



# City of Palm Coast

## Agenda

### CITY COUNCIL BUSINESS

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

**Mayor Milissa Holland**  
**Vice Mayor Robert G. Cuff**  
**Council Member Steven Nobile**  
**Council Member Nick Klufas**  
**Council Member Heidi Shipley**

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**Tuesday, April 3, 2018**

**6:00 PM**

**CITY HALL**

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#### **City Staff**

**Jim Landon, City Manager**

**William Reischmann, City Attorney**

**Virginia A. Smith, City Clerk**

- > Public Participation shall be in accordance with Section 286.0114 Florida Statutes.
- > Other matters of concern may be discussed as determined by City Council.
- > If you wish to obtain more information regarding the City Council's agenda, please contact the City Clerk's Office at 386-986-3713.
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- > City Council Meetings are televised on Charter Spectrum Networks Channel 495 and on AT&T U-verse Channel 99.
- > All pagers and cell phones are to remain OFF while City Council is in session.

#### **CALL TO ORDER**

#### **PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **ROLL CALL**

#### **PUBLIC PARTICIPATION**

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. After the Mayor calls for public participation each member of the audience interested in speaking on any topic or proposition not on the agenda or which was discussed or agendaed at the previous City Council Workshop, shall come to the podium and state their name. Each speaker will have up to three (3) minutes each to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience. Should you wish to provide Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in discussing an issue

further or ask additional questions, individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.

## **MINUTES**

- 1 MINUTES FOR CITY COUNCIL:**  
**March 20, 2018 Business Meeting**  
**March 27, 2018 Workshop**

## **PROCLAMATIONS AND PRESENTATIONS**

- 2 PROCLAMATION - FAIR HOUSING MONTH**
- 3 PROCLAMATION - CRIME VICTIMS' RIGHTS WEEK**
- 4 PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS THE NATIONAL MAYOR'S CHALLENGE FOR WATER**
- 5 PRESENTATION OF UNIT CITATION TO FIRST RESPONDERS**

## **ORDINANCES SECOND READ**

- 6 ORDINANCE 2018-XX TO ADOPT THE FIRST AMENDMENT TO THE GRAND LANDINGS MASTER DEVELOPMENT PLAN, APPLICATION 3481**
- 7 ORDINANCE 2018-XX TO REZONE 9.09 +/- ACRES FROM COM-2 AND PSP TO PALM TOWN CENTER MPD**
- 8 ORDINANCE 2018-XX PROPOSED AMENDMENTS TO THE CITY CHARTER**

## **ORDINANCES FIRST READ**

- 9 ORDINANCE 2018-XX AMENDING CHAPTER 29 IMPACT FEES, ARTICLE II TRANSPORTATION IMPACT FEES**
- 10 ORDINANCE 2018-XX AMENDING CHAPTER 15 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY'S CODE OF ORDINANCES**
- 11 ORDINANCE 2018-XX AMENDING SECTION 10.02 OF THE UNIFIED LAND DEVELOPMENT CODE RELATING TO FLOOD DAMAGE PROTECTION**

## **CONSENT**

- 12 RESOLUTION 2018-XX A PROPOSED AMENDMENT TO THE WIRELESS MASTER PLAN**



**TO INCLUDE A PORTION OF PROPERTY LOCATED AT FIRE STATION #24, 1505 PALM HARBOR PARKWAY**

- 13 RESOLUTION 2018-XX APPOINT DR. ELAINE STUDNICKI AS CO-CITY HISTORIAN**
- 14 RESOLUTION 2018-XX APPROVING A WORK ORDER WITH MCKIM & CREED, INC., FOR ENGINEERING DESIGN AND CONSTRUCTION SERVICES FOR THE HAZARD MITIGATION GRANT FOR THE INSTALLATION OF GENERATORS FOR 30 PUMP STATIONS**
- 15 RESOLUTION 2018-XX APPROVING A PRICE AGREEMENT FOR CONCRETE, ON AN AS NEEDED BASIS, WITH ARGOS READY MIX, LLC.**
- 16 RESOLUTION 2018-XX APPROVING MASTER SERVICE AGREEMENTS WITH MULTIPLE FIRMS FOR WASTEWATER EMERGENCY TANK TRUCKING SERVICES**

**OTHER BUSINESS**

- 17 PRESENTATION OF CERTIFICATES TO GRADUATING STUDENTS OF THE CITY OF PALM COAST'S CITIZENS ACADEMY CLASS**

**PUBLIC PARTICIPATION**

Remainder of Public Comments is limited to three (3) minutes each.

**DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

**DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

**DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

**ADJOURNMENT**

- 18 CALENDAR/WORKSHEET**

**ATTACHMENTS TO MINUTES**

## City of Palm Coast, Florida Agenda Item

Agenda Date : 4/3/2018

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	3044	<b>Account</b>
		<b>#</b>
<b>Subject</b>	MINUTES FOR CITY COUNCIL: March 20, 2018 Business Meeting March 27, 2018 Workshop	
<b>Background :</b>		
<b>Recommended Action :</b>		



**City of Palm Coast  
Minutes  
CITY COUNCIL  
BUSINESS MEETING**

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

***Mayor Milissa Holland  
Vice Mayor Robert G. Cuff  
Council Member Steven Nobile  
Council Member Nick Klufas  
Council Member Heidi Shipley***

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**Tuesday, March 20, 2018**

**9:00 AM**

**CITY HALL**

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**City Staff**

**Jim Landon, City Manager**

**William Reischmann, City Attorney**

**Virginia A. Smith, City Clerk**

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**CALL TO ORDER**

*Mayor Holland called the meeting to order at 9:00 am*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

*Ms. Settle called the roll. All members were present.*

**PUBLIC PARTICIPATION**

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. After the Mayor calls for public participation each member of the audience interested in speaking on any topic or proposition not on the agenda or which was discussed or agendaed at the previous City Council Workshop, shall come to the podium and state their name. Each speaker will have up to three (3) minutes each to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience. Should you wish to provide

Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in discussing an issue further or ask additional questions, individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.

*Vincent Ligouri: City Manager Council Relationships*

*Steve Carr: Florida Park Drive traffic.*

*George Mayo: The installation of a 5G box. He suggested naming the new firetruck for Chief Beadle.*

## **MINUTES**

*The minutes were approved as presented.*

### **1 MINUTES OF CITY COUNCIL March 6, 2018 Business Meeting March 13, 2018 Workshop Meeting**

**Pass**

**Motion made Vice Mayor Cuff to approve seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Heidi Shipley, Mayor Milissa Holland, Council Member Nobile**

## **PROCLAMATIONS AND PRESENTATIONS**

### **2 PROCLAMATION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS MONTH**

*Council Member Klufas read the proclamation into the record. Candice Wilke and Julie Carroll accepted the proclamation.*

### **3 PROCLAMATION RECOGNIZING APRIL AS WATER CONSERVATION MONTH**

*Council Member Nobile read the proclamation into the record and presented it to Brian Matthews.*

*James Troiano of St. Johns Water River Management District thanked Council for their leadership regarding water conservation.*

### **4 PRESENTATION UTILITY AWARDS**

*Mr. Landon gave a brief overview. Two representative from the American Water Works Association, Bill Young and Kim Kwalsky presented the award to Randy Zaleski who received it on behalf of the Utility Department. The City of Palm Coast was commended for their outstanding work.*

**5 PRESENTATION-FLORIDA HOSPITAL FLAGLER HEALTH & WELLNESS INITIATIVES SPONSORSHIP FOR EVENTS**

*Mr. Landon gave an overview of the item. Brittany McDermott reviewed her presentation with Council. Dr. Ronald Jimenez, CEO of Florida Hospital Flagler, felt the partnership aligns with the hospital's cultural vision of holistic health.*

**ORDINANCES SECOND READ**

**6 ORDINANCE 2017-XX A COMPREHENSIVE PLAN AMENDMENT FOR A 196+/- ACRE PARCEL FROM FLAGLER COUNTY DESIGNATIONS OF MIXED USE HIGH INTENSITY AND INDUSTRIAL TO CITY OF PALM COAST DESIGNATION OF MIXED USE ALONG WITH A POLICY TO LIMIT DEVELOPMENT**

**O2018-3**

**Pass**

**Motion made to approve by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

*Attorney Reischmann read the title of the Ordinance into the record. Mr. Landon gave an overview of the item. Mr. Papa gave a presentation outlining the changes from the first reading of the ordinance.*

*CM Nobile: The only change from first to second is the addition to the FLUM of the description of the restrictions? Ans. Mr. Papa - Yes.*

*CM Nobile: Based on the ratio of dwellings to acreage most of these are going to be multi-unit developments, like condominiums? Ans. Mr. Papa -It is possible. There is a cap on development of 1500 units on a 1/10 of an acre.*

*CM Klufas: The impact on our infrastructure and also on our streets and roads. I saw that there was no impact. Is that because the impact that we are assessing changing in zoning from Flagler County to Palm Coast standards and that is why there is no potential impact because this isn't actually the development of that land? Ans. Mr. Papa - That accounts for a lot of the non-significant impact. It was already entitled to a certain amount of development with the County designation. With the City designation, without getting too deep into it. At the time of site plan review or platting, we get more in depth with the engineering departments to accommodate a development of this size.*

*CM Klufas: We are seeing more activity on Colbert Lane, would that put more of a priority on us to extending our reuse infrastructure on Colbert so we can make sure? Ans. Mr. Papa - The Utility Department would probably be better served to*

*answer that. Ans. Mr. Landon - Previous comments from City Council, we are looking at it as to whether it makes sense to put a higher priority on that.*

*There were no public comments.*

- 7      ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM INDUSTRIAL (FLAGLER COUNTY DESIGNATION) TO GENERAL COMMERCIAL (COM-2) FOR A 2+/- ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF COLBERT LANE AND ROBERTS ROAD**

**O2018-4**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

*Attorney Reischmann read the title of the ordinance into the record. He asked for ex-parte communication. Council Member Klufas stated he has spoken with Grand Haven residents.*

*There were no public comments.*

- 8      ORDINANCE 2017-XX A ZONING MAP AMENDMENT FROM INDUSTRIAL (FLAGLER COUNTY DESIGNATION) TO LIGHT INDUSTRIAL (IND-1) FOR A 10+/- ACRE PARCEL LOCATED AT 465 AND 551 ROBERTS ROAD**

**O2018-5**

*Attorney Reischmann read the title of the ordinance into the record.*

*There were no public comments.*

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 9      ORDINANCE 2017-XX ZONING MAP AMENDMENT FOR 184+/- ACRE PARCEL FROM MIXED USE HIGH: PLANNED UNIT DEVELOPMENT (PUD) (FLAGLER COUNTY DESIGNATION) TO MASTER PLANNED DEVELOPMENT (MPD) (CITY OF PALM COAST DESIGNATION)**

**O2018-6**

*Attorney Reischmann read the title of the ordinance into the record.*

*There were no public comments.*

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

## **ORDINANCES FIRST READ**

### **10 ORDINANCE 2018-XX TO ADOPT THE FIRST AMENDMENT TO THE GRAND LANDINGS MASTER DEVELOPMENT PLAN, APPLICATION 3481**

*Attorney Reischmann read the title of the ordinance into the record.  
No ex-parte communication was reported.*

*Mr. Landon gave an overview of the item. Ida Meehan reviewed her presentation with the Council.*

*CM Shipley: The meeting, in the area were there any problems at that meeting anything that the residents wanted addressed? Ans. Ms. Meehan - I was not there but what was reported were concerns regarding change of entitlement issues, that this was somehow changing the development program.*

*CM Shipley: Because of the size of the homes? Ans. Ms. Meehan – No, I think there was a lot of . . . just a clarification of rumors. There was a lot of misinformation out there. As I understand, the neighborhood information meeting was more of a clarification of those rumors that were flying. Ans. Mr. Landon - If I may, it is a great example of why the neighborhood meetings are important. You get the information out to people; they thought there were other things happening that were not part of this program.*

*CM Cuff: Can you show us on the overall site plan where are the lots going to go for future development? Ans. Ms. Meehan - The future development would be on the western portion of the site.*

*Jeff Douglas, Developer. There was a concern about the product types are they going to reduce our home values, etc. We addressed that. I imagine there are always concerns in people's minds about that. Our drive is for a healthy community and we can develop the rest of the product in townhomes.*

*Public Comments:*

*George Mayo; Was anyone from the City at the meeting? If they were, to make them available for anything like this so if there are questions from the Council they can be answered and not say, "I believe," "I heard," and rumors like that.*

*Responses to Public Comments:*

*Mayor Holland - I am assuming we had staff at the meeting? Ans. Mr. Landon: I don't believe so. These are the meetings where the developers meet with the neighborhood. Ray can address that. Ans. Ray Tyner - It is really a developer/neighbor type meeting and we are not required to be there. It is really for them. They give us an attachment of the issues. Sometimes we go, sometimes we don't. It has been working really well. Really the developer's opportunity to get with the neighbors to see what their issues are try to resolve them. We are aware of all the issues.*

*Mayor Holland: I don't know if I like that concept. I understand it is coming from the developer but we are working collaboratively and recognizing there are concerns on behalf of our residents, we need to hear all sides of those concerns and it needs to be brought out publicly. It might have been a practice. Ans. Mr. Landon - The concept is the developer gets with the residents. The residents get informed and then they provide us their feedback while staff, planning board and City Council. We can go but it is still that dialogue . . . .*

*Mayor Holland: I am not asking for staff to intercede in any way but I do think that it is important for the staff to hear when there is an impact in a neighborhood in our community and they are going to be addressing that impact to us as a policy decision. I do think it is beneficial to have all the stake holders there. Not to participate but at least to acknowledge some of the discussion that is going on. Ans. Mr. Tyner - We can do that. And there are times when there is an initial neighborhood meeting and we can see there is a lot of contention, we have more one. We will tell the developer to go back and I'm coming with you to resolve some of the issues with the neighbors. And we can help them with process.*

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**11 ORDINANCE 2018-XX PROPOSED AMENDMENTS TO THE CITY CHARTER**

**O2018-4**

*Attorney Reischmann read the title of the ordinance into the record. Mr. Landon gave a brief overview of the item. Attorney Reischmann presented a PowerPoint presentation, which is attached to these minutes.*

*CM Nobile: This document, that I am seeing, the marked up document, is that available? Ans. Attorney Reischmann: Yes. It is on our website now.*

*There were no public comments.*



**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**12 ORDINANCE 2018-XX TO REZONE 9.09 +/- ACRES FROM COM-2 AND PSP TO PALM TOWN CENTER MPD**

*Attorney Reischmann read the title of the ordinance into the record. Mr. Landon gave a brief overview of the item. Mr. Falgout gave context and history of the item. Mr. Hoover reviewed the FLUM and preliminary site plan with the Council regarding the property.*

*Mayor Holland: The parking lot across the street at FPC, when it rains, it is normally, it is flooded a lot. I know it is a challenge because it's an older parking lot system. Will this development be able to remedy any of the (I know it is on the other side of the street) the drainage issues. Ans. Mr. Landon - The fact of it is, they are doing a separate stormwater pond, so the water from this property will not be contributing to any of the stormwater at the high school. The water of the high school flows the other way. It does not flow toward the east, it actually goes to the pond back there by the busses. We have taken steps to help alleviate that. One of the pumps did not kick on that is why it flood this time. We have corrected that and have an alarm system on it now that will help us. I think we have addressed the concern the best we can. This will not have an impact on it positive or negative.*

*Mayor Holland: Is parapet an architectural term, engineering term? Ans. Mr. Hoover - What the parapet does is, it is a flat roof and the parapet wall comes up a little bit higher. It is an architectural feature.*

*VM Cuff: Are the artist renderings you are showing us here, I am assume they are scale? Ans. Mr. Hoover - I think they are about 20%. We made it about 25% leeway. Those are actually to scale from the architect hired. It may increase a slight bit on that.*

*CM Nobile: What is that? Ans. Mr. Hoover - That is a canopy, how it would look if you were to drive down SR 100.*

*Mr. Landon - Is that the front or the back toward the store? Ans. Mr. Hoover - the lower part of the canopy is going to face SR 100 and the higher part will face the convenience store.*

*Mayor Holland: What is the timeframe? Has FPL discussed that? Ans. Mr. Cote - There is no timeframe. The cost would be on the City at this point in time, if we wanted to do that conversation.*

*Mayor Holland: To underground? Ans. Mr. Cote - and to be done with the ultimate configuration of Bulldog when that would be four lanes.*

*Mayor Holland: I am wondering if there has been a discussion with the school district with their position on future capacity for their high schools? Why I ask, I attend football games from time to time and there are a lot of students that park all along here. The busses come out on Bulldog Drive as well. I want to make sure we are coordinating with our school district. If there is an opportunity to look at this more comprehensively, this being the entrance to our town center, where a lot of future growth is going to occur, even for landscaping or reconfiguring their side of things. Ans. Mr. Landon - We've done a lot of coordination. In fact, when we did this first phase of Bulldog Drive, what we did, you may recall, the bus pick up and drop off was on the east side of the school and it came out real close to SR 100. We converted the parking lot there to student parking and put the busses in the back. The busses now come out at the very northern end. That gets the busses out of the immediate traffic of the intersection. It gives the busses the right of way over the students coming out of the parking lot because they are already on Bulldog Drive, headed toward the signal. It is much better. The School District donated property for the right of way right along there.*

*VM Cuff: I understand the partial vacation of bull dog drive. What impact is that going to have to access of the out parcels just east of the land we are talking about? Ans. Mr. Hoover - There is a cross access and that lets this project tie into that MPD area to the northeast and east, as well as the future commercial.*

*VM Cuff: I am not sure I was clear. I am talking about the two out parcels. One of which fronts on 100 and the other . . . Ans. Mr. Hoover - We have looked at that and we had a neighborhood information meeting, I was in attendance, and we discussed that with the McGanns that own the three lots on the southside toward SR 100. There is an automobile business there, as well as, the Ames that own the two lots behind that. The Ames have an older home, and it is being used for storage. Mr. Ames has a window replacement and siding business. He keeps some of the new equipment there. The developer has agreed to construct new driveway access points onto Midway Drive. They will need to grant the developer a 15 foot wide construction easement. It will provide new access, as well as, stormwater management.*

*CM Nobile: Signage - Did we state based on the footage, we are going to put a sign that complies with our current ordinance or not? Ans. Mr. Hoover - We are suggesting to the developer to move the larger sign to SR 100 and the smaller one to Bulldog Drive. We are meeting the code but transferring the entitlements from one right of way to the other.*

*CM Nobile: If you are on a corner, you have all frontage and that can go anywhere? Ans. Mr. Landon - You are allowed two signs vs. one sign, one on both streets.*

*CM Nobile: But it is based on the combined frontage? Ans. Mr. Hoover - What would happen typically, is the developer would put up a sign right at the corner and they would use the bigger one. However, in this case, right there is the Town Center Entry Sign, rather large. That does not allow them to do that.*

*CM Nobile: And this is in compliance with our code? Ans. Mr. Landon - The total amount of square footage is consistent with our code. It is just a matter of where you place the sign.*

*CM Shipley: But now the set backs are going to be different; we are going from ten to five? Is that going to be? Ans. Mr. Landon - It will only be along Midway, which is such a minor, which is basically a driveway.*

*CM Shipley: We are just changing it for them? Ans. Mr. Landon - Just along Midway - and they have to do additional landscaping.*

*Public Comments:*

*Mr. Ames - I own that property adjacent to Midway Drive. The elevation is going to be anywhere between 18 inches to three feet above my property. I want to publicly object to that encumbrance.*

*Responses to Public Comments:*

*Ans. Mr. Landon - We are required to maintain access to the property that is why we are not vacating all of Midway. The developer is required to make sure there is access so they can get into their property.*

*CM Nobile: What about water mitigation? Ans. Mr. Landon - It will all flow to the pond. It is all part of the consideration not to impact adjacent properties with their water. If there is an elevation difference, we will have to make sure they have access to their property.*

**Pass**

**Motion made to approve made by Council Member Klufas and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

**RESOLUTIONS**

**13 RESOLUTION 2018-XX APPROVING A REVISED RIGHT-OF-WAY MAP FOR BULLDOG DRIVE**

**R2018-35**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 14 RESOLUTION 2018-XX APPROVING THE GRANTING OF UTILITY EASEMENTS TO FLORIDA POWER & LIGHT COMPANY ALONG BULLDOG DRIVE.

R2018-36

**Pass**

Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile

Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland

- 15 RESOLUTION 2018-XX APPROVING A PARTIAL VACATION OF MIDWAY DRIVE RIGHT-OF-WAY

R2018-37

**Pass**

Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile

Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland

- 16 RESOLUTION 2018-XX APPROVING THE FINAL PLAT FOR MARINA DEL PALMA

R2018-38

*Mr. Landon gave an overview of the item. Mr. Hoover provided a PowerPoint presentation, which is attached to these minutes.*

*Public Comments:*

*Ken Belsher, Developer: I want to make it clear there will be 154 single family lots; the number presented was less than that.*

**Pass**

Motion made to approve made by Council Member Nobile and seconded by Vice Mayor Cuff

Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland

- 17 RESOLUTION 2018-XX ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017, AS PRESENTED BY JAMES MOORE & CO., P.L.

**R2018-39**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

*James Halleran of James Moore and Co. presented a PowerPoint presentation, which is attached to these minutes. He thanked Helena Alves for her expertise.*

*Mayor Holland: Our Stormwater Funds always runs very low. We have had discussions on how to come up with a long term solution. When you look at this in its entirety, with these storms, it really helps us understand the significance of improving our infrastructures. At any given time, do you look at other communities on how they are making those funds more long term sustainable? Ans. You are like most city.*

*Mayor Holland: Has anyone received their funds from FEMA? Ans. Mr. Halleran - There are some that have gotten some funds but no one has gotten everything, even from Matthew.*

*The Business Meeting recessed at 11:06 a.m.*

**RECESS CITY COUNCIL AND CONVENE THE SR 100 CORRIDOR CRA BOARD**

- 18 SR 100 COMMUNITY REDEVELOPMENT AREA RESOLUTION 2018-XX  
APPROVING THE PURCHASE AND SALE OF 178 MIDWAY DRIVE FROM  
CHARLOTTE HAYDEN**

**R2018-40**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Klufas**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

*Mr. Landon gave a brief overview of the item. Mr. Falgout. This was the notch in Phase II of the development. Ms. Hayden desires to sell her property. Mr. Falgout reviewed the circumstances surrounding the purchase.*

*There were no public comments.*

*The CRA Meeting adjourned at 11:08 a.m.*

**ADJOURN THE SR 100 CRA BOARD AND RECONVENE THE CITY COUNCIL**

*The Council meeting reconvened at 11:08 a.m.*

## **CONSENT**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 19 RESOLUTION 2018-XX APPROVING THE CONTRACT FOR PURCHASE AND SALE OF 178 MIDWAY DRIVE, PALM COAST WITH MS. CHARLOTTE HAYDEN**

**R2018-41**

*Jack Carrall. Item 20 - Land donation. What are we giving them in return?*

*Ans. Mr. Landon - We are not giving them anything. I think what they are considering is the carrying costs. It is what they call a drop lot. It is not buildable so the taxes are minimal. They are trying to get it off of their books and when they approached us, it borders a canal so it could be a benefit to our stormwater system.*

- 20 RESOLUTION 2018-XX APPROVING A LAND DONATION AGREEMENT WITH ITT COMMUNITY DEVELOPMENT CORPORATION**

**R2018-42**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 21 RESOLUTION 2018-XX APPROVING A WORK ORDER WITH CONNECT CONSULTING INC. FOR THE REBUILD AND TESTING OF SW-30.**

**R2018-43**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 22 RESOLUTION 2018-XX APPROVING MASTER SERVICE AGREEMENTS WITH LCD OF FLAGLER AND WASTE PRO FOR WTP#2 LIME SLUDGE HAULING AND DISPOSAL**

**R2018-44**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 23 RESOLUTION 2018-XX APPROVING MASTER PRICE AGREEMENTS WITH MULTIPLE VENDORS FOR SIGN SHOP MATERIALS**

**R2018-45**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 24 RESOLUTION 2018-XX APPROVING MASTER PRICE AGREEMENTS WITH FLAGLER POWER EQUIPMENT AND L&B HOMES DBA ST. JOHNS SALES AND SERVICE FOR MOWER PARTS**

**R2018-46**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

- 25 RESOLUTION 2018-XX APPROVING PIGGYBACKING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT WITH VERMEER SOUTHEAST SALES AND SERVICES, INC. FOR THE PURCHASE OF A CHIPPER**

**R2018-47**

**Pass**

**Motion made to approve made by Vice Mayor Cuff and seconded by Council Member Nobile**

**Approved - 5 - Vice Mayor Robert Cuff, Council Member Nick Klufas, Council Member Steven Nobile, Council Member Heidi Shipley, Mayor Milissa Holland**

## **PUBLIC PARTICIPATION**

Remainder of Public Comments is limited to three (3) minutes each.

*Blanche Valentine. I have come several times regarding my swale. Someone came out and hung a door hanger indicating I was in violation. But I don't know what the violations are.*

*Mr. Landon asked that Steve Flanagan speak with her after the meeting.*

## **DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

*CM Shipley: I was wondering if we can get something on the workshop for next week, littering. Maybe we can get police to enforce them.*

*Mayor Holland: I am under the thought process that sign pollution is also a bad thing. I think we have to manage this conversation to balance. Perhaps we host initiatives for clean-ups.*

*CM Nobile: There is a litter problem. I would like to see more like adopt a road. I am not on a main road and there is always litter. It would be nice to have that coordinated with the City.*

*Ans. Mr. Landon - You would like to put that on the agenda. There are certain things the City does currently do. We can show you what we currently do and see if there are certain things the City does and see if we can . . . I don't know if we will be ready for next week but the following week.*

*Mayor Holland acknowledge the county and thanked them for the vote against an RV Park on Colbert Lane.*

## **DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

*No report.*

## **DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*Storm is under way so be careful. Food Truck Tuesday has been cancelled.*

*Mayors 30-30 challenge-starts this Saturday.*

*Grand Opening of the Community Center is on the 23rd.*

*Saturday will be the Community Center open house 9:00 a.m.*

*State of the City-we are partnering with the Observer at the Community Center, April 3 at 11:30 a.m.*

## **ADJOURNMENT**

*Motion to adjourn 11:19 a.m.*

*Respectfully Submitted,*

*Kate Settle, Deputy City Clerk*





# City of Palm Coast Minutes CITY COUNCIL WORKSHOP

City Hall  
160 Lake Avenue  
Palm Coast, FL 32164  
[www.palmcoastgov.com](http://www.palmcoastgov.com)

**Mayor Milissa Holland**  
**Vice Mayor Robert G. Cuff**  
**Council Member Steven Nobile**  
**Council Member Nick Klufas**  
**Council Member Heidi Shipley**

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**Tuesday, March 27, 2018**

**9:00 AM**

**CITY HALL**

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## City Staff

**Jim Landon, City Manager**

**William Reischmann, City Attorney**

**Virginia A. Smith, City Clerk**

- > Public Participation shall be in accordance with Section 286.0114 Florida Statutes.
- > Other matters of concern may be discussed as determined by City Council.
- > If you wish to obtain more information regarding the City Council's agenda, please contact the City Clerk's Office at 386-986-3713.
- > In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at 386-986-3713, at least 48 hours prior to the meeting.
- > City Council Meetings are televised on Charter Spectrum Networks Channel 495 and on AT&T U-verse Channel 99.
- > All pagers and cell phones are to remain OFF while City Council is in session.

## CALL TO ORDER

*Mayor Holland called the meeting to order at 9:00 A.M.*

## PLEDGE OF ALLEGIANCE TO THE FLAG

## ROLL CALL

*City Clerk Virginia Smith called the roll.*

## PUBLIC PARTICIPATION

Public Participation shall be held in accordance with Section 286.0114 Florida Statutes. After the Mayor calls for public participation each member of the audience interested in speaking on any topic or proposition not on the agenda or which was discussed or agendaed at the previous City Council Workshop, shall come to the podium and state their name. Each speaker will have up to three (3) minutes each to speak. The Mayor will advise when the three (3) minutes are up and the speaker will be asked to take a seat and wait until all public comments are finished to hear answers to all questions. Once all members of the audience have spoken, the Mayor will close public participation and no other questions/comments shall be heard. Council and staff will then respond to questions posed by members of the audience.

Should you wish to provide Council with any material, all items shall be given to the City Clerk and made part of the record. If anyone is interested in discussing an issue further or ask additional questions, individual Council Members and staff will be available after the meeting to discuss the matter and answer questions.

*There were no public comments.*

## **PRESENTATIONS**

### **1 PRESENTATION - STRATEGIC ACTION PLAN EVALUATION**

*Mr. Landon provided a brief summary of this item. Ms. Denise Bevan presented a PowerPoint presentation, which is attached to these minutes.*

*Mayor Holland-When we set our priorities and they are established and set, there are measurements surrounding that, do you assess or prioritize them timeframe wise, some are just permitting and business as usual but have you ever then made a decision that if there is not enough staff to address this priority that you take another priority and move it up? How do you evaluate everything that needs to be accomplished that we are identifying? How do you attach a timeframe to it? Ans: Mr. Landon-Basically, that is what we do internally. We have quarterly progress reports. During those quarterly progress reports, not only the ones that are your priorities but every department has additional performance measures and expectations. We always highlight those that City Council have added and then we talk about the timeline and about those that are priorities and where we are with those specifically. There are times that we say staff or resources are not where they should be. We actually let you know that during this process that we are not going to get that done this year because it will take a budget cycle. You have set that as a priority but we have indicated you are going to have to include that in next years budget. So, then what we do with staff is we do not actually work on getting it done, we incorporate it into the budget for your consideration, that actually takes your approval.*

*CM Nobile-It is all based on the budget. So, if things take money it starts here in the budget year? Ans: Mr. Landon-Yes.*

*CM Nobile-We had the drainage study done (modeling) and it showed us where there were issues and we are combining the storm lessons? Ans: Mr. Landon-Yes.*

*CM Nobile-A little off topic, there are 5 to 7 roadway intersections, are we putting in turn lanes? Ans: Mr. Landon-Yes. At major intersections, there will be right turn lanes and left turn lanes, e.g. Ravenwood.*

*CM Nobile-Goal slide for stronger focus on older neighborhoods-can we partner with the residents for some shrubbery? Let's help the residents some.*

*CM Shipley-would like a workshop to relieve the traffic on Florida Park Dr. Attended a meeting where the residents have different ideas that we have not heard before on how to relieve the traffic.*

*Goal related to increase awareness of shopping locally-CM Klufas suggested giving out a sticker when we give out the Certificates of Occupancy to increase shop local.*

*CM Shipley is excused for the rest of the meeting. Left the meeting at 10:30 a.m.*

## **2 PRESENTATION - INNOVATION TEAM**

*Mr. Landon provided a brief overview to this item. Mr. Beau Falgout provided a PowerPoint presentation, which is attached to these minutes.*

*Mr. Falgout introduced Wynn Newingham, head of Innovation and Economic Development and Mr. Bob Cooper, Frontier Services Design.*

*Mayor Holland-I think this is fabulous and I am really excited about this. Again, I think this puts us on the right trajectory and having a team that will guide us through this process. When we are looking at our downtown, surrounding areas and telling our story, I believe geographically we are positioned well. So things we will never have, like an International Airport, but we really do have an unbelievable Executive Airport across the street, access to I95 is in close proximity. So, what do you see as the biggest challenges or impediments for us to really drive this very comprehensively but also rapidly? Ans: Mr. Cooper-I have been thinking about this for the past 8 weeks since we first engaged. It is a classic case of chicken and the egg. Which comes first. One one hand driving employers to come here, what do employers want? It is not low tax or low tax incentive, it is really access to great talent. So then the question is how do you get the talent here? So there are some things we need to look at and this is the process we are going through to jump start that. Part of it is just raising awareness, "what is Palm Coast and what does it have to offer?"....We need to get the word out.*

## **3 PRESENTATION ON THE RECREATION AND PARKS MASTER PLAN**

*Mr. Landon provided a brief overview to this item. Mr. Jose Papa and Mr. Alex Boyer provided a PowerPoint presentation, which is attached to these minutes.*

*Mayor Holland-Have you thought about partnering with NERR or Whitney Lab? Ans: Mr. Boyer-Yes, we have and we met with the Green Team a few months back to see what we can do.*

*CM Cuff-Does Phase II create better access to Longs Landing? Ans: Mr. Papa-There is certainly nothing wrong with looking at amendments.*

*Mayor Holland-When we are looking at the RnR projects, do we look at material that will last longer, a little more costly up front at our facilities for maintenance? Mr. Pap-It is always a consideration.*

*Mayor Holland-Do we have wi-fi at all of our facilities? Ans: Mr. Boyer-At all of our parks. Mayor Holland would like to see wi-fi at all our parks and trails for safety purposes.*

*Mayor Holland-Do we take into account the cost of materials year after year? Ans: Mr. Boyer-Yes, a lot of those prices include inflation.*

*Council took a five minutes recess at 11:24 a.m. Council reconvened at 11:29 a.m.*

#### **4 ORDINANCE 2018-XX AMENDING CHAPTER 29 IMPACT FEES, ARTICLE II TRANSPORTATION IMPACT FEES**

*Mr. Landon provided a brief overview to this item. Mr. Jose Papa and representatives from Lassiter Transportation Group presented a PowerPoint presentation, which is attached to these minutes.*

*CM Cuff-What is the rationale behind "No ROW" fees? I understand Rights-of-Ways have been set aside from previous developers, but if I understood your report, that taken this out of the calculations of the fee, not just the dirt on either side of the existing road, but also the facilities that we need for stormwater management and utilities or did I misread it? Ans: Mr. Lassiter-In most cases, we have substantial rights-of-way available. Not only the roadway widening but the drainage as well as utilities, and that is something that ITT did a good job of setting the roadways.*

*CM Cuff-We talk about typical practice, does it include collection of impact fees for retrofitting sidewalks, those types of improvements? .....Is that a function of the law or is that how it is usually done? I am thinking, again, back to our vested neighborhoods, almost none of which have sidewalks or bike paths. The cost to retrofit will be Elon Musk before we put someone on Mars and raise the money to put in sidewalks...Should we be including some sort of retrofit in our impact fee analysis? Some retrofitting in these facilities because we keep hearing from people that they want them for safety, school safety. Ans: Mr. Paul-I put that in because I am doing mobility fees across the state. They are sort of like an impact fee but they are more for areas that are already built-out. They are not really focusing on building new roads. We are talking about retrofitting neighborhoods for sidewalks, to put in bike lanes, to put in trails. We had the discussion somewhere early on, internal, maybe the appropriate avenue would be the next update for mobility fees, where you could take some of the money and retrofit. As far as the roadway impact fees, you can typically only add a sidewalk or bike lane, when you are adding a turn lane, or widening of a road. The mobility fee you go out and put in a sidewalk. That is the difference. This is*

*the law and best practice. I would not recommend to challenge a transportation impact fee doing just that.*

*CM Klufas are there different time limits and time constraints of how long you have to spend the mobility funds versus an impact fee, a traffic impact fee, only because if you do not fully fund a sidewalk and build just the component you need, are the funds going to run out? Ans: Mr. Paul-In the ordinance itself we are recommending extending the time from 6 years to 10 years. It is the normal. From the time you have a meeting like this til you design the road, constructing it, is taking longer. Attorney Katie Reischmann-Our office did recommend we keep it at six years and that is what the Ordinance reflects. That is the standard and the person who wrote the impact fees in the State, that is what the law is, so it needs to be more like six.*

*Mobility fee-Mayor Holland-The mobility fee, I am not clear, you said you are working with other communities? How do they derive the need for a mobility fee? Ans: Mr. Paul-It is really focused more on terms of person mile travels, walking biking and driving. So it is multi-modal where as predominantly under this fee scenario we look just at people driving. It is a different way of looking at how people get around.*

*CM Klufas-Page 6 of the presentation, it is almost the same type of layout, where there any units of measurement that changed? It did not seem like it but I was not sure. It seems like all the propped fees are much lower besides the one that is indicated. Ans: Mr. West-The only one that changed was schools, private schools, we went from students, which is really hard to regulate, track, we went to square footage, which is a little easier to determine. That was really the only one.*

*CM Nobile-Requested clarification on the fee for the Bank Drive Thru/ATM.*

## **5 ORDINANCE 2018-XX AMENDING CHAPTER 15 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY'S CODE OF ORDINANCES**

*Mr. Landon provided a brief overview to this item and the next item. Ms. Denise Bevan presented a PowerPoint presentation on this item and the next, which is attached to these minutes.*

*CM Klufas-If we fail to adopt the standards, then we would not be eligible for FEMA reimbursement? Ans: Ms. Bevan-Correct.*

*CM Nobile-These studies that are done by the state and what we look at is there any account for water rise? Ans: Ms. Bevan-To your point, FEMA only looks at current levels. However, they did provide a planning tool to communities to use to see the levels and critical areas should there be a foot of water here, etc.*

*Mayor Holland-The one foot above, how does that impact older parts of our community that are in this designated area? Will it impact it if it is in the higher elevation than the adjacent property? Ans: Ms. Bevan-One foot has always been*

*our standard, so that is what we have always kept to. I have seen other communities go two or three feet above, that is where I would be really concerned about that change in drainage capabilities, but I know we look at that as part of our building application process.*

**6 ORDINANCE 2018-XX AMENDING SECTION 10.02 OF THE UNIFIED LAND DEVELOPMENT CODE RELATING TO FLOOD DAMAGE PROTECTION**

*This item was heard under item 5.*

**WRITTEN ITEMS**

**7 RESOLUTION 2018-XX A PROPOSED AMENDMENT TO THE WIRELESS MASTER PLAN TO INCLUDE A PORTION OF PROPERTY LOCATED AT FIRE STATION #24, 1505 PALM HARBOR PARKWAY**

*Mr. Landon provided a brief overview to this item.*

**8 RESOLUTION 2018-XX APPOINT DR. ELAINE STUDNICKI AS CO-CITY HISTORIAN**

*Mr. Landon provided a brief overview to this item.*

**9 RESOLUTION 2018-XX APPROVING A WORK ORDER WITH MCKIM & CREED, INC., FOR ENGINEERING DESIGN AND CONSTRUCTION SERVICES FOR THE HAZARD MITIGATION GRANT FOR THE INSTALLATION OF GENERATORS FOR 30 PUMP STATIONS**

*Mr. Landon provided a brief overview to this item.*

**10 RESOLUTION 2018-XX APPROVING A PRICE AGREEMENT FOR CONCRETE, ON AN AS NEEDED BASIS, WITH ARGOS READY MIX, LLC.**

*Mr. Landon provided a brief overview to this item.*

**11 RESOLUTION 2018-XX APPROVING MASTER SERVICE AGREEMENTS WITH MULTIPLE FIRMS FOR WASTEWATER EMERGENCY TANK TRUCKING SERVICES**

*Mr. Landon provided a brief overview to this item.*

#### **PUBLIC PARTICIPATION**

Remainder of Public Comments is limited to three (3) minutes each.

*There were no public comments.*

#### **DISCUSSION BY CITY COUNCIL OF MATTERS NOT ON THE AGENDA**

*CM Nobile-Bathroom faucet is leaking in the dais bathroom. Mr. Landon-We are aware and we are taking care of it.*

*Mayor Holland-Attended the Business issues of the chamber, one topic was relating to permitting. We have a reputation that we are not business friendly. I think we should use the Wawa development as a case study. It would be nice to hear from a developer after on how we can improve our permitting process, etc. being business friendly. Ans: Mr. Landon-We have performance measures for all of them, but we can do this one.*

#### **DISCUSSION BY CITY ATTORNEY OF MATTERS NOT ON THE AGENDA**

*Nothing at this time.*

#### **DISCUSSION BY CITY MANAGER OF MATTERS NOT ON THE AGENDA**

*Kudos to the opening of the Community Center. We are very busy already. Lots of reservations.*

*Easter Weekend is this weekend. City offices are closed on Friday. Egg Hunt Friday night.*

*State of the City address is April 3. Mayor Holland will be a speaker at the event.*

*Mr. Falgout wanted me to remind you of your homework for the Executive Search Firm selection.*

*Mayor Holland-Mayor's 30 30 challenge has begun and encourage all to sign up and participate.*

#### **ADJOURNMENT**

*The meeting was adjourned at 12:50 PM*

*Respectfully submitted by: Virginia A. Smith, MMC  
City Clerk*

**12 CALENDAR/WORKSHEET**

**13 ATTACHMENTS TO MINUTES**



## City of Palm Coast, Florida Agenda Item

Agenda Date : 4/3/2018

<b>Department</b>	City Clerk	<b>Amount</b>
<b>Item Key</b>		<b>Account</b>
<b>Subject</b>	PROCLAMATION - FAIR HOUSING MONTH	
<b>Background:</b> Dorothy Sperber of FCAR requested the City of Palm Coast proclaim April 2018 as Fair Housing Month.		
<b>Recommended Action:</b> Proclaim April 2018 as Fair Housing Month		



## PROCLAMATION

**WHEREAS**, April 11, 2018, marks the 50th anniversary of the passage of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, religion, sex, familial status, handicap and national origin, and encourages fair housing opportunities for all; and

**WHEREAS**, the Flagler County Association of Realtors, is committed to highlight the Fair Housing Act by continuing to address discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every one of their right to fair housing; and

**WHEREAS**, the National Association of Realtors Code of Ethics commits all realtors to provide equal professional services without discrimination based on race, color, religion, sex, familial status, handicap, sexual orientation, gender identity, and national origin.

**NOW, THEREFORE, BE IT PROCLAIMED**, by Palm Coast Mayor Milissa Holland and the City Council of the City of Palm Coast that April 2018 be officially designated

### “Fair Housing Month”

in the City of Palm Coast, and begins a year-long commemoration of the Fair Housing Act and urge all citizens to wholeheartedly recognize this celebration throughout the year.

