



City of Bunnell, Florida

Agenda Item No. E.1.

Document Date: 12/12/2024 Amount:
Department: Community Development Account #:
Subject: Ordinance 2025-01 Requesting to amend the Official Zoning Map of the City of Bunnell for 1.36+/- acres of land from the "R-1, Single Family Residential District" to the "L-1, Light Industrial District." - First Reading
Agenda Section: Ordinances: (Legislative):
Goal/Priority: Increase Economic Base, Organizational Excellence

ATTACHMENTS:

Description	Type
Ordinance 2025-01 Louis Patane Rezoning	Ordinance
Business Impact Statement	Report

Summary/Highlights:

This is a request to amend the Official Zoning Map of the City of Bunnell for 1.36+/- acres of land from the "R-1, Single Family Residential District" to the "L-1, Light Industrial District."

In accordance with local notification requirements, notices detailing the date, time, and place of the meeting were mailed to owners of property, in the City limits, within 300 feet of the subject property on January 13, 2025. Signs were posted in front of the subject property on January 13, 2025.

The Business Impact Statement was posted to the City website on January 15, 2025.

Background:

The applicant, Louis Patane, has applied to rezone the subject property, located at the end of Hibiscus Ave., from the R-1, Single Family Residential District to the L-1, Light Industrial District. This application is made in relation to conditions placed on a recently approved special exception for the land that is planned to be developed for a concrete batch plant.

Existing Conditions

The property is currently vacant and wooded and located at the end of Hibiscus Avenue where the property would gain access. There is a drainage canal that runs through the property from north to south on the westward side. All surrounding properties are currently vacant land zoned industrial

except for the west side where it is zoned B-1 and is currently being used as multifamily apartments. Upon Development, there will be a 100-foot natural buffer.

Proposed Conditions/Analysis

The request is to rezone from the R-1 zoning district to the L-1 zoning district. The R-1 zoning district is currently not compatible with the underlying Future Land Use Map designation according to Section 34-81 in the City's Land Development Code; however, the L-1 zoning district is compatible. Pursuant to Section 163.3194(1)(b), Florida Statutes, all land development regulations must be compatible with the adopted comprehensive plan.

The L-1, Light Industrial District will remove any allowable density for the property and increase the allowable building coverage, impervious coverage, and allowable Floor Area Ratio (FAR) while also opening up the opportunity for light industrial uses to be permittable on the site. As there are and will be adjacent land uses to this site, the L-1 zoning district does have performance standards in place as to avoid adversely affecting neighboring properties.

The Planning, Zoning and Appeals Board heard this request on November 5, 2024, and, by unanimous vote, recommended denial of the request to amend the Official Zoning Map for the subject property under the basis that the proposed amendment is:

1. not compatible with the surrounding area.
2. It does not meet the characteristics of the neighborhood.
3. Testimony and petitions received from neighboring residents.
4. The applicant was not in attendance of the public meeting to answer questions and provide testimony.

Staff Recommendation:

Approval Ordinance 2025-01 Requesting to amend the Official Zoning Map of the City of Bunnell for 1.36+/- acres of land from the "R-1, Single Family Residential District" to the "L-1, Light Industrial District." - First Reading as it will correct the current non-conformality with the conflicting and incompatible Future Land Use and zoning designations

City Attorney Review:

Approved for agenda

Finance Department Review/Recommendation:

City Manager Review/Recommendation:

Approved.

ORDINANCE 2025-01

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY TOTALING 1.36± ACRES, BEARING PARCEL ID: 14-12-30-3750-000Q0-0011 LOCATED DIRECTLY AT THE END OF HIBISCUS AVENUE IN THE CITY OF BUNNELL LIMITS FROM “R-1, SINGLE FAMILY RESIDENTIAL DISTRICT” TO “L-1, LIGHT INDUSTRIAL DISTRICT”; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, Louis Patane has applied to the City of Bunnell pursuant to the controlling provisions of State law and the *City of Bunnell Land Development Code*, to have the subject property, totaling 1.36± acres located directly at the end of Hibiscus Avenue, rezoned to the “L-1, Light Industrial District” zoning classification from the existing “R-1, Single Family Residential” zoning classification; and

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

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

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

WHEREAS, the “L-1, Light Industrial” zoning district is appropriate and compatible with the “Industrial” Future Land Use designation pursuant to §34-81 in the *City of Bunnell Land Development Code*; and

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

WHEREAS, the City of Bunnell’s Planning, Zoning and Appeals Board, acting as the City’s local planning agency, held a public meeting on November 5, 2024 to consider amending the Official Zoning Map of the City of Bunnell and, by unanimous vote, recommended denial of the proposed rezoning under the basis that the proposed amendment is not compatible with the surrounding area, it does not meet the characteristics of the neighborhood, testimony and petitions from neighboring residents, and the applicant was not in attendance of the public meeting to answer questions and provide testimony, for the subject property as requested by the property owner; and

WHEREAS, professional City planning staff, the City’s Planning, Zoning and Appeals Board, and the City Commission have determined that the proposed rezoning of the subject property as set forth in this ordinance is consistent with the *City of Bunnell 2035 Comprehensive Plan*, the *City of Bunnell Land Development Code*, and the controlling provisions of State law; and

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

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

Section 1. Legislative Findings and Intent.

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

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

Section 2. Rezoning of Real Property/Implementing Actions.

