 802, OR 538 PG 1900 OR 1488 PG 246-DC OR 1488 PG 250-LOA NORMA D TURNER PR FOR IRENE OR 1573 PG 672 OR 1579 PG 152 EXC DOT#118.1 1054/1138AND EXC DOT#119.1 1054/1124 OR 2097/773-NO POA OR 2161/854-DC OR 2161/856-LOA OR 1920 PG 204-DC OR 2161/859-LEAH HELMS SMITH PR FOR JOHNNIE OR 2161/862

**ADDRESS:** 2950 East Moody Blvd.

**TAX PARCEL IDENTIFICATION NUMBER:** 12-12-30-0650-000B0-0081

- (b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.
- (c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

### **Section 3. Incorporation of Maps.**

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

### **Section 4. Conflicts.**

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



**Section 5. Severability.**

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**Section 6. Non-codification.**

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

**Section 7. Effective Date**

This Ordinance shall take effect immediately upon enactment.

First Reading: on this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

Second/Final Reading: adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

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

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

Approved for form and content by:

\_\_\_\_\_  
Wade Vose, City Attorney

Attest:  
\_\_\_\_\_  
Sandra Bolser, City Clerk

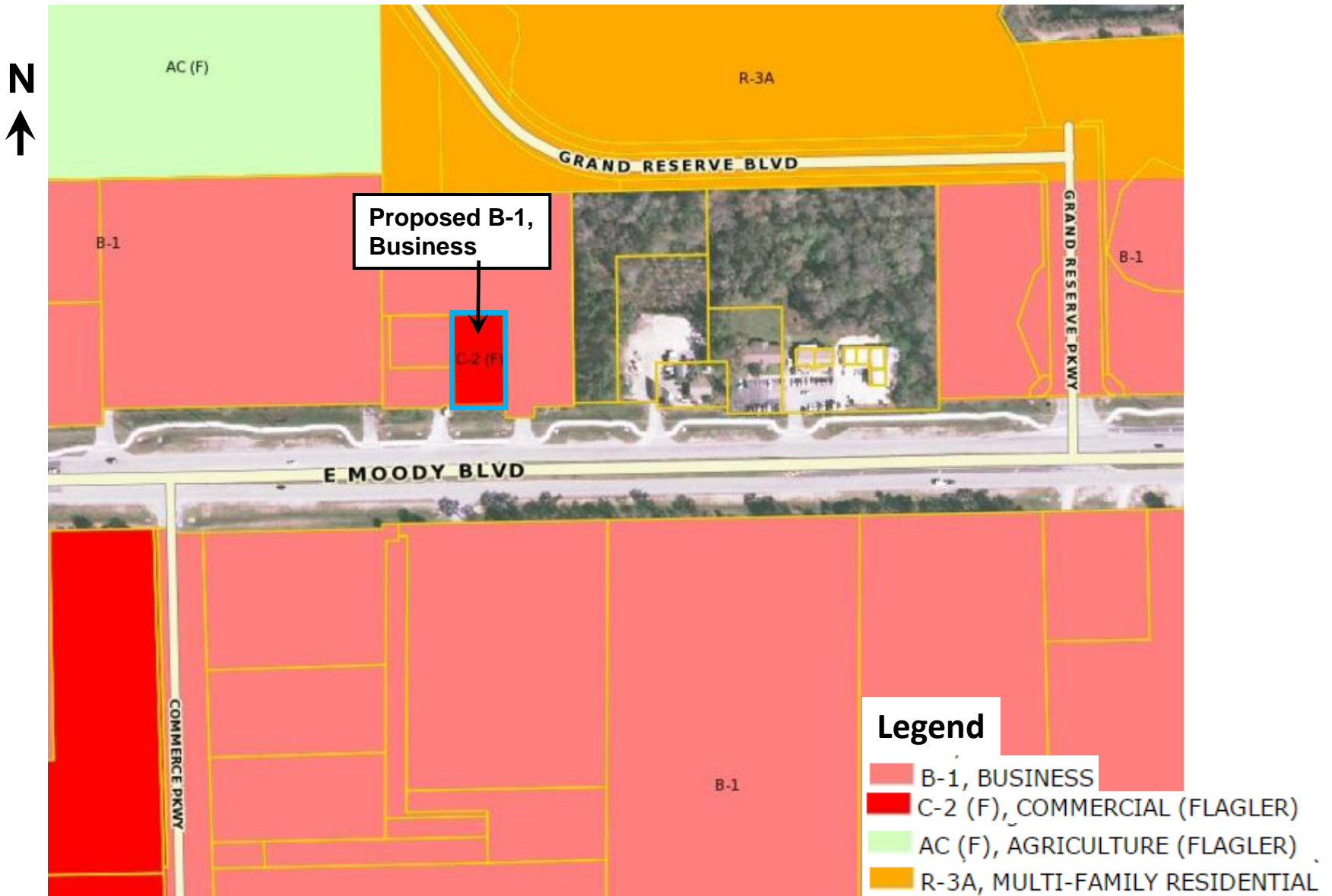
Seal:

## Exhibit “A”

### Location Map



# Mathen Zoning Change Request- Adjacent Zoning Map





## City of Bunnell, Florida

### Agenda Item No. 11.

Document Date: 5/22/2017  
Department: Community Development  
Subject: Public Hearing Case Number 2017-23: Ordinance 2017-XX Amending the Bunnell Land Development Code Sec. 34-186 Home Occupations.  
Property Address: N/A  
Zoning Designation: N/A  
Future Land Use Designation: N/A  
Agenda Section: New Business

#### ATTACHMENTS:

Description	Type
Proposed Ordinance	Ordinance

#### Summary/Highlights:

This is a request to amend the Land Development Code Home Occupation regulations.

#### Background:

The Land Development Code provides regulations for home occupations. These regulations are in need of some revision and clarification.

The proposed ordinance:

- Increases the number of home occupations from one to three per dwelling;
- Allows Class B home occupations to be housed in the dwelling or a separate, ancillary onsite building so long as the office does not exceed 35 percent of the floor structure;
- Corrects language replacing City commission with Planning Board for the granting of special exception permission as the Planning board hears special exception requests;
- Clarifies language regarding the storage of vehicles and trailers for Class B home occupations.

#### Staff Recommendation:

Approval of Ordinance 2017-XX Amending the Bunnell Land Development Code Sec. 34-186 Home Occupations.

#### City Attorney Review:



## **ORDINANCE 2017-XX**

### **AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING THE BUNNELL LAND DEVELOPMENT CODE SECTION 34-186 HOME OCCUPATIONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**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 of Bunnell Land Development Code contains regulations for Home Occupations; and

**WHEREAS**, said regulations are in need of revision; and

**WHEREAS**, the Planning, Zoning and Appeals Board reviewed this Ordinance at its May 16, 2017 meeting and recommends adoption; and

**WHEREAS**, the City Commission of the City of Bunnell finds it is in the best interest and welfare of the citizens of the City to enact this Ordinance; and

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

**WHEREAS**, for purposes of this Ordinance, underlined type shall constitute additions to the original text, \*\*\* shall constitute ellipses to the original text and ~~striketrough~~ shall constitute deletions to the original text.

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

#### **Section 1.**

The Bunnell Land Development Code, is hereby amended as follows:

#### **Sec. 34-186. - Home occupations.**

(a) Class A home occupations shall be allowed as permitted uses in all agricultural, residential and mobile home classifications if proper application is made on forms provided by the zoning enforcement official. Class A home occupations shall be clearly incidental and subordinate to the residential use and shall under no circumstances change the residential character of the dwelling. The issuance of a permit to engage in a class A home occupation in accordance with this section shall not be deemed to be a change of zoning nor an official expression of opinion as to the proper zoning for the particular property.

