

**ORDINANCE 2013- 14**  
**Small-Scale Comprehensive Plan Amendment (Flagler Palms)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CITY OF PALM COAST 2035 COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR 9.8+/- ACRES OF CERTAIN REAL PROPERTY FROM AGRICULTURE & TIMBERLANDS (FLAGLER COUNTY DESIGNATION) TO MIXED USE (CITY DESIGNATION) AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Palm Coast enacted Ordinance 2010-07, adopting the *City of Palm Coast 2035 Comprehensive Plan* which includes the City of Palm Coast Future Land Use Map (FLUM), which Comprehensive Plan and FLUM have been amended from time-to-time; and

**WHEREAS**, Section 163.3161 et seq., Florida Statutes, established the Community Planning Act; and

**WHEREAS**, Section 163.3184 and 163.3187, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

**WHEREAS**, the City of Palm Coast is desirous of amending the future land use designation of property located within the City from Agriculture & Timberlands (Flagler County designation) to Mixed Use (City of Palm Coast designation); and

**WHEREAS**, the City of Palm Coast Planning and Land Development Regulation Board (PLDRB) acting as the City's Local Planning Agency, considered the proposed map amendment at a public hearing on November 20, 2013, and voted to recommend approval of the proposed Comprehensive Plan amendment; and

**WHEREAS**, on December 3, 2013 and December 17, 2013 the City of Palm Coast City Council held public hearings on this Comprehensive Plan amendment after due public notice and upon thorough and complete consideration and deliberation, adopted the proposed Comprehensive Plan amendments; and

**WHEREAS**, the Comprehensive Plan amendment adopted by this Ordinance complies with the requirements of the Community Planning Act, the State Comprehensive Plan as set forth in Chapter 187, Florida Statutes, as well as other

applicable law, and is consistent with the goals, objectives, and policies and the overall land use plan of the City's Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Palm Coast hereby reaffirms its commitment to the goal of enacting and implementing sound growth management practices within the City; and

**WHEREAS**, the City Council of the City of Palm Coast finds that this Ordinance is in the best interests of the health, safety, and welfare of the citizens of Palm Coast.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PALM COAST, FLORIDA, THAT THE CITY OF PALM COAST 2035 COMPREHENSIVE PLAN IS AMENDED AS FOLLOWS:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.**

The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council of the City of Palm Coast.

**SECTION 2. FUTURE LAND USE MAP AMENDED.**

The 9.8+/- acres of land, identified as Tax Parcel Identification Number 39-12-31-0000-04030-0000 generally located .30 miles south of State Road 100 and east of Old King Road, as legally described in "Exhibit A," attached hereto is hereby amended from the FLUM designation of Agriculture & Timberlands (Flagler County designation) to Mixed Use (City of Palm Coast designation) as depicted in Exhibit "B."

**SECTION 3. CONFLICTS.**

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

**SECTION 4. CODIFICATION.**

It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

**SECTION 5. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of the Ordinance.

**SECTION 6. EFFECTIVE DATE.**

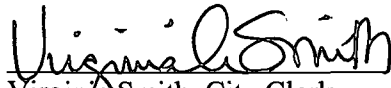
This Ordinance may not become effective until 31 days after the State land planning agency notifies the local government that the plan amendment package is complete. If challenged within 30 days after enactment, this small scale development amendment may not become effective until the State land planning agency or the administration commission, respectively, issues a final order determining that the small scale development amendment is in compliance.

**APPROVED** on first reading after due public notice and hearing the 3rd day of December, 2013.

**ADOPTED** on second reading after due public notice and hearing the 17th day of December 2013.

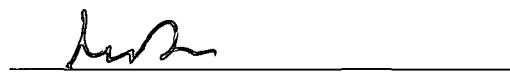
**ATTEST:**

**CITY OF PALM COAST, FLORIDA**

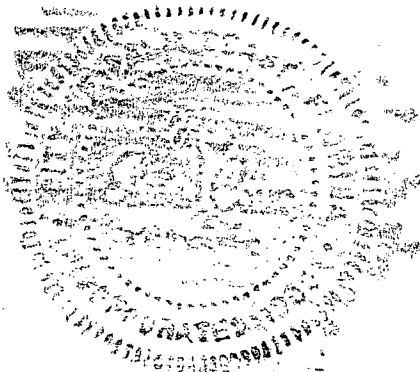
  
Virginia Smith, City Clerk

  
Jon Netts, Mayor

Approved as to form and legality

  
William E. Reischmann, Esq.