**SIGNED** this 3rd day of April 2018.

CITY OF PALM COAST, FLORIDA

Witnessed by:

\_\_\_\_\_  
Milissa Holland, Mayor

\_\_\_\_\_  
Virginia A. Smith, City Clerk

## City of Palm Coast, Florida Agenda Item

Agenda Date : 4/3/2018

<b>Department</b>	City Clerk	<b>Amount</b>
<b>Item Key</b>		<b>Account</b>
<b>Subject</b>	PROCLAMATION - CRIME VICTIMS' RIGHTS WEEK	
<b>Background :</b> The Family Life Center in Bunnell, has requested that the City of Palm Coast proclaim April 8, 2018 through April 14, 2018 as Crime Victims’ Rights Week.		
<b>Recommended Action :</b> Present proclamation recognizing Crime Victims’ Rights Week- April 8, 2018 through April 14, 2018.		



**WHEREAS**, Americans are the victims of more than 20 million crimes each year and crime can touch the lives of anyone regardless of age, national origin, race, creed, religion, gender, sexual orientation, or economic status; and

**WHEREAS**, the victim services community has worked for decades to create an environment for victims that is safe, supportive, and effective; and

**WHEREAS**, intervening early with services that support and empower victims provides a pathway to recovery from crime and abuse; and

**WHEREAS**, honoring the rights of victims, including the right to be heard and to be treated with fairness, dignity, and respect, and working to meet their needs rebuilds their trust in the criminal justice and social services systems; and

**WHEREAS**, serving victims and rebuilding their trust restores hope to victims and survivors, as well as their communities; and

**WHEREAS**, National Crime Victims' Rights Week, is an opportune time to commit to ensuring that all victims of crime – even those who are challenging to reach or serve – are offered culturally and linguistically accessible and appropriate services in the aftermath of crime; and to express our sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support, justice and peace.

**NOW, THEREFORE, BE IT PROCLAIMED**, the City Council of the City of Palm Coast, Florida, does hereby declare April 8 through April 14, 2018 as :

## ***“CRIME VICTIMS’ RIGHTS WEEK”***

**Adopted** this 3<sup>rd</sup> day of April 2018.

CITY OF PALM COAST, FLORIDA

Witnessed by:

\_\_\_\_\_  
Milissa Holland, Mayor

\_\_\_\_\_  
Virginia A. Smith, City Clerk

## City of Palm Coast, Florida Agenda Item

Agenda Date: 4/3/2018

<b>Department Item Key</b>	CITY CLERK	<b>Amount Account</b>
<b>Subject</b>	PROCLAMATION RECOGNIZING THE MONTH OF APRIL AS THE NATIONAL MAYOR'S CHALLENGE FOR WATER	
<b>Background :</b>	The City of Palm Coast desires to proclaim the month of April as the National Mayor's Challenge for Water Conservation Month.	
<b>Recommended Action :</b>	Present proclamation for April as the National Mayor's Challenge for Water Conservation Month.	



## PROCLAMATION

**Whereas,** The City of Palm Coast and the entire state of Florida continue to explore ways to manage residential consumption of water and power, and to inspire citizens to care for our natural resources; and

**Whereas,** Cities including Palm Coast can engage in efforts to inspire their own City, as well as neighboring communities, to become better environmental stewards; and

**Whereas,** The seventh annual National Mayor's Challenge for Water Conservation presented by the Wyland Foundation and Toyota, with support from the U.S EPA WaterSense, The Toro Company, National League of Cities, Conserva Irrigation, and Earth Friendly Products (makers of ECOS), is a healthy, non-profit competition for cleaner communities and a water use and pollution reduction competition between our cities; and

**Whereas,** with the encouragement of Palm Coast Mayor Milissa Holland, residents may register their participation in our City's Challenge, online, by making simple pledges to decrease their water use and to reduce pollution for the period of one year, thereby assisting their cities to apply State and Federal water conservation strategies and to target mandated reductions; and

**Whereas,** during the entire month of April 2018, the City of Palm Coast wishes to inspire its residents and its neighboring communities to take the "Wyland Mayor's Challenge for Water Conservation" by making a series of online pledges at [mywaterpledge.com](http://mywaterpledge.com) to reduce their impact on the environment and to see immediate savings in their water, trash, and electricity bills;

**Now, Therefore, Be It proclaimed,** by Palm Coast Mayor Milissa Holland and the City Council of the City of Palm Coast that the month of April 2018 be officially designated

### **NATIONAL Mayor's challenge For Water conservation month**

in the City of Palm Coast, and that all citizens are encouraged to take the challenge by April 30<sup>th</sup>

**SIGNED** this 3rd day of April 2018.

CITY OF PALM COAST, FLORIDA

Witnessed by:

\_\_\_\_\_  
Milissa Holland, Mayor

\_\_\_\_\_  
Virginia A. Smith, City Clerk

## City of Palm Coast, Florida Agenda Item

Agenda Date : 04/03/2018

<b>Department Item Key</b>	CITY CLERK 3051	<b>Amount Account #</b>
<b>Subject</b>	PRESENTATION OF UNIT CITATION TO FIRST RESPONDERS	
<b>Background :</b> Following an extraordinary lifesaving event where a Palm Coast resident experienced a cardiac arrest and was successfully resuscitated against the odds, the City of Palm Coast will present a Unit Citation to:  <b>Palm Coast Fire Department Engine 21:</b> Lt. Dan Driscoll, Driver Engineer Adam Bachman, Firefighter Paramedic Kalin Graham		
<b>Recommended Action :</b> Present the Unit Citation to First Responders		

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 04/03/2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	2698	<b>Account</b>
		<b>#</b>
<b>Subject</b>	ORDINANCE 2018-XX TO ADOPT THE FIRST AMENDMENT TO THE GRAND LANDINGS MASTER DEVELOPMENT PLAN	

**Background:**  
**Update from the March 27, 2018 Business Meeting:**  
This item was heard by City Council at their March 20, 2018 Business Meeting. There were no changes suggested to this item.

**Original Background from the March 20, 2018 Business Meeting:**  
The Grand Landings MPD was adopted May 6, 2014. The original project was approved by the Flagler County Commission in 2005 and annexed into the City of Palm Coast in 2007. The 2014 Ordinance amended and replaced the Flagler County PUD and incorporated the City’s Unified Land Development Code.

The residential portion of the Grand Landings allows for a maximum of 749 single family or single family attached units. The portion of the property designated commercial allows up to 150,000 square feet. Any modification to the Master Plan that increases the intensity or types of development uses, reduces the total amount of open space, or decreases the size of any perimeter buffer within the Property shall require the approval of the City Council following the review and recommendation of the Planning Land Development Regulation Board.

The proposed amendments to the Master Planned Development Agreement has four parts; none of which change the number of units the #2014-11 Ordinance permits (749 units).

1) Amend Section 6 (b) (1) Wetlands and Wetland Buffer to allow the wetland buffer to meet city code standards in lieu of the current MPD language. The City Code allows a 25- foot buffer to be averaged provided it is no less than 15 feet for moderate and minimal wetlands.

2) Amend Section 6 (b) (1) Wetlands and Wetland Buffer to allow wildfire mitigation as an allowable use in the wetland buffer. Wildfire mitigation adjacent to wetlands is a tool that supports fire wise practices. This change was recommended by the City and is supported by the applicant.

3) Amend Section 7, Site Development Plan, Table of Site Development Requirements, Single Family Detached, reduce lot width minimum to 45’. This proposed change would affect future development on tracts for which there are no pending applications.

4) Amend Section 7, Site Development Plan, Table of Site Development Requirements, Single Family Detached, reduce lot size minimum to 5000 SF. This proposed change would affect future development on tracts for which there are no pending applications.

During the February 21, 2018 Planning and Land Development Regulation Board Meeting the



members votes 5-1 in favor of this application.

**Recommended Action :**

Planning staff and the Planning and Land Development Regulation Board recommends that the City Council approve the first amendment to Grand Landings Master Planned Development (MPD) Development Agreement, Application No. 3481

**ORDINANCE 2018-\_\_\_\_\_**  
**AMENDMENT TO THE GRAND LANDINGS MPD &**  
**DEVELOPMENT AGREEMENT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE FIRST AMENDED AND RESTATED MASTER PLANNED DEVELOPMENT (MPD) DEVELOPMENT AGREEMENT FOR THE GRAND LANDINGS MPD; PROVIDING FOR AN AMENDMENT TO SECTION 6(b)(1) WETLAND & WETLAND BUFFER AND SECTION 7(a) SITE DEVELOPMENT PLAN; PROVIDING FOR A REDUCTION IN MINIMUM LOT WIDTH FOR SINGLE FAMILY DETACHED TO 45' WIDE; PROVIDING FOR A REDUCTION IN MINIMUM LOT SIZE FOR SINGLE FAMILY DETACHED TO 5,000 SQUARE FEET; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Grand Landings Master Planned Development (MPD) is a Master Planned Development (MPD) previously rezoned to MPD through Ordinance 2014-11;

**WHEREAS**, two public hearings on the proposed First Amendment to the Grand Landings Master Planned Development (MPD) Development Agreement (the "Development Agreement") have been duly held in the City of Palm Coast, Florida, and at such hearings interested parties and citizens for and against the proposed amendment were heard; and

**WHEREAS**, JTL Grand Landings Development LLC, a Texas Limited Liability Company ("Owner") is the Owner of the property further described in "Attachment A" and has entered into the Development Agreement as recorded in Official Records Book 2004, Pages 1275 through 1305 of the public records of Flagler County, Florida; and

**WHEREAS**, the Owner has requested to amend the Development Agreement in order to 1) revise the wetland buffer to allow consistency with City Code requirements and to allow wildfire mitigation as a use within the said buffer; 2) to reduce the minimum lot width for single family detached to 45' and 3) to decrease the minimum lot size for single family detached to 5,000 square feet; and

**WHEREAS**, this Ordinance is to amend and restate the Grand Landings MPD and Development Agreement as recorded in OR Book 2004, Page 1275; and

**WHEREAS**, the Planning and Land Development Regulation Board and City Staff of the City of Palm Coast have recommended approval of this Ordinance and the Planning and Land Development Regulation Board has found this requested change consistent with the City of Palm Coast Comprehensive Plan; and

**WHEREAS**, the City Council has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of City staff, and the recommendation of the Planning and Land Development Regulation; and

**WHEREAS**, the City Council of the City of Palm Coast, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes and the City of Palm Coast Unified Land Development Code, is authorized and empowered to consider applications relating to zoning; and

**WHEREAS**, additional conditions of approval may also be included within the minutes of relevant meetings of the Planning & Land Development Regulation Board and City Council. Furthermore, any representations or promises made by the Applicant during the zoning review and approval process for the Project (whether oral or in writing) shall also be additional conditions of approval if deemed appropriate by the City; and

**WHEREAS**, the notice and public hearing requirements, as provided for in Chapter 2 (Review Authority, Enforcement, and Procedures) of the City of Palm Coast Unified Land Development Code (Ordinance No. 2008-23) have been satisfied; and

**WHEREAS**, the City Council of the City of Palm Coast held duly noticed public hearings on the proposed amendment set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various City reviewing departments, and the recommendation of the Planning and Land Development Regulation Board (PLDRB) which voted to recommend approval at the regularly scheduled meeting conducted on February 21, 2018, and after complete deliberation, the City Council hereby finds the requested change consistent with the City of Palm Coast Comprehensive Plan, and that sufficient, competent and substantial evidence supports the proposed amendment set forth hereunder; and

**WHEREAS**, the Owners have fully complied with the requirements of City of Palm Coast Land Development Code and the Grand Landings MPD Development Agreement for amending the Development Agreement to permit the requested changes; and

**WHEREAS**, the City Council of the City of Palm Coast hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Palm Coast, Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. Legislative and Administrative Findings.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

**SECTION 2. MPD Amendment.** The Palm Coast City Council, pursuant to the Land Development Code of the City of Palm Coast hereby enacts this Ordinance amending and restating the Grand Landings MPD & Development Agreement, attached hereto as “Attachment B,” for the property generally located west of Seminole Woods Blvd., south of State Road 100, legally described in “Attachment A” attached hereto.

**SECTION 3. 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 4. Conflicts.** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this 20th day of March 2018.

Adopted on the second reading after due public notice and hearing City of Palm Coast this 3rd day of April 2018.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA SMITH, CITY CLERK

Attachments:

Attachment A – Legal Description, Parcel IDs

Attachment B – Amended MPD Development Agreement

**ATTACHMENT “A”  
LEGAL DESCRIPTION  
PARCEL IDs**

**ATTACHMENT “B”  
AMENDED MPD DEVELOPMENT AGREEMENT**

(This page intentionally left blank. Attachment begins next page.)



**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR APPLICATION #3481  
Grand Landings Master Planned Development (MPD)  
March 20, 2018**

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**OVERVIEW**

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**Application Number:** 3481

**Applicant:** Grand Landings JTL

**Location:** Generally located west side of Seminole Woods Parkway, south of SR 100, as shown on Exhibit.

**Property Description:** See attachments

**Property Owner:** JTL Grand Landings Development, LLC.

**Parcel IDs:** Multiple

<b>Current FLUM designation:</b>	Mixed Use and Residential
<b>Current Zoning designation:</b>	Master Planned Development (MPD)
<b>Current Use:</b>	Multi-use
<b>Size of subject property:</b>	774 ± acres

**Requested Action:** Amend the Master Planned Development (MPD) Development Agreement per staff recommendation.

**Recommendation:** Approval of Staff Recommendation

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**ANALYSIS**

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**REQUESTED ACTION**

Amend the Grand Landings Master Planned Development (MPD) Ordinance # 2014-11 and Development agreement per staff report and recommendation.

**BACKGROUND/SITE HISTORY**

The Grand Landings MPD was adopted May 6, 2014. The original project was approved by the Flagler County Commission in 2005 and annexed into the City of Palm Coast in 2007. The 2014 Ordinance amended and replaced the Flagler County PUD and incorporated the requirements of City's Unified Land Development Code.

The residential portion of the Grand Landings allows for a maximum of 749 single family or

single family attached units. The portion of the property designated commercial allows up to 150,000 square feet. Any modification to the Master Plan that increases the intensity or types of development uses, reduces the total amount of open space, or decreases the size of any perimeter buffer within the Property shall require the approval of the City Council following the review and recommendation of the Planning Land Development Regulation Board.

To date there have been three subdivision phases. Currently Phase 3B and 3C are under construction. The proposed change herein would apply to Phase 4 and Phase 5 development.

### **PROPOSED MPD AMENDMENT**

The proposed amendments to the Master Planned Development Agreement has four parts; none of which alter the number of units the #2014-11 Ordinance permits (749 units).

- 1) Amend Section 6 (b) (1) Wetlands and Wetland Buffer to allow the wetland buffer to meet city code standards. The City Code allows a 25- foot buffer to be averaged provided it is no less than 15 feet for moderate and minimal wetlands.
- 2) Amend Section 6 (b) (1) Wetlands and Wetland Buffer to allow wildfire mitigation as an allowable use in the wetland buffer. Wildfire mitigation adjacent to wetlands is a tool that supports fire wise practices. This change was recommended by the City and is supported by the applicant.
- 3) Amend Section 7, Site Development Plan, Table of Site Development Requirements, Single Family Detached, reduce lot width minimum to 45'. This proposed change would affect future development on tracts for which there are no pending applications.
- 4) Amend Section 7, Site Development Plan, Table of Site Development Requirements, Single Family Detached, reduce lot size minimum to 5000 SF. This proposed change would affect future development on tracts for which there are no pending applications.

### **LAND USE AND ZONING INFORMATION**

A use summary table, surrounding uses and comparison of the development standards is shown below:

**USE SUMMARY TABLE**

<b>CATEGORY:</b>	<b>EXISTING:</b>	<b>PROPOSED:</b>
Future Land Use Map (FLUM)	Mixed Use	No change proposed
Zoning District	Master Planned Development (MPD) allowing up to 774 residential units and up to 150,000 SF of commercial	No change in entitlements, units or square footages.
Overlay District	None	None
Uses	Single family detached, community center, common area, vacant	Single family detached, attached and commercial
Overall MPD Acreage	774 +/- acres	774 +/- acres
Access	Seminole Woods Parkway	Seminole Woods Parkway

**SURROUNDING LAND USES:**

<b>LOCATION</b>	<b>FLUM</b>	<b>ZONING</b>
NORTH	Mixed Use & Residential	COM-2, SFR-1, DPX,
SOUTH	Flagler County – Low Density Rural Estate, Recreation & Open Space	Flagler County-PUD
EAST	Institutional	COM-3, MPD, PSP
WEST	Mixed Use & Institutional	MPD

**PROPOSED AMENDMENT DETAIL****Proposed Amendments #1 and #2,**

Two of the proposed amendments relate to Section 6 of the MPD, Wetland and Wetland Buffer.

- 1) Amend Section 6 (b) (1) Wetlands and Wetland Buffer **to allow the wetland buffer to meet city code standards in lieu of current MPD language;**
- 2) Amend Section 6 (b) (1) Wetlands and Wetland Buffer to allow **wildfire mitigation** as an allowable use in the wetland buffer. Please note that the addition of wildfire mitigation is supported by the Applicant and staff as a means to allow for firewise land practices.

**Original MPD Language**

**SECTION 6(b)(1). WETLAND & WETLAND BUFFER.** Subsequent to the issuance of an Environmental Resource Permit by the St. Johns River Water Management District (SJRWMD), a conservation easement in favor of the SJRWMD shall be recorded. Conservation Easements including the upland buffer shall not be included within development lots except those lots approved by preliminary plat prior to the date of this MPD agreement. A minimum 25' upland buffer shall be provided around all wetland areas not being impacted by development. Where wetlands are impacted by the development plan, buffering and mitigation, consistent with the SJRWMD permit, shall be provided. Activities within the upland buffer shall be limited to the removal of invasive vegetation, installation of essential utilities and permitted trail crossings.

**Applicant's Proposed Language (Proposed Amendment #1 with #2 (wildfire mitigation)).**

**SECTION 6(b)(1). WETLAND & WETLAND BUFFER.** Subsequent to the issuance of an Environmental Resource Permit by the St. Johns River Water Management District (SJRWMD), a conservation easement in favor of the SJRWMD shall be recorded. Conservation Easements including the upland buffer shall not be included within development lots except those lots approved by preliminary plat prior to the date of this MPD agreement. An average of twenty - five feet minimum (25') feet but not less than ten (10) feet upland buffer shall be provided around all wetland areas not being impacted by development. However, Wwhere wetlands are impacted by the development plan, buffering and mitigation, consistent with the SJRWMD permit, shall be provided. Activities within the upland buffer shall be limited to the removal of invasive vegetation, wildfire mitigation, installation of essential utilities and permitted trail crossings.



**Staff's Proposed Language (Proposed Amendment #1 with #2 (wildfire mitigation)).**

**SECTION 6(b)(1). WETLAND & WETLAND BUFFER.** Subsequent to the issuance of an Environmental Resource Permit by the St. Johns River Water Management District (SJRWMD), a conservation easement in favor of the SJRWMD shall be recorded. Conservation Easements including the upland buffer shall not be included within development lots except those lots approved by preliminary plat prior to the date of this MPD agreement.

An average minimum of twenty-five (25) feet but not less than fifteen (15) feet natural upland buffer shall be provided around all wetlands areas not being directly impacted by development.

However, Where direct wetlands are impacted are impacted created by the development plan, buffering and mitigation requirements, consistent with the SJRWMD permit shall be provided.

Activities within the upland buffer shall be limited to the removal of invasive vegetation, wildfire mitigation, installation of essential utilities and permitted trail crossings.

**Analysis**

The current Grand Landings MPD requires a minimum 25- foot upland buffer adjacent to wetlands not impacted by development. Staff's revised recommendation allows for the wetland requirements in Section 10.01.03 of the ULDC to be applied. This revision allows for more flexibility, by allowing an averaging of the buffer, while still maintaining a minimum level of resource protection.

**Proposed Amendments #3 and #4,**

The other two proposed changes relate to **SECTION 7, Site Development Plan, Table of Requirements, Single Family Detached criteria**. Specifically these changes are to:

- 3) Amend Section 7, Site Development Plan, Table of Site Development Requirements, Single Family Detached, **reduce lot width minimum to 45'**.
- 4) Amend Section 7, Site Development Plan, Table of Site Development Requirements, Single Family Detached, **reduce lot size minimum to 5,000 SF.**

<b>Table of Site Development Requirements</b>			
TYPE	SINGLE FAMILY ATTACHED	SINGLE FAMILY DETACHED	COMMERCIAL & AMENITY CENTER
Lot Width Minimum	20' Lots/100' Project	<del>50'</del> <u>45'</u>	100'
Lot Size Minimum	2,000 Sq. Ft./ 3 Acres Project	<del>6,250</del> <u>5,000</u> Sq. Ft.	

## **Analysis**

Development entitlements for the Grand Landings MPD were originally granted by Flagler County in 2005. As with most Master Planned Development projects, the Grand Landings MPD is a multiyear, multiphase project. Given the long-term planning horizon, it is quite common and very typical for development program adjustments and site development revisions to be requested over time.

This proposed change does not alter the approved number of units, or the setbacks for single family detached housing relative to the Grand Landings MPD. Instead, it will enable the Developer to offer a more compact lot, and slightly different housing product. The addition of a new unit type promotes housing diversity and resiliency.

### **ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.05.05**

The Unified Land Development Code, Chapter 2, Part II, Section 2.05.05 states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to:*

*A. The proposed development must not be in conflict with or contrary to the public interest;*

**Staff Finding:** This request is not in conflict with, or contrary to, the public interest.

The proposed changes to the wetland buffer ensure that the wetland buffers will still meet City Code. Adding the wildfire mitigation use to the buffer serves a public purpose.

The proposed changes to lot size and width will allow for a slightly more affordable home product while still complying with the City's codes.

*B. The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;*

**Staff Finding:** The request is consistent with the following objectives and policies of the Comprehensive Plan:

- **Chapter 1 Future Land Use Element:**

*-Objective 1.1.4 - Promote compact and contiguous development, a mixture of land uses, and discourage urban sprawl.*

*-Policy 1.1.4.2 – The Master Planned Development (MPD) zoning district shall allow residential housing types to be mixed with retail, service, office, commercial and other land uses. Potential areas for MPD's are strategically located throughout the City to promote infill development and to maximize vehicular and pedestrian accessibility.*

The Grand Landings MPD already allows for single-family attached uses. These smaller single-family residential lots and widths will create another different, slightly more affordable housing product within the Master Plan.

- **Chapter 2 Transportation Element:**

*-Policy 2.2.2.4 – The City shall continue to enforce requirements for bicycle and pedestrian interconnectivity between residential developments and between residential and adjacent commercial developments as a means of reducing traffic on collector and arterial roadways.*

The MPD Conceptual Master Plan and language in the Development Agreement identify or indicate that internal pedestrian connections to be maintained.

- **Chapter 3 Housing Element:**

*-Objective 3.4.1 – Increase the diversity of the housing types, prices and opportunities*

*-Policy 3.4.1.1 – Through the FLUM and the zoning district regulations of the LDC, the City shall make provisions to supply land that can be developed with various types of residential uses, including single-family homes of various sizes, duplexes, multi-family dwellings and residential units in mixed- use developments.*

A great deal of housing located within Palm Coast is detached single family residential with lots over 7500 SF. The proposed MPD change will allow for a more compact lot, and slightly more affordable housing product.

*C. The proposed development must not impose a significant financial liability or hardship for the City;*

**Staff Findings:** Development of the property can only proceed in accordance with all of the requirements of the Development Agreement as well as the Comprehensive Plan and Land Development Code, which includes the requirement that adequate public facilities be in place and available at the time of development.

*D. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;*

**Staff Finding:** The rezoning will not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. It is common for developers to adjust their development program and product mixes over time.

*E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes;*

**Staff Finding:** Any proposed future development of the site must comply with the requirements of all other applicable local, state and federal laws, statutes, ordinances, regulations and codes.

## **ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE CHAPTER 2 SECTION 2.06.03**

The Unified Land Development Code, Chapter 2, Part II, Sec. 2.06.03 states: *"The Planning and Land Development Regulation Board and City Council shall consider the following criteria, in addition to the findings listed in Subsection 2.05.05, when reviewing a rezoning application":*

*A. Whether it is consistent with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan;*

**Staff Finding:** As noted previously in the analysis prepared for ULDC Chapter 2, Part II, Section 2.05.05 of this staff report, the requested rezoning is in conformance with the Comprehensive Plan elements, and their goals, objectives and policies.

*B. Its impact upon the environment and natural resources;*

**Staff Finding:** The proposed changes to the wetland buffer allow proposed development to comply with the City's Land Development Code in lieu of the existing language in the MPD.

The proposed changes to reduce the lot width to 5000 SF and reduce the lot minimum to 45 SF allow for more compact development, and maintenance of the Master Plan's designated open space.

*C. Its impact on the economy of any affected area;*

**Staff Finding:** Impacts to the economy of the affected area are anticipated to be positive. Grand Landings is a robust area for subdivision development. This trend is anticipated to continue. Allowing for an additional housing product is a reasonable adaptation for a project with a long- term development build-out.

*D. Its impact upon necessary governmental services such as schools, sewage disposal, potable water, drainage, fire and police protection, solid waste, or transportation;*

**Staff Finding:** The Development Agreement provides for the maintenance of existing services. These impacts must remain within the adopted Level of Service per requirements of the LDC and Comp Plan.

*E. Any changes in circumstances or conditions affecting the area;*

**Staff Finding:** The development trends have continued in a largely predictable manner.

*F. Compatibility with proximate uses and development patterns, including impacts to the health, safety, and welfare of surrounding residents;*

**Staff Finding:**

The current MPD already allows single family attached housing. The proposed amendments create an additional housing product within the context of a Master Planned Development. This proposal does NOT change the overall number of entitlements permitted within the MPD.

*G. Whether it accomplishes a legitimate public purpose:*

**Staff Finding:** Yes, the amendment to the MPD accomplishes a legitimate public purpose, which is to support diverse housing styles and provide additional flexibility to the product mix.

## **PUBLIC PARTICIPATION**

Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers (defined as property owners or persons who are improving property within the City) to notify owners within 300' of a subject property to hold a neighborhood meeting for certain types of applications. The applicant held a community meeting on February 12, 2018 at Flagler Palm Coast High School. Approximately 250 notices were mailed and approximately 30 residents attended. Those that attended had questions about the proposed changes to the existing MPD. The Neighborhood Information Meeting (NIM) report is included in the back-up.

The required public notification signs were posted on the property by February 12, 2018. Additionally, the required legal advertisement for the public hearing for the Planning and Land Development Regulation Board meeting was placed in a paper of local circulation and published on February 7, 2018. To date, City staff has received several phone calls that can be described as general inquiries in conjunction with the requested amendment to the MPD.

### **RECOMMENDATION**

Planning staff and the Planning and Land Development Regulation Board recommends approval to City Council amendment #1. At the time of this report, staff and the applicant disagree on this amendment. Please note staff and the applicant are working together to try to reach agreement on wording for amendment #1.

Staff and the applicant agree to amendment #2 adding wildfire mitigation as an acceptable use in the wetland buffer (consensus wording).

Planning staff and the Planning and Land Development Regulation Board also recommends the other proposed changes the applicants requested changes depicted as #3 and #4 to the Amended and Restated Grand Landings MPD and Development Agreement, Application 3481, to reduce lot size and lot minimums.



city of  
**PALM COAST**

Community Development Department  
Planning Division

160 Lake Avenue  
Palm Coast, FL 32164  
386-986-3736

February 15, 2018

JTL GRAND LANDINGS DEVELOPMENT LLC  
16475 DALLAS PKWY, SUITE 155  
ADDISON, TX 75001

RE: GRAND LANDINGS PHASE 3A  
Minor Modification to Application 3184 Development Order

Dear Mr. Finley,

As requested by the City of Palm Coast for life safety purposes, a minor modification to the above referenced project was request for our review and approval. The following was submitted for approval:

- a. A 6' (5' along Lot 19) high black fabric (11.5 Gauge fabric) temporary chain link fence with post imbedded at a min of 10' diam x 36' deep crushed stone on center, located 2 feet outside of Lots 7-19 area.
- b. Fabric shall be anchored in each grommet with ties.
- c. Fence shall be constructed with a top rail and bottom wire (11GA.)
- d. A 9"x18" "Construction Area Do Not Enter" sign will be posted along fence length.
- e. Temporary road barricade will be posted to warn the public of road closure.

City requirements:

- a. Temporary fence shall remain in place until pond is excavated and final as-builts are submitted and approved.
- b. Fence will be inspected weekly to ensure the Lots are not being impacted with wind-blown sand and debris.

The City herby approves the revised plans as shown on the revised plan sheet C1.6A attached to this letter.

Please do not hesitate to contact me should you require any additional information.

Sincerely,

*Ida Meehan*

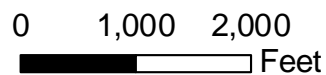
IDA MEEHAN

CC: JTL GRAND LANDINGS DEVELOPMENT LLC  
16475 DALLAS PKWY, SUITE 155  
ADDISON, TX 75001





### Location Map



 Grand Landings MPD



**Map Provided by the GIS Division**

Date: 2/16/2018

## 2017 FDOT Imagery







Chiumento & Associates, PLLC

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Michael D. Chiumento III  
Andrew C. Grant  
Ronald A. Hertel  
Vincent T. Lyon  
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**MEMORANDUM**

**TO: RAY TYNER**

**FROM: MICHAEL D. CHIUMENTO III, ESQ.**

**RE: JTL GRAND LANDINGS NEIGHBORHOOD MEETING**

**DATE: FEBRUARY 15, 2018**

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On Monday, February 12, 2018 the above applicant held the required Neighborhood Information Meeting. The meeting commenced at 6:07 p.m. and concluded at 7:14 p.m. Attached please find the sign in sheet from the meeting. Below is a list of questions asked at the meeting:

- Are there plans for a new amenity?
- Why are there going to be 45 foot lots?
- What is the minimum square footage for 45 foot lots?
- Will new lot size diminish existing home value?
- Will there be more common area?
- Who were the meeting notices sent to?
- What is happening to the wetlands?
- Are there plans to increase density?
- Is there any change to setbacks?
- Where is Grand Landings?

---

**"Your Legal Team for Life"**

Since 1973

Ms 2/2/18

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# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 04/03/2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	2702	<b>Account</b>
<b>Subject</b>	ORDINANCE 2018-XX TO REZONE 9.09 +/- ACRES FROM COM-2 AND PSP TO PALM TOWN CENTER MPD	
<b>Background :</b>		
<b><u>Update from the March 20, 2018 Business Meeting:</u></b>		
This item was heard by City Council at their March 20, 2018 Business Meeting. There were no changes suggested to this item.		
<b><u>Original Background from the March 20, 2018 Business Meeting:</u></b>		
The subject site of 9.09 +/- acres comprises most of the land within Midway Park Subdivision and the Midway Park 1 <sup>st</sup> Addition. The original subdivision was platted through Flagler County on April 4, 1957 and the first addition was platted shortly thereafter. Midway Drive was never improved as a paved roadway and only minimal infrastructure improvements have been constructed. However, many of the lots were developed for homes, mobile homes or small businesses during the later portion of the 20 <sup>th</sup> Century.		
After 2000, some of the properties had fallen into disrepair and the City Council adopted a Gateway Overlay District on the Midway Park Subdivision and Midway Park 1 <sup>st</sup> Addition that also extended further to the east about 1700 feet and included the Whispering Pines Subdivision. City Council also setup the Palm Coast Redevelopment Area (CRA) to assist in the redevelopment of this key area. By 2005, City Council had started purchasing many of the properties in the Midway Park Subdivision with the intent of aggregating the parcels so a larger well planned project could be developed on the site that was a key entryway into the Town Center urban area.		
On December 16, 2016, City Council approved a sales contract selling the City owned property within this MPD Rezoning to Palm Town Center, LLC (see Resolution #16-471) which was later assigned to Palm Wagas IV, LLC. This sales contract requires Palm Wagas IV, LLC to rezone the subject property to an MPD. Staff has been working with the developer on resolving numerous development related issues over the last 15 months so the subject property may be rezoned to a MPD and Phase 1 of the subject property may be developed after approval of a Technical Site Plan and applicable platting actions.		
The developer Palm Wagas IV, LLC intends to redevelop the subject property into a retail project in two phases. Phase 1 would include the southern portion of the site that is intended for a 6,119 square foot Wawa convenience store with gas pumps located directly at the corner of SR 100 and Bulldog Drive and an over-sized retention stormwater pond located in the NE corner of Phase 1.		
Additionally, via a separate application the developers have requested to vacate the westerly 24 feet of the 50-foot wide Midway Drive right-of-way for a depth of about 370 feet from SR 100 so there is sufficient width along SR 100 to develop the Wawa convenience store. The developer proposes to construct a new paved public roadway on the remaining 26 feet of Midway Drive right-of-way and then on the north side of the proposed convenience store have the proposed paved roadway make a 90-degree turn to the west in order to connect Midway Drive with Bulldog Drive. This can be viewed on Exhibit "B" - MPD Master Plan of the Palm Town Center MPD Development Agreement.		
Phase 2 currently has no specific development plan but is rather intended to allow for general retail and commercial uses in likely several buildings with an expected gross floor area of up to		

30,000 square feet.

On February 21, 2018, the Planning and Land Development Regulation Board reviewed this application and voted unanimously by a 6-0 vote to recommend approval to the City Council. No one from the public spoke for or against the project at this hearing.

**Recommended Action :**

Planning staff and the Planning and Land Development Regulation Board recommend to City Council approval to rezone 9.09 +/- acres from General Commercial (COM-2) and Public/Semi-Public (PSP) to Palm Town Center Master Planned Development (MPD).



**ORDINANCE 2018 - \_\_\_\_**  
**REZONING APPLICATION NO. 3488**  
**PALM TOWN CENTER MASTER PLANNED DEVELOPMENT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP AS ESTABLISHED IN SECTION 2.06 OF THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE; BY AMENDING THE OFFICIAL ZONING MAP FOR APPROXIMATELY 9.09 +/- ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF BULLDOG DRIVE AND SR 100 (MOODY BLVD.) AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT “A”, FROM GENERAL COMMERCIAL (COM-2) ZONING DISTRICT AND PUBLIC/SEMI-PUBLIC (PSP) ZONING DISTRICT TO MASTER PLANNED DEVELOPMENT (MPD) ZONING DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Palm Wagas IV, LLC (“Developer”) and the City of Palm Coast (“City”) are the fee simple title owners of certain real property located in Palm Coast, Florida, more particularly described in the legal description attached hereto as **Exhibit “A”**, and incorporated herein (the “Subject Property”); and

**WHEREAS**, the Developer has the City owned portion of the Subject Property under purchase contract; and

**WHEREAS**, the Developer desires to develop the Subject Property as a Master Planned Development (“MPD”) as set forth in a MPD Development Agreement (“Development Agreement”) attached hereto as **Exhibit “B”**; and

**WHEREAS**, the Developer voluntarily agrees with the conditions, terms, and restrictions hereinafter recited, and has agreed voluntarily to their imposition as an incident to development of the Subject Property; and

**WHEREAS**, the City of Palm Coast City Council (“City Council”) finds that this Development Agreement has been properly conditioned with the terms and restrictions to be

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consistent with the City's Comprehensive Plan (2035) (the "Comprehensive Plan") and LDC, and that the conditions, terms, restrictions, and requirements set forth herein are necessary to ensure compliance with the Comprehensive Plan and LDC and the protection of the health, safety, and welfare of the citizens of the City; and

**WHEREAS**, the City Council further finds that this Development Agreement is consistent with and an exercise of the City's powers under the Municipal Home Rule Powers Act; Article VIII, Section 2(b) of the Constitution of the State of Florida; Chapter 166, Florida Statutes; the City of Palm Coast City Charter; other controlling law; and the City's police powers; and

**WHEREAS**, this is a non-statutory Development Agreement which is not subject to or enacted pursuant to the provisions of Section 163.3220 – 163.3243, Florida Statutes; and

**WHEREAS**, the Developer's application for a Master Plan Development is approved subject to the Development Agreement's terms and conditions; and

**WHEREAS**, the Planning and Land Development Regulation Board and City Staff of the City of Palm Coast have recommended approval of this Ordinance and the Planning and Land Development Regulation Board has found this requested change and the recommended conditions of approval consistent with the City of Palm Coast Comprehensive Plan; and

**WHEREAS**, the City Council held duly noticed public hearings on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and the recommendation of the Planning and Land Development Board which voted 6 to 0 to approve at the regularly scheduled meeting conducted on February 21, 2018, and after complete deliberation, the City Council hereby finds the requested change consistent with the City of Palm Coast

Comprehensive Plan and that sufficient, competent, and substantial evidence supports the zoning change set forth hereunder; and

**WHEREAS**, the City Council of the City of Palm Coast hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Palm Coast, Florida.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. Recitals.** The foregoing recitals are true and correct and are fully incorporated herein by this reference.

**SECTION 2. Zoning Map Amendment and MPD Agreement.**

(a) That the Official Zoning Map of the City of Palm Coast as described in City of Palm Coast Unified Land Development Code Section 3.01.02 is hereby amended to include a change of classification to City of Palm Coast Master Planned Development District (MPD) for the property legally described on Exhibit “A”, which is attached and incorporated herein by this reference. City staff is hereby directed to promptly amend the Official Zoning Map upon the effective date of this Ordinance.

(b) The MPD Development Agreement (“Development Agreement”) and its exhibits attached hereto as Exhibit “B”, with all appropriate signatures and joinders, is hereby adopted and approved by the City Council of the City of Palm Coast and shall constitute the regulations for the specific MPD District. The Development Agreement shall be recorded in the Official Records of Flagler County, Florida, by the City Clerk.



**SECTION 3.**           **Conflicts.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**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 upon its passage and adoption.

**APPROVED** on first reading the 20th day of March 2018.

**ADOPTED** on the second reading after due public notice and hearing this 3rd day of April 2018.

**CITY OF PALM COAST, FLORIDA**

\_\_\_\_\_  
Milissa Holland, Mayor

**ATTEST:**

\_\_\_\_\_  
Virginia A. Smith, City Clerk

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr.  
City Attorney

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## EXHIBIT "A" – LEGAL DESCRIPTION

Palm Town Center, Flagler County, Florida – Phase 1

A portion of land situated Section 5, Township 12 South, Range 31 East, City of Palm Coast, Flagler County, Florida, said tract of land being described as follows:

Lots 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, Midway Park Subdivision, according to the plat thereof recorded in Map Book 5, Page 25, of the Public Records of Flagler County, Florida, less and except that portion thereof, deeded to the State of Florida Department of Transportation, as recorded in Official Records Book 798, Page 475 of the Public Records of Flagler County, Florida.

Together with:

The West 24 feet of the South 280.15 feet of Midway Drive, Midway Park Subdivision, according to the Plat thereof, as recorded in Map Book 5, Page 25, of the Public Records of Flagler County, Florida, less and except that portion thereof, deeded to the State of Florida Department of Transportation, as recorded in Official Records Book 798, Page 475 of the Public Records of Flagler County, Florida.

Less and except:

Commence at the intersection of the West right of way line of Midway Drive and the North right-of-way line of State Road 100, thence run along said North right-of-way line, South 89°09'34" West, a distance of 119.67 feet to the Point of Beginning; thence run along said right-of-way South 89°09'34" West, a distance of 80.33 feet to the Easterly right-of-way line of Bulldog Drive; thence run along said East right-of-way line, run North 01°12'26" West, a distance of 355.15 feet to the South line of Lot 24, Midway Park, Map Book 5, Page 25, of the Official Records Book of Flagler County; thence departing said right-of-way, run North 89°09'34" East, along the South line of said Lot 24, a distance of 42.95 feet; thence departing said South line Lot 24, run South 01°13'13" East, a distance of 38.16 feet to the point of curvature of a curve concave Westerly; thence run Southerly along said curve having a radius of 468.00 feet, a central angle of 12°10'39", an arc length of 99.47 feet, being subtended by a chord bearing of South 04°52'07" West for a chord distance of 99.28 feet to a point of tangency on a curve concave Easterly; thence run Southerly along said curve having a radius of 732.00 feet, a central angle of 12°07'42", an arc length of 154.95 feet, being subtended by a chord bearing of South 04°53'35" West for a chord distance of 154.66 feet to a point of tangency; thence departing said curve, run South 46°01'46" East, a distance of 91.24 feet to the Point of Beginning.

Phase 1 Total Acreage: 2.778 acres, more or less.

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Palm Town Center, Flagler County, Florida – Phase 2

Parcel 1: The North sixty (60') feet of the West One Hundred (100) feet of Lot 29 (Lot 36), Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida, together with Lot 37 and Lot 54, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #0812314300000000291

**0.276 acres**

Parcel 2: The Westerly 100 feet of the Northerly 135 feet of Lot 29, Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida, EXCEPT the Westerly 100 feet of the Northerly 60 feet of said lot.

Parcel #0812314300000000290

**0.172 acres**

Parcel 3: Lots 33, 34, 38, 39, 40, 52, 53, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida, being a resubdivision of Lot 28 and part of Lot 29, Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida.

Parcel #08123143500000000330

**1.216 acres**

Parcel 4: Lots 32 and 42, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #08123143500000000320

**0.344 acres**

Parcel 5: Lot 42, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida, being a resubdivision of Lot 28 and part of Lot 29, Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida.

Parcel #08123143500000000420

**0.172 acres**

Parcel 6: Lots 30 and 31, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

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- Parcel #0812314350000000300 **0.344 acres**  
Parcel 7: Lot 43, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.
- Parcel #0812314350000000430 **0.172 acres**  
Parcel 8: Lots 28, 29, 44 and 45, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida, being a resubdivision of Lot 28 and part of Lot 29, Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida. Being subject to a public easement for ingress and egress over and through the Northerly 15 feet thereof from County Road to Midway Drive only until Midway Drive, a dedicated recorded county road is opened for traffic.
- Parcel #0812314350000000280 **0.689 acres**  
Parcel 9: Lots 26 and 27, MIDWAY PARK SUBDIVISION, according to the Plat thereof as recorded in Plat Book 5, Page 25, of the Public Records of Flagler County, Florida.
- Parcel #0812314300000000260 **0.344 acres**  
Parcel 10: Lots 10, 11 and 12, MIDWAY PARK SUBDIVISION, according to the Plat thereof as recorded in Plat Book 5, Page 25, of the Public Records of Flagler County, Florida.
- Parcel #0812314300000000100 **0.517 acres**  
Parcel 11: Lot 54, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.
- Parcel #0812314350000000540 **0.142 acres**  
Parcel 12: Lots 33, 34, 38, 39, 40, 52, 53, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.
- Parcel #0812314350000000330 **1.216 acres**  
Parcel 13: Lot 51, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.
- Parcel #0812314350000000510 **0.177 acres**

Parcel 14: Lot 48, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #0812314350000000480 **0.177 acres**

Parcel 15: Lot 47, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #0812314350000000470 **0.177 acres**

Parcel 16: Lot 46, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #0812314350000000460 **0.177 acres**

Phase 2 Total Acreage: **6.312 acres, more or less**

Total Acreage (including Phase 1 and Phase 2): **9.09 acres, more or less**

Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida

Exhibit "B"

Prepared by:  
Robert M. Poppell, Esq.  
Akerman LLP  
Orlando, FL 32801

and

Catherine D. Reischmann  
Asst. City Attorney  
111 N. Orange Ave., Ste. 2000  
Orlando, FL 32801

Upon recording return to:  
City Clerk  
City Hall  
160 Lake Avenue  
Palm Coast, FL 32164

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**PALM TOWN CENTER  
MASTER PLAN DEVELOPMENT AGREEMENT**

**THIS MASTER PLAN DEVELOPMENT AGREEMENT**, (herein referred to as the "Development Agreement") is made and executed this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between the **CITY OF PALM COAST**, a Florida municipal corporation (herein referred to as the "City"), whose address is 160 Lake Avenue, Palm Coast, Florida, 32164, and the future developer of the subject property, **Palm Wagas IV, LLC**, a Florida limited liability company whose address is 7940 Via Dellagio Way, Suite 200, Orlando, FL (referred to from time-to-time as the "Developer").

***WITNESSETH:***

**WHEREAS**, Palm Wagas IV, LLC is the contract purchaser and has acquired or has rights to acquire and intends to develop a 9.09 +/- acres site, located at the northeast corner of S.R. 100 and Bulldog Drive, and as particularly described on **Exhibit "A"** ("Property" or "Subject Property"),

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and the City owns a portion of the Property including part of Phase 1 and all of Phase 2; and

**WHEREAS**, the Subject Property has a Future Land Use Map designation of *Mixed Use*; and

**WHEREAS**, the Subject Property has General Commercial (COM-2) Zoning on its southwest portion and Public/Semi-Public (PSP) Zoning on the balance of the Subject Property; and

**WHEREAS**, the Subject Property is also located within the Gateway Overlay Zone; and

**WHEREAS**, the Developer intends to develop the Subject Property for various retail and commercial uses (the “Project”); and

**WHEREAS**, the Developer requests approval for a Master Plan Development (MPD) rezoning on the Subject Property; and

**WHEREAS**, the Developer is in voluntary agreement with the conditions, terms, and restrictions hereinafter recited, and has agreed voluntarily to its imposition as an incident to development of the Subject Property; and

**WHEREAS**, the City of Palm Coast Planning and Land Development Regulation Board (“PLDRB”) finds that this Development Agreement is consistent with the City’s Comprehensive Plan (2035) and Land Development Code (“LDC”), and that the conditions, terms, restrictions, and requirements set forth herein are necessary for the protection of the public health, safety, and welfare of the citizens of the City; and

**WHEREAS**, the City Council further finds that this Development Agreement is consistent with and an exercise of the City’s powers under the *Municipal Home Rule Powers Act*; Article VIII, Section 2(b) of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*; the *City of Palm Coast City Charter*; other controlling law; and the City’s police powers; and

**WHEREAS**, this is a non-statutory Development Agreement which is not subject to or enacted pursuant to the provisions of Sections 163.3220 -163.3243, *Florida Statutes*.

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**NOW, THEREFORE,** it is hereby resolved and agreed by and between the City and the Developer that the Master Plan Development is approved subject to the following terms and conditions:

**SECTION 1. RECITALS.**

The above recitals are true and correct and are incorporated herein by this reference and form a material part of this Development Agreement upon which the City and the Developer have relied on.

**SECTION 2. REPRESENTATIONS OF DEVELOPER.**

(a) The Developer hereby represents and warrants to the City that it owns part of Phase 1 of the Subject Property and is contract purchaser with rights to acquire and assemble the parcels within the balance of the Subject Property. Prior to the development of each phase, the Developer shall provide a current title opinion or title certification for the relevant property, to be issued by an attorney or title insurance company licensed to provide services in the State of Florida with said title opinion or certification showing all liens, mortgages, and other encumbrances not satisfied or released of record relative to the Subject Property.

(b) The Developer represents and warrants to the City that it has the power and authority to enter into and consummate the terms and conditions of this Development Agreement; that all acts, approvals, procedures, and similar matters required in order to authorize this Development Agreement have been taken, obtained or followed, as the case may be; that this Development Agreement and the proposed performance of this Development Agreement by the Developer is not an *ultra vires* act; and that, upon the execution of this Development Agreement by the parties, this Development Agreement shall be valid and binding upon the parties hereto and their successors in interest.

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(c) The Developer hereby represents to the City that all required joinders and consents have been obtained and set forth in a properly executed form on this Development Agreement. Unless otherwise agreed to by the City, all liens, mortgages, and encumbrances not satisfied or released of record must be subordinated to the terms of this Development Agreement and joinders must be executed by any mortgagees. It is the responsibility of the Developer to ensure that said subordinations and joinders occur in a form and substance acceptable to the City Attorney prior to the City's execution of this Development Agreement. If the Developer fails to attain the joinder and consent, then the Developer shall lose all rights and benefits deriving hereunder.

### **SECTION 3. APPROVAL OF MASTER PLAN DEVELOPMENT**

(a) The City Council at its business meeting of March 20, 2018, approved a Master Plan Development for the Subject Property subject to the terms and conditions of this Development Agreement.

(b) The Developer acknowledges that if this Development Agreement is ever terminated, the approval shall be deemed null and void and the land uses approved for the Subject Property shall no longer be permitted, unless otherwise approved by the City Council.

(c) The current provisions of the LDC, as may be amended from time-to-time, shall be applicable to the Subject Property unless otherwise specifically stated herein. Any City Code provision not specifically so identified will not be affected by the terms of this Development Agreement, and will be subject to enforcement and change under the same criteria as if no Development Agreement were in effect.

### **SECTION 4. PROJECT DESCRIPTION**

(a) Proposed Development. The Subject Property may be developed in two phases. Phase 1 is expected to include an approximately 6,000 square feet convenience store/gas station

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and Phase 2 will include up to 36,000 square feet of retail/commercial development (collectively, the “Project”), to include uses permitted (P) or uses only approved by special exception (S) under the City’s General Commercial “COM-2” zoning designation. A Special Exception shall be approved in accordance with the standards in Section 2.07 of the LDC. A request for a Special Exception shall not be deemed an amendment to this Development Agreement or a change in zoning, but the Special Exception approval will become part of this Development Agreement. While uses noted with (L) in the tables in Chapter 3 of the LDC have additional limitations specific to that use, not all limited uses are so indicated. The entire LDC must be reviewed in order to determine which uses have additional limitations, not just Chapter 3.

The development plan for Palm Town Center is generally outlined below and depicted on the MPD Master Plan which is attached hereto as **Exhibit "B"** (the "Master Plan"). The Master Plan contains a level of detail satisfactory to permit the Subject Property to proceed directly to Preliminary Plat. Technical Site Plans may be submitted simultaneously with Preliminary Plat(s) subject to review approval as provided for in the LDC.

(b) Temporary Construction Trailers – Temporary construction trailers may be located within the Subject Property, subject to review and approval at the time of site development plan approval in accordance with the LDC.

(c) Common Areas – Common areas are located throughout the Subject Property and include open space and landscape areas. The Property may be subject to a property owner’s association, if the Land Use Administrator (LUA) determines that it would be beneficial for management of the common areas.

## **SECTION 5. DEVELOPMENT PLAN**

(a) The Master Plan depicts the general layout of the entire development. The exact location of structures, lot lines, roadways or access aisles, landscape buffers, drainage facilities and other improvements shown on the Master Plan may be modified during review of the Technical Site Plans and Subdivision Plat/Construction Plans.

(b) Adjustments to the Master Plan are anticipated to occur during the Technical Site Plan and Subdivision Plat/Construction Plan review processes. Revisions which meet the intent and purpose of the City's Comprehensive Plan and LDC shall be approved by the Land Use Administrator (LUA), as long as the substantial integrity of the original Master Plan and the development standards contained herein and in the LDC are maintained. Any modification to the Master Plan that increases the intensity or types of development uses, increases building heights, reduces the total amount of open space, or decreases the size of any perimeter buffer within the Subject Property shall require the approval of the City Council, following the review and recommendation of the Planning and Land Development Regulation Board (PLDRB).

(c) The MPD will likely be developed in multiple phases. All infrastructure necessary to support each phase of the MPD shall be constructed with that phase as a condition of Technical Site Plan or Preliminary Plat approval.

(d) Vacation of a Portion of Midway Drive. The Developer has applied to vacate a portion of the Midway Drive right of way located within Phase 1, as shown on the Master Plan, which will be processed in conjunction with this MPD review and approval process as a separate application and resolution. The Developer or the City may request additional portions of Midway Drive located in Phase 2 to be vacated by the City Council with or prior to the development of Phase 2.

(e) The City may amend this MPD without the written permission of the Developer in order to add the 0.35+/- acre parcel at 178 Midway Drive (Parcel #08-12-31-4350-00000-0490) that is the only missing land along Midway Drive in Phase 2 of the Subject Property.

## **SECTION 6. PRELIMINARY AND TECHNICAL SITE PLANS**

(a) A Preliminary Site Plan for Phase 1 is attached hereto as **Exhibit “C”** (“Phase 1 Preliminary Site Plan”) and depicts an initial layout for the expected first phase for buildings, parking, landscaping, etc.

(b) Attached hereto as **Exhibit “D”** (“Phase 1 Architectural Elevations”) are preliminary building elevations for the expected convenience store and the canopy over the gas pumps that will be reviewed in detail during the Phase 1 Technical Site Plan review process.

(c) Also attached is **Exhibit “E”** (“Phase 1 Preliminary Landscape Plan”) that depicts an initial layout for the expected convenience store showing required and provided landscaping.

(d) Prior to any site work the Developer shall apply for and receive approval of a Technical Site Plan as outlined in Chapter 2 of the LDC. The Technical Site Plan for the initial phase shall be based on the Phase 1 Preliminary Site Plan, Phase 1 Architectural Elevations, Phase 1 Preliminary Landscape Plan, and the Master Plan, and will undergo a detailed analysis during the Technical Site Plan review and approval process. The Technical Site Plan may vary somewhat from this initial layout. In lieu of the gas/convenience store proposed for Phase 1, an alternative COM-2 permitted use may be proposed, provided the Technical Site Plan is consistent with this Development Agreement and the LDC. The Developer recognizes that this Development Agreement does not constitute a Technical Site Plan approval, and that all approvals of site conditions are preliminary only, and do not vest the Developer for any particular site plan.

## **SECTION 7. LAND DEVELOPMENT CODE APPLICABILITY**

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(a) The Land Development Code applies to the Subject Property and all development within it, except as specifically provided in this Development Agreement. The Project shall meet the dimensional standards and other standards for COM-2 zoned property unless stated otherwise in this Development Agreement.

(b) The requirements of this Section supersede any inconsistent provisions of the LDC or other ordinances of the City.

(1) Stormwater. The Subject Property is being developed with privately constructed and maintained accessways, a road located on a public right-of-way, and a privately maintained drainage system. Stormwater runoff from the Project including any road constructed by the Developer on a public right-of-way will be conveyed to onsite private stormwater retention and/or detention systems by means of grassed swales, curb gutters, and an underground drainage pipe system. Stormwater pump stations may only be used if the Developer's designer can adequately demonstrate to the City's stormwater engineer that stormwater attenuation cannot be accomplished by a gravity flow system. Use of stormwater pump stations shall require review and approval of the City's stormwater engineer. The onsite stormwater retention and detention systems may be interconnected with such systems on adjacent sites, subject to approval of the St. Johns River Water Management District, FDOT and the City's stormwater engineer. At time of Technical Site Plan or Subdivision Plat/Construction Plans review, the Developer will ensure that offsite properties and off site drainage facilities will not be negatively affected by the onsite Project improvements, to the satisfaction of the City's stormwater engineer.

(2) Setbacks. The minimum building setbacks shall be as shown on the Phase 1 Preliminary Site Plan. The minimum interior side setback shall be 10', except for the canopy over the gas pumps which shall be setback a minimum of 5', which will be measured from the remaining

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26' Midway Drive right-of-way line, if the vacation is approved by the City. Air pumps are permitted adjacent to or within paved vehicular use areas of the convenience store.

(3) Roadways/Rights-of-Way. The Subject Property is being developed with privately maintained roads (which may be partly constructed on the Midway Drive right-of-way if vacated) or access ways, and a commercial property owners association shall be setup for such maintenance. Emergency vehicle access shall be permitted throughout the Subject Property at all times.

(4) Parking. For the intended convenience store with vehicle fueling pumps in Phase 1, the required parking shall be 1 space per of 200 square feet of gross floor area of the convenience store, plus 1 parking space per 2 seats for food patrons. Parking for all other uses and phases shall meet the standards of Chapter 5 of the LDC. Provided parking shall not exceed 120% of the required parking. The minimum standard stall for 90 degree parking spaces shall be 9' x 18' when parking overhangs a landscaped area or sidewalk. Curb stops shall not be required for parking spaces abutting sidewalks.

(5) Gateway Overlay Zone. Since the Subject Property is located within and is a key component of the Gateway Overlay Zone, the Project shall meet the development standards described in Section 3.04.03 of the LDC. During the submittal and review of the Phase 1 Preliminary Site Plan, the Developer shall include a common theme for the Project that is compatible with the Town Center DRI, and shall include common architectural, landscaping, signage, and lighting standards; and amenities for pedestrians.

(6) Landscaping. A standard landscape buffer is not required along the west side of the 26' wide Midway Drive in Phase 1 (if vacated), and standard foundation plantings on the east side of the building adjacent to the loading zone can be modified, with the alternative design to be

approved by the Land Use Administrator during the Technical Site Plan review and approval process. In exchange for these variances, the Developer will provide two hardscape features and a platform for art work in the green area located north of the retail/gas store, as depicted in Exhibit C. It is possible that Midway Drive will function more as an internal shared driveway rather than a public street as the Project moves into Phase 2; in fact, the Developer may apply to vacate all of Midway Drive at that time.

(7) Signage. All signage shall be regulated per the LDC, except that the monument sign along Bulldog Drive for Phase 1 shall have a revised minimum street setback of 5 feet in lieu of the 10 feet required by Section 12.04.07A.2 of the LDC. The Developer has the option of relocating the larger sign area allowed along the Bulldog Drive frontage where the smaller monument sign area is allowed along the SR 100 frontage as depicted in Exhibit C (see freestanding sign standards in Section 12.05.02.B.1 in LDC). All signage shall be consistent and uniform in design with a common sign program to be established during review of the Phase 1 Technical Site Plan.

(8) Services. All new utilities serving the Project shall be installed underground except irrigation wells and pump stations. Except for power lines located along SR 100 and Bulldog Drive, existing overhead power lines shall be placed underground when the phase of the Project where the utility is located is developed.

(9) Pedestrian Crosswalk/Sidewalk. During Phase 1 construction, the Developer shall construct a pedestrian crosswalk across Bulldog Drive, extending from the sidewalk located just north of the Flagler Palm Coast High School's main Bulldog Road entrance to just north of the Project's most northerly proposed Phase 2 access, as depicted on Exhibit C. A sidewalk shall also be constructed by the Developer during Phase 1 construction, connecting this crosswalk along the

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eastern Bulldog Drive rights-of-way to the sidewalk located on the north side of SR 100, as shown in Exhibit C. Both the crosswalk and sidewalk shall be completed prior to the issuance of a certificate of occupancy for a Phase 1 building. A sidewalk running adjacent to the Midway Drive 26' wide right-of-way is not required per Section 5.03.02B of the LDC, as the Developer will construct an alternative sidewalk from SR 100 to serve pedestrians, as depicted on Exhibit C, and the Developer will apply to vacate Midway Drive during Phase 2.

(10) Architectural Design. All architectural design shall be regulated per the LDC except as follows:

- i. Parapets may extend up to a maximum of 25% above the height of the supporting wall instead of the 15% required by Section 13.04.03C.1 of the LDC, in order to screen roof mounted air-conditioning units and roof mounted mechanical equipment; and
- ii. For clarification purposes, the building cornice as shown on Exhibit D-1 meets the standards for cornices described in Section 13.04.03C.2 of the LDC and
- iii. For clarification purposes, the maximum canopy clearance of 15 feet (Section 4.07.03F of the LDC) for the canopy shown in Exhibit D-2 shall be measured based on the height of the white horizontal support bars located beneath the roof, and not the canopy roof height.

## **SECTION 8. PLAT.**

Platting may be required during some phases of the Project, per the LDC and state law. Based on Section 4(a) of this Development Agreement, the Master Plan provides sufficient detail so that this Project may skip the Subdivision Master Plan process and proceed directly to the Preliminary Plat. For any phase where platting is required, the Final Plat shall be recorded prior to the issuance of the first certificate of occupancy in such phase.

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**SECTION 9. BREACH; ENFORCEMENT; ALTERNATIVE DISPUTE RESOLUTION.**

(a). In the event of a breach hereof by either party hereto, the other party hereto shall have all rights and remedies allowed by law, including the right to specific performance of the provisions hereof.

(b). In the event that a dispute arises under this Development Agreement, the parties shall attempt to resolve all disputes informally. In the event of a failure to informally resolve all disputes, the City and Developer agree to engage in mediation before a certified Circuit Court mediator selected by the parties. In the event that the parties fail to agree to a mediator, a certified mediator may be selected by mutual consent of the City and the Developer. The parties shall equally pay all costs of mediation. A party who unreasonably refuses to submit to mediation may not later object in Circuit Court that the other party failed to comply with this Section 9(b) by not participating in the mediation prior to filing suit.

(c). Prior to the City filing any action or terminating this Development Agreement as a result of a default under this Development Agreement, the City shall first provide the Developer written notice of said default. Upon receipt of said notice, the Developer shall be provided a thirty (30) day period in which to cure the default to the reasonable satisfaction of the City prior to the City filing said action or terminating this Development Agreement. If thirty (30) days is not a reasonable period of time in which to cure the default, the length of the cure period shall be extended for a time period acceptable to the City, but in no case shall the cure period exceed ninety (90) days from the initial notification of default. Upon proper termination of the Development Agreement, the Developer shall immediately be divested of all rights and privileges granted hereunder.

## **SECTION 10. NOTICES.**

(a). All notices required or permitted to be given under this Development Agreement must be in writing and must be delivered to the City or the Developer at their addresses set forth below (or such other address as may be hereafter be designated in writing by such party).

(b). All such notices must be personally delivered, sent by certified mail or overnight courier.

(c). Any such notice will be deemed effective when received (if sent by hand delivery or overnight courier or on that date which is three (3) days after such notice is deposited in the United States mail if sent by certified mail.

(d). The parties' addresses for the delivery of all such notices are as follows:

As to the City:           City Manager  
                                  160 Lake Avenue  
                                  Palm Coast, Florida, 32164

As to the Developer: Palm Wagas IV, LLC  
                                  Attn: Amy Barnard, Director of Legal Affairs  
                                  7940 Via Dellagio Way, Suite 200  
                                  Orlando, FL 32819

with a copy to:

Akerman LLP  
Attn: Robert M. Poppell, Esq.  
420 S. Orange Avenue, Suite 1200  
Orlando, FL 32801

## **SECTION 11. SEVERABILITY.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Development Agreement are severable, and if any phrase, clause, sentence, paragraph or section of this Development Agreement shall be declared

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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 Development Agreement.

**SECTION 12. SUCCESSORS AND ASSIGNS.**

(a). This Development Agreement and the terms and conditions hereof shall be binding upon and inure to the benefit of the City and Developer and their respective successors-in-interest. The terms and conditions of this Development Agreement similarly shall be binding upon the Subject Property and shall run with the land and the title to the same.

(b). This Development Agreement touches and concerns the Subject Property.

(c). The Developer has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Agreement.

**SECTION 13. GOVERNING LAW/VENUE/COMPLIANCE WITH LAW.**

(a). This Development Agreement shall be governed by and construed in accordance with the laws of the State of Florida and the Code of Ordinances of the City of Palm Coast.

(b). Venue for any dispute shall be in the Seventh Judicial Circuit Court in and for Flagler County, Florida, or the Middle District of Florida, for federal actions.

(c). The Developer shall fully comply with all applicable local, State, and Federal environmental regulations and all other laws of similar type or nature.

(d). Without waiving the Developer's potential rights, remedies and protections or the City's defenses pursuant to Chapter 70 of the Florida Statutes, as may be amended, this Development Agreement shall not limit the future exercise of the police powers of the City to enact ordinances, standards, or rules regulating development generally applicable to an entire area of the City, such as requiring compliance with the City capital facilities plan; parks master plan, including

Ordinance 2018-\_\_\_\_

parks and trail dedications; utility construction and connections; mandating utility capacities; requiring street development or other such similar land development regulations and requirements.

(e). If state or federal laws are enacted after execution of this Development Agreement which are applicable to and preclude the parties' compliance with this Development Agreement, this Development Agreement shall be modified or revoked as necessary to comply with the relevant law.

(f). This Development Agreement shall also not be construed to prohibit the City from adopting lawful impact fees applicable to the Developer and the Master Plan Development authorized hereunder.

#### **SECTION 14. TERM / EFFECTIVE DATE.**

This Development Agreement shall be effective upon adoption by the City Council of the City of Palm Coast, Florida and execution of this Development Agreement by all parties.

#### **SECTION 15. RECORDATION.**

Upon adoption by the City Council of the City of Palm Coast, Florida and execution of this Development Agreement by all parties, this Development Agreement and any and all amendments hereto shall be recorded by the City with the Clerk of the Circuit Court of Flagler County within thirty (30) days after its execution by the City at Developer's cost, and the Development Agreement shall run with the land.

#### **SECTION 16. PERMITS.**

(a). The failure of this Development Agreement to address any specific City, County, State, or Federal permit, condition, term, or restriction shall not relieve the Developer or the City of the requirement of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

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(b). The terms and conditions of this Development Agreement determine concurrency for the Project.

(c) All development and impact fees charged by the City for construction or development of subdivisions or site plans shall be paid by the Developer at the time the City issues a building permit.

**SECTION 17. THIRD PARTY RIGHTS.**

This Development Agreement is not a third party beneficiary contract, and shall not in any way whatsoever create any rights on behalf of any third party.

**SECTION 18. TIME IS OF THE ESSENCE.**

(a). Strict compliance shall be required with each and every provision of this Development Agreement.

(b). Time is of the essence to this Development Agreement and every right or responsibility required herein shall be performed within the times specified.

**SECTION 19. ATTORNEY'S FEES.**

In the event of any action to enforce the terms of this Development Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees, paralegals' fees, and all costs incurred, whether the same be incurred in a pre-litigation negotiation, or litigation at the trial or appellate level.

**SECTION 20. FORCE MAJEURE.**

The parties agree that in the event that the failure by either party to accomplish any action required hereunder within a specific time period ("Time Period") constitutes a default under terms of this Development Agreement and, if any such failure is due to any unforeseeable or unpredictable event or condition beyond the control of such party including, but not limited to,

Ordinance 2018-\_\_\_\_

acts of God, acts of government authority (other than the City's own acts), acts of public enemy or war, terrorism, riots, civil disturbances, power failure, shortages of labor or materials, injunction or other court proceedings beyond the control of such party, or severe adverse weather conditions ("Uncontrollable Event"), then notwithstanding any provision of this Development Agreement to the contrary, that failure shall not constitute a default under this Development Agreement and any Time Period prescribed hereunder shall be extended by the amount of time that such party was unable to perform solely due to the Uncontrollable Event.

**SECTION 21. CAPTIONS.**

Sections and other captions contained in this Development Agreement are for reference purposes only and are in no way intended to describe, interpret, define, or limit the scope, extent or intent of this Development Agreement, or any provision hereof.

**SECTION 22. INTERPRETATION.**

(a). The Developer and the City agree that all words, terms and conditions contained herein are to be read in concert, each with the other, and that a provision contained under one (1) heading may be considered to be equally applicable under another in the interpretation of this Development Agreement.

(b). This Development Agreement shall not be construed more strictly against either party on the basis of being the drafter thereof, and both parties have contributed to the drafting of this Development Agreement.

**SECTION 23. FURTHER ASSURANCES.**

Each party agrees to sign any other and further instruments and documents consistent herewith, as may be necessary and proper to give complete effect to the terms of this Development Agreement.

Ordinance 2018-\_\_\_\_

**SECTION 24. COUNTERPARTS.**

This Development Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one (1) and the same document.

**SECTION 25. MODIFICATIONS / AMENDMENTS/NON-WAIVER.**

(a). Amendments to and waivers of the provisions herein shall be made by the parties only in writing by formal amendment. This Development Agreement shall not be modified or amended except by written agreement executed by all parties hereto and upon approval of the City Council of the City of Palm Coast.

(b). Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

**SECTION 26. ENTIRE AGREEMENT; EFFECT ON PRIOR AGREEMENTS.**

This Development Agreement constitutes the entire agreement between the parties and supersedes all previous oral discussions, understandings, and agreements of any kind and nature as between the parties relating to the subject matter of this Development Agreement.

**IN WITNESS WHEREOF**, the City and Palm Wagas IV, LLC have caused this Development Agreement to be duly executed by their duly authorized representative(s) as of the date first above written.

**DEVELOPER'S CONSENT AND COVENANT:**

**COME NOW**, the Developer on behalf of itself and its successors, assigns and transferees of any nature whatsoever, and consents to and agrees with the covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Agreement.

Ordinance 2018-\_\_\_\_

WITNESSES:

PALM WAGAS IV, LLC,  
a Florida limited liability company

\_\_\_\_\_  
\_\_\_\_\_  
(print)

BY: CW FAMILY, LLLP,  
a Florida limited liability limited  
partnership, its Manager

\_\_\_\_\_  
\_\_\_\_\_  
(print)

BY: CW FAMILY, LLC,  
a Florida limited liability company,  
its General Partner

BY: \_\_\_\_\_  
Charles Whittall, Manager

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Charles Whittall, as Manager of CW FAMILY, LLC, a Florida limited liability company, as General Partner of CW FAMILY, LLLP, a Florida limited liability limited partnership, as Manager of PALM WAGAS IV, LLC, a Florida limited liability company (check one) ☐ who is personally known to me or ☐ who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public – State of Florida  
Print Name: \_\_\_\_\_  
My Commission expires:

Ordinance 2018-\_\_\_\_



CITY OF PALM COAST, FLORIDA

\_\_\_\_\_  
Milissa Holland, Mayor

ATTEST:

\_\_\_\_\_  
Virginia A. Smith, City Clerk

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney

STATE OF FLORIDA  
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by Milissa Holland, Mayor of the City of Palm Coast, Florida, who is personally known to me.

\_\_\_\_\_  
Notary Public – State of Florida

Print Name:\_\_\_\_\_

My Commission expires:\_\_\_\_\_

Ordinance 2018-\_\_\_\_

## EXHIBIT "A" – LEGAL DESCRIPTION

Palm Town Center, Flagler County, Florida – Phase 1

A portion of land situated Section 5, Township 12 South, Range 31 East, City of Palm Coast, Flagler County, Florida, said tract of land being described as follows:

Lots 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, Midway Park Subdivision, according to the plat thereof recorded in Map Book 5, Page 25, of the Public Records of Flagler County, Florida, less and except that portion thereof, deeded to the State of Florida Department of Transportation, as recorded in Official Records Book 798, Page 475 of the Public Records of Flagler County, Florida.

Together with:

The West 24 feet of the South 280.15 feet of Midway Drive, Midway Park Subdivision, according to the Plat thereof, as recorded in Map Book 5, Page 25, of the Public Records of Flagler County, Florida, less and except that portion thereof, deeded to the State of Florida Department of Transportation, as recorded in Official Records Book 798, Page 475 of the Public Records of Flagler County, Florida.

Less and except:

Commence at the intersection of the West right of way line of Midway Drive and the North right-of-way line of State Road 100, thence run along said North right-of-way line, South 89°09'34" West, a distance of 119.67 feet to the Point of Beginning; thence run along said right-of-way South 89°09'34" West, a distance of 80.33 feet to the Easterly right-of-way line of Bulldog Drive; thence run along said East right-of-way line, run North 01°12'26" West, a distance of 355.15 feet to the South line of Lot 24, Midway Park, Map Book 5, Page 25, of the Official Records Book of Flagler County; thence departing said right-of-way, run North 89°09'34" East, along the South line of said Lot 24, a distance of 42.95 feet; thence departing said South line Lot 24, run South 01°13'13" East, a distance of 38.16 feet to the point of curvature of a curve concave Westerly; thence run Southerly along said curve having a radius of 468.00 feet, a central angle of 12°10'39", an arc length of 99.47 feet, being subtended by a chord bearing of South 04°52'07" West for a chord distance of 99.28 feet to a point of tangency on a curve concave Easterly; thence run Southerly along said curve having a radius of 732.00 feet, a central angle of 12°07'42", an arc length of 154.95 feet, being subtended by a chord bearing of South 04°53'35" West for a chord distance of 154.66 feet to a point of tangency; thence departing said curve, run South 46°01'46" East, a distance of 91.24 feet to the Point of Beginning.

Phase I Total Acreage: **2.778 acres, more or less.**

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Palm Town Center, Flagler County, Florida – Phase 2

Parcel 1: The North sixty (60') feet of the West One Hundred (100) feet of Lot 29 (Lot 36), Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida, together with Lot 37 and Lot 54, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #0812314300000000291

**0.276 acres**

Parcel 2: The Westerly 100 feet of the Northerly 135 feet of Lot 29, Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida, EXCEPT the Westerly 100 feet of the Northerly 60 feet of said lot.

Parcel #0812314300000000290

**0.172 acres**

Parcel 3: Lots 33, 34, 38, 39, 40, 52, 53, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida, being a resubdivision of Lot 28 and part of Lot 29, Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida.

Parcel #08123143500000000330

**1.216 acres**

Parcel 4: Lots 32 and 42, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #08123143500000000320

**0.344 acres**

Parcel 5: Lot 42, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida, being a resubdivision of Lot 28 and part of Lot 29, Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida.

Parcel #08123143500000000420

**0.172 acres**

Parcel 6: Lots 30 and 31, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Ordinance 2018-\_\_\_\_

- Parcel #0812314350000000300 **0.344 acres**  
Parcel 7: Lot 43, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.
- Parcel #0812314350000000430 **0.172 acres**  
Parcel 8: Lots 28, 29, 44 and 45, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida, being a resubdivision of Lot 28 and part of Lot 29, Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida. Being subject to a public easement for ingress and egress over and through the Northerly 15 feet thereof from County Road to Midway Drive only until Midway Drive, a dedicated recorded county road is opened for traffic.
- Parcel #0812314350000000280 **0.689 acres**  
Parcel 9: Lots 26 and 27, MIDWAY PARK SUBDIVISION, according to the Plat thereof as recorded in Plat Book 5, Page 25, of the Public Records of Flagler County, Florida.
- Parcel #0812314300000000260 **0.344 acres**  
Parcel 10: Lots 10, 11 and 12, MIDWAY PARK SUBDIVISION, according to the Plat thereof as recorded in Plat Book 5, Page 25, of the Public Records of Flagler County, Florida.
- Parcel #0812314300000000100 **0.517 acres**  
Parcel 11: Lot 54, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.
- Parcel #0812314350000000540 **0.142 acres**  
Parcel 12: Lots 33, 34, 38, 39, 40, 52, 53, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.
- Parcel #0812314350000000330 **1.216 acres**  
Parcel 13: Lot 51, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.
- Parcel #0812314350000000510 **0.177 acres**

Parcel 14: Lot 48, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #0812314350000000480 **0.177 acres**

Parcel 15: Lot 47, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #0812314350000000470 **0.177 acres**

Parcel 16: Lot 46, First Addition to Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 51, Public Records of Flagler County, Florida.

Parcel #0812314350000000460 **0.177 acres**

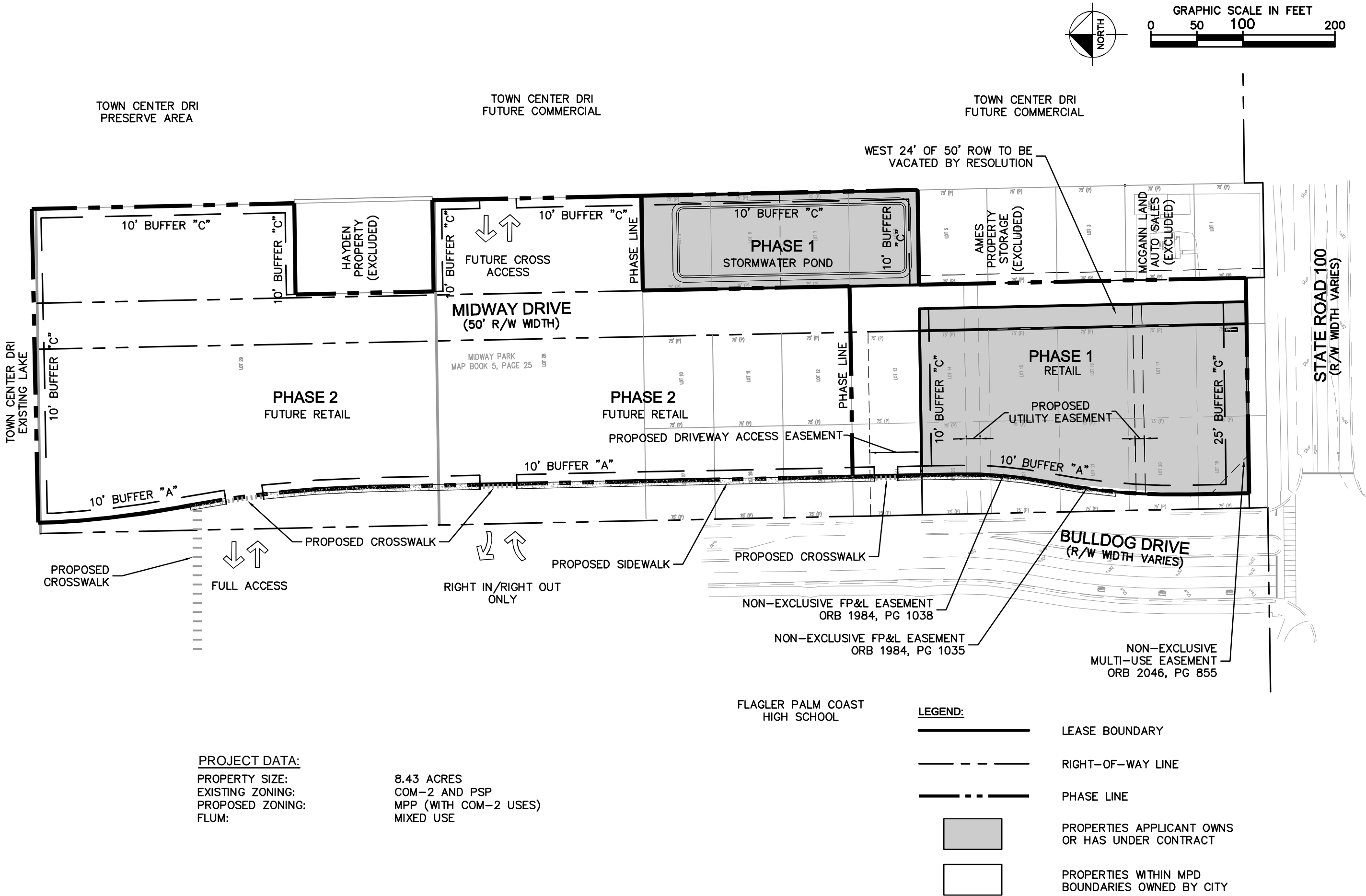
Phase 2 Total Acreage: **6.312 acres, more or less**

Total Acreage (including Phase 1 and Phase 2): **9.09 acres, more or less**

Midway Park Subdivision, according to the plat thereof as recorded in Plat Book 5, Page 25, Public Records of Flagler County, Florida

Plotted By: Perero, Carlos Sheet Set: WAWA - S.R. 100 & BULLDOG DRIVE Layout: EX. B January 23, 2018 02:48:03pm  
K: \\ORL\_Civil\149581010-Wawa SR100 & Bulldog\CADD\CONCEPT\Master Plan\MPD Exhibit B.DWG

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



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PHONE: 407-898-1511  
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EXHIBIT "B"  
MPD MASTER PLAN

PALM TOWN CENTER MPD  
SR 100 & BULLDOG DRIVE

CITY OF PALM COAST FLORIDA

SHEET NUMBER  
EX. B

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### PHASE I

#### SITE DATA:

SITE AREA:	2.95 ACRES
ZONING:	MPD
BUILDING AREA	6,119 SF
MAXIMUM BUILDING HEIGHT	45 FT
PROPOSED BUILDING HEIGHT	33 FT 4 IN
MAXIMUM ALLOWABLE F.A.R.	0.40
PROPOSED F.A.R.	0.07
MAXIMUM I.S.R.	0.70
PROPOSED I.S.R.	0.60

#### BUILDING SETBACKS REQUIRED/PROVIDED

	REQUIRED	PROVIDED
FRONT (SR100):	25 FT	173 FT
STREET SIDE (BULLDOG RD.):	25 FT	78 FT
REAR (NORTH):	10 FT	112 FT
INTERIOR SIDE (EAST):	10 FT	16 FT
CANOPY (EAST):	20 FT	6 FT
CANOPY (SOUTH):	20 FT	56 FT

#### REQUIRED PARKING\*:

1SP/200 SF BUILDING (6,119 SF):	31 SPACES
1SP/2 SEATS FOR FOOD PATRONS (26 SEATS):	13 SPACES
TOTAL SPACES REQUIRED:	44 SPACES

\*PROVIDED PARKING SHALL NOT EXCEED 120% OF REQUIRED PARKING

#### PROVIDED PARKING:

STANDARD SPACES (10'x20'):	23 SPACES
STANDARD SPACES (9'x18'):	24 SPACES
ADA SPACES (12'x20'):	3 SPACES
TOTAL SPACES PROVIDED	50 SPACES

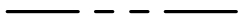
#### NOTE:

1. THIS IS A PRELIMINARY SITE PLAN FOR ILLUSTRATIVE PURPOSES ONLY. AS SUCH, IT IS SUBJECT TO REGULATORY REVIEW AND PERMIT CONSIDERATION DURING THE TECHNICAL SITE PLAN STAGE AND WILL NEED TO BE UPDATED ACCORDINGLY.

#### LEGEND:



LEASE BOUNDARY



RIGHT-OF-WAY LINE



PHASE LINE



PROPERTIES APPLICANT OWNS  
OR HAS UNDER CONTRACT



PROPERTIES WITHIN MPD  
BOUNDARIES OWNED BY CITY

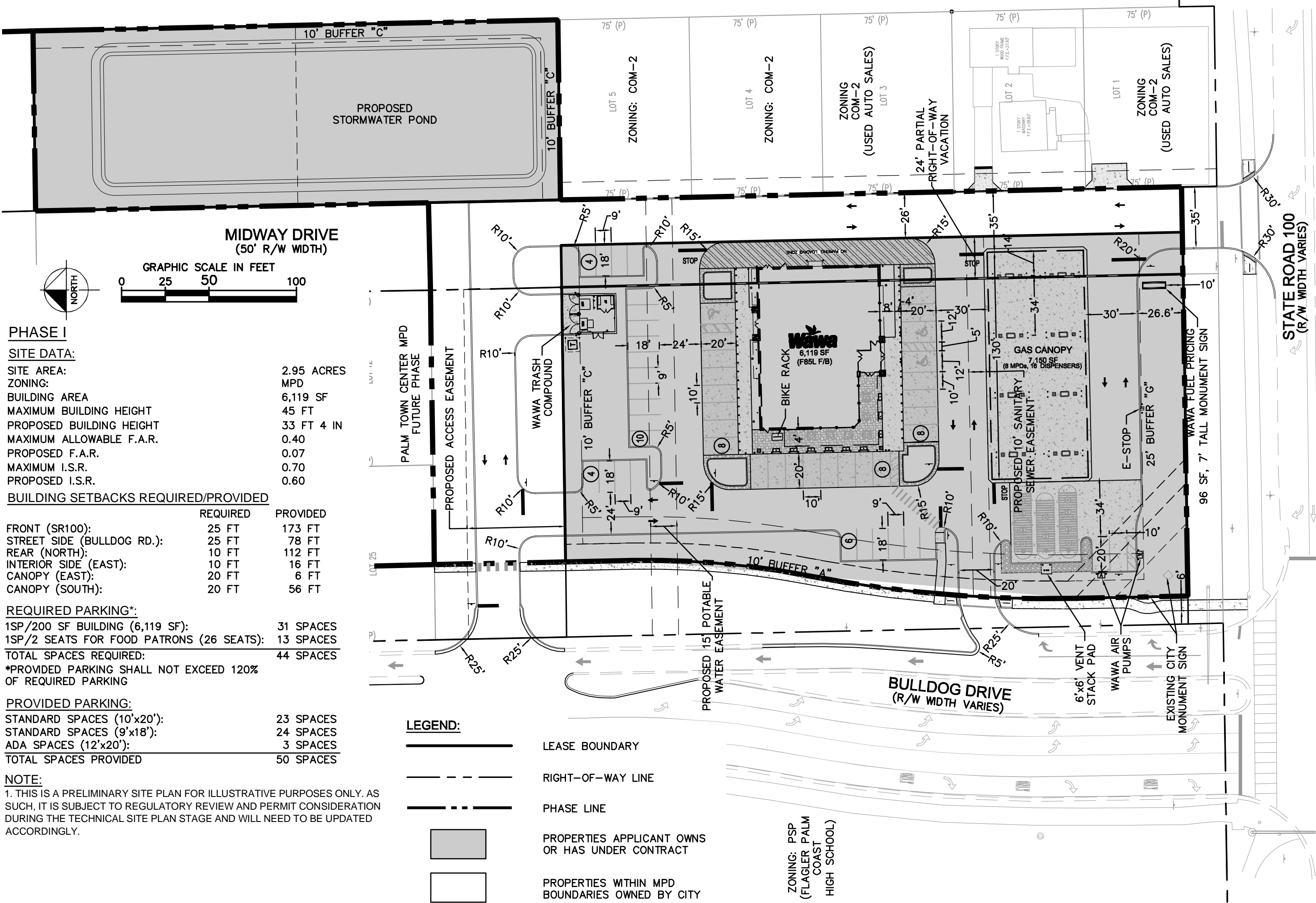


EXHIBIT "C"  
PHASE I PRELIMINARY  
SITE PLAN

PALM TOWN CENTER MPD  
SR 100 & BULLDOG DRIVE

CITY OF PALM COAST FLORIDA

SHEET NUMBER  
EX. C

**Kimley»Horn**

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PHONE: 407-898-1511  
WWW.KIMLEY-HORN.COM CA 0000696





RIGHT (EAST) ELEVATION



FRONT (SOUTH) ELEVATION (SR 100)

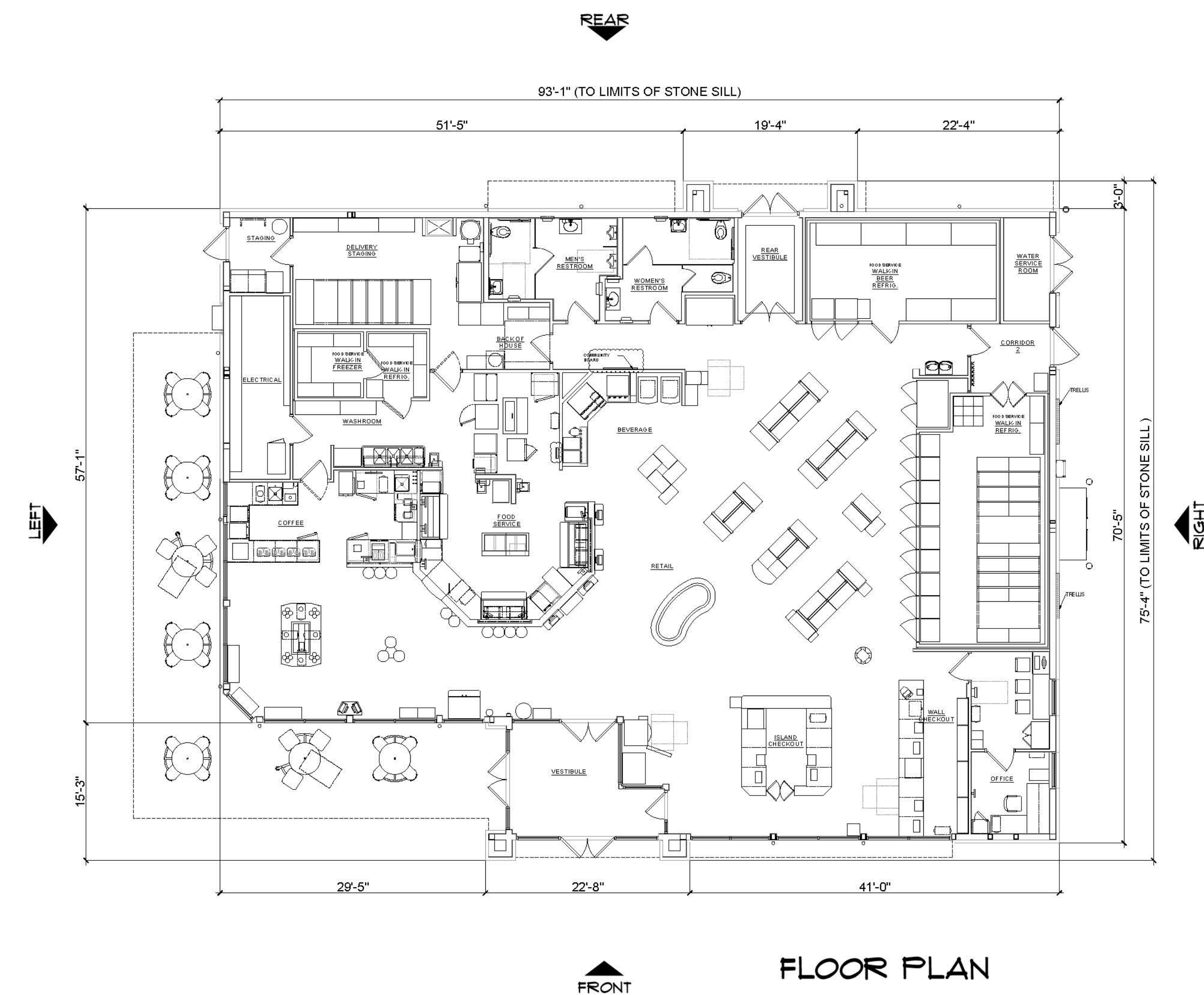


REAR (NORTH) ELEVATION

Metal Door Benjamin Moore White Diamond BM 2121-60	Metal Overhang Atlas #17 Brite Red
Fiber Cement Siding James Hardie Harris Cream	Stucco Senegry Meringue #3085
Trim James Hardie Arctic White JH10-20	Ice Storage Benjamin Moore Natural Wicker OC - 1
Metal Roof Atlas #23 23 Coppertone	Exterior Stone Cultured Stone Southwest Blend



LEFT (WEST) ELEVATION (BULLDOG RD.)



FLOOR PLAN

NOTE:  
SIGNAGE IS SHOWN FOR REFERENCE ONLY  
SEPARATE PERMIT REQUIRED



Plotted By: Perero, Carlos Sheet Set: WAWA - S.R. 100 & BULLDOG DRIVE Layout: EX. F-2 January 29, 2018 09:32:26am  
K:\ORL\_Civil\149581010-Wawa SR100 & Bulldog\CADD\CONCEPT\Master Plan\MPD Exhibit F.DWG



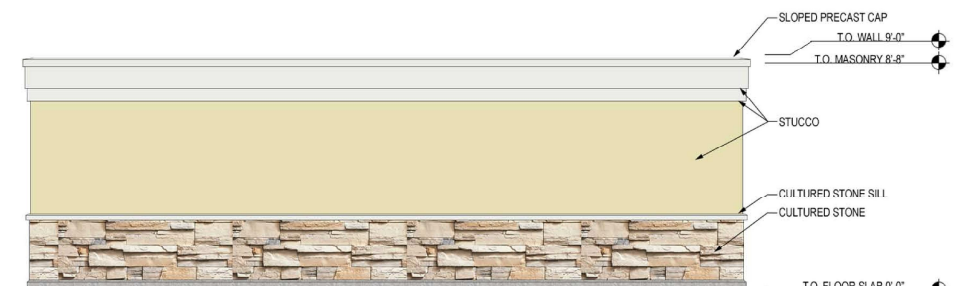
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



REAR ELEVATION

- |   |  |  |   |
|---|--|--|---|
| Metal<br>Atas International<br>Bone White<br># 26 | Sherwin Williams<br>SW 7048<br>Urbane Bronze | Metal Roof<br>Atas International<br>Coppertone<br># 23 | Exterior Stone<br>Cultured Stone<br>Southwest Blend |
| Stucco<br>Senergy<br>Meringue #3085               |  |  |   |



# GAS CANOPY STACKED 8 - TRASH COMPOUND FLSQ17-L

SR 100 & Bulldog Dr., - Palm Coast, FL • C&P Project #2170063 • 02-16-2017

EXHIBIT "D-2"  
PHASE 1 CONCEPTUAL  
BUILDING ELEVATIONS  
PALM TOWN CENTER MPD  
SR 100 & BULLDOG DRIVE  
CITY OF PALM COAST  
FLORIDA  
SHEET NUMBER  
EX D-2

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PLANT SCHEDULE

TREES	QTY	COMMON NAME	SHRUB AREAS	QTY	COMMON NAME
	2	JAPANESE BLUEBERRY TREE		III	SOFT RUSH
	14	TO REMAIN		214	SAND CORD GRASS
	4	TUSKEGEE GRAPE MYRTLE		446	TO REMAIN
	14	SOUTHERN MAGNOLIA		550 SF	PERENNIAL PEANUT
	8	AMERICAN SYCAMORE		64	FLAX LILY
	6	AMERICAN SYCAMORE		58	BLUE PACIFIC JUNIPER
	52	BALD CYPRESS		1,180 SF	SAHAGRASS
	11	TO REMAIN		5,714 SF	KOREAN GRASS
SHRUBS	QTY	COMMON NAME	GROUND COVERS	QTY	COMMON NAME
	18	CENTURY PLANT			
	175	BURFORD CHINESE HOLLY			
	50	MAX MYRTLE			
	38	PODOCARPUS			
	4	WHITE INDIAN HAWTHORN			
	9	DWARF BIRD OF PARADISE			
	50	SWEET VIBURNUM			
	124	COONTIE PALM			

PALM COAST LANDSCAPE CODE CALCULATIONS - CH. II - TREE PROTECTION, LANDSCAPING, BUFFERS, AND IRRIGATION

11.03.02. LANDSCAPING FOR COMMERCIAL DEVELOPMENTS

- A. COMMERCIAL DEVELOPMENTS  
ALONG SPECIALLY DESIGNATED ROAD SEGMENTS
- 8' MIN. WIDTH
  - TWO DIFFERENT HT PLANT MATERIAL
  - 1 UNDERSTORY TREE/50 LF

REQUIRED

728 SF LANDSCAPE AREA  
2 ROWS OF SHRUBS  
2 UNDERSTORY TREES

PROVIDED

731 SF LANDSCAPE AREA  
2 ROWS OF SHRUBS  
2 UNDERSTORY TREES

11.03.04. PARKING LOT LANDSCAPING

- A. SCREENING  
ADJACENT TO ROW  
INTERNAL PARKING LOT LANDSCAPING  
10% OF VUA (TOTAL VUA AREA = 36,814 SF)  
LANDSCAPING ISLAND  
> 300 SF - 1 SHADE TREE  
< OR = 150 SF - 1 UNDERSTORY TREE/3 PALMS

REQUIRED

3,681 SF LANDSCAPE AREA  
4 SHADE TREES  
4 UNDERSTORY TREES

PROVIDED

3,781 SF LANDSCAPE AREA  
4 SHADE TREES  
4 UNDERSTORY TREES

11.03.05 LANDSCAPE BUFFER REQUIREMENTS

NORTH - 157 LF  
"C" BUFFER  
10' WIDTH  
1 SHADE TREE/50 LF  
SHORT SCREEN SHRUBS

REQUIRED

1,570 SF LANDSCAPE AREA  
4 SHADE TREES  
SHORT SCREEN SHRUBS

PROVIDED

1,611 SF LANDSCAPE AREA  
4 SHADE TREES  
SHORT SCREEN SHRUBS

SOUTH - 120 LF  
"B" BUFFER  
25' WIDTH  
1 SHADE TREE/50 LF  
1 UNDERSTORY TREE/50 LF  
SHORT SCREEN SHRUBS  
30 ACCENT SHRUBS/100 LF

3,000 SF LANDSCAPE AREA  
3 SHADE TREES  
3 UNDERSTORY TREES  
SHORT SCREEN SHRUBS  
36 ACCENT SHRUBS

3,394 SF LANDSCAPE AREA  
3 SHADE TREES  
3 UNDERSTORY TREES  
SHORT SCREEN SHRUBS  
48 ACCENT SHRUBS

EAST - 354 LF  
"C" BUFFER  
10' WIDTH  
1 SHADE TREE/50 LF  
SHORT SCREEN SHRUBS

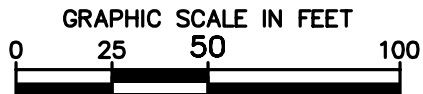
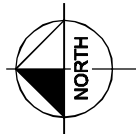
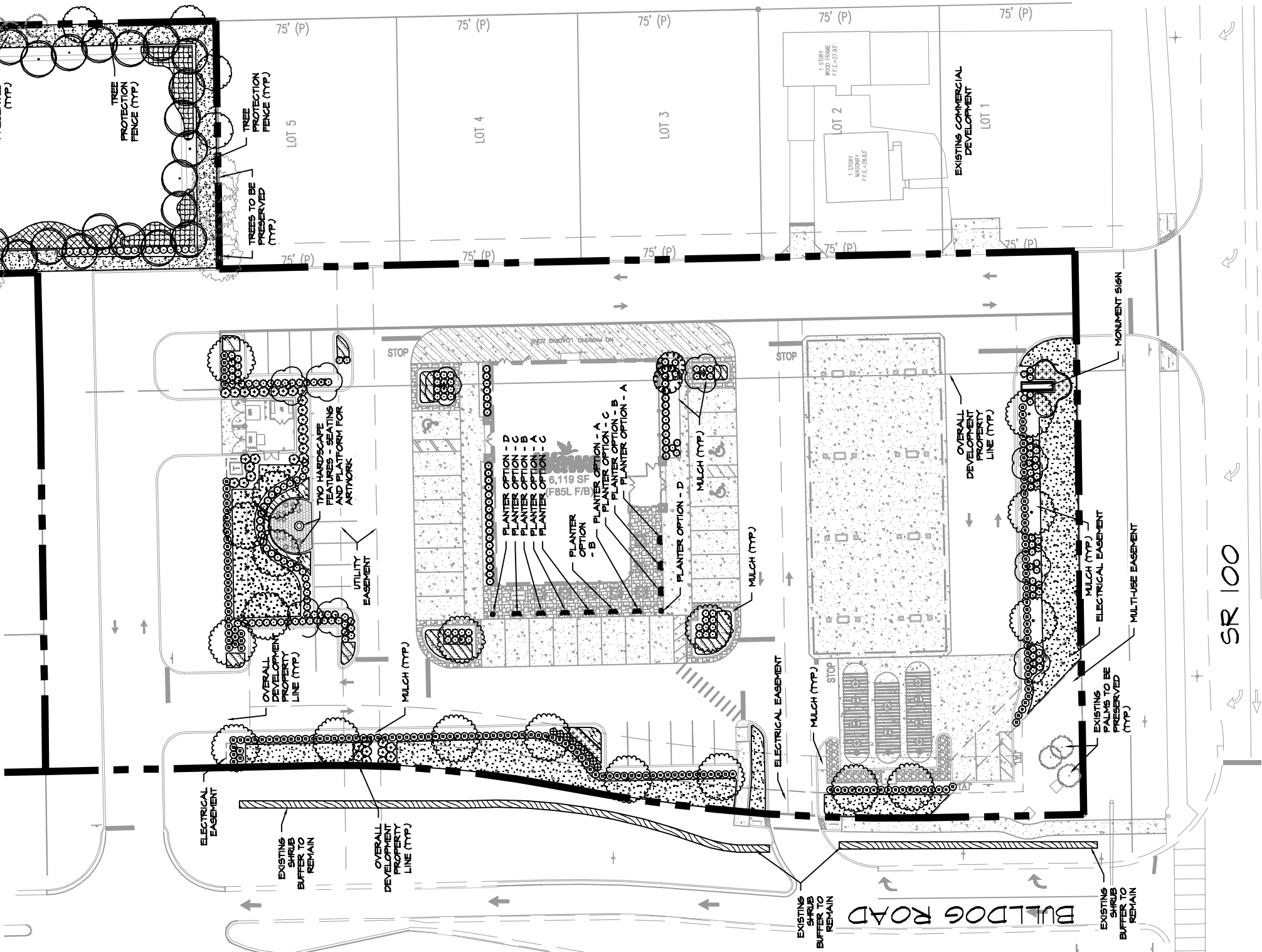
1,570 SF LANDSCAPE AREA  
8 SHADE TREES  
SHORT SCREEN SHRUBS

8 SHADE TREES  
SHORT SCREEN SHRUBS

WEST - 355 LF  
"C" BUFFER  
10' WIDTH  
1 SHADE TREE/50 LF  
SHORT SCREEN SHRUBS

1,570 SF LANDSCAPE AREA  
8 SHADE TREES

EXISTING BUFFER  
8 SHADE TREES



PALM TOWN CENTER MPD  
SR 100 & BULLDOG DRIVE

CITY OF PALM COAST FLORIDA

EXHIBIT "E"  
PHASE I CONCEPTUAL  
LANDSCAPE PLAN

Kimley»Horn

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189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801  
PHONE: 407-898-1511  
WWW.KIMLEY-HORN.COM CA 0000696

SHEET NUMBER  
EX. D





**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR APPLICATION #3448  
CITY COUNCIL ON MARCH 20, 2018**

---

**OVERVIEW**

**Application Number:** 3448

**Applicant:** Palm Wagas IV, LLC and Palm Town Center, LLC

**Property Description:** 9.09 +/- acres of property located at the northeast corner of SR 100 (Moody Boulevard) and Bulldog Drive

**Property Owners:** Palm Wagas IV, LLC, Palm Town Center, LLC and City of Palm Coast

**Parcel ID #:** Numerous

**Current FLUM designation:** Mixed Use

**Current Zoning designation:** General Commercial (COM-2) on SW portion  
Public/Semi-Public (PSP) on balance of site

**Current Use:** Abandoned home and vacant land

**Size of subject property:** 9.09 +/- acres

**Requested Action:** Rezoning from General Commercial (COM-2) and Public/Semi-Public (PSP) to Palm Town Center Master Planned Development (MPD)

**Recommendation:** Approval

---

**ANALYSIS****REQUESTED ACTION**

Palm Wagas IV, LLC and Palm Town Center, LLC as property owners and contracted purchasers of the City owned property, are proposing to rezone 9.09 +/- acres of primarily vacant land located at the northeast corner of SR 100 (Moody Blvd.) and Bulldog Drive, from General Commercial (COM-2) and Public/Semi-Public (PSP) to Palm Town Center MPD for general commercial and retail uses.

**BACKGROUND/SITE HISTORY**

The subject site of 9.09 +/- acres comprises most of the land within Midway Park Subdivision and the Midway Park 1<sup>st</sup> Addition. The original subdivision was platted through Flagler County on April 4, 1957 and the first addition was platted shortly thereafter. Midway Drive was never improved as a paved roadway and only minimal infrastructure improvements have been constructed. However, many of the lots were developed for homes, mobile homes or small businesses during the later portion of the 20<sup>th</sup> Century.

After 2000, some of the properties had fallen into disrepair and the City Council adopted a Gateway Overlay District on the Midway Park Subdivision and Midway Park 1<sup>st</sup> Addition that also extended further to the east about 1700 feet and included the Whispering Pines Subdivision. City Council also setup the Palm Coast Redevelopment Area (CRA) to assist in the redevelopment of this key area. By 2005, City Council had started purchasing many of the properties in the Midway Park Subdivision with the intent of aggregating the parcels so a larger well planned project could be developed on the site that was a key entryway into the Town Center urban area.

On December 16, 2016, City Council approved a sales contract selling the City owned property within this MPD Rezoning to Palm Town Center, LLC (see Resolution #16-471). This sales contract requires Palm Town Center, LLC to rezone the subject property to an MPD. Staff has been working with the developer on resolving numerous development related issues over the last 15 months so the subject property may be rezoned to a MPD and Phase 1 of the subject property may be developed after approval of a Technical Site Plan and applicable platting actions.

## PROJECT DESCRIPTION

The developer (Palm Wagas IV, LLC intendd to redevelop the subject property into a retail project in two phases. Phase 1 would include the southern portion of the site that is intended for a 6,119 square foot Wawa convenience store with gas pumps located directly at the corner of SR 100 and Bulldog Drive and an over-sized retention stormwater pond located in the NE corner of Phase 1.

Additionally, via a separate application the developers have requested to vacate the westerly 24 feet of the 50-foot wide Midway Drive right-of-way for a depth of about 370 feet from SR 100 so there is sufficient width along SR 100 to develop the Wawa convenience store. The developers propose to construct a new paved public roadway on the remaining 26 feet of Midway Drive right-of-way and then on the north side of the proposed convenience store have the proposed paved roadway make a 90-degree turn to the west in order to connect Midway Drive with Bulldog Drive. This can be viewed on Exhibit "B" - MPD Master Plan of the Palm Town Center MPD Development Agreement.

Phase 2 currently has no specific development plan but is rather intended to allow for general retail and commercial uses in likely several buildings with an expected gross floor area of up to 30,000 square feet.

## LAND USE AND ZONING INFORMATION

### USE SUMMARY TABLE:

CATEGORY:	EXISTING:	PROPOSED:
Future Land Use Map (FLUM)	Mixed Use	Mixed Use
Zoning District	COM-2 and PSP	Master Plan Development (MPD)
Overlay District	Gateway	Gateway
Use	Vacant land	Retail and general commercial
Acreage (includes ROW area)	9.09 +/- acres	9.09 +/- acres
Access	SR 100 and Bulldog Drive	SR 100 and Bulldog Drive

### SURROUNDING LAND USES:

NORTH:	FLUM:	DRI (Urban Core)
	Zoning:	Town Center MPD
SOUTH:	FLUM:	Commercial High Intensity (Flagler County)
	Zoning:	PUD for commercial (Flagler County)
EAST:	FLUM:	Mixed Use, DRI (Urban Core) and Conservation
	Zoning:	COM-2, PSP, and Town Center MPD
WEST:	FLUM:	Institutional
	Zoning:	Public/Semi-Public (PSP)

## ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.05.05

The Unified Land Development Code, Chapter 2, Part II, Section 2.05.05 states: *When reviewing a development order application, the approval authority shall determine whether sufficient factual data was presented in order to render a decision. The decision to issue a development order shall be based upon the following, including but not limited to:*

*A. The proposed development must not be in conflict with or contrary to the public interest;*

**Staff Finding:** The proposed development is not in conflict with, or contrary to, the public interest as the proposed MPD for general commercial and retail uses will be compatible with the surrounding properties having zoning of COM-2, PSP, and Town Center MPD.

*B. The proposed development must be consistent with the Comprehensive Plan and the provisions of this LDC;*

**Staff Finding:** The request is consistent with the following objectives and policies of the Comprehensive Plan:

- **Chapter 1 Future Land Use Element:**

*-Policy 1.1.1.2 – The future land use designations shall permit the zoning districts listed and generally described in the following table.*

The FLUM designates the subject property as Mixed Use and Master Planned Development (MPD) and General Commercial (COM-2) are allowed zoning districts for the Mixed Use designation on this FLUM table. The subject property is proposed for a MPD rezoning utilizing General Commercial (COM-2) standards for the base zoning district standards.

*-Policy 1.1.2.2 – Permitted densities and intensities within a MPD shall generally follow those allowed within the corresponding zoning districts associated with the land use designation assigned to the property. Deviations from these density and intensity standards may be permissible in order to promote and encourage creatively planned projects and in recognition of special geographical features, environmental conditions, economic issues, or other unique circumstances.*

The proposed zoning reclassification is Master Planned Development (MPD) that uses the General Commercial (COM-2) Zoning District for its base standards. Modifications have been supported for this redevelopment project by staff due to the key economic issues and unique circumstances that exist for this redevelopment project.

*-Policy 1.1.4.1 – The Mixed Use land use designation is intended to provide opportunities for residents to work, shop, engage in recreational activities, and attend school and religious services in reasonably close proximity to residential dwellings.*

The proposed project should provide retail shopping opportunities for numerous existing and future residential homes in neighborhoods within two miles of the site, students attending Flagler Palm Coast High School, residents attending churches in the area, and motorists along SR 100 and I-95.

- **Chapter 2 Transportation Element:**

*-Policy 2.2.1.1 – The City shall enforce regulations in the LDC requiring commercial development to provide roadway connections to adjacent commercial development and to provide for future connections, where feasible.*

The developer will be constructing Midway Drive in Phase 1 and this will allow two COM-2 properties to the east of Midway Drive to gain access not only to Midway Drive but onto the balance of the subject property and west to Bulldog Drive. The developer has also shown a future cross-connection in Phase 2 to the undeveloped commercial property to the east so that visitors to one project can visit the other project without getting back onto the public roadway network.

*C. The proposed development must not impose a significant financial liability or hardship for the City;*

**Staff Finding:** Public roadways and public utilities are adequate and available to serve the site.

*D. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;*

**Staff Finding:** The proposed standards in the MPD rezoning will allow for development of general commercial and retail uses that will be in harmony with the surrounding area of mixed commercial uses, institutional uses, and residential homes.

*E. The proposed development must comply with all other applicable local, state and federal laws, statutes, ordinances, regulations, or codes.*

**Staff Finding:** The subject property will be required to comply with the City's Land Development Code, Comprehensive Plan, and the requirements of all other applicable agencies throughout the development process.

#### **ANALYSIS BASED ON UNIFIED LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.09.04**

The Unified Land Development Code, Chapter 2, Part II, Sec. 2.09.04 states, *"The Planning and Land Development Regulation Board and City Council shall consider the following criteria, in addition to the findings listed in Subsection 2.05.05, when reviewing a master planned development application:"*

*A. Consistency with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan.*

**Staff Finding:** As previously stated, the proposed application is consistent and furthers the goals and objectives of the Comprehensive Plan.

*B. Consistency with the general intent of the LDC.*

**Staff Finding:** The development standards proposed in the MPD are generally consistent with the standards established for development of a similar nature.

*C. Degree of departure of the proposed development from surrounding areas in terms of character and density/intensity.*

**Staff Finding:** The development standards proposed in the MPD are generally consistent with the standards established for nearby development of a similar nature and also meet the standards of the Gateway Overlay District. The intention of the Gateway Overlay District is for projects to be developed similar in character and architectural style to projects within the Town Center DRI/MPD.

*D. Compatibility within the development and relationship with surrounding neighborhoods.*

**Staff Finding:** The proposed uses are similar to newer development in the area and are compatible with the surrounding neighborhood.

*E. Adequate provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control, and soil conservation as shown in the development plan.*

**Staff Finding:** The subject project will be analyzed in further detail to determine if there is adequate public infrastructure capacity to serve the development. Other public service needs will be reviewed in more detail as development progresses. The subject project will be required to pay impact fees to accommodate its impact on the public infrastructure and services.

*F. The feasibility and compatibility of development phases to stand as independent developments.*

**Staff Finding:** The application proposes to be developed in two phases and each phase is able to stand on its own.

*G. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed development.*

**Staff Finding:** A traffic impact study has been provided that demonstrates that all roadways within the study area with the project's traffic included will operate at an acceptable level of service.

*H. The benefits within the proposed development and to the general public to justify the requested departure from standard development requirements inherent in a Master Planned Development District classification.*

**Staff Finding:** The proposed MPD zoning is located within a community redevelopment area and the proposed development will substantially assist in getting redevelopment initiated after many years of inactivity.

*I. The conformity and compatibility of the development with any adopted development plan of the City of Palm Coast.*

**Staff Finding:** The proposed development site also is located with the Gateway Overlay District and meets all those standards.

*J. Impact upon the environment or natural resources.*

**Staff Finding:** The landowner will submit an environmental resource study prior to approval of a Technical Site Plan for the project.

*K. Impact on the economy of any affected area.*

**Staff Finding:** The proposed rezoning for commercial uses will provide additional economic opportunities in the area.

#### OTHER REVIEW DATA

A Traffic Impact Study (TIS) was received from the applicant which showed Phase 1 of the project would generate the following net new trips after estimating (per the *ITE's Trip Generation Handbook, 3<sup>rd</sup> Edition*) that approximately 62% of the trips visiting the 6,119 square foot convenience store with 16 vehicle fueling positions would be pass-by traffic already on adjacent roadways. The net new trips were projected at 191 AM Peak Hour trips, 157 Mid-Day Peak Hour Trips, 166 PM Peak Hour trips, and 1,960 Weekday Daily Trips. The TIS showed that at build-out with the project's traffic included that all roadway segments and intersections within the study area would operate at an acceptable Level of Service (LOS) except for the intersection of SR 100 and Seminole Woods. However, the project's impact on that FDOT intersection is insignificant as the project's traffic would comprise less than 0.75% (less than 1%) of the intersection's traffic.

## **PUBLIC PARTICIPATION**

Unified Land Development Code Chapter 2, Part II, Section 2.05.02 requires developers or property owners who are requesting to rezone property within the City to notify neighboring property owners within 300 feet of the subject property boundaries and hold a neighborhood information meeting (NIM).

To comply with this standard, City staff notified neighboring property owners via regular mail on January 29, 2018, of an upcoming neighborhood information meeting that was held on February 7, 2018 at 5:00 p.m. in the City Council Workshop Room at City Hall. A total of nine persons attended the meeting including three neighbors, one neighboring property owner's realtor, the developer, developer's engineer, two representatives from Wawa, and a City Planner.

City Planner Bill Hoover started the meeting off with a brief summary of the proposed MPD Rezoning boundary, showed a graphic displaying the partial vacation of Midway Drive and the new looped paved roadway proposed by the developer, and stated only Phase 1 was intended to be developed at this time for a Wawa convenience store with gas pumps and with a large stormwater pond located NE of the Wawa convenience store.

One neighbor (Kathleen McGann who owns the vacant home at 3 Midway Drive and is part owner of the auto sales business at 2 Midway Drive) mentioned that she had heard the road would be elevated several feet higher than the existing height of Midway Drive (unimproved gravel roadway) and was concerned about flooding and its impact on vehicular access for her properties located at the NE corner of Midway Drive and SR 100. The applicants' engineer Jennifer Stickler and Planner Bill Hoover responded to these concerns by advising the road would be built to City design standards and the runoff from the new roadway would drain into the proposed over-sized stormwater system. They also noted the stormwater system would be reviewed by the City's stormwater engineer, St. Johns River Water Management District and FDOT.

Another neighboring property (Kathleen Hayden who lives at 178 Midway Drive) and her realtor said they were not aware that this project was moving forward as they had heard it had "died" and were very disappointed to learn they were not invited to join in the MPD Rezoning. Mrs. Hayden said she was concerned that the construction and commercial development would have a negative impact on her home and its quietness, privacy and security. Bill Hoover said he was not aware of their desire to include their land within the MPD Rezoning and suggested they should contact Beau Falgout regarding the potential of rezoning their land.

City staff erected three City provided signs on the subject property on February 7, 2018, to notify neighbors and the general public of the upcoming public hearing for the Planning and Land Development Regulation Board on February 15, 2018 and City Council meetings on March 20 and April 3, 2018.

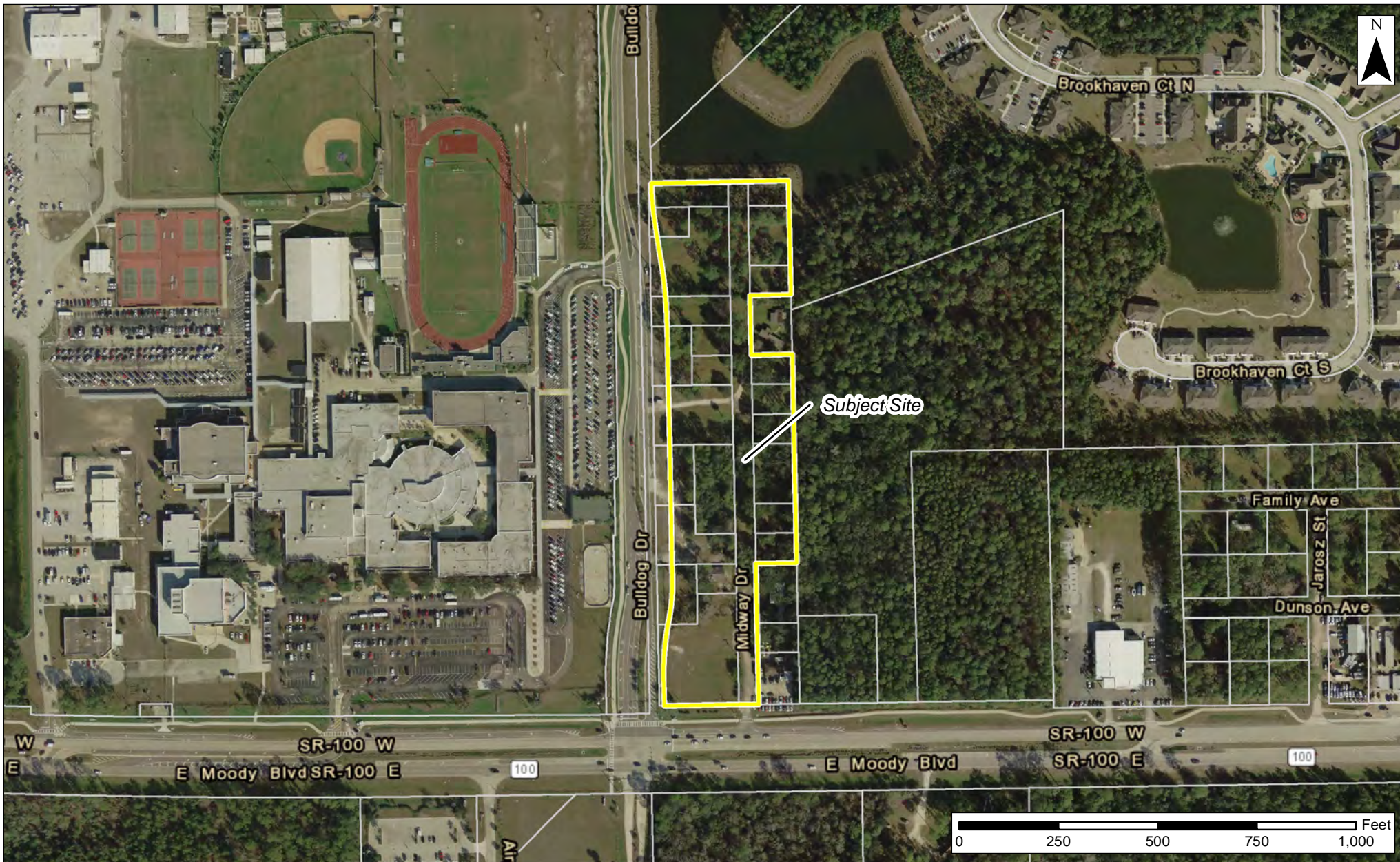
## **PLANNING AND LAND DEVELOPMENT REGULATION BOARD**

On February 21, 2018, the Planning and Land Development Regulation Board reviewed this application and voted unanimously by a 6-0 vote to recommend approval to the City Council. No one from the public spoke for or against the project at this hearing.

## **RECOMMENDATION**

Planning staff and the Planning and Land Development Regulation Board recommend to City Council approval to rezone 9.09 +/- acres from General Commercial (COM-2) and Public/Semi-Public (PSP) to Palm Town Center Master Planned Development (MPD) for retail and commercial uses, Application No. 3448.





## Large Scale Location Map

- Subject Site
- Parcel Boundaries

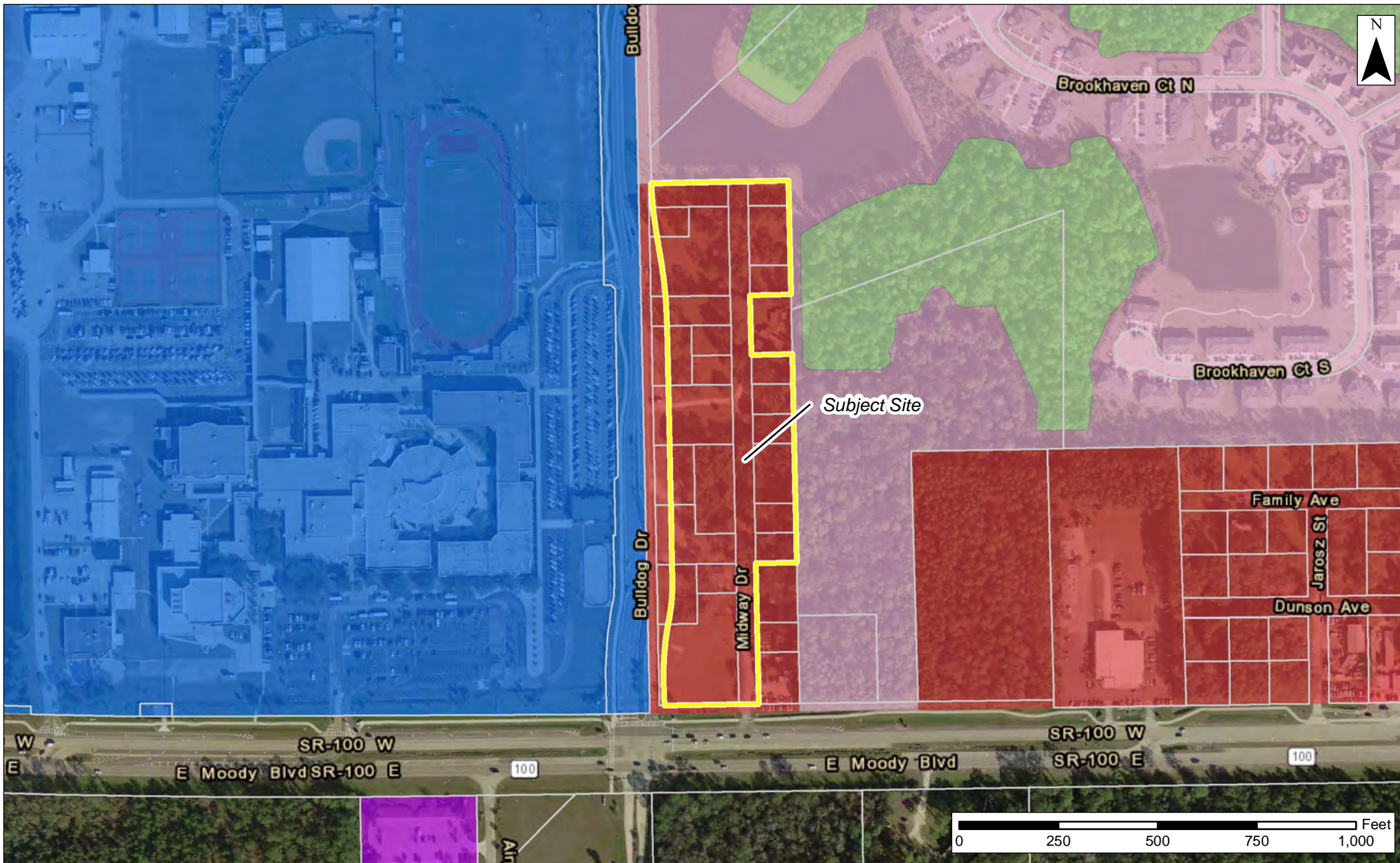


**Map Provided by the GIS Division**

**Date: 1/24/2018**








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## FLUM Classification Map

### Palm Coast FLUM Classifications

	Subject Site		Industrial		DRI-Urban Core		Mixed Use
	Parcel Boundaries		Conservation		Institutional		

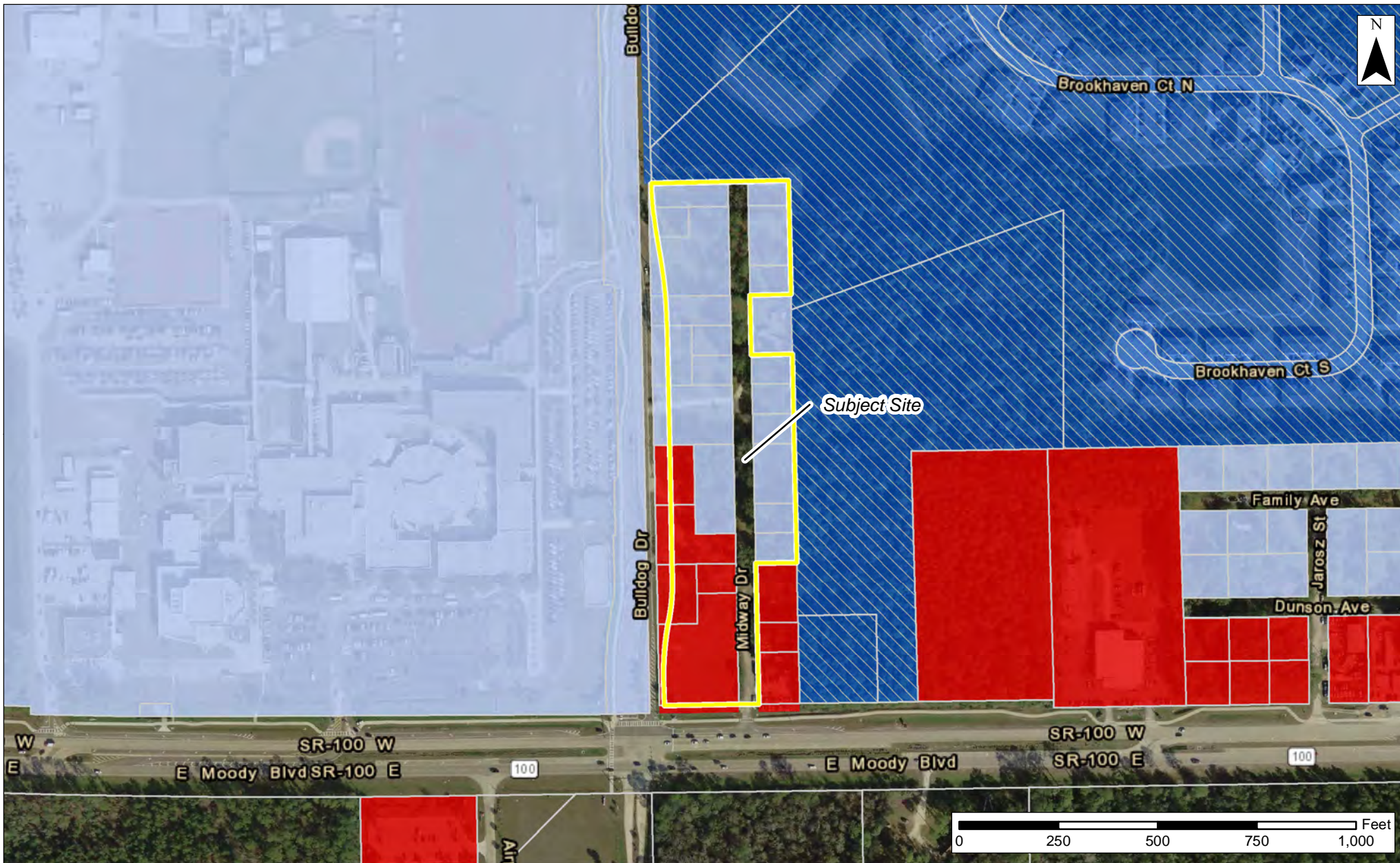


**Map Provided by the GIS Division**






**Date: 1/24/2018**

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## Existing Zoning Map

	Subject Site		COM-2		MPD Pre 11-16-08 Designation
	Parcel Boundaries		PSP		

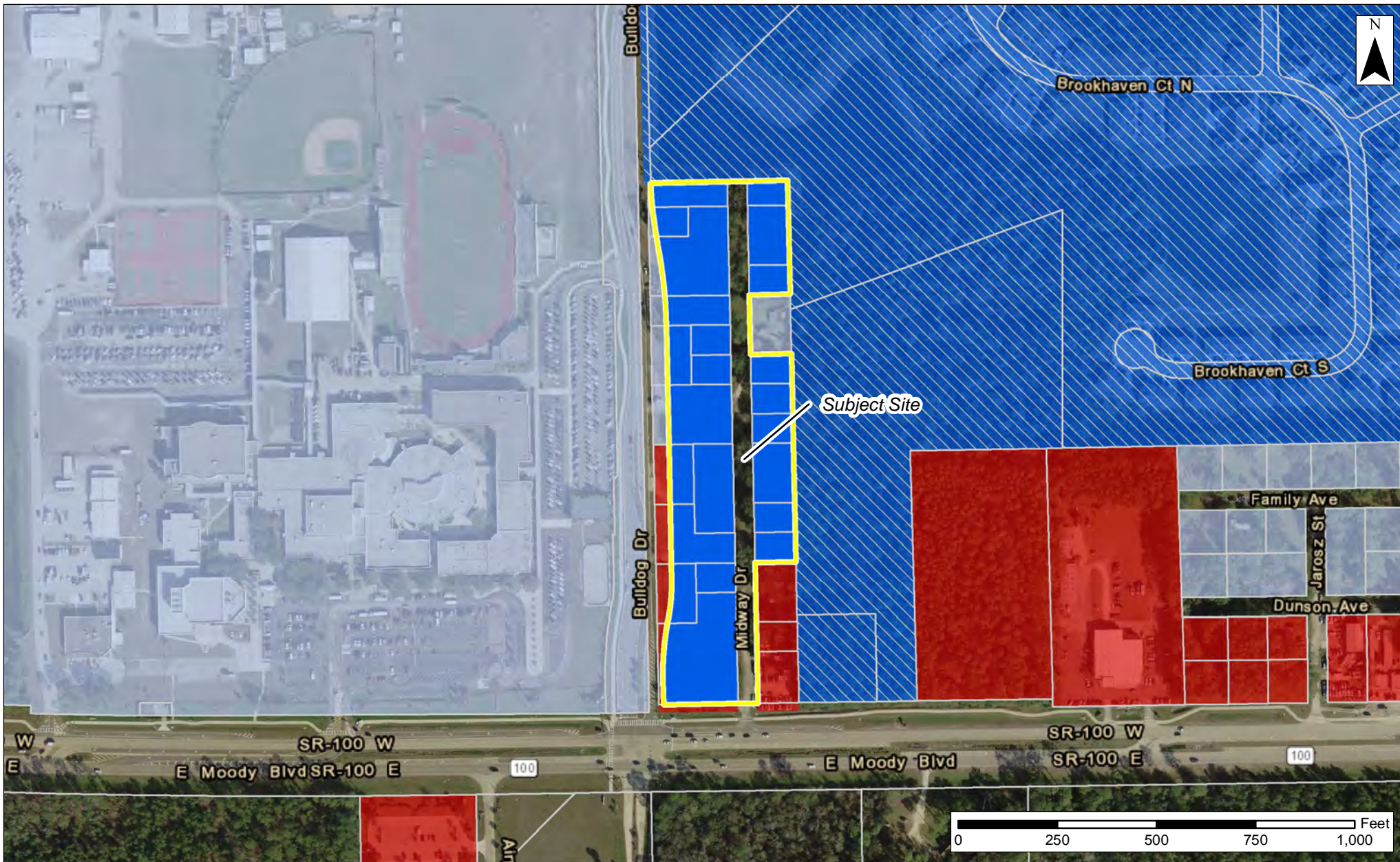


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## Proposed Zoning Map


 Subject Site

 Parcel Boundaries


### Zoning Districts

 COM-2

 PSP

 MPD Pre 11-16-08 Designation

### Proposed Zoning

 MPD Post 11-16-08 Designation



**Map Provided by the GIS Division**

**Date: 1/24/2018**

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# city of PALM COAST

Community Development Department  
Planning Division

160 Lake Avenue  
Palm Coast, FL 32164  
386-986-3736

January 26, 2018

Neighboring Property Owners

Re: Proposed Rezoning of Properties along Midway Drive and Partial Vacation of Midway Drive -  
Adjacent Property Owner Notification of Neighborhood Information Meeting

Dear Property Owners:

A Neighborhood Information Meeting to discuss the proposed rezoning of some properties along Midway Drive and a partial vacation of Midway Drive is scheduled to be held at 5:00 PM on February 7, 2018, at the City Council Workshop Room, located in the Community Development Wing of City Hall at 160 Lake Avenue, Palm Coast, Florida.

The first proposal is to rezone about 8+/- acres of land, some having General Commercial (COM-2) Zoning with the remainder having Public Semi-Public Zoning (PSP) Zoning to Master Planned Development (MPD) Zoning for general retail and commercial uses. The project name is called "Palm Town Center MPD" and is shown on the attached Master Plan Development (Exhibit "B") to be developed in two phases. (Note that some properties located east of Midway Drive are excluded from the area being rezoned.) A second attachment shows the Phase 1 Preliminary Site Plan (Exhibit "C") that provides details showing a proposed Wawa convenience store with gas pumps.

A second related proposal is to partially vacate the westerly 24 feet of the 50 feet wide Midway Drive right-of-way extending northward 335.15 feet from the northern SR 100 right-of-way line, which is shown as the orange area on Exhibit "C". The remaining 26 feet Midway Drive right-of-way will be paved by the developer of the Wawa site and a new paved access way would also be provided behind the Wawa site connecting Midway Drive to Bulldog Drive. The new access way is shown as the yellow area on Exhibit "C".

Some of the properties being rezoned are owned by the City of Palm Coast while others are owned or under purchase contract by the Phase 1 developers (Palm Town Center, LLC and Palm Wagas IV, LLC who are represented by Brett Mulligan of Unicorp National Development, Inc. If you have any questions you may contact the Palm Coast Planning Department at 386-986-3736 or Brett Mulligan at 407-999-9985 or email through his assistant Christina at [Christina@UNICORPUSA.com](mailto:Christina@UNICORPUSA.com) . We look forward to seeing you at the above referenced meeting.

Sincerely,

Bill Hoover, AICP  
Senior Planner

Cc: Brett Mulligan, Unicorp National Development, Inc.

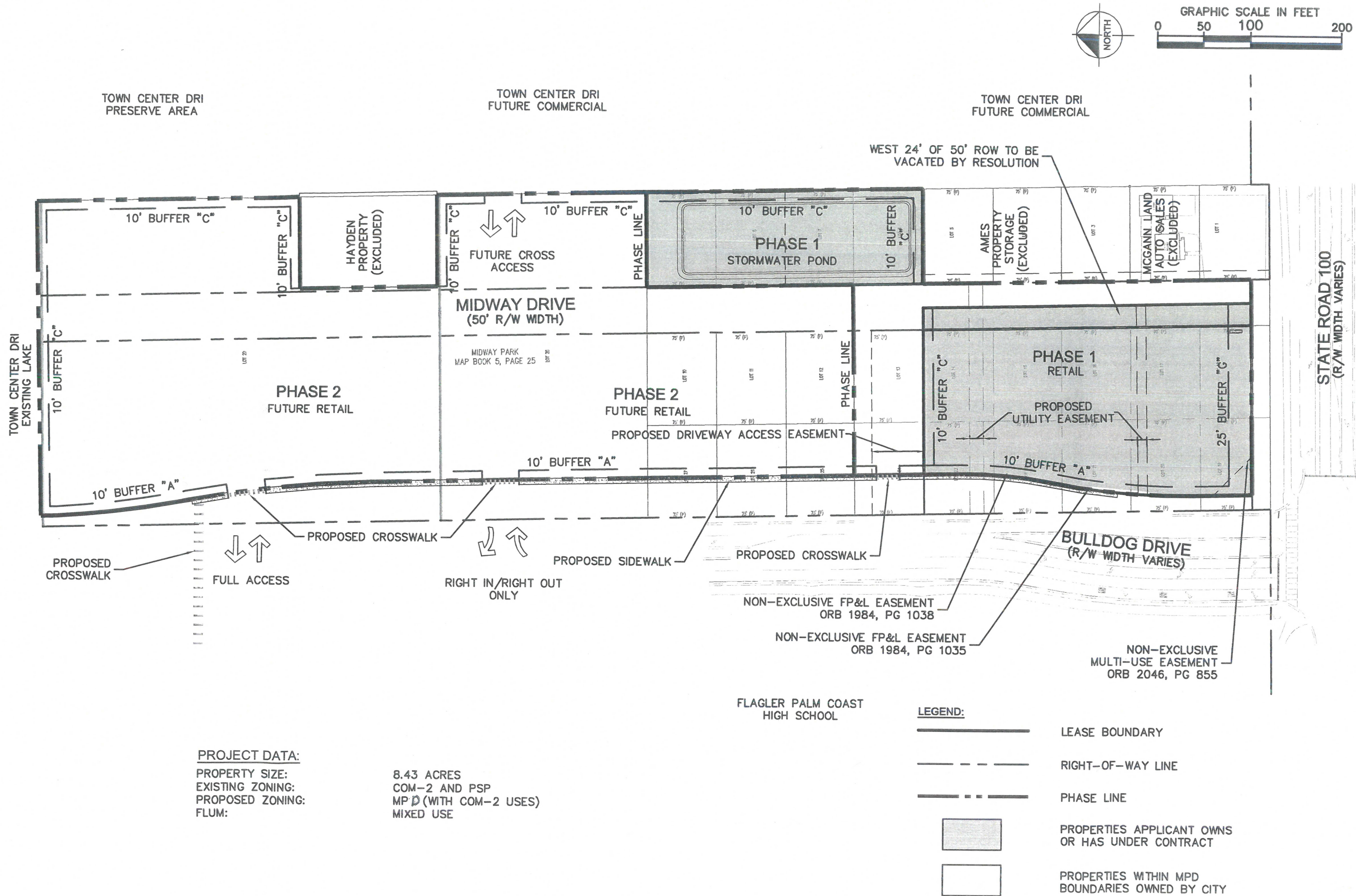


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**EXHIBIT "B"**  
**MPD MASTER PLAN**

**PALM TOWN CENTER MPD**  
**SR 100 & BULLDOG DRIVE**  
FLORIDA  
CITY OF PALM COAST



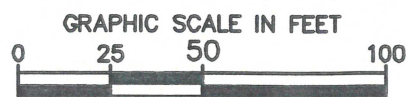
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# City of PALM COAST

Community Development Department  
Planning Division

160 Lake Avenue  
Palm Coast, FL 32164  
386-986-3736

February 8, 2018

Re: Summary of Palm Town Center MPD Rezoning and Midway Drive Partial ROW Vacation  
Neighborhood Information Meeting (NIM)

The NIM was held at 5:00 PM on February 7, 2018 at the City Council Workshop Room and was completed approximately at 6:00 PM. A total of nine persons attended the meeting including three neighbors, one neighboring property owner's realtor, the developer, developer's engineer, two representatives from Wawa, and one City Planner.

City Senior Planner Bill Hoover started the meeting off with a brief summary of the proposed MPD Rezoning boundary, showed a graphic displaying the partial vacation of Midway Drive and the new looped paved roadway proposed by the developer, and stated only Phase 1 was intended to be developed at this time for a Wawa convenience store with gas pumps and a large stormwater pond located NE of the Wawa facility.

One neighbor (Kathleen McGann who owns the vacant home at 3 Midway Drive and is part owner of the auto sales business at 2 Midway Drive) mentioned that she had heard the road would be elevated several feet higher than the existing height of Midway Drive (unimproved gravel roadway) and was concerned about flooding and its impact on vehicular access for her properties located at the NE corner of Midway Drive and SR 100, and asked who gave someone the right to develop Midway Drive? Planner Bill Hoover explained Midway Drive was a public right-of-way so the City or a developer could construct such roadway as long as the improvements meet City engineering design standards and all new development has to be designed to City stormwater standards by a civil engineer and then are reviewed by both the City's stormwater engineer and St. Johns River Water Management District. The developer's engineer (Jennifer Stickler, PE) stated in this case the stormwater permit would also be reviewed by FDOT. Jennifer Stickler and Bill Hoover both mentioned that new development projects are not allowed to negatively impact neighboring properties regarding stormwater and that Midway Drive's and Wawa's stormwater runoff would go to the large over-sized stormwater pond located NE of the Wawa site. Bill Hoover suggested the property owners stay in touch with the City and the developer so the paved Midway Drive could work with their existing access drives onto Midway Drive.

Wawa's representatives mentioned they were enthusiastic about entering the Palm Coast market at this location and intended to be a good neighbor.

Another neighboring property (Kathleen Hayden who lives at 178 Midway Drive) and her realtor said they were not aware that this project was moving forward as they had heard it had "died" and were very disappointed to learn they were not invited to join in the MPD Rezoning. Bill Hoover said he was not aware of their desire to include their land within the MPD Rezoning and suggested they should contact Beau Falgout regarding the potential of rezoning their land. He mentioned the City Council had given the developer permission to include the City's property within the proposed MPD Rezoning. Mrs. Hayden said she was concerned that the construction and commercial development would have a negative impact on her home and its quietness, privacy and security.

Prepared by: City Senior Planner Bill Hoover, AICP



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# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 04/03/2018

<b>Department</b>	ADMINISTRATIVE SERVICES	<b>Amount</b>
<b>Item Key</b>		<b>Account</b>
		<b>#</b>
<b>Subject</b>	ORDINANCE 2018-XX PROPOSED AMENDMENTS TO THE CITY CHARTER	
<b>Background:</b> <b><u>UPDATE FROM THE MARCH 20, 2018 BUSINESS MEETING</u></b> This item was heard by City Council at their March 20, 2018 Business Meeting. There were no changes suggested to this item. Upon final legal review, minor revisions have been made to the Ordinance, which is attached to this item.		
<b><u>UPDATE FROM THE FEBRUARY 27, 2018 WORKSHOP</u></b> This item was heard by City Council at their February 27, 2018 Workshop. City Council provided direction and changes to the proposed amendments. Through consensus, City Council determined that the following three (3) amendments should be prepared for consideration:		
<div><div>1.</div><div>Update Outdated and to Clarify Ambiguous Charter Provisions</div></div> <div><div>2.</div><div>Revise the Charter Review Process to Include an Advisory Charter Review Committee</div></div> <div><div>3.</div><div>Revise to Process to Fill a Vacancy in a Council Seat</div></div>		
The City Attorney has completed those changes to the proposed charter amendments. The changes are shown on the attached Ordinance as strikethrough and underline. In addition, the complete Charter strike-through and underline is attached.		
<b><u>ORIGINAL BACKGROUND FROM THE FEBRUARY 27, 2018 WORKSHOP</u></b> In September of 2017, the City of Palm Coast initiated a public participation process to educate the community about the City's charter and solicit input regarding potential changes and amendments to the document. The existing charter was written in 1999 when the City was incorporated, has been amended from time to time, but has not been reviewed in its entirety.		
Ms. Marilyn Crotty, Director of the Florida Institute of Government at the University of Central Florida, was engaged to facilitate the process. A series of public workshops were held in September and October. Ms. Crotty presented the summary report at the January 9, 2018 City Council Workshop.		
At the City Council Workshop, City Council directed staff to develop five (5) amendments, one of which (#5) would be considered after City Council reviewed proposed language and discussed further. Below is a summary of the five (5) amendments.		
<div><div>1.</div><div>Update Outdated and to Clarify Ambiguous Charter Provisions</div></div> <div><div>2.</div><div>Revise the Charter Review Process to Include an Advisory Charter Review Committee</div></div> <div><div>3.</div><div>Revise to Process to Fill a Vacancy in the Office of the Mayor or of a Council Seat</div></div> <div><div>4.</div><div>Revise the Charter Initiative and Referendum Process to Comply with State Law</div></div> <div><div>5.</div><div>Increase the Number of Council Districts from Five (5) to Seven (7)</div></div>		
City staff will present the draft Ordinance with proposed titles and summaries along with the		

implementing charter revisions.

**Recommended Action:** Discuss and provide further direction.

**ORDINANCE 2018-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA SUBMITTING TO THE ELECTORS OF PALM COAST PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF PALM COAST WHICH SHALL BE CONSIDERED BY BALLOT; PROVIDING BALLOT TITLES AND SUMMARIES FOR THE PROPOSED CHARTER AMENDMENTS; PROVIDING FOR DIRECTION TO THE CITY CLERK;; PROVIDING FOR CONFLICTS, SEVERABILITY. AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE AND FOR THE APPROVED AMENDMENTS.**

**WHEREAS**, the City Council of Palm Coast established a comprehensive public process permitting input concerning the existing City Charter; and

**WHEREAS**, the process was designed to provide an open, objective, and deliberative process during which ample opportunity was provided for the public to participate in a comprehensive study of any and all phases of City government; and

**WHEREAS**, the City Council convened this comprehensive study of the City Charter to avoid piecemeal changes to the City's organic law, an option which the City Council found as essential to the proper and orderly function of government; and

**WHEREAS**, after conducting numerous public meetings, at which the existing City Charter was examined and debated and various Charter amendment proposals from citizens and advisors were considered, the City Council considered various options for amendments to the existing Palm Coast Charter; and

**WHEREAS**, as a result of the input, recommendations, and advice received during this public process and after careful deliberation and consideration, the City Council finds that it is in the best interests of the public health, safety, and welfare of the citizens of Palm Coast to propose revisions to the Palm Coast City Charter in accordance with Section 10 of the Palm Coast City Charter and Section 166.031, Florida Statutes; and

**WHEREAS**, the City Council finds that the proposed ballot questions and summaries should be submitted to the City electorate for its consideration and final approval or disapproval; and

**WHEREAS**, the City Council of the City of Palm Coast desires to put to a vote of the citizens the issue of whether the Charter should be changed as proposed by the City Council following the aforescribed public process; and

**WHEREAS**, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its Charter, which amendments may be to any part or all of its Charter; and

**WHEREAS**, Section 10 of the City Charter provides that amendments to the Charter may be submitted to the electors by a majority vote of the Council members, and if the proposed amendments are approved by a majority of the electors, the amendments shall become law; and

**WHEREAS**, the City Council finds it to be in the best interests of its citizens to submit said proposed Charter amendments to the voters at a referendum election conducted by the Flagler County Supervisor of Elections on November 6, 2018.

**NOW THEREFORE**, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

**SECTION 1. Referendum Election.** The City Council of the City of Palm Coast, pursuant to Section 166.031 Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Palm Coast, which proposed amendments are set forth below. Each question shall be voted on separately and approved or disapproved based on its own merit. Such referendum election shall be held in conformity with the laws of the State of Florida. The Supervisor of Elections of Flagler County is to coordinate all matters of said referendum election with the Palm Coast City Clerk, pursuant to that Interlocal Agreement between the City and the Supervisor of Elections.

**SECTION 2. Amendments to City Charter.** The form of the ballot for the Charter Amendments proposed in this Ordinance shall be as follows:

**City Charter Amendment 1:**

**TITLE:**

**CHARTER AMENDMENTS TO UPDATE OUTDATED AND TO CLARIFY AMBIGUOUS CHARTER PROVISIONS.**

**SUMMARY:**

Shall the Charter be amended (1) to remove outdated portions of the Charter, (2) to replace the current legal boundary description with a general boundary statement, and (3) to revise requirements for consistency with state laws.

Shall the above-described Charter Amendment be adopted?

Yes \_\_\_\_\_

No \_\_\_\_\_

**City Charter Amendment 2:**

**TITLE:**

**CHARTER AMENDMENT TO REVISE THE CHARTER REVIEW PROCESS TO INCLUDE AN ADVISORY CHARTER COMMITTEE.**

**SUMMARY:**

Shall the Charter be amended to eliminate outdated language regarding an initial Charter review, to include an appointed Advisory Charter Review Committee in the Charter review process, and to require a Charter review at least once every ten (10) years.

Shall the above-described Charter Amendment be adopted?

Yes \_\_\_\_\_

No \_\_\_\_\_

**City Charter Amendment 3:**

**TITLE:**

**CHARTER AMENDMENT REVISING HOW TO FILL A VACANCY IN THE OFFICE OF A COUNCIL MEMBER.**

**SUMMARY:**

Shall the Charter be amended to provide that a vacancy in the office of a council member be appointed within 90 days unless the vacancy occurs within 6 months of the next regularly scheduled election?

Shall the above-described Charter Amendment be adopted?

Yes \_\_\_\_\_

No \_\_\_\_\_

**SECTION 3.** The proposed amendments, the ballot titles and summaries of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions as set forth in Section 2 of this Ordinance.

**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. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 6. EFFECTIVE DATE OF ORDINANCE.** This Ordinance shall become effective immediately upon its passage and adoption.

**SECTION 7. EFFECTIVE DATE OF CHARTER AMENDMENTS.** The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval following election of the electors of the City of Palm Coast in accordance with Section 166.031, Florida Statutes, and Section 10 of the City Charter. If the electors reject an amendment, the rejected amendment shall not take effect. The City Clerk is hereby directed, upon adoption of the revised Charter, to renumber the Charter to logically organize all Charter amendments, and to promptly file the revised Charter with the State of Florida, Department of State, as required by Section 166.031, Florida Statutes.

Approved on first reading this 20th day of March 2018.

Adopted on the second reading after due public notice and hearing this 3rd day of April 2018.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
WILLIAM E. REISCHMANN, JR.

**Proposed City Charter Amendment 1:**

**TITLE:**

**~~CHARTER AMENDMENT TO UPDATE OUTDATED AND TO CLARIFY  
AMBIGUOUS CHARTER PROVISIONS.~~**

**SUMMARY:**

~~Shall the Charter be amended to delete obsolete sections, to replace the current legal boundary description with a general boundary statement, to establish Council salaries by resolution, and to revise requirements for consistency with state laws.~~

**TITLE:**

**CHARTER AMENDMENTS TO UPDATE OUTDATED AND TO  
CLARIFY AMBIGUOUS CHARTER PROVISIONS.**

**SUMMARY:**

Shall the Charter be amended (1) to delete obsolete sections remove outdated portions of the Charter, (2) to replace the current legal boundary description with a general boundary statement, to establish Council salaries by resolution, and (3) to revise requirements for consistency with state laws.

Shall the above-described Charter Amendment be adopted?

For

Against

**SEE EXHIBIT “A”**

## **Proposed City Charter Amendment 2:**

### **TITLE:**

### **CHARTER AMENDMENT TO REVISE THE CHARTER REVIEW PROCESS TO INCLUDE AN ADVISORY CHARTER COMMITTEE.**

### **SUMMARY:**

Shall the Charter be amended to eliminate outdated language regarding an initial Charter review; to include an appointed Advisory Charter Review Committee in the Charter review process, and to require a Charter review at least once every ten (10) years.

### **PROPOSED NEW LANGUAGE**

#### *(2) Charter review; schedule, Charter Review Committee.*

- (a) Schedule.* The Charter shall be reviewed in accordance with the process outlined in Section 10(2)(b) no later than April 1, 2028 and, at a minimum, every 10 years thereafter.
- (b) Charter Review Committee.* For any Charter review, a five- member Charter Review Committee shall be appointed. ~~The Mayor and E~~each council member shall appoint one Committee member, ~~and the Mayor shall appoint one member at large.~~ The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations to the City Council no later than the April 1 before that next general election. The Palm Coast City Council shall hold a minimum of two public hearings on any proposed changes by the City Council or the Charter Review Committee to the Charter prior to determining whether to place any changes on the scheduled general election ballot.

### **EXISTING CHARTER LANGUAGE:**

#### *(2) Charter review; schedule, Charter Review Committee.*

- (b) Schedule.* The Charter shall be reviewed no sooner than 10 years after the creation of the City of Palm Coast on December 31, 1999, and thereafter it may be reviewed every 10 years.
- (b) Charter Review Committee.* A five-member Charter Review Committee shall be appointed. Each district council member shall appoint one member from his or her district, and the Mayor shall appoint one member at large. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations for change no later than 60 days before



the general election. The Palm Coast City Council shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot.

### **Proposed City Charter Amendment 3:**

#### **TITLE:**

**CHARTER AMENDMENT REVISING HOW TO FILL A VACANCY IN THE OFFICE OF A COUNCIL MEMBER, TO REVISE THE PROCESS TO FILL A VACANCY IN THE OFFICE OF THE MAYOR OR OF A COUNCIL SEATMEMBER.**

#### **SUMMARY:**

Shall the Charter be amended to provide that ~~(1) a vacancy in the office of Mayor shall be filled by the Vice Mayor eliminating the need for a special election, and (2) that~~ a vacancy in the office of a council ~~seat-~~ member be appointed within 90 days?

#### **Proposed New Language:**

##### **(e) Filling of vacancies.**

1. ~~—— If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor. Such assumption shall last until the next regularly scheduled election, at which time, the office of the Mayor shall declared open and an election held for the remaining two years of the original term or the regular four-year term depending on when said vacancy occurred.~~

2. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within ~~30~~ 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.

3. If, for any reason other than recall or assuming the office of Mayor, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within ~~30~~ 90 days following the occurrence of such vacancy by majority vote of the remaining Council members. If said vacancy occurs within six (6) months of the next regularly scheduled election, the remaining Council members may delay the appointment. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.

**Existing Charter Language:**

(e) Filling of vacancies.

1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in section 8(5)(b). The Special Election for Mayor shall be for the remainder of the unfilled term.
2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at this time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in section 8(5)(b).
5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.

#### City Charter Amendment 4:

##### TITLE:

~~CHARTER AMENDMENT TO REVISE THE CHARTER INITIATIVE AND REFERENDUM PROCESS TO COMPLY WITH STATE LAW.~~

##### SUMMARY:

~~Shall the Charter be amended to change the percentage of qualified electorate needed to initiate the referendum, initiative, and Charter amendment processes consistent with state law and to add a detailed process for the conduct of any such initiatives and referendums.~~

##### Proposed New Language:

~~(3) Initiative and referendum. At least 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. If the Council fails to adopt such ordinance or Charter amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or Charter amendment, or the repeal of the adopted ordinance, on the ballot at the next general election. The procedure for such initiative or referendum shall be as established by ordinance.~~

##### Existing Charter Language:

~~(3) Initiative and referendum. At least 25 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election.~~

## **Proposed City Charter Amendment 5:**

### **TITLE:**

**~~CHARTER AMENDMENT TO INCREASE THE NUMBER OF COUNCIL MEMBERS FROM FIVE (5) TO SEVEN (7).~~**

### **SUMMARY:**

~~Shall the Charter be amended to increase the number of Council Members from five (5) to seven (7); to provide for the election of a Mayor and two (2) Council members, at large, and to provide for four (4) Council districts, elected also at large, but with required District residency.~~

### **Proposed New Language:**

#### **Section 5. City Council.**

~~(1) City Council: composition; qualifications for office:~~

~~(a) — Composition.~~

- ~~1. There shall be a seven member City Council consisting of six Council members and a Mayor.~~
- ~~2. There shall be four districts within the City, the boundaries of which are as outlined in section 9(2). These districts shall be designated as District One, District Two, District Three and District Four. Candidates for these four District seats shall run from the district in which they live, but be elected at large; and, such Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four. The remaining two Council Members Seats Five and Six, shall be also elected at large and shall live within the City boundaries.~~
- ~~3. The Mayor shall live within the City boundaries. The Mayor shall run at large, and be elected at large.~~

~~Further, language will need to be added for transition from four to six Council seats (including 5(b), Qualifications for office; §10(4), Adjustments of Districts; and also, but not limited to, Section 10, Charter Review) to clarify this increase in Council seats.~~

### **Existing Charter Language:**

#### **Sec. 5. City Council.**

~~(1) — City Council; composition; qualifications for office.~~

~~(a) — Composition.~~

1. ~~There shall be a five member City Council consisting of four District members and a Mayor.~~

2. ~~There shall be four districts within the City, the boundaries of which are as outline in section 9(2). These districts shall be designated as District One, District Two, District Three, and District Four. Each of the four Council members shall run from the district in which they live, but be elected at large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.~~

3. ~~The Mayor shall live within the City boundaries. The Mayor shall run at large, and be elected at large.~~

## EXHIBIT "A"

### CITY OF PALM COAST - CHARTER<sup>[1]</sup>

#### Footnotes:

~~---(1)---~~

**Editor's note**—~~Printed herein is the Charter of the City of Palm Coast, Florida, as adopted by Laws of Fla., ch. 99-448, and as amended in ch. 2002-339, effective on May 1, 2002. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.~~

#### ~~Sec. 1. Short title.~~

~~This act, together with any future amendments thereto, shall be known and may be cited as the "City of Palm Coast Charter," hereinafter referred to as "the Charter."~~

#### ~~Sec. 2. Legislative intent.~~

~~The Legislature hereby finds and declares that:~~

- ~~(1) The area in Flagler County known as the Palm Coast Service District includes a compact and contiguous urban community amenable to separate municipal government.~~
- ~~(2) It is in the best interests of the public health, safety, and welfare of the citizens of this community to form a separate municipality for the Palm Coast Service District area with all powers and authority necessary to provide efficient and adequate municipal services to its residents.~~

#### ~~Sec. 3. Incorporation of municipality.~~

- ~~(1) There is hereby created effective, December 31, 1999, in Flagler County, Florida, a new municipality to be known as the City of Palm Coast.~~

### Article I. Municipal powers.

The City of Palm Coast, hereinafter "City, shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City, and specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

## Article II. Form of Government.

~~The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in Art. \_\_\_\_ ) shall be to set policy; the general duties of the Manager (described in Art. \_\_\_\_ ) shall be to carry out those policies.~~

~~(2) The corporate boundaries of the City of Palm Coast, hereinafter referred to as "the City," shall be as described in section 9(1).~~

## ~~(3)~~ Article III. Corporate Limits.

~~The corporate limits of the City shall consist of the boundaries in the initial Charter of Palm Coast filed \_\_\_\_\_, 1999, in the Secretary of State's office, State of Florida, and, in addition thereto, all lands annexed by the City of Palm Coast, Florida, subsequent to \_\_\_\_\_, 19\_\_\_\_, and prior to the effective date of this Charter. All Ordinances of annexation of the City of Palm Coast heretofore adopted and as may be adopted subsequent to the effective date of this Charter are hereby incorporated herein and the lands described in such Ordinances, together with the boundaries of the City as previously described, are hereby extended to the corporate limits of the City of Palm Coast, Florida.~~

~~The City of Palm Coast shall operate under a Council-Manager form of government. The general duties of the Council (described in section 5) shall be to set policy; the general duties of the Manager (described in section 6) shall be to carry out those policies.~~

### ~~Sec. 4. Municipal powers.~~

~~The City shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall \_\_\_\_\_ be \_\_\_\_\_ liberally \_\_\_\_\_ construed \_\_\_\_\_ in \_\_\_\_\_ favor \_\_\_\_\_ of \_\_\_\_\_ the \_\_\_\_\_ City.~~

### ~~Sec. 5.~~ Article IV. - City Council.

(1) City Council: composition; qualifications for office.

(a) Composition.

1. There shall be a five member City Council consisting of four District members and a Mayor.
2. There shall be four districts within the City, the boundaries of which are as outlined in section 9(2). These districts shall be designated as District One, District Two, District Three, and District Four. Each of the four Council members shall run from the district in which they live, but be elected at-large; and, the Council members elected from each district shall be considered to hold Seat One, Seat Two, Seat Three, and Seat Four.
3. The Mayor shall live within the City boundaries. The Mayor shall run at-large, and be elected at-large.

(b) Qualifications for office:

1. Each candidate for office shall be a qualified elector of the City.
2. Each individual seeking to qualify as a candidate for one of the four seats on the Council shall:



- a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electorate residing within the district (as identified in the most recent decennial census) which he/she seeks to run no later than noon on the 28th day preceding the first day of the qualifying period for the office sought; or, Pay to the City Clerk a qualifying fee of ten percent of the salary of the office he/she seeks to run for.
  - b. At the time of qualification, each candidate for a Seat on the Council shall reside within the boundaries of the district that he/she seeks to run from. For the length of their term, Council members shall maintain residency within the boundaries of the district from which he/she ran. In addition, candidates, and Council members, shall reside at least 45 weeks in each year in the district in which they live.
3. Each individual seeking to qualify as a candidate for Mayor shall:
  - a. Submit a petition supporting his/her candidacy to the City Clerk containing the signatures of at least one percent of the electors residing within City limits (as identified in the most recent decennial census) no later than noon on the 28th day preceding the first day of the qualifying period for the office sought; or, pay to the City Clerk a qualifying fee of ten percent of the Mayoral salary.
  - b. At the time of qualification, each candidate for Mayor shall reside within the City limits. For the length of the Mayor's, the Mayor shall maintain residency within the City limits. In addition, Mayoral candidates, and the elected Mayor, shall reside at least 45 weeks in each year within the City limits.
4. Additionally, for the initial election, following the referendum approving the creation of the City, candidates for office shall qualify as provided in section 13(3).

(2) *Terms of office.*

- (a) The term of office for each District Member shall be four years. ~~However, in order to provide for staggering of terms, the initial term of office for District Seats One and Three shall be four years, and that of District Seats Two and Four shall be two years. The initial term of office for the Mayor shall also be four years.~~
- (b) No Council member or Mayor may serve more than two successive four-year terms in the same seat.
- (c) Each Council member shall remain in office until his/her successor is elected and assumes the duties of the position at the first meeting of the new Council, which shall be held in accordance with City ordinance.

(3) *Powers and duties of Council.* Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Council. The Council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.

(4) *Powers and duties of the Mayor.*

- (a) Powers. In addition to the regular powers invested in any other Council member, the Mayor shall: be recognized by the governor for purposes of military law; have the power to declare an emergency situation; have the power for service of process, and execution of contracts, deeds and other documents; have the power to represent the City in all agreements with other governmental entities or certifications to other governmental entities that the Council has approved.
- (b) Duties. In addition to the Mayor's regular duties, the Mayor shall: preside at meetings of the Council and be recognized as the head of City government for all ceremonial occasions. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Council, consistent with general or special law.

(5) *The Vice-Mayor: election and duties.*

- (a) Election. There shall be a Vice-Mayor elected annually by the Council from among the Council members. Such election shall take place at the first meeting after the general election, or at the organizational meeting during years when there is no election.
- (b) Duties. The Vice-Mayor shall have the same legislative powers and duties as any other Council member, except that the Vice-Mayor shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in ~~section 5(4) Art. \_\_\_\_~~. In the absence of the Mayor and Vice-Mayor, the remaining Council members shall select a Council member to serve as Acting Mayor.

(6) *Compensation and expenses.*

- (a) Compensation. The Council members and Mayor shall receive compensation as established by ordinance. Such compensation shall not take effect until the date of commencement of the terms of Council members elected at the next regularly scheduled election that follows the adoption of said ordinance by at least six months.
  - ~~(1) The Mayor of the City of Palm Coast, Florida shall receive the annual salary of \$11,400.00.~~
  - ~~(2) Reserved.~~
  - ~~(3) Each member of the City Council of the City of Palm Coast, Florida not serving as Mayor, shall receive the annual salary of \$9,600.00.~~
- (b) Expenses. The Council may provide for reimbursement of actual expenses incurred by its members while performing their official duties.

(7) *Vacancies; forfeiture of office; suspension; recall; filling of vacancies.*

- (a) Vacancies. A vacancy in the office of the Mayor or of a Council seat shall occur upon any of the following: upon the death of the incumbent; removal from office as authorized by law; resignation; appointment to other public office which creates dual office holding; judicially determined incompetence; or forfeiture of office as herein described.
- (b) Forfeiture of office. The Mayor or any other Council member shall forfeit his/her office upon determination by the Council, acting as a body, that he/she:
  - 1. Lacks at any time, or fails to maintain during his/her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;
  - 2. Is convicted of a felony, or enters a plea of guilty or *nolo contendere* to a crime punishable as a felony, even if adjudication of guilt has been withheld;
  - 3. Is convicted of a first degree misdemeanor arising directly out of his/her official conduct or duties or enters a plea of guilty or *nolo contendere* thereto, even if adjudication of guilt has been withheld;
  - 4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
  - 5. Is absent from three consecutive regular Council meetings without being excused by the Council.
- (c) Suspension from office. The Mayor or any other Council member shall be suspended from office by the Council acting as a body upon return of an indictment or issuance of an information charging the Council member or Mayor with any crime which is punishable as a felony or with any crime arising out of his/her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:

1. During the period of suspension, the Mayor or the Council member shall not perform any official act, duty, or function, or receive any allowance, emolument, or privilege of office.
  2. If the Mayor or the Council member is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered so that suspension would no longer be required as provided herein, the suspension shall be lifted by the Council, and the Council member or Mayor shall be entitled to receive full back allowances and such other emoluments or as he/she would have been entitled to had the suspension not occurred.
- (d) Recall. The electors of the City following the procedures for recall established by general law or ordinance may remove the Mayor or any member of the City Council from office.
- (e) Filling of vacancies.
1. If, for any reason other than recall, a vacancy occurs in the office of Mayor, the Vice Mayor shall assume the position of Mayor, and within 30 days following the occurrence of such vacancy, a Special Election shall be called as outlined in ~~section 8(5)(b)~~ Art. \_\_\_\_\_. The Special Election for Mayor shall be for the remainder of the unfilled term.
  2. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the first two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the remaining two years of the original term, thus continuing the original staggering of district seats.
  3. If, for any reason other than recall, a vacancy occurs in the office of any Council seat within the last two years of a term, the office shall be filled by appointment within 30 days following the occurrence of such vacancy by majority vote of the remaining Council members. Such appointments shall last until the next regularly scheduled election, at which time the seat shall be declared open and an election held for the regular four-year term.
  4. If a vacancy occurs as a result of a Recall Petition, such vacancy will be filled by Special Election as outlined in ~~section 8(5)(b)~~ Art. \_\_\_\_\_.
  5. Any person appointed to fill a vacant seat on the Council is required to meet all the qualifications for office except the petition requirement.
- (8) *City Council meetings: organizational meeting; quorum; special meetings.* The Council shall meet regularly at least once a month, at such times and places as the Council may prescribe by ordinance. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:
- (a) Organizational meeting. The first meeting following a general City election at which elected or re-elected Council members are inducted into office shall be held in accordance with City ordinance.
  - (b) Quorum. A majority of the Council, including the Mayor, shall constitute a quorum. No action of the Council shall be valid unless adopted by an affirmative vote of the majority of the Council members and Mayor in attendance, unless otherwise provided by law, ordinance, or stated herein. All actions of the City Council shall be by ordinance, resolution, or motion.
  - (c) Special meetings. Special meetings may be held at the call of the Mayor, or, in the absence of the Mayor, at the call of the Vice-Mayor. Special meetings may also be called upon the request of a majority of the Council members. The City Clerk shall provide not less than 24 hours prior notice of the meeting to the public, unless a declared emergency situation exists.
- (9) *City records.* The Council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Council, and the same shall at all times be a public record. In addition, the Council shall keep *verbatim* recordings of all meetings in accordance with state law. The Council shall further maintain a current codification of all ordinances. Such codification shall be printed and be

Commented [MK1]: NOTE: §§(e)(2)(3) subject to separate amendment ballot question

made available to the public on a continuing basis. All ordinances or resolutions of the Council shall be signed by the Mayor or in the Mayor's absence, by the Vice-Mayor, or in the absence of both, by the Acting Mayor, and attested to by the City Clerk.

- (10) *Limit of employment of Council members.* Neither Council members nor the Mayor shall be in the employment of the City while in office, nor shall any former Council member or former Mayor be employed by the City until after the expiration of one (1) year from the time of leaving office.
- (11) *Noninterference by City Council.* Except for the purpose of inquiry and information, the Council and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes.

(Ord. No. 03-08, § 1, 4-15-03; Ord. No. 07-07, § 1, 4-3-07; Ord. No. 2014-4, § 1, 2-4-14)

~~Sec. 6-Art. V.~~- Charter officers.

The designated Charter Officers shall be the City Manager and the City Attorney.

- (1) Designated Charter Officers: appointment; removal; compensation; filling of vacancies; candidate for City office.
  - (a) Appointment. The Charter Officers shall be appointed by a majority vote of the full Council and shall serve at the pleasure of the Council.
  - (b) Removal. The Charter Officers shall be removed from office only by a majority vote of the full Council. If the vote is less than unanimous, the Charter Officer may, within seven days of the dismissal motion by the Council, submit to the Mayor a written request for reconsideration. Any action taken by the Council at the reconsideration hearing shall be final.
  - (c) Compensation. The compensation of the Charter Officers shall be fixed by the City Council.
  - (d) Filling of Vacancy. The City Council shall begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Council during a vacancy in office.
  - (e) Candidate for City Office. No Charter Officer shall be a candidate for any elected office while holding his/her Charter Office position.
- (2) City Manager: qualifications; residency; powers and duties. The City Manager shall be the chief Administrative Officer of the City.
  - (a) Qualifications. The City Manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.
  - (b) Residency. Although the City Manager need not be a resident of the City at the time of appointment, within six (6) months of such appointment, he/she shall establish and maintain residency within the corporate limits of the City. Upon request of the City Manager, this 6-month period may be extended by the City Council for an additional 6-month period.
  - (c) Power and Duties. The City Manager shall:
    - 1. Attend all meetings of the City Council.
    - 2. Draw and sign vouchers upon depositories, and keep, or cause to be kept, a true and accurate account of same. Such vouchers shall be counter signed by the Mayor or by

the Vice-Mayor in the event the office of Mayor is vacant. If both the Mayor and Vice Mayor offices are vacant, the Acting Mayor shall countersign such vouchers.

3. Be responsible for: signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.
  4. Provide administrative services as required by the Mayor and the Council.
  5. Appoint a City Clerk to serve at his/her pleasure.
  6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.
  7. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
  8. See that all laws, provisions of this Charter, and acts of the Council are faithfully executed.
  9. Prepare and submit annually a balanced budget, budget message, and capital program to the Council.
  10. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City.
  11. Submit to the Council, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.
  12. Sign contracts on behalf of the City to the extent authorized by the Council.
  13. Perform other such duties as are specified in this Charter or as may be directed by the Council.
- (3) City Attorney: qualifications; residency; powers and duties. The City Attorney shall be the chief legal officer of the City. The City Attorney may either be retained in-house, or be retained part-time under contract.
- (a) Qualifications. The City Attorney shall be a member in good standing of the Florida Bar.
  - (b) Residency. If retained in-house, the City Attorney shall, within six (6) months of such appointment, establish and maintain residency within the corporate limits of the City. Upon request of the City Attorney, this 6-month period may be extended by the City Council for an additional 6-month period. If City Attorney services are contracted, such attorney need not be a resident of the City.
  - (c) Powers and Duties. The City Attorney shall:
    1. Serve as chief legal advisor to the City Council, the City Manager, and all City departments, offices, City advisory boards, and agencies.
    2. If in-house; appoint, suspend or remove such assistant attorneys as may be required. If City Attorney services are contracted, the City Manager shall appoint, suspend or remove any in-house assistant attorneys as may be required. The remainder of the staff of the Office of City Attorney shall be employees of the City, appointed, suspended, or removed under the regular personnel policies and procedures of the City.
    3. The City Attorney or designee shall attend all City Council meetings unless excused by the City Council, and shall perform such professional duties as may be required by law or by the Council in furtherance of the law.

4. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

~~Sec. 7~~Art. VI. - Budget and appropriations.

- (1) *Fiscal year.* The City fiscal year shall begin on October 1 of each year and end on September 30 of the succeeding year.
- (2) *Budget adoption.* The Council shall by resolution adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (3) *Appropriation amendments during the fiscal year:* Supplemental appropriations; reduction of appropriations; transfer of appropriations; limitations; effective date; limitations to Council's contracting authority.
  - (a) Supplemental appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Council may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.
  - (b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report same to the Council without delay, indicating the estimated amount of the deficit, any remedial action to be taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent any deficit and, for that purpose, the Council may by resolution reduce one or more appropriations accordingly.
  - (c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office or agency. And, upon written request of the City Manager, the Council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
  - (d) Limitations: Effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
  - (e) Limitations to Council's Contracting Authority. Unless authorized by the electors of the City at a duly held referendum election, the Council shall not enter into lease purchase contracts or any other unfunded multiyear contracts, the repayment of which: extends in excess of 36 months; or exceeds \$15,000,000.00.

~~Sec. 8~~Art. VII. - Elections.

- (1) *Electors.* Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the City.
- (2) *Nonpartisan elections.* All elections for City elective office shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (3) *Qualifying for office.* Any person who wishes to become a candidate for a City elective office shall qualify with the City Clerk concurrent with Flagler County's qualifying period as established by state law. In addition, candidates shall qualify as provided in paragraph (1)(b) of ~~section 5~~ Article V.
- (4) *Schedule of regular elections and primaries:* The regular City election shall be the first Tuesday after the first Monday in November of each even-numbered year. Such City elections shall be general City

elections. If there are more than two candidates who qualify for any office, a primary City election shall be held at the time of the State and Federal Primary Elections.

- (a) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of ~~section 5~~ Article V, when there is more than half of the term remaining shall be held during the next regularly scheduled election. Such election shall be for the remaining 2 years of the original term.
  - (b) An election to fill a vacant council seat, as outlined in paragraph (7)(e) of ~~section 5~~ Article V, when there is less than half of the term remaining shall be filled at the next regularly scheduled election. Such election shall be for a 4-year term.
- (5) *Schedule for special elections.*
- (a) A special election for a vacant position of Mayor, as outlined in paragraph (7)(e) of ~~section 5~~ Article V, shall be called within 30 days, and the City Council shall, by resolution, fix the time for holding of such election. Such special election for Mayor shall be for the remainder of the vacant term.
  - (b) All other special municipal elections shall be held in the same manner as regular elections, and the City Council shall, by resolution, fix the time for holding of such elections.
- (6) *Determination of election to office.*
- (a) If only one candidate qualifies for an office, that candidate shall be deemed to be elected and shall not be placed on either the general or the primary ballot.
  - (b) If a primary City election is held and any candidate for an office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected to the office and the office shall not be subject to an election at the regular City election.
  - (c) If no single candidate for an office receives a majority of the votes cast in the City primary election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:
    - 1. In any primary election in which there is a tie for first place, the name of each such candidate shall be placed on the City's general election ballot.
    - 2. In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the City's general election ballot.
  - (d) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot as follows:
    - 1. At the first regularly scheduled council meeting after the election, the Supervisor of Elections of Flagler County shall toss a coin. In alphabetic order, the two candidates shall call the coin.
    - 2. The candidate whose call matches the coin toss shall be declared the winner.
- (7) *City Canvassing Board.* For purposes of certifying absentee ballots and election results, the City Clerk and a representative from the City designated by the Council shall be known as the Canvassing Board. At the close of the polls of any City election, the Canvassing Board shall ensure that the absentee ballots are delivered to the Flagler County Supervisor of Elections, and shall meet at the County election headquarters and proceed to certify the ballots and open them in the presence of a representative of the Supervisor of Elections' office. In addition, after final election results are certified by the Flagler County Supervisor of Elections, the Canvassing Board shall immediately report the results back to a meeting of the City Council held for the purpose of final certification and filing with the City Clerk as required by law.



(H. B. No. 527, § 1, 5-1-02; Ord. No. 2011-03, § 2, 9-13-11; Ord. No. 2011-21, § 2, 9-13-11; Ord. No. 2014-4, §§ 2, 3, 2-4-14)

**Editor's note**— Section 8 of Ord. No. 2014-4, adopted Feb. 4, 2014, states, "Sections 2, 3, and 4 of this Ordinance are adopted retroactively to October 4, 2011, the effective date of Resolution 2011-94, certifying the 2011 election."

~~Sec. 9.—Land description~~**Art. VIII, City Council District Boundaries.**

- (1) ~~—City boundaries. The initial corporate boundaries shall be as set forth in chapter 99-448, Laws of Florida. Boundaries may be changed in accordance with general laws regarding annexation without amendments to the Charter. Upon the effective date of this act, the corporate boundaries shall be as follows:~~

~~A PARCEL OF LAND LYING WITHIN TOWNSHIP 11 SOUTH, RANGE 29 EAST, TOWNSHIP 10, 11 AND 12 SOUTH, RANGE 30 EAST, TOWNSHIP 10, 11 AND 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;~~

~~FROM A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF THE PLAT LAKEVIEW SECTION-37, MAP BOOK 13, PAGES 1 THROUGH 29, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE DEPARTING SAID PLAT SECTION-37 NORTH 64°44'58" EAST FOR A DISTANCE OF 150.00 FEET TO A POINT ON THE CENTERLINE OF INTERSTATE-95, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 25°15'02" EAST ALONG SAID CENTERLINE OF INTERSTATE-95 FOR A DISTANCE OF 4,119.38 FEET; THENCE DEPARTING SAID CENTERLINE RUN NORTH 64°44'58" EAST FOR A DISTANCE OF 150.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE-95; THENCE NORTH 64°44'58" EAST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 54°15'30" EAST ALONG THE SOUTH LINE OF LANDS OWNED BY THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR A DISTANCE OF 3,551.92 FEET TO A POINT IN THE CENTER OF OLD KINGS ROAD; THENCE NORTHERLY 90.35 FEET ALONG SAID CENTER OF OLD KINGS ROAD TO A POINT BEING THE NORTH RIGHT-OF-WAY LINE OF DAVIS GRADE (100'R/W) EXTENDED WESTERLY TO THE CENTER OF OLD KINGS ROAD; THENCE DEPARTING OLD KINGS ROAD RUN NORTH 54°15'30" EAST FOR A DISTANCE OF 300.77 FEET; THENCE NORTH 31°37'53" WEST ALONG THE EAST BOUNDARY OF SAID LAND RECORDED IN ORB 545, 1611 THROUGH 1628, FOR A DISTANCE OF 2,508.47 FEET TO A POINT ON THE NORTH LINE OF GOVERNMENT SECTION 23; THENCE NORTH 89°19'08" EAST ALONG SAID NORTH LINE OF SECTION 23 FOR A DISTANCE OF 217.42 FEET TO THE NORTH QUARTER (¼) CORNER OF SECTION 23; THENCE NORTH 88°41'48" EAST ALONG SAID NORTH LINE OF SECTION 23 FOR A DISTANCE OF 2,632.59 FEET TO THE NORTHEAST CORNER OF GOVERNMENT SECTION 23; THENCE NORTH 89°24'05" EAST ALONG THE NORTH LINE OF SECTION 24 FOR A DISTANCE OF 795.81 FEET TO A POINT ON THE WEST LINE OF SECTION 40, TOWNSHIP 10 SOUTH, RANGE 30 EAST; THENCE DEPARTING THE NORTH LINE OF SECTION 24 RUN SOUTH 18°44'41" EAST ALONG SAID WEST LINE OF SECTION 40 FOR A DISTANCE OF 554.49 FEET TO A POINT ON THE SOUTH LINE OF THE DAVIS GRADE BEING COMMON WITH THE NORTHERLY BOUNDARY OF A PARCEL RECORDED IN OFFICIAL RECORDS BOOK 676, PAGE 995, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID SECTION 40 SOUTH 54°15'30" WEST ALONG SAID SOUTHERLY LINE OF DAVIS GRADE FOR A DISTANCE OF 727.58 FEET; THENCE DEPARTING THE DAVIS GRADE RUN SOUTH 35°44'30" EAST ALONG THE WEST LINE OF LAND RECORDED IN OFFICIAL RECORDS BOOK 676, PAGE 995, FOR A DISTANCE OF 2,102.83 FEET; THENCE SOUTH 23°53'57" EAST FOR A DISTANCE OF 4,802.69 FEET TO A POINT ON THE NORTHERLY LINE OF PARCEL 620, RECORDED IN OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, SAID POINT BEING ON A CURVE (CONCAVE SOUTHERLY); THENCE SOUTHEASTERLY 886.29 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (CONCAVE SOUTHWESTERLY), HAVING A CENTRAL ANGLE OF 84°46'31", A~~



~~RADIUS OF 599.00 FEET, A CHORD BEARING OF SOUTH 62°52'29" EAST AND A CHORD DISTANCE OF 807.62 FEET TO A POINT OF TANGENCY; THENCE SOUTH 20°29'13" EAST FOR A DISTANCE OF 1,810.00 FEET TO THE NORTHEAST CORNER OF THE PLAT OF PALM COAST SECTION 10 AS RECORDED IN MAP BOOK 6, PAGES 43 THROUGH 53; THENCE CONTINUE SOUTH 20°29'13" EAST ALONG THE EAST LINE OF SAID PALM COAST SECTION 10 FOR A DISTANCE OF 547.21 FEET TO THE NORTHWEST CORNER OF THE PLAT OF PALM COAST SECTION 16, MAP BOOK 6, PAGES 81 THROUGH 86 (MAP REFERENCE POINT "A"); THENCE EASTERLY ALONG THE NORTHERLY BOUNDARY OF SECTION 16, 1,899 FEET, MORE OR LESS, TO A POINT BEING A PERMANENT REFERENCE MONUMENT AS SHOWN ON SAID PLAT OF PALM COAST SECTION 16 AT LOT 50, BLOCK 11; THENCE DEPARTING SAID PLAT OF PALM COAST SECTION 16 AND RUN NORTH 72°34'30" EAST FOR A DISTANCE OF 1,996.35 FEET, MORE OR LESS, TO A POINT ON THE NORTHWEST CORNER OF THE PLAT OF PALM COAST SECTION 15, MAP BOOK 6, PAGES 68 THROUGH 72; THENCE NORTH 25°53'57" EAST FOR A DISTANCE OF 940.00 FEET; THENCE SOUTH 64°06'03" EAST FOR A DISTANCE OF 1,505.47 FEET; THENCE NORTH 70°54'21" EAST FOR A DISTANCE OF 926.73 FEET TO A POINT BEING THE NORTHEAST CORNER OF SAID PLAT OF PALM COAST SECTION 15; THENCE RUN EASTERLY ALONG THE NORTH BOUNDARY OF COCHISE WATERWAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 664, PAGES 1222 THROUGH 1232 RUNNING ALONG THE FOLLOWING COURSES: THENCE NORTH 70°53'57" EAST FOR A DISTANCE OF 97.43 FEET, THENCE NORTH 64°00'00" EAST FOR A DISTANCE OF 208.12 FEET, THENCE NORTH 70°53'57" EAST FOR A DISTANCE OF 502.35 FEET, THENCE NORTH 17°52'27" WEST FOR A DISTANCE OF 10.00 FEET, THENCE NORTH 35°53'57" EAST FOR A DISTANCE OF 216.53 FEET TO THE NORTHEAST CORNER OF THE DESCRIBED COCHISE WATERWAY PARCEL; THENCE NORTH 72°07'33" EAST FOR A DISTANCE OF 160 FEET, MORE OR LESS, TO THE CENTER OF CHANNEL OF THE INTRACOASTAL WATERWAY; THENCE SOUTHERLY ALONG THE CENTERLINE OF SAID CHANNEL, FOR A DISTANCE OF 30,782 FEET, MORE OR LESS, TO THE INTERSECTION POINT OF SAID CENTERLINE OF CHANNEL WITH THE WESTERLY BOUNDARY LINE OF A FLAGLER COUNTY PARK RECORDED IN OFFICIAL RECORDS BOOK 455, PAGES 769 AND 770, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, (LOCAL NAME -- SOUTH PARK) EXTENDED NORTHERLY TO THE CENTERLINE OF SAID CHANNEL, SAID INTERSECTION POINT LYING WITHIN GOVERNMENT SECTION 22, TOWNSHIP 11 SOUTH, RANGE 31 EAST; THENCE DEPARTING SAID CENTERLINE OF CHANNEL OF THE INTRACOASTAL WATERWAY RUN SOUTHERLY 1,238 FEET, MORE OR LESS, ALONG THE WEST LINE OF SAID PARK BOUNDARY TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE ENTRANCE ROAD TO SAID PARK (SOUTH PARK ROAD), RECORDED IN OFFICIAL RECORDS BOOK 581, PAGES 1512 THROUGH 1514; THENCE WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTH PARK ROAD AND CROSSING OVER COLBERT LANE ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTH PARK ROAD, FOR A DISTANCE OF 6,152 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY BOUNDARY OF LANDS OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT ("GRAHAM SWAMP PROPERTY"), RECORDED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221 AND BOOK 582, PAGES 1562 THROUGH 1581, BEING ALSO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (MAP REFERENCE POINT "B"); THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID GRAHAM SWAMP PROPERTY FOR, 7,684 FEET, MORE OR LESS, TO THE BOUNDARY LINE OF THE 44 ACRE FLAGLER COUNTY PARK PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 473, PAGES 1961 THROUGH 1962; THENCE EASTERLY, SOUTHERLY AND NORTHERLY ALONG SAID PARK PROPERTY BOUNDARY (SO AS TO EXCLUDE SAID PARK PROPERTY FROM THIS DESCRIPTION), FOR A DISTANCE OF 9,408 FEET, MORE OR LESS, TO THE EASTERLY BOUNDARY OF SAID GRAHAM SWAMP PROPERTY; THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID GRAHAM SWAMP PROPERTY, FOR A DISTANCE OF 2,479 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID GRAHAM SWAMP PROPERTY; THENCE RUN NORTHERLY ALONG THE EASTERLY BOUNDARY OF THE PALM COAST COMMUNITY SERVICE CORPORATION'S PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 664, PAGES 1222 THROUGH 1232 RUNNING ALONG THE FOLLOWING COURSES: NORTH 23°57'25" WEST FOR A DISTANCE OF~~

~~3.10 FEET, THENCE NORTH 89°53'38" WEST FOR A DISTANCE OF 77.37 FEET, THENCE NORTH 10°18'17" WEST FOR A DISTANCE OF 32.52 FEET, NORTH 05°07'41" EAST 92.37 FEET, THENCE NORTH 05°07'41" EAST FOR A DISTANCE OF 253.49 FEET, THENCE NORTH 03°38'35" EAST FOR A DISTANCE OF 406.08 FEET, THENCE NORTH 10°52'52" WEST 1,119.30 FEET, THENCE NORTH 19°36'48" WEST FOR A DISTANCE OF 573.41 FEET, MORE OR LESS, TO ITS INTERSECTION WITH WEST BOUNDARY OF A 3.50-FOOT WIDE STRIP OF LAND FOR ADDITIONAL RIGHT-OF-WAY OF COLBERT LANE, SAID STRIP OF LAND RECORDED IN OFFICIAL RECORDS BOOK 591, PAGES 762 THROUGH 765; THENCE NORTHERLY ALONG SAID COLBERT LANE RIGHT-OF-WAY, RUNNING ALONG THE WEST LINE OF SAID RIGHT-OF-WAY AND RETENTION AREAS AND PARCELS DEEDED TO FLAGLER COUNTY WHICH ARE APPURTENANT TO COLBERT LANE FOR A DISTANCE OF 1,898 FEET, MORE OR LESS, TO THE EASTERLY BOUNDARY OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 553, PAGE 1802 (ALSO KNOWN AS PALM COAST HOLDINGS PARCEL NUMBER 533); THENCE RUN SOUTHERLY AND WESTERLY AND NORTHERLY ALONG THE BOUNDARY OF SAID PARCEL 533, FOR A DISTANCE OF 4,955 FEET TO ITS INTERSECTION WITH THE SOUTHERLY BOUNDARY OF RETENTION POND "L" SERVING COLBERT LANE RIGHT-OF-WAY; THENCE WESTERLY AND NORTHERLY ALONG RETENTION POND "L" TO THE SOUTHERLY BOUNDARY OF A 3.50-FOOT WIDE STRIP OF LAND FOR ADDITIONAL RIGHT-OF-WAY OF COLBERT LANE, SAID STRIP OF LAND RECORDED IN OFFICIAL RECORDS BOOK 591, PAGES 762 THROUGH 765; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 742 FEET, MORE OR LESS, TO THE INTERSECTION OF PALM COAST HOLDINGS PARCEL NUMBER 505 AS DESCRIBED IN OFFICIAL RECORDS BOOK 553, PAGE 1781; THENCE DEPARTING COLBERT LANE RUN SOUTHERLY ALONG THE EASTERLY BOUNDARY OF SAID PARCEL NO. 505, FOR A DISTANCE OF 3,159.0 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 65°24'14" WEST FOR A DISTANCE OF 164.04 FEET; THENCE DEPARTING SAID PARCEL 505 RUN SOUTH 00°05'59" EAST FOR A DISTANCE OF 327.26 FEET; THENCE NORTH 89°53'38" WEST FOR A DISTANCE OF 889.47 FEET; THENCE SOUTH 31°07'01" WEST FOR A DISTANCE OF 1,485.39 FEET; THENCE SOUTH 16°28'04" WEST FOR A DISTANCE OF 397.93 FEET; THENCE SOUTH 64°41'17" WEST FOR A DISTANCE OF 710.73 FEET TO A POINT ON THE EAST LINE OF GOVERNMENT SECTION 50, TOWNSHIP 11 SOUTH, RANGE 31 EAST, BEING ALSO A POINT ON THE BOUNDARY OF SAID GRAHAM SWAMP PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221; THENCE NORTHERLY AND WESTERLY ALONG THE BOUNDARY OF SAID GRAHAM SWAMP PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 546, PAGE 1197 THROUGH 1221 FOR A DISTANCE OF 7,911 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF OLD KINGS ROAD RECORDED IN OFFICIAL RECORDS BOOK 596, PAGES 712 THROUGH 715 (MAP REFERENCE POINT "C"); THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY OF OLD KINGS ROAD, BEING ALSO THE BOUNDARY OF THE GRAHAM SWAMP PROPERTY, FOR A DISTANCE OF 2,890 FEET, MORE OR LESS; THENCE DEPARTING OLD KINGS ROAD, RUN EASTERLY AND SOUTHERLY ALONG THE BOUNDARY OF SAID GRAHAM SWAMP PROPERTY FOR A DISTANCE OF 20,183.00 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY BOUNDARY LINE OF A 60' WIDE STRIP OF LAND FOR THE LEHIGH RAILROAD SPUR; THENCE NORTH 89°15'49" EAST ALONG SAID NORTHERLY LINE OF THE LEHIGH RAILROAD SPUR, FOR A DISTANCE OF 479.85 FEET; THENCE DEPARTING SAID NORTHERLY LINE RUN SOUTH 00°44'11" EAST FOR A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID RAILROAD SPUR LAND; THENCE DEPARTING THE LEHIGH RAILROAD SPUR RUN SOUTH 20°54'58" EAST ALONG THE EASTERLY BOUNDARY LINE OF LAND RECORDED IN OFFICIAL RECORDS BOOK 551, PAGES 598 THROUGH 602 AND OFFICIAL RECORDS BOOK 554, PAGES 1292 THROUGH 1297, FOR A DISTANCE OF 2,024.75 FEET; THENCE NORTH 89°15'47" EAST ALONG THE NORTHERLY BOUNDARY LINE OF LAND RECORDED IN OFFICIAL RECORDS BOOK 552, PAGE 1273, FOR A DISTANCE OF 2,114.34 FEET TO A POINT ON THE BOUNDARY OF SAID GRAHAM SWAMP PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 546 PAGES 1197 THROUGH 1221; THENCE NORTHERLY, EASTERLY AND SOUTHERLY ALONG THE SOUTHERLY BOUNDARY OF SAID GRAHAM SWAMP PROPERTY AS RECORDED IN OFFICIAL RECORDS BOOK 546, PAGE 1197 THROUGH 1221, FOR A DISTANCE OF 9,028 FEET, MORE~~

~~OR LESS, TO THE EASTERLY BOUNDARY OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 861, PAGE 1536 THROUGH 1540; THENCE NORTHERLY AND EASTERLY ALONG THE BOUNDARY OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 861, PAGES 1536 THROUGH 1540, FOR A DISTANCE OF 1,423 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF A 15.00 FEET WIDE PUBLIC BIKE PATH RIGHT-OF-WAY KNOWN AS PARCEL B, RECORDED IN OFFICIAL RECORDS BOOK 591, PAGES 773 THROUGH 787; THENCE SOUTHERLY ALONG SAID BIKE PATH WESTERLY LINE, ALSO BEING 15.00 FEET WEST OF, AND PARALLEL WITH, THE WESTERLY RIGHT-OF-WAY LINE OF SAID COLBERT LANE, FOR A DISTANCE OF 4,365 FEET, MORE OR LESS; THENCE DEPARTING SAID WESTERLY BIKE PATH RIGHT-OF-WAY LINE RUN SOUTH 89°29'02" EAST FOR A DISTANCE OF 215.28 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID COLBERT LANE; THENCE CONTINUING SOUTH 89°29'02" EAST FOR A DISTANCE OF 1,237.83 FEET, MORE OR LESS, TO THE EAST LINE OF THE NORTHWEST QUARTER (¼) OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE SOUTH 01°40'06" EAST ALONG SAID QUARTER (¼) SECTION LINE OF SECTION 11, FOR A DISTANCE OF 1,161.58 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 100 (200'R/W); THENCE DEPARTING SAID EAST LINE OF SAID NORTHWEST QUARTER (¼) OF SECTION 11, RUN NORTH 89°29'03" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF STATE ROAD 100 (200'R/W) FOR A DISTANCE OF 2,630.29 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 100, RUN NORTH 01°23'05" WEST ALONG SAID WEST LINE OF SECTION 11, FOR A DISTANCE OF 1,352.00 FEET, MORE OR LESS, THENCE DEPARTING SAID WEST LINE OF SECTION 11, RUN SOUTH 89°37'15" WEST ALONG THE NORTH BOUNDARY OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 961, PAGES 1149 THROUGH 1151, FOR A DISTANCE OF 1,640.61 FEET, MORE OR LESS, TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 01°23'05" EAST ALONG THE WEST LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 961, PAGES 1149 THROUGH 1151, FOR A DISTANCE OF 1,352 FEET, MORE OR LESS, TO A POINT ON SAID NORTH RIGHT-OF-WAY LINE OF STATE ROAD 100 (200'R/W); THENCE SOUTH 87°48'45" WEST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 3,201.14 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE RUN SOUTH 02°11'15" EAST CROSSING STATE ROAD 100 AND ALONG THE WEST BOUNDARY LINE OF THE FLAGLER COUNTY SHELL PIT PARCEL FOR A DISTANCE OF 1,400 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID SHELL PIT PARCEL AND THE NORTH LINE OF A PARCEL RECORDED IN OFFICIAL RECORD BOOK 525, PAGES 995 THROUGH 1000 (CORRECTIVE DEED RECORDED IN OFFICIAL RECORD BOOK 1716, PAGES 145 THROUGH 156) OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA (MAP REFERENCE POINT "D"); THENCE EASTERLY AND SOUTHERLY ALONG THE BOUNDARY OF SAID PROPERTY FOR A DISTANCE OF 12,324 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY BOUNDARY OF A PARCEL RECORDED IN DEED BOOK 26, PAGES 558 THROUGH 569 OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTH 69°18'26" WEST ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL, FOR A DISTANCE OF 1,416.84 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) AS SHOWN ON FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 73502-2601; THENCE CROSSING OLD KINGS ROAD CONTINUE SOUTH 69°18'26" WEST 100.68 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD SOUTH 26°39'38" EAST FOR A DISTANCE OF 137.03 FEET TO A POINT ON THE SOUTHERLY LINE OF A PARCEL RECORDED IN OFFICIAL RECORD BOOK 1325, PAGES 1958 THROUGH 1960 OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID PARCEL, FOR A DISTANCE OF 2,804 FEET, MORE OR LESS TO A POINT BEING PARALLEL WITH AND 100 FEET EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 95; THENCE NORTHERLY ALONG SAID PARALLEL LINE 3,052 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY BOUNDARY OF A FLORIDA DEPARTMENT OF TRANSPORTATION RETENTION POND; THENCE ALONG SAID RETENTION POND BOUNDARY THE FOLLOWING THREE COURSES (SO AS TO EXCLUDE SAID RETENTION~~

~~POND FROM THIS DESCRIPTION): NORTH 71°40'02" EAST, FOR A DISTANCE OF 250.00 FEET TO A POINT ON A LINE BEING PARALLEL WITH AND 350 FEET EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF INTERSTATE-95; THENCE ALONG SAID PARALLEL LINE NORTH 18°19'58" WEST FOR A DISTANCE OF 700.00 FEET; THENCE DEPARTING SAID PARALLEL LINE SOUTH 71°40'02" WEST, FOR A DISTANCE OF 250.00 FEET TO A POINT ON A LINE BEING PARALLEL WITH AND 100 FEET EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF INTERSTATE-95; THENCE DEPARTING SAID RETENTION POND BOUNDARY AND NORTHERLY ALONG SAID PARALLEL LINE FOR A DISTANCE OF 658 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 563, PAGES 502 THROUGH 507 OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE EASTERLY AND NORTHERLY ALONG SAID PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 563, PAGES 502 THROUGH 507, FOR A DISTANCE OF 2,732 FEET, MORE OR LESS, TO THE WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) AS SHOWN ON FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 73502-2601; THENCE NORTHERLY ALONG SAID A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 563, PAGES 502 THROUGH 507 AND SAID WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD, FOR A DISTANCE OF 737 FEET, MORE OR LESS; THENCE DEPARTING SAID PARCEL AND WEST RIGHT-OF-WAY OF OLD KINGS ROAD, AND ALONG THE SOUTHERLY LINE OF THE IROQUOIS WATERWAY AND NORTHERLY LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 456, PAGES 1583 THROUGH 1587, OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA, FOR A DISTANCE OF 2,653 FEET TO THE EAST RIGHT-OF-WAY LINE OF INTERSTATE-95, THENCE DEPARTING THE NORTHERLY LINE OF SAID PARCEL, NORTH 18°19'58" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF INTERSTATE-95, FOR A DISTANCE OF 156.43 FEET TO A POINT ON THE NORTHERLY LINE OF THE IROQUOIS WATERWAY AND THE SOUTHERLY LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 563, PAGES 502 THROUGH 507, OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY LINE OF THE IROQUOIS WATERWAY AND THE SOUTHERLY LINE OF SAID, FOR A DISTANCE OF 2,732 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) AS SHOWN ON FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 73502-2601; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD FOR A DISTANCE OF 3,175 FEET, MORE OR LESS TO A POINT ON THE NORTH BOUNDARY OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 92, PAGES 406 THROUGH 408, OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA (FLAGLER COUNTY DUMP SITE); THENCE LEAVING SAID WEST RIGHT-OF-WAY OF OLD KINGS ROAD, AND ALONG THE NORTH AND WEST BOUNDARIES OF SAID PARCEL OF LAND (FLAGLER COUNTY DUMP SITE), THE FOLLOWING TWO COURSES: SOUTH 89°11'32" WEST FOR A DISTANCE OF 525.65 FEET, THENCE SOUTH 01°14'57" EAST FOR A DISTANCE OF 2,453.21 FEET TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 456, PAGES 1583 THROUGH 1587, OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING THE WEST BOUNDARY OF SAID PARCEL OF LAND (FLAGLER COUNTY DUMP SITE) AND ALONG THE NORTH LINE OF SAID PARCEL OF LAND RECORDED IN OFFICIAL RECORD BOOK 456, PAGES 1583 THROUGH 1587, SOUTH 89°11'32" WEST FOR A DISTANCE OF 706.26 FEET TO A POINT PARALLEL WITH AND 100 FEET EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF INTERSTATE-95; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1,321 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY BOUNDARY OF A FLORIDA DEPARTMENT OF TRANSPORTATION RETENTION POND; THENCE ALONG SAID RETENTION POND BOUNDARY THE FOLLOWING THREE COURSES (SO AS TO EXCLUDE SAID RETENTION POND FROM THIS DESCRIPTION): NORTH 71°40'02" EAST, FOR A DISTANCE OF 420.00 FEET TO A POINT ON A LINE BEING PARALLEL WITH AND 520 FEET EASTERLY OF THE EAST RIGHT-OF-WAY LINE OF INTERSTATE-95; THENCE ALONG SAID PARALLEL LINE NORTH 18°19'58" WEST FOR A DISTANCE OF 400.00 FEET; THENCE DEPARTING SAID PARALLEL LINE NORTH 88°15'00" WEST, FOR A DISTANCE OF 447.15 FEET TO A POINT ON A LINE BEING PARALLEL WITH AND 100 FEET EASTERLY OF THE EAST~~



~~RIGHT-OF-WAY LINE OF INTERSTATE-95; THENCE DEPARTING SAID RETENTION POND BOUNDARY AND RUN NORTHERLY ALONG SAID PARALLEL LINE FOR A DISTANCE OF 4,707 FEET, MORE OR LESS, TO A POINT ON THE NORTH BOUNDARY OF THE PARCEL OF LAND RECORDED IN OFFICIAL RECORDS BOOK 525, PAGES 995 THROUGH 1000; THENCE ALONG THE BOUNDARY OF SAID PARCEL SOUTH 87°48'45" WEST FOR A DISTANCE OF 270.24 FEET TO A POINT ON THE CENTERLINE OF INTERSTATE-95; THENCE SOUTHERLY ALONG THE CENTERLINE OF INTERSTATE-95 FOR A DISTANCE OF 22,109 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SOUTH HALF (½) OF THE SOUTH HALF (½) OF GOVERNMENT SECTION 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST (MAP REFERENCE POINT "E"); THENCE DEPARTING SAID CENTER OF INTERSTATE-95 RUN SOUTH 89°07'59" WEST ALONG SAID NORTH LINE FOR A DISTANCE OF 212.72 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE PLAT SEMINOLE PARK SECTION-58, MAP BOOK 19, PAGES 26 THROUGH 40; THENCE WESTERLY ALONG THE SOUTHERLY BOUNDARY LINE OF SEMINOLE PARK SECTION-58, MAP BOOK 19, PAGES 26 THROUGH 40, SEMINOLE PARK SECTION-59, MAP BOOK 19, PAGES 41 THROUGH 50 AND MAP BOOK 20, PAGES 1 THROUGH 8, AND SEMINOLE PARK SECTION-60, MAP BOOK 17, PAGES 48 THROUGH 55, FOR A DISTANCE OF 26,176.0 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID PLAT SECTION-60, SAID CORNER BEING ON THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1; THENCE WESTERLY ALONG THE EXTENSION OF THE SOUTH BOUNDARY OF SECTION-60 FOR A DISTANCE OF 57.00 FEET, MORE OR LESS, TO A POINT ON THE CENTER OF RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1; THENCE NORTHERLY ALONG THE CENTER OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 5,126 FEET, MORE OR LESS; THENCE NORTH 00°29'23" EAST FOR A DISTANCE OF 78.11 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, SAID POINT LYING SOUTH 56°56'19" EAST FOR A DISTANCE OF 429.22 FEET FROM THE MOST SOUTHEASTERLY CORNER OF THE PLAT KANKAKEE RUN SECTION-65, MAP BOOK 17, PAGES 56 THROUGH 67; THENCE CONTINUE NORTH 00°29'23" EAST FOR A DISTANCE OF 428.92 FEET; THENCE SOUTH 89°30'37" EAST FOR A DISTANCE OF 1,834.29 FEET; THENCE NORTH 81°30'22" EAST FOR A DISTANCE OF 1,119.30 FEET; THENCE SOUTH 67°01'50" EAST FOR A DISTANCE OF 608.95 FEET; THENCE SOUTH 10°24'32" EAST FOR A DISTANCE OF 1,477.44 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS BOULEVARD (80'RW); THENCE NORTH 54°30'55" EAST ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 1,144.40 FEET TO A POINT OF CURVATURE; THENCE EASTERLY AND NORTHERLY ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS BOULEVARD AND PARKWAY FOR A DISTANCE OF 7,644.4 FEET, MORE OR LESS, TO THE END OF A CURVE BEING A POINT OF TANGENCY AT THE NORTHEAST CORNER OF A 119 ACRE PARCEL RECORDED IN OFFICIAL RECORDS BOOK 637, PAGES 899 THROUGH 910, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SEMINOLE WOODS BOULEVARD RUN NORTH 71°18'23" WEST ALONG THE NORTHERLY BOUNDARY LINE OF SAID 119 ACRE PARCEL FOR A DISTANCE OF 3,313.11 FEET, MORE OR LESS; THENCE SOUTH 18°41'37" WEST ALONG THE WESTERLY LINE OF SAID 119 ACRE PARCEL FOR A DISTANCE OF 561.11 FEET; THENCE DEPARTING SAID 119 ACRE PARCEL, RUN SOUTH 76°04'49" WEST FOR A DISTANCE OF 2,868.28 FEET, MORE OR LESS; THENCE SOUTH 87°34'32" WEST FOR A DISTANCE OF 648.56 FEET TO A POINT ON THE WEST LINE OF GOVERNMENT SECTION 29, TOWNSHIP 12 SOUTH, RANGE 31 EAST (MAP REFERENCE POINT "F"), SAID POINT BEING NORTH 02°57'38" WEST, 3,659.32 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE DEPARTING SAID WESTERLY LINE OF GOVERNMENT SECTION 29, RUN SOUTH 87°34'32" WEST FOR A DISTANCE OF 821.05 FEET; THENCE NORTH 10°50'53" WEST FOR A DISTANCE OF 489.98 FEET; THENCE NORTH 27°46'32" WEST FOR A DISTANCE OF 219.87 FEET; THENCE NORTH 50°12'51" WEST FOR A DISTANCE OF 469.34 FEET; THENCE SOUTH 05°08'20" EAST FOR A DISTANCE OF 29.73 FEET; THENCE NORTH 71°00'20" WEST FOR A DISTANCE OF 1,658.39 FEET; THENCE NORTH 80°07'14" WEST FOR A DISTANCE OF 845.44 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BELLE TERRE BOULEVARD; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BELLE TERRE BOULEVARD FOR A DISTANCE OF 1,236 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY BOUNDARY LINE OF THE PLAT~~

KANKAKEE RUN SECTION 65, MAP BOOK 17, PAGES 56 THROUGH 67; THENCE SOUTHERLY ALONG SAID BOUNDARY FOR A DISTANCE OF 6,097 FEET, MORE OR LESS, TO A POINT ON THE CENTER OF U.S. HIGHWAY NO. 1; THENCE NORTHERLY ALONG SAID CENTER OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 5,827 FEET, MORE OR LESS, TO A POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF BLOCK 14 OF THE PLAT DUPONT, RECORDED IN MAP BOOK 1, PAGE 9; THENCE DEPARTING THE CENTER OF RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1, RUN WESTERLY ALONG THE NORTH LINE OF SAID BLOCK 14 TO THE NORTHWEST CORNER OF BLOCK 14; THENCE SOUTHERLY 240 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF BLOCK 14; THENCE WESTERLY ALONG THE SOUTH LINE OF BLOCK 13, FOR A DISTANCE OF 275 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF BLOCK 13; THENCE NORTHERLY ALONG THE WESTERLY LINE OF BLOCK 13 FOR A DISTANCE OF 260 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF BLOCK 12; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF BLOCK 12 FOR A DISTANCE OF 225 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF BLOCK 12; THENCE NORTHERLY ALONG THE EASTERLY LINE OF LOT 7, BLOCK 12, AND THE EXTENSION THEREOF TO A POINT IN THE CENTER OF U.S. HIGHWAY NO. 1; THENCE NORTHWESTERLY ALONG THE CENTER OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 1,194 FEET TO A POINT ON THE SOUTH LINE OF GOVERNMENT SECTION 24, TOWNSHIP 12 SOUTH, RANGE 30 EAST; THENCE DEPARTING U.S. HIGHWAY NO. 1 RUN NORTH 88°39'31" EAST ALONG THE BOUNDARY OF SAID PLAT KANKAKEE FOR A DISTANCE OF 672.08 FEET; THENCE NORTH 01°21'13" WEST FOR A DISTANCE OF 660.27 FEET; THENCE SOUTH 88°39'12" WEST FOR A DISTANCE OF 1,040.53 FEET TO A POINT ON THE CENTER OF U.S. HIGHWAY NO. 1; THENCE NORTHERLY ALONG THE CENTER OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 1,130.6 FEET, MORE OR LESS, TO A POINT OF INTERSECTION OF THE CENTER OF U.S. HIGHWAY NO. 1 WITH THE WEST LINE OF GOVERNMENT SECTION 24, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE DEPARTING U.S. HIGHWAY NO. 1 RUN NORTHERLY ALONG THE WEST LINE OF GOVERNMENT SECTIONS 24, 13 AND 12, FOR A DISTANCE OF 10,265 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF THE SOUTH HALF (½) OF THE SOUTH HALF (½) OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE NORTH 89°01'42" EAST ALONG SAID NORTH LINE FOR A DISTANCE OF 2,497.94 FEET TO A POINT ON THE BOUNDARY LINE OF THE PLAT ZEBULAH'S TRAIL SECTION 63, MAP BOOK 18, PAGES 24 THROUGH 35; THENCE CONTINUE NORTH 89°01'42" EAST ALONG THE BOUNDARY OF SAID PLAT FOR A DISTANCE OF 1,300.34 FEET; THENCE NORTH 01°14'25" WEST FOR A DISTANCE OF 635.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OLD BRICK ROAD; THENCE DEPARTING PLAT ZEBULAH'S TRAIL SECTION 63, RUN NORTHERLY 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID OLD BRICK ROAD AND THE SOUTHEAST CORNER OF THE PARCELS DESCRIBED IN OFFICIAL RECORDS BOOK 1127, PAGES 149 THROUGH 150; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF OLD BRICK ROAD TO THE SOUTHWEST CORNER OF SAID PARCELS DESCRIBED IN OFFICIAL RECORDS BOOK 1127, PAGES 149 THROUGH 150, ALSO BEING THE WEST LINE OF THE EAST HALF OF THE SOUTH HALF OF TRACT 9, BLOCK A, SECTION 12, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANY SUBDIVISION, PLAT BOOK 1, PAGE 1, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE NORTHERLY ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID EAST HALF OF THE SOUTH HALF OF TRACT 9; THENCE EASTERLY ALONG THE NORTH LINE OF SAID EAST HALF OF THE SOUTH HALF OF TRACT 9 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTHERLY ALONG THE EAST LINE OF TRACT 9 TO THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1207, PAGES 1748 THROUGH 1750, SAID PARCEL BEING A 100-FOOT SQUARE LOT IN THE SOUTHWESTERLY CORNER OF THE SOUTH HALF OF TRACT 10, BLOCK A, SECTION 12, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANY SUBDIVISION, PLAT BOOK 1, PAGE 1, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE EASTERLY FOR A DISTANCE OF 100 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID 100-FOOT SQUARE PARCEL; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID TRACT 10, TO THE NORTHERLY RIGHT-OF-WAY LINE OF OLD BRICK ROAD; THENCE SOUTHERLY 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OLD BRICK ROAD AND SAID BOUNDARY LINE