(a) Upon enactment of this Ordinance, the following certain real property, as described herein and depicted in Exhibit “A” attached to this Ordinance, and totaling 1.36± acres in size, shall be rezoned to the “L-1, Light Industrial” zoning district from the existing “R-1, Single Family Residential” zoning district.

(b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.

(c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. Property Information.

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

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

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

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

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

Section 4. Incorporation of Maps.

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

Section 5. Conflicts.

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

Section 6. Severability.

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

Section 7. Non-codification.

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

Section 8. Effective Date.

This Ordinance shall take effect immediately upon adoption.

First Reading: approved on this _____ day of _____, 2025.

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

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

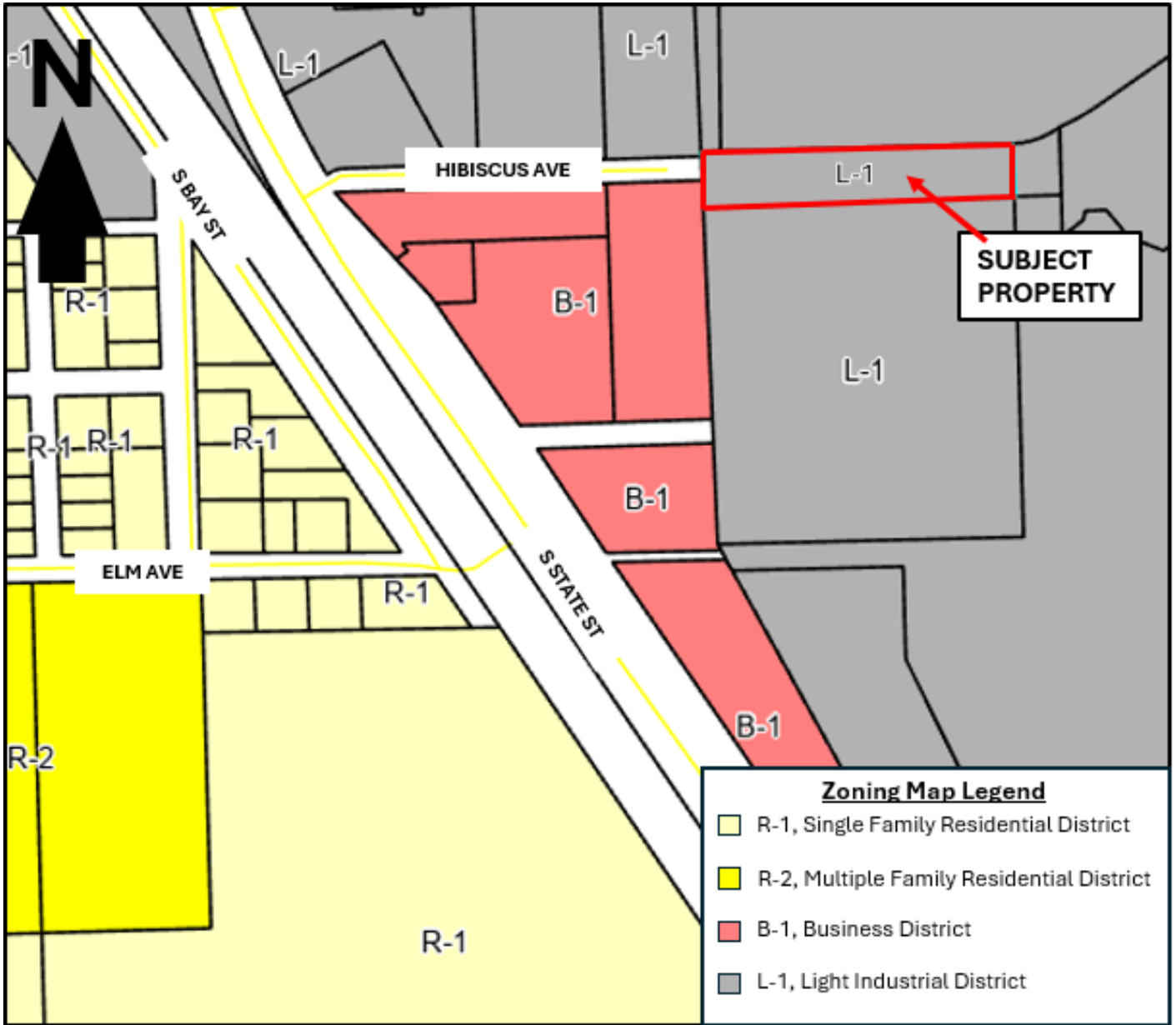
Vose Law Firm, City Attorney

Attest:

Kristen Bates, CMC, City Clerk

Seal:

Exhibit "A"
Amended Zoning Map



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 2025-01

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY TOTALING 1.36± ACRES, BEARING PARCEL ID: 14-12-30-3750-000Q0-0011 LOCATED DIRECTLY AT THE END OF HIBISCUS AVENUE IN THE CITY OF BUNNELL LIMITS FROM “R-1, SINGLE FAMILY RESIDENTIAL DISTRICT” TO “L-1, LIGHT INDUSTRIAL DISTRICT”; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

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:
 - Development orders and development permits, as those terms are defined in Section 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, Florida Statutes;
 - Comprehensive Plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
 - 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 is an Ordinance to rezone property as requested by the applicant/owner.

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:**

N/a

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

N/a

- (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:**

N/a

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

N/a

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

N/a

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.