(1) Notarized affidavits must be submitted with each application for a class A license demonstrating that the home occupation will not:

- a. Disturb the peace, quiet and domestic tranquility of the residential neighborhood;
- b. Create excessive odor, noise, parking or traffic above that of the residential neighborhood;
- c. Create a fire hazard or nuisance;
- d. Use or generate toxic or hazardous materials or waste;
- e. No more than ~~one~~ three home occupations shall be permitted within any single dwelling;
- f. No one other than the residents of the dwelling shall be employed in the conduct of a home occupation (excluding those cases where actual performance of work occurs somewhere other than the dwelling unit);
- g. No stock-in-trade shall be openly displayed or maintained on the premises and no sales on the premises shall occur;
- h. A home occupation shall produce no noise, or obnoxious odors, vibration, glare, fumes or electrical interference detectable to normal sensory perception;
- i. There shall be no exterior indication of the home occupation; no exterior signs shall be used that informs the public of the home occupation;
- j. No equipment shall be used or stored on the premises in connection with the home occupation except that which is normally used for purely domestic or household purposes, except for typical office equipment;
- k. The floor area devoted to the home occupation shall not exceed 25 percent of the floor area of the dwelling;
- l. All office equipment used in the home occupation on the premises shall be inside the dwelling within the space limitations above; and
- m. Home occupation uses shall be subject to all applicable city, county, state occupational licenses and other business taxes, rules and regulations in effect or that may later be adopted.

(b) Class B home occupations provide for home business operations in agricultural classifications which have the potential to create some impacts beyond class A activities due to on-site storage of material, inventory work vehicles, trailers, equipment, or business related traffic from customers or deliveries. Proper application must be made on forms provided by the zoning enforcement official. Class B home occupations shall be clearly incidental and subordinate to the residential use and shall under no circumstances change the residential character of the dwelling. The issuance of a permit to engage in a class B home occupation in accordance with this section shall not be deemed to be a change of zoning nor an official expression of opinion as to the proper zoning for the particular property. Minimum lot size in this category is one acre.

(1) Notarized affidavits must be submitted with each application for a class B license demonstrating that the home occupation will not:

- a. Utilize equipment in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes or odors detectable to the normal senses off the premises.
- b. Exceed the floor area devoted to the home occupation allowed at 35 percent of the floor area of the dwelling, or ~~in a~~ exceed 35 percent of a separate, ancillary on-site building.

- c. Exceed two ~~the number of allowed~~ vehicles and two trailers for the class B home occupation provided they are fully screened from the right-of-way and neighboring properties. For class B home occupations, the ~~city commission~~ planning board may allow, as a condition by special exception, three or more vehicles and trailers.
- d. Exceed the allowance that employees are limited to residents of the home plus a maximum of two employees or independent contractors who are not residents of the dwelling unit. For class B home occupations, the ~~city commission~~ planning board may allow, as a condition by special exception, three or more employees or independent contractors who are not residents of the dwelling unit.
- e. Conduct vehicle repair for commercial purposes or sales of vehicles.
- f. Use or generate toxic or hazardous materials or waste.
- g. Home occupation uses shall be subject to all applicable city, county, state occupational licenses and other business taxes, rules and regulations in effect or that may later be adopted.
- h. No more than ~~one~~ three home occupations shall be permitted within any single dwelling.

(c) Agricultural occupations exempt from local government regulation by State of Florida Statute shall be exempt from the regulations of this section.

(e d) Any violation of these regulations will result in the revocation of any home occupation ~~permit~~ business tax receipt, in addition to any other remedy for such violation provided by law.

## **Section 2. Implementing Administrative Actions.**

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

## **Section 3. Codification.**

The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Bunnell Land Development Code* and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 2, 3, 4, 5 and 6 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

## **Section 4. Conflicts.**

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

## **Section 5. 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 6. Effective Date.**

This Ordinance shall take effect immediately upon enactment.

First Reading: approved on this \_\_\_\_ day of \_\_\_\_\_ 2017.

Second Reading: adopted on this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

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

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

Approved for form and content by:

\_\_\_\_\_  
Wade Vose, City Attorney

Attest:

\_\_\_\_\_  
Sandra Bolser, City Clerk

Seal: