

ORDINANCE 2025-02

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, RELATED TO ANNEXATION PROCEDURES; READOPTING AMENDMENTS TO CHAPTER 2, SECTION 2-2, INCLUDED IN ORDINANCE 2024-01 WHICH REMOVED THE REQUIREMENT FOR A REFERENDUM CONDUCTED WITHIN EXISTING CITY LIMITS FOR CERTAIN ANNEXATIONS; OR, ALTERNATIVELY, REPEALING ORDINANCE 2024-01 AND REINSTITUTING THE REQUIREMENT FOR A REFERENDUM CONDUCTED WITHIN EXISTING CITY LIMITS FOR CERTAIN ANNEXATIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF

WHEREAS, in January 2024, the City Commission approved Ordinance 2024-01 which amended Section 2-2 of the Code of Ordinances to remove an additional local process for annexation beyond the requirements of State statute and provide that annexations would follow the process delineated in State statutes; and

WHEREAS, specifically, the City Commission removed the following local requirement which exceeded the minimum State statute requirements for annexation:

If the city commission adopts any ordinance of annexation, voluntary or involuntary, that would cause the total area annexed during one (1) calendar year cumulatively to exceed more than five (5) percent of the total geographic area of the city, the ordinance shall be submitted to a binding vote of the registered voters of the city;

and

WHEREAS, at its regular meeting of February 27, 2025, a member of the public expressed concerns related to the published notice for Ordinance 2024-01; and

WHEREAS, based on such concerns and in order to resolve any claimed issues related to notice and allow robust public participation, the City Commission finds it appropriate to consider a new ordinance relating to the subject matter contained in Ordinance 2024-01 wherein the City Commission shall consider readoption of the amendments or, if the Commission determines to not readopt said amendments, to repeal Ordinance 2024-01.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Flagler Beach, Florida, as follows:

SECTION 1. The following amendments to Chapter 2, Section 2-2 of the Code of Ordinances are hereby approved and adopted. (Note, underlined text represents text added to the Code as it existed prior to Ordinance 2024-01 and ~~striketrough~~ text represents text deleted from the Code as it existed prior to Ordinance 2024-01):

37 Sec. 2-2. Annexation; ~~vote required, when.~~

38 ~~(a) If the city commission adopts any ordinance of annexation, voluntary or~~
39 ~~involuntary, that would cause the total area annexed during one (1) calendar year~~
40 ~~cumulatively to exceed more than five (5) percent of the total geographic area of the city,~~
41 ~~the ordinance shall be submitted to a binding vote of the registered voters of the city.~~

42 ~~(b) Notwithstanding the above, t~~The provisions of F.S. §§ 171.042,
43 Prerequisites to Annexation; 171.043, Annexation Procedures; and 171.044, Voluntary
44 Annexation, shall apply to annexations conducted by the city~~the rules and procedures of~~
45 ~~the city commission.~~ In addition to the requirements of state law, if any annexation is
46 proposed that would exceed more than five (5) percent of the total geographic area of the
47 city at the time of such proposal, an ordinance approving the annexation shall require the
48 affirmative vote of at least four members of the city commission.

49 **SECTION 2. Codification.** It is the intent of the City Commission of the City of Flagler Beach
50 that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal
51 authority in renumbering and codifying the provision of this Ordinance; article and section
52 numbers assigned throughout are suggested by the City.

53
54 **SECTION 3. Severability.** If any portion of this Ordinance is declared invalid or unenforceable,
55 then to the extent it is possible to do so without destroying the overall intent and effect of this
56 Ordinance, the portion deemed invalid or unenforceable shall be severed here from, and the
57 remainder of this Ordinance shall continue in full force and effect as if it were enacted without
58 including the portion found to be invalid or unenforceable.

59 **SECTION 4. Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby
60 repealed.

61 **SECTION 5. Effective date.** This Ordinance shall take effect immediately upon adoption as
62 provided by the Charter of the City of Flagler Beach.

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64 PASSED ON FIRST READING THIS ____ DAY OF _____ 2025.

65
66 PASSED AND ADOPTED THIS ____ DAY OF _____, 2025.

67
68 CITY OF FLAGLER BEACH, FLORIDA
69 CITY COMMISSION

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71
72 _____
Pattie King, Mayor

73 ATTEST:

74
75 _____
76 Penny Overstreet, City Clerk