

ORDINANCE NO. 2017- 16
FUTURE LAND USE MAP AMENDMENT # 3357
TEAROC OF FLORIDA

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 163.3184, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION FOR A 5.0+/- ACRE PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", AND LOCATED 1800 FEET NORTH OF WHITEVIEW PARKWAY ON THE EASTSIDE OF US-1 FROM AGRICULTURE & TIMBERLANDS (FLAGLER COUNTY DESIGNATION) TO MIXED USE (CITY OF PALM COAST DESIGNATION) PROVIDING FOR 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 Plan and FLUM have been amended from time-to-time; and

WHEREAS, this future land use amendment is a small scale amendment, and 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 this Future Land Use Map Amendment meets the defined criteria of a small scale amendment as defined by Section 163.3187(1), *Florida Statutes*; and

WHEREAS, the Palm Coast Planning and Land Development Regulation Board (PLDRB) considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments regarding amending the Future Land Use Map (FLUM) for a 5+/- acre parcel of land identified as Flagler County Tax Parcel Identification Number 22-11-30-5545-00000-0020 described in Exhibit "A" from Future Land Use Map designation Agriculture & Timberlands (Flagler County designation) to Future Land Use Map designation Mixed Use (City of Palm Coast designation) at a public hearing on August 16, 2017; and

WHEREAS, the City Council of the City of Palm Coast held a duly noticed public hearing on the proposed amendment and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby approves and adopts the Comprehensive Plan Amendment; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALM COAST, FLORIDA, THAT THE FUTURE LAND USE MAP IS AMENDED AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.

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

(b). The City Council of the City of Palm Coast hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum and packet relating to the application relating to the proposed amendment to the *City of Palm Coast Comprehensive Plan* relating to the subject property. The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

(c). The City of Palm Coast has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(d). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Palm Coast*.

SECTION 2. FUTURE LAND USE MAP AMENDED. The 5+/- acre parcel of land, identified as Flagler County Tax Parcel Identification Number 22-11-30-5545-00000-0020, generally located 1800' north of Whiteview Pkwy. on the eastside of US-1, as legally described in "Exhibit A" and as shown on "Exhibit B", attached hereto, is hereby amended from the Future Land Use Map designation Agriculture & Timberlands (Flagler County designation) to Future Land Use Map designation Mixed Use (City of Palm Coast designation).

SECTION 3. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER.

Upon the effective date of the Comprehensive Plan Amendment adopted by this Ordinance, said Amendment shall be incorporated into the City of Palm Cost Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 4. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective thirty-one (31) days after enactment by the City Council. If challenged under the controlling provisions of State law within thirty (30) days after enactment, this small

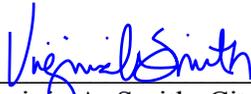
scale development amendment shall not become effective until the State land planning agency (the Florida Department of Economic Opportunity) or the Administration Commission, respectively, issues a final order determining this small scale development amendment is in compliance.

APPROVED on first reading after due public notice and public hearing the 19th day of September 2017.

ADOPTED on second reading after due public notice and public hearing the 3rd day of October 2017.

ATTEST:

CITY OF PALM COAST, FLORIDA



Virginia A. Smith, City Clerk



Milissa Holland, Mayor

Attachments:

Exhibit "A" – Legal Description of property subject to FLUM amendment.

Exhibit "B" – Revised FLUM.

Approved as to form and legality



William E. Reischmann, Jr., Esq.



EXHIBIT "A"
LEGAL DESCRIPTION

SANDLAKE SUBD LOT 2 5.00 AC OR 965 PG 984 OR 976 PG 481,482
ANNEXED INTO CITY 2006-09 OR 1469 PG 817