Attachments: Exhibit A – Legal Description  
Exhibit B – Proposed FLUM Amendment for Subject Property



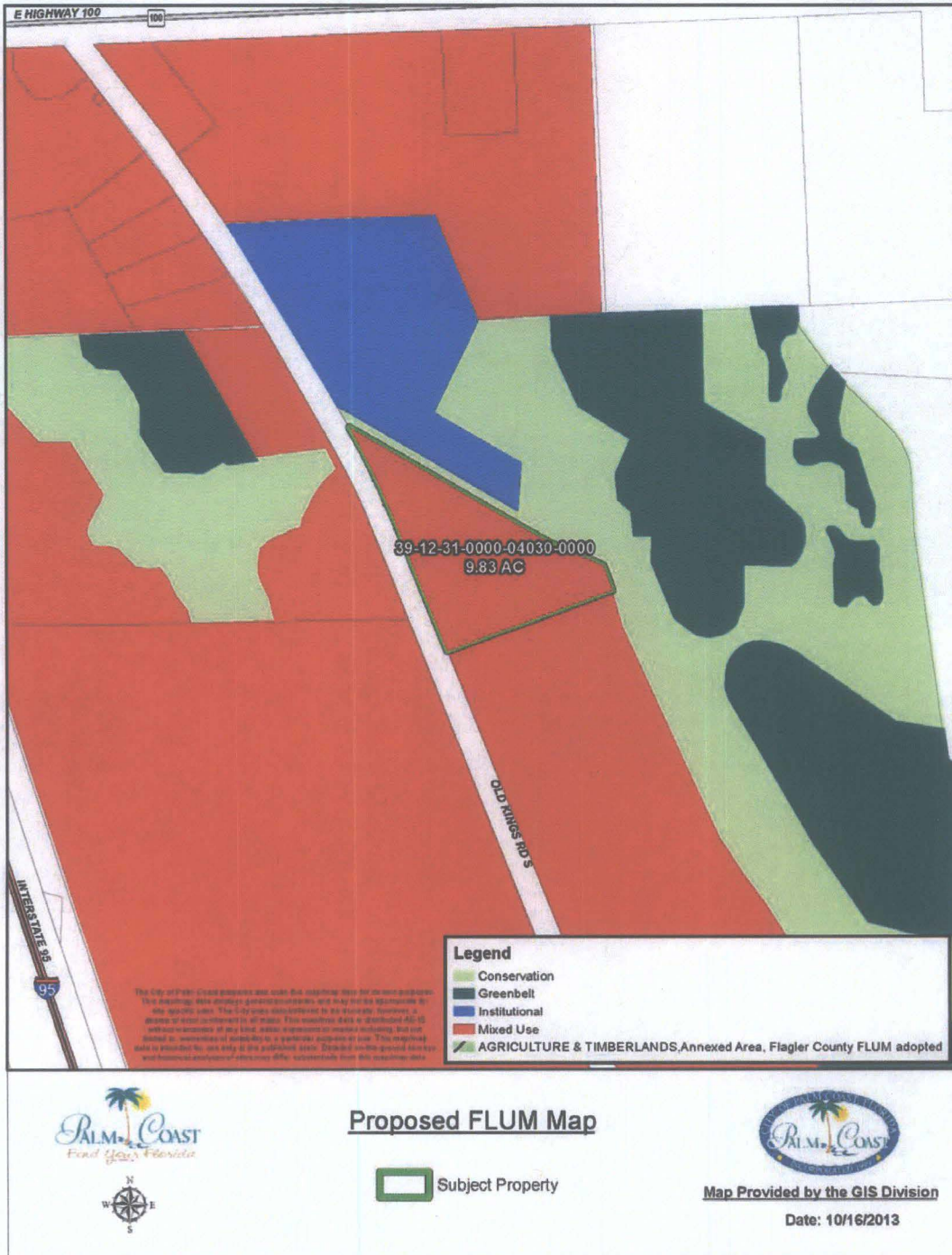
**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**EXHIBIT "A"**