~~OF THE PLAT ZEBULAH'S TRAIL SECTION-63; THENCE NORTH 89°16'07" EAST FOR A DISTANCE OF 1,160 FEET, MORE OR LESS; THENCE NORTH 00°06'26" EAST FOR A DISTANCE OF 50.01 FEET; THENCE NORTH 01°16'45" WEST ALONG THE WESTERLY BOUNDARY OF SAID PLAT ZEBULAH'S TRAIL SECTION-63 AS EXTENDED FOR A DISTANCE OF 860 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 100, BEING THE SOUTHWEST CORNER OF RESERVED PARCEL E-1 OF THE PLAT EASTHAMPTON SECTION-34, MAP BOOK 11, PAGES 30 THROUGH 49; THENCE NORTHERLY AND WESTERLY ALONG THE BOUNDARY LINE OF SAID PLAT EASTHAMPTON SECTION-34 FOR A DISTANCE OF 14,752 FEET, MORE OR LESS, TO A POINT BEING THE NORTHWEST CORNER OF SAID PLAT EASTHAMPTON SECTION-34; THENCE CONTINUE FOR A DISTANCE OF 410 FEET, MORE OR LESS, ALONG THE WEST LINE OF EASTHAMPTON SECTION-34 EXTENDED NORTHERLY TO THE SOUTH RIGHT-OF-WAY LINE OF THE LEHIGH GREENWAY, RECORDED IN OFFICIAL RECORDS BOOK 731, PAGE 1653 (MAP REFERENCE POINT "G"); THENCE WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 5,556 FEET, MORE OR LESS, TO A POINT IN THE CENTER OF U.S. HIGHWAY NO. 1; THENCE NORTHERLY ALONG THE CENTER OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 10,739 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF GOVERNMENT SECTION 22, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE CONTINUE NORTHERLY ALONG THE CENTER OF U.S. HIGHWAY NO. 1, FOR A DISTANCE OF 2,700 FEET, MORE OR LESS, TO A POINT BEING THE SOUTH LINE OF WYNNFIELD SUBDIVISION, ACCORDING TO THE PLAT DESCRIBED IN MAP BOOK 9, PAGES 36 THROUGH 50, EXTENDED WESTERLY TO THE CENTER OF U.S. HIGHWAY NO. 1; THENCE DEPARTING SAID CENTER OF U.S. NO. 1, RUN SOUTH 87°33'08" WEST FOR A DISTANCE OF 128.98 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 35.8 FEET, MORE OR LESS; THENCE SOUTH 88°34'05" WEST FOR A DISTANCE OF 693.45 FEET; THENCE SOUTH 00°00'15" EAST FOR A DISTANCE OF 851.48 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF LOT 16 OF TOWN AND COUNTRY BUSINESS PARK, ACCORDING TO THE PLAT DESCRIBED IN MAP BOOK 30, PAGES 13 AND 14; THENCE EASTERLY 228.19 FEET TO THE NORTHEAST CORNER OF SAID LOT 16; THENCE SOUTHWESTERLY 100.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT 16; THENCE WESTERLY 220.99 FEET TO THE SOUTHWEST CORNER OF SAID LOT 16; THENCE SOUTH 00°00'15" EAST FOR A DISTANCE OF 216.21 FEET, MORE OR LESS, THE NORTHWEST CORNER OF LOT 13 OF SAID TOWN AND COUNTRY BUSINESS PARK, ACCORDING TO THE PLAT DESCRIBED IN MAP BOOK 30, PAGES 13 AND 14; THENCE EASTERLY 205.41 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE SOUTHERLY 352.5 FEET, MORE OR LESS, ALONG THE EAST LINE OF LOTS 13, 12 AND 11 OF SAID TOWN AND COUNTRY BUSINESS PARK TO THE SOUTHEAST CORNER OF SAID LOT 11; THENCE WESTERLY 200.63 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 11; THENCE SOUTH 00°00'15" EAST FOR A DISTANCE OF 1,188.9 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID TOWN AND COUNTRY BUSINESS PARK, SAID SOUTHWEST CORNER BEING ON THE NORTH LINE OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE SOUTH 88°53'41" WEST ALONG THE NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 502.44 FEET, MORE OR LESS; THENCE DEPARTING SAID NORTH LINE OF SECTION 27, RUN SOUTH 03°17'35" EAST FOR A DISTANCE OF 1,225.95 FEET, MORE OR LESS; THENCE NORTH 86°42'27" EAST FOR A DISTANCE OF 1,080.53 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 4,113.5 FEET, MORE OR LESS, TO THE NORTH RIGHT-OF-WAY LINE OF OTIS STONE HUNTER ROAD; THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF OTIS STONE HUNTER ROAD FOR A DISTANCE OF 3,296 FEET, MORE OR LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE OF OTIS STONE HUNTER ROAD, RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY FOR A DISTANCE OF 4,780 FEET, MORE OR LESS, TO THE INTERSECTION OF SAID WESTERLY RAILWAY RIGHT-OF-WAY LINE AND THE EAST LINE OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE SOUTHERLY ALONG~~

~~SAID WESTERLY RAILWAY RIGHT-OF-WAY LINE AND SAID EAST LINE OF SECTION 33 FOR A DISTANCE OF 595 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID SECTION 33; THENCE DEPARTING SAID WESTERLY RAILWAY RIGHT-OF-WAY LINE AND SAID SOUTHEAST CORNER OF SECTION 33, RUN WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 33 TO THE SOUTHWEST CORNER THEREOF; THENCE DEPARTING SAID SOUTHWEST CORNER OF SECTION 33, RUN NORTH 89°03'16" WEST ALONG THE SOUTHERN BOUNDARY OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 30 EAST, TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 13 (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE NORTH 48°54'41" WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 13 TO A POINT ON THE NORTHERLY MAINTAINED RIGHT-OF-WAY OF AN EXISTING DIRT ROAD; THENCE DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF S.R. 13, RUN ALONG SAID NORTHERLY MAINTAINED RIGHT-OF-WAY OF AN EXISTING DIRT ROAD THE FOLLOWING THREE (3) COURSES; (1) THENCE NORTH 55°38'16" EAST FOR A DISTANCE OF 173.18 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, CONCAVE SOUTHEAST, HAVING A RADIUS OF 574.60 FEET; (2) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE 181.18 FEET, THROUGH A CENTRAL ANGLE OF 18°04'00" AND BEING SUBTENDED BY A CHORD, BEARING DISTANCE OF NORTH 64°40'15" EAST 180.43 FEET TO A POINT OF TANGENCY; (3) THENCE NORTH 73°42'15" EAST FOR A DISTANCE OF 446.36 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 32; THENCE NORTHERLY ALONG SAID WEST LINE OF THE EAST HALF OF THE EAST HALF, AND ITS NORTHERLY EXTENSION THEREOF, TO THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF OTIS STONE HUNTER ROAD, SAID NORTHERLY RIGHT-OF-WAY LINE BEING IN SECTION 29, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE WESTERLY ALONG SAID NORTHERLY EXISTING RIGHT-OF-WAY LINE TO A POINT WHICH IS NORTH 30°53'57" WEST, 39.2 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE DEPARTING SAID EXISTING NORTHERLY RIGHT-OF-WAY LINE OF OTIS STONE HUNTER ROAD, RUN NORTH 30°53'57" WEST FOR A DISTANCE OF 2,562 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1600, PAGE 275; THENCE WESTERLY ON THE NORTH LINE OF SAID LANDS FOR A DISTANCE OF 776 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LANDS, SAID NORTHWEST CORNER BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF OLD BRICK YARD ROAD (HIGHWAY 13), A 50-FOOT RIGHT-OF-WAY; THENCE NORTH 10°25'58" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF OLD BRICK YARD ROAD FOR A DISTANCE OF 415.68 FEET, MORE OR LESS; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, RUN SOUTH 90°00'00" WEST ON THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 535, PAGE 1327 AND OFFICIAL RECORDS BOOK 404, PAGE 281 FOR A DISTANCE OF 487.17 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 535, PAGE 1327; THENCE SOUTH 45°00'00" WEST FOR A DISTANCE OF 2,876 FEET, MORE OR LESS, TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF AN ABANDONED RAILROAD HAVING A 100-FOOT RIGHT-OF-WAY; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY ABANDONED RAILROAD RIGHT-OF-WAY FOR A DISTANCE OF 19,066 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE NORTHERLY LINE OF LANDS CONVEYED TO FLORIDA POWER AND LIGHT COMPANY SET FORTH IN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 213, PAGE 795, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID INTERSECTION BEING IN THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 29 EAST; THENCE DEPARTING SAID SOUTHWESTERLY ABANDONED RAILROAD RIGHT-OF-WAY LINE, RUN NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID FLORIDA POWER AND LIGHT COMPANY LANDS FOR A DISTANCE OF 2,287 FEET, MORE OR LESS, TO THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE DEPARTING SAID NORTHEASTERLY LINE OF FLORIDA POWER AND LIGHT COMPANY LANDS, RUN EASTERLY ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER AND THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15 TO THE EAST LINE OF SAID SECTION; THENCE NORTHERLY ALONG THE EAST~~



~~LINE OF SAID SECTION 15 TO THE NORTHEAST CORNER OF SAID SECTION 15, ALSO BEING THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 11 SOUTH, RANGE 29 EAST (MAP REFERENCE POINT "H"); THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 14 TO THE NORTHEAST CORNER OF SAID SECTION 14, ALSO BEING THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 29 EAST; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SECTION 12 TO THE NORTHWEST CORNER OF SAID SECTION; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 12 TO THE CENTERLINE OF OLD BRICK ROAD (AS NOW ESTABLISHED) ALSO BEING THE WESTERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 1558, PAGE 679 OF SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING (48) COURSES AND DISTANCES ALONG SAID CENTERLINE, AND WESTERLY LINE: (1) NORTH 26°49'39" WEST, 84.37 FEET; (2) NORTH 24°19'07" WEST, 3,161.55 FEET; (3) NORTH 23°57'03" WEST, 291.18 FEET; (4) NORTH 25°50'57" WEST, 22.84 FEET; (5) NORTH 24°12'47" WEST, 617.87 FEET; (6) NORTH 23°48'09" WEST, 77.28 FEET; (7) NORTH 24°16'14" WEST, 920.28 FEET; (8) NORTH 21°32'08" WEST, 64.19 FEET; (9) NORTH 24°24'18" WEST, 77.82 FEET; (10) NORTH 29°56'16" WEST, 24.23 FEET; (11) NORTH 24°15'43" WEST, 1738.10 FEET; (12) NORTH 29°29'42" WEST, 100.40 FEET; (13) NORTH 36°11'00" WEST, 317.55 FEET; (14) NORTH 37°16'50" WEST, 176.49 FEET; (15) NORTH 38°35'10" WEST, 763.05 FEET (16) NORTH 38°48'32" WEST, 488.46 FEET; (17) NORTH 35°18'50" WEST, 60.72 FEET; (18) NORTH 40°30'25" WEST, 143.90 FEET; (19) NORTH 39°04'10" WEST, 479.49 FEET; (20) NORTH 38°59'00" WEST, 1,270.87 FEET; (21) NORTH 35°43'00" WEST, 198.30 FEET; (22) NORTH 31°34'59" WEST, 199.99 FEET; (23) NORTH 27°26'44" WEST, 90.87 FEET; (24) NORTH 32°46'29" WEST, 82.31 FEET; (25) NORTH 30°24'18" WEST, 783.03 FEET; (26) NORTH 30°35'25" WEST, 877.06 FEET; (27) NORTH 31°38'12" WEST, 56.74 FEET; (28) NORTH 30°31'44" WEST, 1,417.57 FEET; (29) NORTH 30°57'44" WEST, 1,001.16 FEET; (30) NORTH 28°41'30" WEST, 194.24 FEET; (31) NORTH 25°36'44" WEST, 198.92 FEET; (32) NORTH 22°17'21" WEST, 742.52 FEET; (33) NORTH 22°12'35" WEST, 444.14 FEET; (34) NORTH 20°30'30" WEST, 250.49 FEET; (35) NORTH 20°14'39" WEST, 180.97 FEET; (36) NORTH 20°24'44" WEST, 1,589.09 FEET; (37) NORTH 19°33'01" WEST, 87.05 FEET; (38) NORTH 20°23'01" WEST, 882.13 FEET; (39) NORTH 20°52'53" WEST, 155.63 FEET; (40) NORTH 20°22'19" WEST, 1,878.38 FEET; (41) NORTH 20°52'15" WEST, 400.21 FEET; (42) NORTH 18°24'59" WEST, 96.60 FEET; (43) NORTH 16°32'58" WEST, 53.69 FEET; (44) NORTH 14°27'44" WEST, 50.90 FEET; (45) NORTH 10°43'37" WEST, 124.08; (46) NORTH 9°25'15" WEST, 345.94 FEET; (47) NORTH 09°59'58" WEST, 152.07 FEET; (48) NORTH 06°59'25" WEST, 26.97 FEET TO THE NORTHERLY LINE OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 29 EAST; THENCE ALONG THE NORTHERLY LINES OF SAID SECTIONS 22, 23, AND 24 TO THE NORTHEAST CORNER OF SAID SECTION 24 (MAP REFERENCE POINT "I"); THENCE SOUTH 00°25'15" EAST, ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER (¼) OF SAID SECTION 24, FOR A DISTANCE OF 2,634.77 FEET; THENCE SOUTH 00°56'20" WEST, ALONG THE EASTERLY LINE OF THE SOUTHEAST QUARTER (¼) OF SAID SECTION 24, FOR A DISTANCE OF 2,658.49 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SECTION 25, TOWNSHIP 10 SOUTH, RANGE 29 EAST, TO THE NORTHERLY LINE OF SECTION 36, TOWNSHIP 10 SOUTH, RANGE 29 EAST; THENCE NORTH 89°22'47" EAST, ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 112.08 FEET TO THE EASTERLY LINE OF SAID SECTION 36; THENCE SOUTH 00°39'38" EAST, ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 2,490.78 FEET TO THE NORTHERLY LINE OF THE WEST HALF (½) OF THE SOUTHWEST QUARTER (¼) OF SECTION 31, TOWNSHIP 10 SOUTH, RANGE 30 EAST; THENCE SOUTH 89°50'58" EAST, ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 1,325.27 FEET TO THE EASTERLY LINE OF THE WEST HALF (½) OF THE SOUTHWEST QUARTER (¼) OF SAID SECTION 31; THENCE SOUTH 00°03'47" EAST, ALONG SAID EASTERLY LINE, FOR A DISTANCE OF 2,654.89 FEET TO THE SOUTHERLY LINE OF SAID SECTION 31; THENCE NORTH 89°54'18" WEST, ALONG SAID SOUTHERLY LINE, FOR A DISTANCE OF 1,324.68 FEET TO THE EASTERLY LINE OF SECTION 1, TOWNSHIP 11 SOUTH, RANGE 29 EAST; THENCE SOUTHERLY, ALONG SAID EASTERLY LINE OF SECTION 1, TO THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 29 EAST; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 12 TO THE SOUTHEAST CORNER OF SAID SECTION, SAID SOUTHEAST CORNER ALSO BEING THE NORTHWEST~~

CORNER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 18 TO THE NORTHEAST CORNER THEREOF, SAID NORTHEAST CORNER ALSO BEING THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 17 TO THE NORTHEAST CORNER THEREOF, SAID NORTHEAST CORNER ALSO BEING THE NORTHWEST CORNER OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 30 EAST; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID SECTION 16 TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY'S RAILROAD; THENCE DEPARTING SAID NORTHERLY LINE OF SECTION 16, RUN NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD FOR A DISTANCE OF 30,330 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF GOVERNMENT SECTION 47, TOWNSHIP 10 SOUTH, RANGE 30 EAST; THENCE SOUTH 54°24'01" WEST ALONG SAID SOUTH LINE OF SECTION 47 AND THE RIGHT-OF-WAY OF SAID RAILROAD FOR A DISTANCE OF 139.61 FEET; THENCE DEPARTING SAID SOUTH LINE OF SECTION 47 RUN NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD FOR A DISTANCE OF 5,175 FEET MORE OR LESS, TO THE CENTER OF PELLICER CREEK, SAID CENTER OF CREEK BEING THE NORTHERLY BOUNDARY OF FLAGLER COUNTY, FLORIDA, (MAP REFERENCE POINT "J"); THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF RAILROAD RUN EASTERLY ALONG THE CENTER OF SAID PELLICER CREEK FOR A DISTANCE OF 5,667 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE DEPARTING THE CENTER OF PELLICER CREEK AND THE NORTH LINE OF FLAGLER COUNTY, FLORIDA, RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 FOR A DISTANCE OF 9,413 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST; THENCE NORTH 89°44'49" EAST ALONG SAID NORTH LINE OF SECTION 21 FOR A DISTANCE OF 50.52 FEET; THENCE DEPARTING SAID NORTH LINE OF SECTION 21, RUN SOUTH 08°29'47" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF U.S. No. 1 FOR A DISTANCE OF 1,332.10 FEET; THENCE SOUTH 89°35'37" WEST FOR A DISTANCE OF 50.50 FEET; THENCE SOUTH 08°29'47" EAST FOR A DISTANCE OF 685.79 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1 RUN NORTH 81°30'13" EAST FOR A DISTANCE OF 200.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1; THENCE DEPARTING U.S. HIGHWAY No. 1 RUN NORTH 89°21'34" EAST ALONG THE SOUTH BOUNDARY LINE OF THE KURCIN PARCEL RECORDED IN OFFICIAL RECORDS BOOK 672, PAGE 508 FOR A DISTANCE OF 1,097.21 FEET; THENCE SOUTH 08°08'42" EAST FOR A DISTANCE OF 281.75 FEET; THENCE WESTERLY ALONG THE NORTH BOUNDARY LINE OF THE ROTUNNO PARCEL, RECORDED IN OFFICIAL RECORDS BOOK 562, PAGE 1600, FOR A DISTANCE OF 1,095.5 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 391.3 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF SAID ROTUNNO PARCEL; THENCE NORTH 89°26'28" EAST ALONG THE SOUTH LINE OF THE ROTUNNO PARCEL AND ALONG THE SOUTH LINE OF THE KURCIN PARCEL FOR A DISTANCE OF 1,678.73 FEET; THENCE NORTH 00°29'05" WEST ALONG THE EAST LINE OF SAID KURCIN PARCEL FOR A DISTANCE OF 700.17 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID KURCIN PARCEL; THENCE WESTERLY ALONG THE NORTH LINE OF SAID KURCIN PARCEL FOR A DISTANCE OF 1,776.9 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1; THENCE NORTH 08°29'47" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1, FOR A DISTANCE OF 1,958 FEET, MORE OR LESS, TO THE NORTH LINE OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 30 EAST; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1 FOR A DISTANCE OF 9,255 FEET, MORE OR LESS, TO THE CENTER OF PELLICER CREEK AND THE NORTH LINE OF FLAGLER COUNTY, FLORIDA; THENCE EASTERLY ALONG THE CENTER OF PELLICER CREEK 4,846 FEET, MORE OR LESS, TO THE CENTER OF INTERSTATE-95; THENCE DEPARTING SAID CENTER OF PELLICER CREEK AND THE NORTH LINE OF FLAGLER COUNTY, RUN SOUTHERLY ALONG

~~THE CENTER OF INTERSTATE-95 FOR A DISTANCE OF 11,325 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.~~

~~TOGETHER WITH:~~

~~A PORTION OF SECTION 18, TOWNSHIP 10 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 18 (MAP REFERENCE POINT "I"); THENCE NORTHERLY ALONG THE WEST LINE OF SAID SECTION 18 TO THE NORTH WEST CORNER OF SAID SECTION 18; THENCE NORTH 89°04'11" EAST ALONG THE NORTHERLY LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 18, FOR A DISTANCE OF 2,643.62 FEET TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER (1/4) OF SAID SECTION 18; THENCE NORTH 88°55'28" EAST ALONG SAID LINE, FOR A DISTANCE OF 1,327.18 FEET TO THE EASTERLY LINE OF THE NORTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION 18; THENCE SOUTH 00°47'39" EAST, ALONG SAID LINE, 1,319.93 FEET TO SOUTHERLY LINE OF THE NORTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SAID SECTION 18; THENCE SOUTH 88°59'22" WEST, ALONG SAID LINE, 1,325.16 FEET TO THE EASTERLY LINE OF THE NORTHWEST QUARTER (1/4) OF SECTION 18; THENCE SOUTH 00°52'54" EAST, ALONG SAID LINE, 1,318.42 FEET TO THE NORTHERLY LINE OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 18; THENCE NORTH 89°03'17" EAST, ALONG SAID LINE, 2,646.28 FEET TO THE EASTERLY LINE OF SAID SECTION 18; THENCE SOUTH 00°36'34" EAST, ALONG SAID LINE, 2,664.61 FEET TO THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 18; THENCE SOUTH 89°51'49" WEST, ALONG LAST SAID LINE, 2,633.84 FEET TO SOUTHERLY LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 18, THENCE NORTH 88°50'09" EAST, ALONG SAID LINE, FOR A DISTANCE OF 2,654.39 FEET TO THE TO THE POINT OF BEGINNING (MAP REFERENCE POINT "I").~~

~~TOGETHER WITH:~~

~~A PARCEL OF LAND DESCRIBED AS THAT PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 30 EAST, FLAGLER COUNTY, FLORIDA DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 30 AND RUN NORTH 30 DEGREES 53 MINUTES 57 SECOND WEST, 2600.95 FEET TO A POINT ON THE WESTERN BOUNDARY OF THE EAST 1/2 OF THE SOUTHEAST 1/4, THENCE SOUTH ALONG SAID WESTERN BOUNDARY OF THE EAST 1/2 OF THE SOUTHEAST 1/4 TO THE SOUTH LINE OF SECTION 30, THEN EAST ALONG THE SOUTH LINE OF SAID SECTION TO THE SOUTHEAST CORNER OF SECTION 30 AND THE POINT OF BEGINNING. APPROXIMATELY 32 ACRES MORE OR LESS.~~

~~TOGETHER WITH:~~

~~A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 17, 18, 19, 20, 21, 22, 27, 28, 29, 33, 34, 42, 50, 51, 52, 53 AND 54, TOWNSHIP 11 SOUTH, RANGE 31 EAST, GOVERNMENT SECTIONS 3 AND 40, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;~~

~~A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF GOVERNMENT SECTION 22, TOWNSHIP 11 SOUTH, RANGE 31 EAST, THENCE NORTH 88°53'11" EAST ALONG THE SOUTH LINE OF SECTION 22 A DISTANCE OF 429.08 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE DEPARTING SAID SECTION LINE SOUTH 16°42'45" EAST A DISTANCE OF 269.25 FEET, THENCE SOUTH 52°45'41" WEST A DISTANCE OF 121.63 FEET, THENCE SOUTH 60°38'42" EAST A DISTANCE OF 233.55 FEET, THENCE NORTH 57°33'16" EAST A DISTANCE OF 458.03 FEET, THENCE NORTH 87°43'12" EAST A DISTANCE OF 210.59 FEET, THENCE SOUTH 19°42'53" WEST A DISTANCE OF 40.68 FEET, THENCE SOUTH 75°30'00" EAST A DISTANCE OF 44.12 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF A 15' STRIP OF LAND FOR PEDESTRIAN/BICYCLE PATH USE RECORDED IN OFFICIAL RECORDS BOOK 474, PAGES 820 THROUGH 823, THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES SOUTH 10°05'32" WEST A~~

~~DISTANCE OF 926.81 FEET TO A POINT OF CURVATURE, CONCAVE NORTHEASTERLY, THENCE SOUTHERLY A DISTANCE OF 1887.48 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 68°39'48", A RADIUS OF 1575.00 FEET, A CHORD BEARING OF SOUTH 24°14'22" EAST AND A CHORD DISTANCE OF 1776.54 FEET TO A POINT OF TANGENCY, THENCE SOUTH 58°34'16" EAST A DISTANCE OF 560.63 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHWESTERLY, THENCE SOUTHEASTERLY A DISTANCE OF 1700.10 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 40°10'06", A RADIUS OF 2425.00 FEET, A CHORD BEARING OF SOUTH 38°29'13" EAST AND A CHORD DISTANCE OF 1665.49 FEET TO A POINT OF TANGENCY, THENCE SOUTH 18°24'09" EAST A DISTANCE OF 5460.63 TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY, THENCE SOUTHERLY A DISTANCE OF 1507.36 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11°29'11", A RADIUS OF 7519.00 FEET, A CHORD BEARING OF SOUTH 11°58'36" EAST AND A CHORD DISTANCE OF 1504.84 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE, THENCE DEPARTING SAID PROPOSED ROADWAY SOUTH 83°46'14" WEST A DISTANCE OF 8.55 FEET, THENCE SOUTH 83°27'24" WEST A DISTANCE OF 211.82 FEET, THENCE SOUTH 44°29'22" WEST A DISTANCE OF 990.73 FEET, THENCE SOUTH 29°15'12" WEST A DISTANCE OF 219.88 FEET, THENCE SOUTH 57°42'47" EAST A DISTANCE OF 283.56 FEET, THENCE SOUTH 12°43'31" EAST A DISTANCE OF 300.18 FEET, THENCE SOUTH 45°29'28" EAST A DISTANCE OF 718.28 FEET, THENCE SOUTH 19°06'24" EAST A DISTANCE OF 261.31 FEET, THENCE SOUTH 44°03'30" WEST A DISTANCE OF 145.36 FEET, THENCE NORTH 62°22'17" WEST A DISTANCE OF 122.87 FEET, THENCE SOUTH 39°18'36" WEST A DISTANCE OF 208.66 FEET, THENCE SOUTH 23°18'47" WEST A DISTANCE OF 392.96 FEET, THENCE SOUTH 22°15'50" EAST A DISTANCE OF 554.13 FEET, THENCE NORTH 79°37'07" WEST A DISTANCE OF 158.10 FEET, THENCE NORTH 47°30'38" WEST A DISTANCE OF 210.90 FEET, THENCE NORTH 08°02'07" WEST A DISTANCE OF 278.13 FEET, THENCE NORTH 42°31'19" WEST A DISTANCE OF 644.26 FEET, THENCE NORTH 63°57'47" WEST A DISTANCE OF 302.89 FEET, THENCE NORTH 85°53'27" WEST A DISTANCE OF 132.53 FEET, THENCE NORTH 03°36'14" EAST A DISTANCE OF 123.70 FEET, THENCE NORTH 43°33'24" WEST A DISTANCE OF 406.24 FEET, THENCE SOUTH 43°05'57" WEST A DISTANCE OF 91.04 FEET, THENCE SOUTH 04°15'25" WEST A DISTANCE OF 104.75 FEET, THENCE SOUTH 40°22'25" WEST A DISTANCE OF 324.10 FEET, THENCE SOUTH 80°06'11" WEST A DISTANCE OF 55.25 FEET, THENCE NORTH 27°50'43" EAST A DISTANCE OF 332.95, THENCE NORTH A DISTANCE OF 85.47 FEET, THENCE NORTH 47°33'46" EAST A DISTANCE OF 191.77 FEET, THENCE NORTH 15°15'48" WEST A DISTANCE OF 155.15 FEET, THENCE NORTH 34°00'46" WEST A DISTANCE OF 636.31 FEET, THENCE SOUTH 85°20'40" WEST A DISTANCE OF 87.82 FEET, THENCE SOUTH 12°52'08" WEST A DISTANCE OF 314.39 FEET, THENCE NORTH 77°50'07" WEST A DISTANCE OF 101.47 FEET, THENCE NORTH 17°19'15" WEST A DISTANCE OF 156.79 FEET, THENCE NORTH 71°16'17" WEST A DISTANCE OF 309.76 FEET, THENCE SOUTH 78°29'33" WEST A DISTANCE OF 105.55 FEET, THENCE NORTH 58°58'10" WEST A DISTANCE OF 118.93 FEET, THENCE NORTH 00°58'16" EAST A DISTANCE OF 127.06 FEET, THENCE SOUTH 66°13'11" EAST A DISTANCE OF 277.69 FEET, THENCE NORTH 39°57'04" EAST A DISTANCE OF 104.92 FEET, THENCE SOUTH 67°50'42" EAST A DISTANCE OF 245.71 FEET, THENCE NORTH 37°03'07" WEST A DISTANCE OF 803.78 FEET, THENCE NORTH 00°44'11" WEST A DISTANCE OF 475.68 FEET, THENCE SOUTH 89°15'49" WEST ALONG THE NORTHERLY LINE OF THE LEHIGH RAILROAD RIGHT-OF-WAY A DISTANCE OF 3998.99 FEET, THENCE DEPARTING SAID RAILROAD RIGHT-OF-WAY NORTH 00°44'11" WEST A DISTANCE OF 208.86 FEET, THENCE NORTH 17°41'36" WEST A DISTANCE OF 3508.19 FEET, THENCE SOUTH 89°10'12" WEST A DISTANCE OF 833.01 FEET, THENCE NORTH 15°20'03" WEST A DISTANCE OF 1688.94 FEET, THENCE NORTH 13°36'24" WEST A DISTANCE OF 2525.96 FEET, THENCE NORTH 42°21'02" WEST A DISTANCE OF 1094.08 FEET, THENCE NORTH 20°26'43" WEST A DISTANCE OF 2138.13 FEET, THENCE NORTH 69°03'13" EAST A DISTANCE OF 664.65 FEET, THENCE NORTH 20°17'51" WEST A DISTANCE OF 142.01 FEET, THENCE SOUTH 69°03'13" WEST A DISTANCE OF 901.75 FEET, THENCE NORTH 11°45'24" WEST A DISTANCE OF 3.26 FEET, THENCE NORTH 01°54'07" EAST A DISTANCE OF 64.87 FEET, THENCE NORTH 12°43'33" WEST A DISTANCE OF 47.49 FEET, THENCE NORTH 12°11'06" WEST A DISTANCE OF 33.61 FEET, THENCE~~



~~NORTH 22°25'29" WEST A DISTANCE OF 45.85 FEET, THENCE NORTH 25°31'12" WEST A DISTANCE OF 52.05 FEET, THENCE NORTH 78°14'10" EAST A DISTANCE OF 50.37 FEET, THENCE NORTH 13°55'38" WEST A DISTANCE OF 84.62 FEET, THENCE SOUTH 79°42'21" WEST A DISTANCE OF 36.14 FEET, THENCE NORTH 00°34'43" WEST A DISTANCE OF 43.70 FEET, THENCE SOUTH 89°25'17" WEST A DISTANCE OF 35.00 FEET, THENCE SOUTH 89°24'49" WEST A DISTANCE OF 191.43 FEET, THENCE NORTH 08°42'57" EAST A DISTANCE OF 238.76 FEET, THENCE NORTH 19°25'15" WEST A DISTANCE OF 1583.14 FEET, THENCE NORTH 24°33'06" WEST A DISTANCE OF 289.90 FEET, THENCE NORTH 32°26'09" WEST A DISTANCE OF 430.26 FEET, THENCE NORTH 16°26'05" WEST A DISTANCE OF 553.11 FEET, THENCE NORTH 24°10'56" WEST A DISTANCE OF 802.64 FEET, THENCE NORTH 35°30'33" WEST A DISTANCE OF 127.19 FEET, THENCE SOUTH 71°49'42" WEST A DISTANCE OF 35.00 FEET, THENCE NORTH 18°10'18" WEST A DISTANCE OF 155.00 FEET, THENCE SOUTH 71°49'42" WEST A DISTANCE OF 167.00 FEET, THENCE SOUTH 18°10'18" EAST A DISTANCE OF 155.00 FEET, THENCE SOUTH 71°49'42" WEST A DISTANCE OF 1252.18 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (66'R/W) SAID POINT BEING ON A CURVE, CONCAVE SOUTHWESTERLY, THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES NORTHWESTERLY A DISTANCE OF 461.70 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 18°03'08", A RADIUS OF 1465.39 FEET, A CHORD BEARING OF NORTH 40°09'23" WEST AND A CHORD DISTANCE OF 459.79 FEET TO A POINT OF REVERSE CURVATURE, CONCAVE NORTHEASTERLY, THENCE NORTHWESTERLY A DISTANCE OF 532.87 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 21°49'02", A RADIUS OF 1399.40 FEET, A CHORD BEARING OF NORTH 38°16'26" WEST AND A CHORD DISTANCE OF 529.65 FEET TO A POINT OF TANGENCY, THENCE NORTH 27°21'55" WEST A DISTANCE OF 756.86 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHWESTERLY, THENCE NORTHWESTERLY A DISTANCE OF 615.83 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 22°29'44", A RADIUS OF 1568.52 FEET, A CHORD BEARING OF NORTH 38°36'47" WEST AND A CHORD DISTANCE OF 611.88 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE, THENCE NORTH 89°11'03" EAST ALONG THE NORTH LINE OF GOVERNMENT SECTION 19 A DISTANCE OF 25.75 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, THENCE NORTHWESTERLY ALONG OLD KINGS ROAD A DISTANCE OF 76.39 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02°45'38", A RADIUS OF 1585.52 FEET, A CHORD BEARING OF NORTH 50°32'17" WEST AND A CHORD DISTANCE OF 76.39 FEET TO A POINT OF TANGENCY, THENCE NORTH 51°55'06" WEST A DISTANCE OF 420.35 FEET, THENCE DEPARTING OLD KINGS ROAD NORTH 38°04'53" EAST A DISTANCE OF 60.00 FEET, THENCE SOUTH 51°55'06" EAST A DISTANCE OF 30.00 FEET, THENCE NORTH 41°00'49" EAST ALONG THE SOUTHERLY BOUNDARY OF THE PLAT BERNARD MEADOWS SECTION-81, MAP BOOK 23, PAGES 23 THROUGH 40 A DISTANCE OF 165.15 FEET TO A POINT OF CURVATURE, CONCAVE SOUTHERLY, THENCE NORTHEASTERLY A DISTANCE OF 1483.23 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 67°59'11", A RADIUS OF 1250.00 FEET, A CHORD BEARING OF NORTH 75°00'25" EAST AND A CHORD DISTANCE OF 1397.73 FEET TO A POINT OF TANGENCY, THENCE SOUTH 71°00'00" EAST A DISTANCE OF 900.00 FEET TO A POINT OF CURVATURE, CONCAVE NORTHERLY, THENCE EASTERLY A DISTANCE OF 1358.74 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 45°00'00", A RADIUS OF 1730.00 FEET, A CHORD BEARING OF NORTH 86°30'00" EAST AND A CHORD DISTANCE OF 1324.08 FEET TO A POINT OF TANGENCY, THENCE NORTH 64°00'00" EAST A DISTANCE OF 1701.10 FEET TO A POINT ON THE EAST LINE OF SECTION 42, THENCE SOUTH 25°44'16" EAST ALONG THE EAST LINE OF SECTION 42 A DISTANCE OF 2004.38 FEET, THENCE SOUTH 25°18'43" EAST ALONG THE EAST LINE OF SECTION 50 A DISTANCE OF 208.36 FEET, THENCE DEPARTING SECTION 50 NORTH 64°41'17" EAST A DISTANCE OF 800.00 FEET, THENCE NORTH 31°07'01" EAST A DISTANCE OF 1744.68 FEET, THENCE SOUTH 89°53'38" EAST A DISTANCE OF 2595.47 FEET, THENCE SOUTH 23°57'25" EAST A DISTANCE OF 94.80 FEET, THENCE SOUTH 08°51'56" WEST A DISTANCE OF 109.87 FEET, THENCE SOUTH 03°23'14" EAST A DISTANCE OF 208.02 FEET, THENCE SOUTH 42°13'34" EAST A DISTANCE~~

~~OF 171.72 FEET, THENCE NORTH 87°40'06" EAST A DISTANCE OF 165.10 FEET, THENCE SOUTH 11°11'25" WEST A DISTANCE OF 105.42 FEET, THENCE SOUTH 62°15'40" WEST A DISTANCE OF 181.91 FEET, THENCE SOUTH 04°09'43" EAST A DISTANCE OF 303.07 FEET, THENCE SOUTH 39°18'17" EAST A DISTANCE OF 208.34 FEET, THENCE SOUTH 02°34'48" EAST A DISTANCE OF 361.11 FEET, THENCE SOUTH 36°40'38" EAST A DISTANCE OF 142.77 FEET, THENCE SOUTH 60°40'04" EAST A DISTANCE OF 256.86 FEET, THENCE SOUTH 31°32'40" EAST A DISTANCE OF 131.73 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF COLBERT LANE EXTENSION (215'R/W), THENCE SOUTH 12°18'31" EAST A DISTANCE OF 172.40 FEET, THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 02°09'53" EAST A DISTANCE OF 2.98 FEET, THENCE SOUTH 87°50'07" WEST A DISTANCE OF 12.10 FEET, THENCE SOUTH 04°21'31" WEST A DISTANCE OF 28.04 FEET, THENCE SOUTH 46°25'34" WEST A DISTANCE OF 120.95 FEET, THENCE SOUTH 03°36'47" WEST A DISTANCE OF 203.48 FEET, THENCE SOUTH 17°41'49" EAST A DISTANCE OF 316.38 FEET, THENCE SOUTH 35°09'38" EAST A DISTANCE OF 115.05 FEET, THENCE SOUTH 59°53'36" EAST A DISTANCE OF 170.46 FEET, THENCE SOUTH 25°07'13" EAST A DISTANCE OF 342.34 FEET, THENCE SOUTH 50°31'18" EAST A DISTANCE OF 141.21 FEET, THENCE SOUTH 20°13'12" EAST A DISTANCE OF 195.14 FEET, THENCE SOUTH 31°32'58" WEST A DISTANCE OF 441.60 FEET, THENCE SOUTH 15°13'26" WEST A DISTANCE OF 258.73 FEET, THENCE SOUTH 75°24'27" EAST A DISTANCE OF 35.24 FEET, THENCE SOUTH 12°01'18" WEST A DISTANCE OF 450.50 FEET, THENCE SOUTH 58°00'31" WEST A DISTANCE OF 264.79 FEET, THENCE SOUTH 12°26'08" WEST A DISTANCE OF 169.77 FEET, THENCE SOUTH 14°14'22" EAST A DISTANCE OF 341.84 FEET, THENCE SOUTH 16°18'06" WEST A DISTANCE OF 127.31 FEET, THENCE SOUTH 21°41'22" EAST A DISTANCE OF 328.77 FEET, THENCE SOUTH 50°13'05" EAST A DISTANCE OF 204.61 FEET, THENCE SOUTH 33°13'43" WEST A DISTANCE OF 104.34 FEET, THENCE SOUTH 31°50'57" EAST A DISTANCE OF 595.97 FEET, THENCE SOUTH 16°42'45" EAST A DISTANCE OF 4.14 FEET TO THE POINT OF BEGINNING.~~

~~SUBJECT TO EXISTING EASEMENTS TO FLORIDA POWER AND LIGHT CO. RECORDED IN OFFICIAL RECORDS BOOK 145, PAGES 697 AND 698 AND BOOK 44, PAGES 512-518, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.~~

~~PARCEL CONTAINING 3069.8239 ACRES MORE OR LESS.~~

~~TOGETHER WITH:~~

~~A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 3, 39 AND 40, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF GOVERNMENT SECTION 3, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE NORTH 20°42'49" WEST ALONG THE WEST LINE OF SECTION 3 A DISTANCE OF 4478.80 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;~~