A portion of Section 39, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

At a point of reference, commence at a concrete monument marking the intersection of the South line of Section 9, Township 12 South, Range 32 East, with the West line of Section 39, Township 12 South, Range 31 East (being the Southeast corner of said Section 9); thence run North 68° 04' 30" East a distance of 66.90 feet to a point in the Easterly right-of-way line of the 100-foot wide right-of-way of Old Kings Road; thence run South 21° 55' 30" East, along the Easterly line of said Old Kings Road, a distance of 173.04 feet to a concrete monument therein, said monument marking the Point of Beginning of this description; thence run North 21° 55' 30" West, along the Easterly right-of-way line of said Old Kings Road, a distance of 582.97 feet to the Point of Curvature of a curve to the left, said curve having a radius of 2914.51 feet; thence run Northerly and Westerly, along said curved Easterly right-of-way line of Old Kings Road, a distance of 409.17 feet, or through a central angle of 08° 02' 58", having a chord distance of 409.17 feet and a chord bearing of North 25° 58' 58" West, to the Point of tangency thereof; thence run North 29° 58' 28" West, along said Easterly right-of-way line of Old Kings Road, a distance of 25.93 feet to a point therein, thence departing the Easterly right-of-way line of said Old Kings Road, run South 61° 10' 02" East a distance of 984.03 feet; thence run South 70° 23' 51" West a distance of 19.99 feet to a concrete monument; thence run South 67° 34' 30" East a distance of 238.55 feet to a concrete monument; thence run South 20° 34' 15" East a distance of 110.25 feet to a concrete monument; thence run South 69° 44' 30" West a distance of 438.48 feet to a concrete monument as the Point of Beginning of this description.

**EXHIBIT "B"**  
**Flagler Palms FLUM Amendment (Application #2621)**



**Flagler/Palm Coast  
NEWS-TRIBUNE**

Published Each Wednesday and Saturday  
Flagler County, Florida

**State of Florida,  
County of Flagler**

Before the undersigned authority personally appeared

**Cynthia Anderson**

who, on oath says that she is .....

**LEGAL COORDINATOR**

of The Flagler/Palm Coast NEWS-TRIBUNE, a twice weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a .....

**NOTICE OF PUBLIC HEARING**

**NT 2046101**

in the Court,  
was published in said newspaper in the issues.....

**DECEMBER 11, 2013**

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida, each Wednesday and Saturday and has been entered as second-class mail matter at the post office in Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

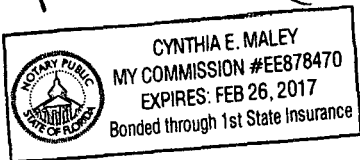
*Cynthia Anderson*

Sworn to and subscribed before me

This **11TH** of **DECEMBER**

A.D. 2013

*Cynthia E. Maley*



0002046101

**CITY OF PALM COAST  
NOTICE OF PROPOSED  
FUTURE LAND USE MAP  
AMENDMENT  
CITY COUNCIL PUBLIC  
HEARING**

The City of Palm Coast City Council will consider an Ordinance entitled:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CITY OF PALM COAST 2035 COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR 9.8+/- ACRES OF CERTAIN REAL PROPERTY FROM AGRICULTURE & TIMBERLANDS (FLAGLER COUNTY DESIGNATION) TO MIXED USE (CITY DESIGNATION) AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

This City initiated Comprehensive Plan Amendment will amend the Future Land Use Map (FLUM) designation for 9.8+/- acres of real property from Agriculture & Timberlands (Flagler County designation) to Mixed Use (City of Palm Coast designation). The subject property is located as depicted in the Location Map provided below.

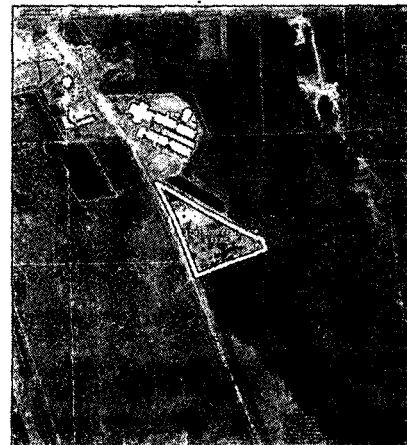
The City Council will hold a public hearing on the proposed Future Land Use Map amendment and ordinance, on December 17, 2013 at 9:00 a.m., or as soon thereafter as possible, in the City of Palm Coast Community Center, located at 305 Palm Coast Parkway NE, Palm Coast, Florida.

The public is encouraged to participate in the processes and procedures of the City and to request copies of the proposed ordinances. A copy of this notice, the file relating to the proposed Comprehensive Plan amendment and the proposed ordinance are available for public inspection during regular business hours Monday through Friday from 8:00 a.m. to 5:00 p.m. in the Community Development Department, Palm Coast City Offices located at 160 Cypress Point Parkway the phone number is (386) 986-3736.

The public is encouraged to visit the City's Web site to obtain information relative to this or any other matter relating to City government. Any person wishing to express his/her opinion may submit written comments regarding the proposed amendment to the City through the Community Development Department. Comments should be made as early as possible to ensure full consideration.

If a person decides to appeal any decision made with respect to any matter considered at the above-referenced hearing, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the *Americans with Disabilities Act*, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-986-3713 at least 48 hours prior to the meeting.



**Flagler/Palm Coast  
NEWS-TRIBUNE**

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Flagler County, Florida

State of Florida,  
County of Flagler

Before the undersigned authority personally appeared

**Cynthia Anderson**

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**LEGAL COORDINATOR**

of The Flagler/Palm Coast NEWS-TRIBUNE, a twice weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a .....

**NOTICE OF PUBLIC HEARING**

**NT 2043124**

in the Court,  
was published in said newspaper in the issues.....

**NOVEMBER 23, 2013**

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida, each Wednesday and Saturday and has been entered as second-class mail matter at the post office in Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

.....  
*Cynthia Anderson*

Sworn to and subscribed before me

This **25TH** of **NOVEMBER**

A.D. 2013

.....  
*Cynthia E. Maley*

49D

**NOTARY PUBLIC**  
CYNTHIA E. MALEY  
MY COMMISSION #EE878470  
EXPIRES: FEB 26, 2017  
Bonded through 1st State Insurance

0002043124

**CITY OF PALM COAST  
NOTICE OF PROPOSED  
FUTURE LAND USE MAP  
AMENDMENT  
CITY COUNCIL PUBLIC  
HEARING**

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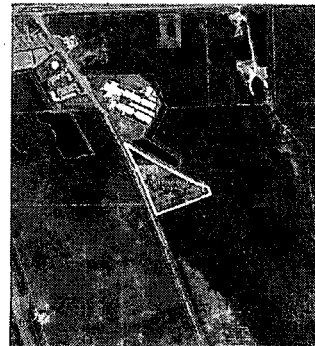
The City Council will hold a public hearing on the proposed Future Land Use Map amendment and ordinance, on December 3, 2013 at 6:30 p.m., or as soon thereafter as possible, in the City of Palm Coast Community Center, located at 305 Palm Coast Parkway NE, Palm Coast, Florida.

The public is encouraged to participate in the processes and procedures of the City and to request copies of the proposed ordinances. A copy of this notice, the file relating to the proposed Comprehensive Plan amendment and the proposed ordinance are available for public inspection during regular business hours Monday through Friday from 8:00 a.m. to 5:00 p.m. in the Community Development Department, Palm Coast City Offices located at 160 Cypress Point Parkway the phone number is (386) 986-3736.

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**NOTICE OF PUBLIC HEARING**

**NT 2040710**

in the Court,  
was published in said newspaper in the issues.....

**NOVEMBER 9, 2013**

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*Cynthia Anderson*  
.....

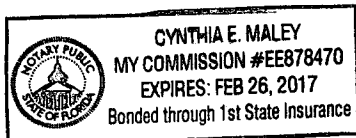
Sworn to and subscribed before me

This **11TH** of **NOVEMBER**

A.D. 2013

.....  
*Cynthia E. Maley*  
.....

49D



0002040710

**CITY OF PALM COAST  
NOTICE OF PROPOSED  
FUTURE LAND USE MAP AMENDMENT  
PLANNING AND LAND DEVELOPMENT  
REGULATION BOARD HEARING**

The City of Palm Coast Planning and Land Development Regulation Board (PLDRB) will consider and make a recommendation to the City Council regarding Ordinance No. 2013-XX Entitled:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE CITY OF PALM COAST 2035 COMPREHENSIVE PLAN, AS PREVIOUSLY AMENDED, PURSUANT TO SECTION 163, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR 9.8+/- ACRES OF CERTAIN REAL PROPERTY FROM AGRICULTURE & TIMBERLANDS (FLAGLER COUNTY DESIGNATION) TO MIXED USE (CITY DESIGNATION) AS DESCRIBED IN MORE DETAIL IN THE LEGAL DESCRIPTION WHICH IS AN EXHIBIT TO THIS ORDINANCE PROVIDING FOR CONFLICTS, RATIFICATION OF PRIOR ACTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

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The PLDRB will hold a public hearing on the proposed Future Land Use Map amendment and ordinance, on November 20, 2013 at 5:30 p.m., or as soon thereafter as possible, in the City of Palm Coast Offices, located at 160 Cypress Point Pkwy., Suite B-106, Palm Coast, Florida.

The public is encouraged to participate in the processes and procedures of the City and to request copies of the proposed ordinances. A copy of this notice, the file relating to the proposed Comprehensive Plan-amendment and the proposed ordinance are available for public inspection during regular business hours Monday through Friday from 8:00 a.m. to 5:00 p.m. in the Community Development Department, Palm Coast City Offices located at 160 Cypress Point Parkway the phone number is (386) 986-3736.

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**LOCATION MAP**