~~THENCE SOUTH 58°52'20" WEST A DISTANCE OF 58.15 FEET; THENCE SOUTH 49°01'16" WEST A DISTANCE OF 347.81 FEET; THENCE SOUTH 11°33'59" EAST A DISTANCE OF 145.51 FEET; THENCE SOUTH 32°19'01" WEST A DISTANCE OF 185.55 FEET; THENCE SOUTH 26°09'35" EAST A DISTANCE OF 79.41 FEET; THENCE SOUTH 28°37'27" WEST A DISTANCE OF 194.88 FEET; THENCE SOUTH 12°48'41" EAST A DISTANCE OF 131.57 FEET; THENCE SOUTH 39°58'25" EAST A DISTANCE OF 279.70 FEET; THENCE SOUTH 11°49'24" EAST A DISTANCE OF 69.15 FEET TO A POINT BEING THE NORTHEAST CORNER OF A 261.00 ACRE PARCEL OF LAND TO BE SOLD TO THE FLORIDA DEPARTMENT OF TRANSPORTATION; THENCE SOUTH 89°15'49" WEST ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 2114.30 FEET; THENCE NORTH 20°54'58" WEST A DISTANCE OF 2024.75 FEET TO A POINT ON THE SOUTH LINE OF THE LEHIGH RAILROAD RIGHT-OF-WAY LINE (60' R/W); THENCE NORTH 89°15'49" EAST ALONG SAID RAILROAD RIGHT-OF-WAY A DISTANCE OF 3519.14 FEET; THENCE DEPARTING SAID RAILROAD RIGHT-OF-WAY SOUTH 00°44'11" EAST A DISTANCE OF 415.68 FEET; THENCE SOUTH 58°52'20" WEST A DISTANCE OF 548.52 FEET TO THE POINT OF BEGINNING.~~



~~SAID PARCEL CONTAINING 115.00 ACRES MORE OR LESS.~~

~~TOGETHER WITH:~~

~~A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTION 48, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SAID GOVERNMENT SECTION 16, THENCE SOUTH 01°02'33" EAST ALONG THE EAST LINE OF SECTION 16 A DISTANCE OF 3420.10 FEET TO A POINT ON THE CENTERLINE RIGHT-OF-WAY OF WATERSIDE PARKWAY (80'R/W) ACCORDING TO THE PLAT WATERSIDE COUNTRY CLUB PHASE I, RECORDED IN MAP BOOK 30, PAGES 64 THROUGH 72, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE SOUTH 62°36'35" WEST ALONG THE CENTERLINE OF SAID RIGHT-OF-WAY A DISTANCE OF 423.27 FEET TO A POINT ON THE CENTERLINE OF RIGHT-OF-WAY OF COLBERT LANE (120'R/W), THENCE CONTINUE ALONG THE EXTENSION OF THE CENTERLINE OF WATERSIDE PARKWAY SOUTH 62°36'35" WEST A DISTANCE OF 349.86 FEET THENCE SOUTH 05°07'41" WEST A DISTANCE OF 329.41 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUE SOUTH 05°07'41" WEST A DISTANCE OF 92.37 FEET, THENCE SOUTH 10°18'17" EAST A DISTANCE OF 32.52 FEET, THENCE SOUTH 89°53'38" EAST A DISTANCE OF 77.37 FEET, THENCE SOUTH 23°57'25" EAST A DISTANCE OF 3.10 FEET, THENCE SOUTH 87°09'26" WEST A DISTANCE OF 878.22 FEET, THENCE NORTH 87°41'32" WEST A DISTANCE OF 475.32 FEET, THENCE NORTH 88°55'57" WEST A DISTANCE OF 1191.06 FEET, THENCE SOUTH 33°09'09" WEST A DISTANCE OF 804.92 FEET, THENCE SOUTH 32°27'51" WEST A DISTANCE OF 959.89 FEET, THENCE SOUTH 64°41'17" WEST A DISTANCE OF 89.27 FEET, THENCE NORTH 16°28'04" EAST A DISTANCE OF 397.93 FEET, THENCE NORTH 31°07'01" EAST A DISTANCE OF 1485.39 FEET, THENCE SOUTH 89°53'38" EAST A DISTANCE OF 889.47 FEET, THENCE SOUTH 86°32'03" EAST A DISTANCE OF 892.61 FEET, THENCE NORTH 86°21'56" EAST A DISTANCE OF 843.68 FEET TO THE POINT OF BEGINNING.~~

~~PARCEL CONTAINING 14.40 ACRES MORE OR LESS.~~

~~TOGETHER WITH:~~

~~A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTION 48 AND GOVERNMENT SECTION 16, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SAID GOVERNMENT SECTION 16; THENCE SOUTH 01°02'33" EAST ALONG THE EAST LINE OF SECTION 16 A DISTANCE OF 3420.10 FEET TO A POINT ON THE CENTERLINE RIGHT-OF-WAY OF WATERSIDE PARKWAY (80'R/W) ACCORDING TO THE PLAT WATERSIDE COUNTRY CLUB PHASE I, RECORDED IN MAP BOOK 30, PAGES 64 THROUGH 72, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTH 62°36'35" WEST ALONG THE CENTERLINE OF SAID RIGHT-OF-WAY A DISTANCE OF 423.27 FEET TO A POINT ON THE CENTERLINE OF RIGHT-OF-WAY OF COLBERT LANE (120'R/W); THENCE CONTINUE ALONG THE EXTENSION OF THE CENTERLINE OF WATERSIDE PARKWAY SOUTH 62°36'35" WEST A DISTANCE OF 349.86 FEET; THENCE SOUTH 05°07'41" WEST A DISTANCE OF 329.41 FEET TO THE NORTHEASTERLY CORNER OF THE SOUTH PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 664, PAGE 1222, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID CORNER BEING THE POINT OF BEGINNING OF THIS DESCRIPTION;~~

~~THENCE SOUTH 86°51'56" WEST, ALONG THE NORTH LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 664, PAGE 1222, A DISTANCE OF 843.68 FEET; THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 86°32'03" WEST, A DISTANCE OF 892.60 FEET TO THE EASTERLY LINE OF THE ESTATES AT GRAND HAVEN AS RECORDED IN MAP BOOK 35, PAGE 48 OF SAID PUBLIC RECORDS; THENCE ALONG SAID EASTERLY LINE OF THE ESTATES AT GRAND HAVEN THE THIRTEEN CALLS; THENCE NORTH 00°06'00" WEST, A DISTANCE OF 327.26 FEET; THENCE NORTH 65°24'15" EAST, A DISTANCE OF 164.04 FEET;~~

THENCE NORTH 27°59'03" WEST, A DISTANCE OF 293.45 FEET; THENCE NORTH 27°59'07" WEST, A DISTANCE OF 183.32 FEET; THENCE NORTH 27°26'21" EAST, A DISTANCE OF 455.18 FEET; THENCE NORTH 19°36'23" WEST, A DISTANCE OF 357.96 FEET; THENCE NORTH 22°46'29" WEST, A DISTANCE OF 350.93 FEET; THENCE NORTH 59°32'23" WEST, A DISTANCE OF 212.76 FEET; THENCE NORTH 18°37'46" WEST, A DISTANCE OF 297.68 FEET; THENCE NORTH 39°18'25" WEST, A DISTANCE OF 235.89 FEET; THENCE NORTH 58°35'11" WEST, A DISTANCE OF 264.69 FEET; THENCE NORTH 21°17'54" WEST, A DISTANCE OF 187.00 FEET; THENCE NORTH 45°56'26" WEST, A DISTANCE OF 330.28 FEET TO A POINT ON A CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1921.50 FEET, SAID CURVE BEING 3.50 FEET SOUTHERLY AND PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 474, PAGE 823 (A 15.00 FOOT WIDE PARCEL FOR A BIKE PATH); THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°57'05", AN ARC DISTANCE OF 635.57 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 81°41'50" EAST, 632.67 FEET TO THE WESTERLY LINE OF PARCEL "L" AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 788, OF SAID PUBLIC RECORDS; THENCE SOUTH 01°40'48" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 42.67 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "L"; THENCE SOUTH 83°28'24" EAST, ALONG THE SOUTHERLY LINE OF SAID PARCEL "L", A DISTANCE OF 63.35 FEET TO THE WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1283, PAGE 1109, OF SAID PUBLIC RECORDS; THENCE SOUTH 40°19'52" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 140.90 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 35°32'32" EAST, A DISTANCE OF 103.57 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 12°09'50" EAST, A DISTANCE OF 172.20 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 19°39'25" EAST, A DISTANCE OF 178.98 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 26°34'08" EAST, A DISTANCE OF 242.29 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 72°02'02" EAST, A DISTANCE OF 468.37 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 26°34'08" EAST, A DISTANCE OF 161.53 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 21°48'17" EAST, A DISTANCE OF 194.51 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 14°44'46" EAST, A DISTANCE OF 236.54 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 02°47'35" EAST, A DISTANCE OF 494.20 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 36°01'55" EAST, A DISTANCE OF 163.76 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 53°00'05" EAST, A DISTANCE OF 120.41 FEET TO THE SOUTHERLY LINE OF SAID LANDS; THENCE NORTH 68°12'07" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 64.84 FEET TO THE EASTERLY LINE OF SAID LANDS; THENCE NORTH 00°00'00" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 385.26 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 10°13'26" WEST, A DISTANCE OF 746.24 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 38°59'45" WEST, A DISTANCE OF 325.31 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 58°40'32" WEST, A DISTANCE OF 324.21 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 23°57'58" WEST, A DISTANCE OF 118.58 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE, NORTH 21°33'02" EAST, A DISTANCE OF 313.10 FEET TO THE SOUTHERLY LINE OF PARCEL "N" AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 788 OF SAID PUBLIC RECORDS; THENCE SOUTH 82°38'43" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 49.75 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "N"; THENCE NORTH 03°58'32" EAST, A DISTANCE OF 115.90 FEET TO A POINT ON THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 762 OF SAID PUBLIC RECORDS, SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1465.50 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°02'56", AN ARC DISTANCE OF 308.19 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 71°15'54" EAST, 307.62 FEET TO A POINT ON THE WEST LINE OF PARCEL "O" AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 788 OF SAID PUBLIC RECORDS; THENCE SOUTH 25°25'33" WEST, ALONG SAID WEST LINE,

~~A DISTANCE OF 115.31 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL "O"; THENCE SOUTH 68°47'28" EAST, ALONG THE SOUTHERLY LINE OF SAID PARCEL "O", A DISTANCE OF 67.43 FEET TO THE SOUTHEASTERLY CORNER SAID PARCEL "O"; THENCE NORTH 24°25'47" EAST, A DISTANCE OF 109.67 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 762 OF SAID PUBLIC RECORDS, SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1465.50 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°00'45", AN ARC DISTANCE OF 307.25 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 56°40'46" EAST, 306.69 FEET TO A POINT ON THE NORTHWESTERLY LINE OF PARCEL "P" AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 788 OF SAID PUBLIC RECORDS; THENCE SOUTH 40°10'10" WEST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 112.25 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL "P"; THENCE SOUTH 52°07'06" EAST, ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 69.75 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL "P"; THENCE NORTH 37°59'55" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL "P", A DISTANCE OF 109.04 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 762 OF SAID PUBLIC RECORDS, SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1465.50 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°30'46", AN ARC DISTANCE OF 141.00 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 45°21'12" EAST, 140.95 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 42°35'52" EAST, CONTINUING ALONG SAID SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 762 OF SAID PUBLIC RECORDS, A DISTANCE OF 167.71 FEET TO A POINT ON THE NORTHWESTERLY LINE OF PARCEL "Q" AS DESCRIBED IN SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 788 OF SAID PUBLIC RECORDS; THENCE SOUTH 49°41'14" WEST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 38.40 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL "Q"; THENCE SOUTH 37°08'15" EAST, ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL "Q", A DISTANCE OF 57.94 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL "Q"; THENCE NORTH 50°46'51" EAST, ALONG THE SOUTHEATERLY LINE OF SAID PARCEL "Q", A DISTANCE OF 43.95 FEET TO A POINT ON THE SOUTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 762 OF SAID PUBLIC RECORDS; THENCE SOUTH 42°35'50" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 27.89 FEET TO THE POINT OF CURVATURE OF A CURVE COONCAVE [CONCAVE] SOUTHWESTERLY AND HAVING A RADIUS OF 1465.50 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°12'25", AN ARC DISTANCE OF 56.45 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 41°29'38" EAST, 56.44 FEET TO A POINT ON THE WESTERLY LINE OF THE NORTH PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 64, PAGE 1222 OF SAID PUBLIC RECORDS; THENCE SOUTH 19°36'48" EAST, ALONG SAID WESTERLY LINE OF SAID NORTH PARCEL, A DISTANCE OF 573.46 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 10°52'52" EAST, A DISTANCE OF 1119.30 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 03°38'24" WEST, A DISTANCE OF 406.07 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, SOUTH 05°07'59" WEST, A DISANCE OF 253.52 FEET TO THE POINT OF BEGINNING.~~

~~PARCEL CONTAINING 102.01 ACRES MORE OR LESS.~~

~~TOGETHER WITH:~~

~~A PORTION OF PARCEL B OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 731, PAGES 1653-1655 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, SAID PORTION LYING IN GOVERNMENT SECTION 3 AND GOVERNMENT SECTION 40, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;~~

~~FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT SECTION 4, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA; THENCE SOUTH 01°25'55" EAST, A DISTANCE OF 130.74 FEET TO THE NORTH LINE OF PARCEL B OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 731, PAGES 1653-1655 OF SAID PUBLIC RECORDS; THENCE NORTH 89°15'49" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 3974.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89°15'46" EAST, A DISTANCE OF 3519.14 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE SOUTH 00°44'11" EAST, ALONG THE EAST LINE OF SAID LANDS, 60.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE SOUTH 89°15'49" WEST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 3519.14 FEET; THENCE NORTH 00°44'11" WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.~~

~~SAID PARCEL OF LAND CONTAINING 4.81 ACRES MORE OR LESS.~~

~~TOGETHER WITH:~~

~~A PARCEL OF LAND SITUATED IN A PORTION OF SECTION 3, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF THE AFORESAID SECTION 3 RUN SOUTH 89°05'18" WEST A DISTANCE OF 78.42 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 7519.00 FEET, SAID POINT BEING ON THE EAST LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197-1221 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTHEASTERLY ALONG SAID EAST LINE AND THE ARC OF SAID THROUGH A CENTRAL ANGLE OF 02°39'06" AND ARC DISTANCE OF 347.97 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 07°33'35" EAST, 347.94 FEET TO A POINT ON A NON-TANGENT LINE; THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 83°46'14" WEST, A DISTANCE OF 8.55 FEET; THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 83°27'24" WEST, A DISTANCE OF 211.82 FEET; THENCE SOUTH 44°29'22" WEST, A DISTANCE OF 887.79 FEET TO THE POINT OF BEGINNING;~~

~~THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 44°29'22" WEST, A DISTANCE OF 102.94 FEET; THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 29°15'12" WEST, A DISTANCE OF 149.65 FEET TO THE INTERSECTION OF SAID EAST LINE AND SOUTH LINE OF A FLORIDA POWER AND LIGHT EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 145, PAGES 697-698 OF SAID PUBLIC RECORDS; THENCE DEPARTING SAID EAST LINE, NORTH 73°37'09" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 71.52 FEET; THENCE DEPARTING SAID SOUTH LINE, NORTH 04°03'25" WEST, A DISTANCE OF 241.02 FEET; THENCE NORTH 88°53'34" EAST, A DISTANCE OF 164.68 FEET; THENCE SOUTH 47°57'19" EAST, A DISTANCE OF 89.25 FEET TO THE POINT OF BEGINNING.~~

~~SAID CONTAINING 0.89 ACRES MORE OR LESS,~~

~~TOGETHER WITH:~~

~~A PORTION OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 31 EAST, AND SECTION 3, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF THE AFORESAID SECTION [SECTION] 34 RUN SOUTH 89°05'18" WEST A DISTANCE OF 78.42 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 7519.00 FEET, SAID POINT BEING ON THE EAST LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197-1221 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND THE POINT OF BEGINNING;~~

~~THENCE SOUTHEASTERLY ALONG SAID EAST LINE AND THE ARC OF SAID THROUGH A CENTRAL ANGLE OF 02°39'07" AND ARC DISTANCE OF 347.97 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 07°33'35" EAST, 347.94 FEET~~



~~TO A POINT ON A NON-TANGENT LINE; THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 83°46'14" WEST, A DISTANCE OF 8.55 FEET; THENCE CONTINUING ALONG SAID EAST LINE, SOUTH 83°27'24" WEST, A DISTANCE OF 20.24 FEET; THENCE DEPARTING NORTH 38°08'10" WEST, A DISTANCE 190.40 FEET; THENCE NORTH 20°08'23" WEST, A DISTANCE OF 135.87 FEET; THENCE NORTH 16°00'34" WEST, A DISTANCE OF 225.82 FEET; THENCE NORTH 11°35'34" EAST, A DISTANCE OF 196.43 FEET; THENCE SOUTH 77°06'51" EAST, A DISTANCE OF 117.32 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 7519.00 FEET, SAID POINT BEING ON THE EAST LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197-1221 OF SAID PUBLIC RECORDS; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°25'07" AN ARC DISTANCE OF 317.39 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 10°05'42" EAST, 317.37 FEET TO THE POINT OF BEGINNING.~~

~~SAID CONTAINING 2.17 ACRES MORE OR LESS.~~

~~EXCEPT THE FOLLOWING PARCELS:~~

~~(1) THE 0.23 ACRE WELL SITE PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 253, PAGE 90 OF THE PUBLIC RECORDS, LOCATED IN GOVERNMENT SECTION 19 AND 30, 261 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SAID SECTION 19, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA. (MAP REFERENCE E-1)~~

~~(2) A PARCEL OF LAND LYING IN GOVERNMENT SECTION 21, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING A PERMANENT REFERENCE MONUMENT AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF CITATION PARKWAY WITH THE WESTERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS PARKWAY ALL AS SHOWN ON THE SUBDIVISION PLAT OF MICANOPY PARK SECTION 61, PALM COAST, AND RECORDED IN MAP BOOK 20, PAGE 55 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE NORTH 18°41'37" EAST 200.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS PARKWAY; THENCE NORTH 71°18'23" WEST 50.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE NORTH 71°18'23" WEST 600.00 FEET; THENCE NORTH 18°41'37" EAST 300.00 FEET; THENCE SOUTH 71°18'23" EAST 600.00 FEET; THENCE SOUTH 18°41'37" WEST A 300.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 4.13 ACRES, MORE OR LESS. (MAP REFERENCE E-2)~~

~~(3) A PARCEL OF LAND LYING WITHIN SECTIONS 12 AND 13, TOWNSHIP 12 SOUTH, RANGE 30 EAST, AND SECTIONS 7, 8, 17, 18, 19, 20 AND 21, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 17, TOWNSHIP 12 SOUTH, RANGE 31 EAST AS A POINT OF REFERENCE; THENCE NORTH 45°42'00" WEST FOR A DISTANCE OF 38.90 FEET TO A POINT ON THE NORTH LINE OF IROQUOIS WATERWAY; THENCE CONTINUE NORTH 45°42'00" WEST FOR A DISTANCE OF 899.33 FEET TO A POINT ON A CURVE; THENCE SOUTHWESTERLY 166.91 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE SOUTHEASTERLY) HAVING A CENTRAL ANGLE OF 16°54'30", A RADIUS OF 565.60 FEET, A CHORD BEARING OF SOUTH 29°19'26" WEST AND A CHORD DISTANCE OF 166.31 FEET; THENCE DEPARTING SAID CURVE ALONG A NON-RADIAL LINE RUN NORTH 50°20'54" WEST FOR A DISTANCE OF 1,219.08 FEET; THENCE NORTH 00°27'05" WEST FOR A DISTANCE OF 793.98 FEET; THENCE NORTH 31°44'29" EAST FOR A DISTANCE OF 624.90 FEET; THENCE NORTH 00°14'34" WEST FOR A DISTANCE OF 2,640.34 FEET; THENCE NORTH 02°19'33" WEST FOR A DISTANCE OF 2,391.47 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100; THENCE RUN WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 100 FOR A DISTANCE OF 4,475 FEET, MORE OR LESS, TO THE EASTERLY BOUNDARY OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1251, PAGES 1924 THROUGH 1927; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 RUN SOUTH 01°06'56" EAST ALONG~~

~~SAID EASTERLY BOUNDARY LINE FOR A DISTANCE OF 243.59 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF OLD MOODY BOULEVARD (50' R/W); THENCE SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY OF OLD MOODY BOULEVARD FOR A DISTANCE OF 371 FEET, MORE OR LESS, TO THE WEST BOUNDARY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1251, PAGES 1924 THROUGH 1927; THENCE NORTHERLY ALONG SAID WEST BOUNDARY FOR A DISTANCE OF 462 FEET, MORE OR LESS, TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 100 FOR A DISTANCE OF 3,194 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY BOUNDARY LINE OF LANDS OWNED BY FLAGLER COUNTY RECORDED IN OFFICIAL RECORDS BOOK 33, PAGES 549 THROUGH 551; THENCE DEPARTING STATE ROAD 100 RUN SOUTH 01°13'44" EAST ALONG THE WESTERLY BOUNDARY LINE OF THE FLAGLER COUNTY AIRPORT FOR A DISTANCE OF 1,629.75 FEET; THENCE SOUTH 88°46'16" WEST FOR A DISTANCE OF 555.09 FEET TO THE NORTHEAST CORNER OF THE COUNCIL FOR THE AGED PARCEL; THENCE NORTH 78°46'38" WEST ALONG THE NORTH LINE OF SAID PARCEL FOR A DISTANCE OF 585.48 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BELLE TERRE BOULEVARD; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 7,644 FEET MORE OR LESS, TO A POINT BEING THE SOUTHWEST CORNER OF RESERVED PARCEL "E-2" OF THE PLAT LAGUNA FOREST SECTION-64, MAP BOOK 18, PAGES 36 THROUGH 43; THENCE EASTERLY ALONG THE SOUTH LINE OF RESERVED PARCELS C-5, D-1 AND E-2 FOR A DISTANCE OF 6,625 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF RESERVED PARCEL C-5; THENCE NORTH 88°59'26" EAST ALONG THE SOUTH LINE OF RESERVED PARCEL C-4 FOR A DISTANCE OF 154.26 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID PLAT LAGUNA FOREST SECTION-64; THENCE SOUTHERLY ALONG THE EASTERLY BOUNDARY LINE OF SAID LAGUNA FOREST FOR A DISTANCE OF 1,534 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF THE 738 ACRE PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 1047, PAGES 871 THROUGH 874; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF SAID 738 ACRE PARCEL THE FOLLOWING FIVE COURSES; (1) THENCE NORTH 89°44'12" EAST FOR A DISTANCE OF 1,098.74 FEET; (2) THENCE SOUTH 02°32'58" EAST FOR A DISTANCE OF 503.81 FEET; (3) THENCE SOUTH 74°35'44" EAST FOR A DISTANCE OF 3,054.69 FEET; (4) THENCE NORTH 28°40'19" EAST FOR A DISTANCE OF 1,572.67 FEET; (5) THENCE NORTH 89°01'53" EAST FOR A DISTANCE OF 512 FEET, MORE OR LESS; THENCE NORTH 11°26'22" EAST FOR A DISTANCE OF 1,289.94 FEET TO A POINT ON THE SOUTHERLY LINE OF IROQUOIS WATERWAY RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 966 THROUGH 990; THENCE SOUTH 89°00'45" WEST ALONG SAID SOUTH LINE OF WATERWAY FOR A DISTANCE OF 1,081.78 FEET TO A POINT ON THE EAST LINE OF GOVERNMENT SECTION 17, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE NORTH 01°13'11" WEST FOR A DISTANCE OF 147.36 FEET, MORE OR LESS, TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 1,864 ACRES, MORE OR LESS. (MAP REFERENCE E-3)~~

(4) — (FROM O.R. BOOK 582, PAGES 1562-1581) LEGAL DESCRIPTION — PARCEL E1:

(FROM O.R. BOOK 582, PAGE 1565)

A PORTION OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 31 EAST AND SECTION 3, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

~~FROM A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF THE AFORESAID SECTION 34 RUN S89°05'18"W A DISTANCE OF 78.42 FEET TO A POINT ON A NON-TANGENT CURVE, SAID POINT BEING ON THE EAST LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 546 AT PAGES 1197-1221 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE AFORESAID CURVED EAST LINE OF OFFICIAL RECORDS BOOK 546, BEING A CURVE TO THE RIGHT HAVING A RADIUS 7519.00 FEET, AN ARC DISTANCE OF 348.02 FEET, A CENTRAL ANGLE OF 02°39'07" AND A CHORD BEARING S07°33'35"E, 347.99 FEET TO A POINT ON A NON-TANGENT LINE; THENCE CONTINUE ALONG THE AFORESAID EAST LINE OF OFFICIAL RECORDS BOOK 546 AND RUN S83°46'14"W A DISTANCE OF 8.55 FEET; THENCE CONTINUE~~



~~ALONG THE AFORESAID EAST LINE OFFICIAL RECORDS BOOK 546 AND RUN S83°27'24"W A DISTANCE OF 20.24 FEET; THENCE DEPARTING THE AFORESAID EAST LINE OF OFFICIAL RECORDS BOOK 546 RUN N38°08'10"W A DISTANCE OF 190.40 FEET; THENCE N20°08'23"W A DISTANCE OF 135.87 FEET; THENCE N16°00'34"W A DISTANCE OF 225.82 FEET; THENCE N11°35'34"E A DISTANCE OF 196.43 FEET; THENCE S77°06'51"E A DISTANCE OF 117.32 FEET TO A POINT ON A NON-TANGENT CURVE, SAID POINT BEING ON THE AFORESAID EAST LINE OF OFFICIAL RECORDS BOOK 546; THENCE SOUTHEASTERLY ALONG THE AFORESAID CURVED EAST LINE OF OFFICIAL RECORDS BOOK 546, BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 7519.00 FEET, AN ARC DISTANCE OF 317.39 FEET, A CENTRAL ANGLE OF 02°25'07" AND A CHORD BEARING S10°05'42"E, 317.37 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.17 ACRES OR 94417 SQUARE FEET.~~

~~(5) — LEGAL DESCRIPTION — PARCEL E2: (FROM O.R. BOOK 582, PAGE 1567)~~

~~A PARCEL OF LAND SITUATED IN A PORTION OF SECTION 3, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF THE AFORESAID SECTION 3 RUN S89°05'18"W ALONG THE NORTH LINE OF THE AFORESAID SECTION 3 A DISTANCE OF 78.42 FEET TO A POINT ON A NON-TANGENT CURVE, SAID POINT BEING ON THE EAST LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 546 AT PAGES 1197-1221 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE SOUTHEASTERLY ALONG THE AFORESAID CURVED EAST LINE OF OFFICIAL RECORDS BOOK 546, BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 7519.00 FEET, AN ARC DISTANCE OF 347.97 FEET, A CENTRAL ANGLE OF 02°39'06" AND A CHORD BEARING S07°33'35"E, 347.94 FEET TO A POINT ON A NON-TANGENT LINE; THENCE CONTINUE ALONG THE AFORESAID EAST LINE OF OFFICIAL RECORDS BOOK 546 FOR THE NEXT THREE COURSES AND RUN S83°46'14"W A DISTANCE OF 8.55 FEET; THENCE S83°27'24"W A DISTANCE OF 211.82 FEET; THENCE S44°29'22"W A DISTANCE OF 887.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE AFORESAID EAST LINE OF OFFICIAL RECORDS BOOK 546, AND RUN S44°29'22"W A DISTANCE OF 102.94 FEET, THENCE S29°15'12"W A DISTANCE OF 149.65 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF A FLORIDA POWER AND LIGHT EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 145 AT PAGES 697-698; THENCE DEPARTING THE AFORESAID EAST LINE OF OFFICIAL RECORDS BOOK 546 RUN N73°37'09"W ALONG THE AFORESAID SOUTH LINE OF THE FLORIDA POWER AND LIGHT EASEMENT A DISTANCE OF 71.52 FEET; THENCE DEPARTING THE AFORESAID SOUTH LINE OF THE FLORIDA POWER AND LIGHT EASEMENT RUN N04°03'25"W A DISTANCE OF 241.02 FEET; THENCE N88°53'34"E A DISTANCE OF 164.68 FEET; THENCE S47°57'19"E A DISTANCE OF 89.25 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.89 ACRES OR 38743 SQUARE FEET.~~

~~(6) — LEGAL DESCRIPTION — PARCEL E3 (FROM O.R. BOOK 582, PAGE 1569)~~

~~A PORTION OF SECTION 48, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE INTERSECTION OF THE EAST LINE OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 31 EAST AND THE EAST LINE OF SECTION 48, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, THENCE S88°58'09"W A DISTANCE OF 350.91 FEET TO THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE S11°11'25"W ALONG SAID EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, A DISTANCE OF 105.42 FEET; THENCE S62°15'40"W A DISTANCE OF 61.60 FEET; THENCE DEPARTING SAID EASTERLY LINE OF LANDS DESCRIBED OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, N10°09'29"W A DISTANCE OF 130.14 FEET; THENCE N87°40'06"E A DISTANCE OF 98.01 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.~~

~~THE ABOVE DESCRIBED PARCEL OF LAND CONTAINING 0.203 ACRES OR 8,844 SQUARE FEET, MORE OR LESS.~~

~~(7) — LEGAL DESCRIPTION — PARCEL E4 (FROM O.R. BOOK 582, PAGE 1571)~~

~~A PORTION OF SECTION 48, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE INTERSECTION OF THE EAST LINE OF SECTION 48, SECTION 11 SOUTH, RANGE 31 EAST AND THE NORTH LINE OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, THENCE S77°59'17"W A DISTANCE OF 624.14 FEET TO THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE S02°34'49"E ALONG SAID EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 AND 1221, A DISTANCE OF 361.11 FEET; THENCE DEPARTING SAID EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, N02°42'32"W A DISTANCE OF 362.21 FEET; THENCE S39°18'17"E, A DISTANCE OF 1.36 FEET TO THE AFOREMENTIONED POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.003 ACRES OR 147 SQUARE FEET, MORE OR LESS.~~

~~(8) — LEGAL DESCRIPTION — PARCEL E5 (FROM O.R. BOOK 582, PAGE 1573)~~

~~A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, THENCE N88°53'11"E ALONG THE NORTH LINE OF SAID SECTION 27 A DISTANCE OF 429.08 FEET TO THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE, RUN ALONG SAID EASTERLY LINE THE FOLLOWING EIGHT COURSES AND DISTANCES; THENCE S16°42'45"E A DISTANCE OF 269.25 FEET; THENCE S52°45'41"W A DISTANCE OF 121.63 FEET; THENCE S60°38'42"E A DISTANCE OF 233.55 FEET; THENCE N57°33'16"E A DISTANCE OF 458.03 FEET; THENCE N87°43'12"E A DISTANCE OF 210.59 FEET; THENCE S19°42'53"W A DISTANCE OF 40.68 FEET; THENCE S75°30'00"E A DISTANCE OF 44.12 FEET; THENCE; THENCE S10°05'32"W A DISTANCE OF 703.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S10°05'32"W ALONG SAID EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, A DISTANCE OF 223.79 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1575.00 FEET, AN ARC DISTANCE OF 290.67 FEET, A CENTRAL ANGLE OF 10°34'26" AND A CHORD BEARING S04°48'20"W, 290.26 FEET TO A NON-TANGENT LINE; THENCE DEPARTING SAID CURVE AND SAID EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, S81°13'16"W ALONG SAID NON-TANGENT LINE A DISTANCE OF 65.18 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 76.60 FEET, AN ARC DISTANCE OF 120.44 FEET, A CENTRAL ANGLE OF 90°05'16" AND A CHORD BEARING N53°44'08"W, 108.41 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 2703.20 FEET, AN ARC DISTANCE OF 378.07, A CENTRAL ANGLE OF 08°00'48" AND A CHORD BEARING N04°41'06"W, 377.76 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 76.20 FEET, AN ARC DISTANCE OF 119.80 FEET, A CENTRAL ANGLE OF 90°04'43" AND A CHORD BEARING N44°21'39" E, 107.84 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID CURVE N89°24'01"E ALONG SAID TANGENT LINE A DISTANCE OF 170.82 FEET TO THE AFOREMENTIONED POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.243 ACRES OR 97,702 SQUARE FEET, MORE OR LESS.~~

~~(9) — LEGAL DESCRIPTION — PARCEL E6 (FROM O.R. BOOK 582, PAGE 1575)~~

~~A PORTION OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, THENCE S88°10'29"W ALONG THE SOUTH LINE OF SECTION 27 A DISTANCE OF 1705.51 FEET TO THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH LINE N18°24'09"W ALONG SAID EASTERLY LINE A DISTANCE OF 830.62 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY LINE S71°35'11"W, A DISTANCE OF 185.04 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 75.60 FEET, AN ARC DISTANCE OF 118.75 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING N63°24'49"W, 106.91 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID CURVE ALONG SAID TANGENT LINE N18°15'15"W, A DISTANCE OF 144.48 FEET TO A NON-TANGENT CURVE; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 1911.20 FEET, AN ARC DISTANCE OF 135.24, A CENTRAL ANGLE OF 04°03'16", A CHORD BEARING N20°40'09"W, 135.21 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 76.20 FEET, AN ARC DISTANCE OF 119.56 FEET, A CENTRAL ANGLE OF 89°53'47", A CHORD BEARING N22°15'07"E, 107.67 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID CURVE N67°12'00"E ALONG SAID TANGENT LINE A DISTANCE OF 170.47 FEET TO A NON-TANGENT CURVE AND THE AFOREMENTIONED EASTERLY LINE OF LANDS AD DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221; THENCE SOUTHEASTERLY ALONG SAID EASTERLY LINE AND SAID CURVE TO THE RIGHT HAVING A RADIUS OF 2425.00 FEET, AN ARC DISTANCE OF 352.17 FEET, A CENTRAL ANGLE OF 08°19'15", A CHORD BEARING S22°33'45"E, 351.86 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID CURVE ALONG SAID TANGENT LINE, S18°24'09"E A DISTANCE OF 98.95 FEET TO THE AFOREMENTIONED POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.536 ACRES OR 110,474 SQUARE FEET, MORE OR LESS.~~

~~(10) — LEGAL DESCRIPTION — PARCEL E7 (FROM O.R. BOOK 582, PAGE 1577)~~

~~A PORTION OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, THENCE S88°10'29"W ALONG THE NORTH LINE OF SECTION 34, A DISTANCE OF 1707.51 FEET TO THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE, S18°24'09"E ALONG SAID EASTERLY LINE A DISTANCE OF 822.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S18°24'09"E ALONG SAID EASTERLY LINE A DISTANCE OF 391.20 FEET; THENCE DEPARTING SAID EASTERLY LINE S71°35'51"W, A DISTANCE OF 159.47 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 76.20 FEET, AN ARC DISTANCE OF 119.69 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N63°24'09"W, 107.76 FEET TO A POINT OF TANGENCY; THENCE N18°24'09"W ALONG SAID TANGENT LINE A DISTANCE OF 238.80 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 76.20 FEET, AN ARC DISTANCE OF 119.69 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N26°35'51"E, 107.76 FEET TO A POINT OF TANGENCY; THENCE N71°35'51"E ALONG SAID TANGENT LINE A DISTANCE OF 159.47 FEET TO THE AFOREMENTIONED POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.059 ACRES OR 89,700 SQUARE FEET, MORE OR LESS.~~

~~(11) — LEGAL DESCRIPTION — PARCEL E8 (FROM O.R. BOOK 582, PAGE 1579)~~

~~A PORTION OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, THENCE S88°10'29"W ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 1707.51 FEET TO THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE, S18°24'09"E ALONG SAID EASTERLY LINE A DISTANCE OF 2807.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S18°24'09"E ALONG SAID EASTERLY LINE A DISTANCE OF 391.20 FEET; THENCE DEPARTING SAID EASTERLY LINE S71°35'51"W, A DISTANCE OF 174.07 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 76.60 FEET, AN ARC DISTANCE OF 120.32 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N63°24'09"W, 108.33 FEET TO A POINT OF TANGENCY; THENCE N18°24'09"W ALONG SAID TANGENT LINE A DISTANCE OF 268.00 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 76.60 FEET, AN ARC DISTANCE OF 120.32 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N26°35'51"E, 108.33 FEET TO A POINT OF TANGENCY; THENCE N71°35'51"E A LONG SAID TANGENT LINE A DISTANCE OF 174.07 FEET TO THE AFOREMENTIONED POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.366 ACRES OR 103,062 SQUARE FEET, MORE OR LESS.~~

~~(12) — LEGAL DESCRIPTION — PARCEL E9 (FROM O.R. BOOK 582, PAGE 1581)~~

~~A PORTION OF SECTION 48, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~FROM A POINT OF REFERENCE BEING THE INTERSECTION OF THE NORTH LINE OF SECTION 50, AND THE WEST LINE OF SECTION 48, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE S25°18'43"E ALONG SAID WEST LINE OF SECTION 48 AND THE NORTHERLY BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, A DISTANCE OF 208.36 FEET; THENCE DEPARTING SAID WEST LINE OF SECTION 48, CONTINUING ALONG SAID NORTHERLY BOUNDARY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221, N64°41'17"E, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHERLY BOUNDARY LINE, N31°07'01"E A DISTANCE OF 1744.68 FEET; THENCE S89°53'38"E, A DISTANCE OF 2595.47 FEET TO THE EASTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 546, PAGES 1197 THROUGH 1221; THENCE DEPARTING SAID NORTHERLY BOUNDARY LINE S23°57'25"E ALONG SAID EASTERLY BOUNDARY LINE A DISTANCE OF 3.10 FEET; THENCE DEPARTING SAID EASTERLY BOUNDARY LINE S87°09'26"W, A DISTANCE OF 878.22 FEET; THENCE N87°41'32"W, A DISTANCE OF 475.32 FEET; THENCE N88°55'57"W, A DISTANCE OF 1191.06 FEET; THENCE S33°09'09"W, A DISTANCE OF 804.92 FEET; THENCE S32°27'51"W, A DISTANCE OF 959.89 FEET TO THE AFOREMENTIONED POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.400 ACRES OR 104,539 SQUARE FEET, MORE OR LESS.~~

~~ALSO, LESS AND EXCEPT ANY PORTION LYING WITHIN A 215 FOOT RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 591, PAGES 773-775 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND ANY PORTION LYING WITHIN A 135 FOOT RIGHT OF WAY AS RECORDED IN OFFICIAL RECORDS BOOK 455, PAGES 876-882 AND OFFICIAL RECORDS BOOK 474, PAGES 820-823 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.~~

~~(13) — 2.00 +/- AC BUNNELL DEV CO SUBD E1/2 OF S1/2 OF TRACT 9 BLK A OR 185/673 OR 195/41 OR 207/47-DC OR 459/1412-DC OR 459/1413-SA OR 1127/147 OR 1127/149-BAIATA TRUST RP TAG #211402 OR 1720 PG 574 BOUNDARY LINE AGREEMENT; AND~~



~~.23 AC BUNNELL DEV CO SUB TR A PT S 1/2 TR 10 DESC AS SLY 100 OF W 100' (IN SW CRNR) OR 27 PAGE 176 OR 436 PG 1336-LIFE ESTATE OR 965 PG 1985-ACM OR 971 PG 130-DC OR 1181 PG 452- DC OR 1207/1748 AND 100' x 50' RIGHT-OF-WAY ADJACENT TO PARCEL. SAID CONTAINING 2.34 ACRES MORE OR LESS~~

~~PARCEL CONTAINING 62,229 ACRES OF LAND, MORE OR LESS.~~

~~LESS AND EXCEPT:~~

~~A PARCEL OF LAND LYING IN TRACT "D" AND LOT 3, AIRPORT COMMERCE CENTER, MAP BOOK 36, PAGES 88 THROUGH 91, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;~~

~~FROM A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF LOT 2, OF SAID AIRPORT COMMERCE CENTER, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS PARKWAY (A 124' RIGHT-OF-WAY); THENCE S68-26'55"W ALONG THE NORTHERLY LINE OF SAID LOT 2 FOR A DISTANCE OF 203.27 FEET; THENCE S35'14'55"W ALONG SAID NORTHERLY LINE OF LOT 2 AND LOT 3 FOR A DISTANCE OF 730.67 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 3 AND THE SOUTHERLY LINE OF TRACT "D", OF SAID AIRPORT COMMERCE CENTER, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S15°43'34"W FOR A DISTANCE OF 180.85 FEET; THENCE N74°16'26"W FOR A DISTANCE OF 603.27 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "D"; THENCE N00°14'34"W ALONG SAID WESTERLY LINE OF TRACT "D" FOR A DISTANCE OF 832.11 FEET TO A POINT ON THE EASTERLY LINE OF A 40 FOOT EASEMENT (FLAGLER BEACH), PER OFFICIAL RECORDS BOOK 10, PAGE 432; THENCE S74-16'26"E DEPARTING SAID EASEMENT AND TRACT "D" LINE FOR A DISTANCE OF 832.20 FEET; THENCE S15-43'34"E FOR A DISTANCE OF 619.15 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.~~

~~PARCEL CONTAINING 13.18 ACRES, MORE OR LESS.~~

~~ADD:~~

~~A PARCEL OF LAND LOCATED SOUTH OF STATE ROAD 100 WITHIN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA. ALSO BEING ALL OF LOT 4, BLOCK D. AND PART OF LOT 6, BLOCK D. MAP OF BUNNELL DEVELOPMENT COMPANY SUBDIVISION PER MAP BOOK 1, PAGE 1, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 100 (A VARIABLE WIDTH RIGHT-OF-WAY) WITH THE WESTERLY RIGHT-OF-WAY LINE OF SEMINOLE WOODS PARKWAY (A 124-FOOT WIDE RIGHT-OF-WAY) FOR A POINT OF REFERENCE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 100, S89-09°05'W FOR A DISTANCE OF 65.58 FEET TO THE NORTHEAST CORNER OF SAID LOT 4 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE AND THE NORTH LINE OF SAID LOT 4, S89°09'05"W FOR A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE AND SAID NORTH LOT LINE ALONG THE WEST LINE OF SAID LOT 4 AND A PORTION OF SAID LOT 6, S02°21'21"E FOR A DISTANCE OF 665.16 FEET; THENCE DEPARTING SAID WEST LINE N87-40'27"E FOR A DISTANCE OF 199.58 FEET TO THE EAST LINE OF SAID LOT 6; THENCE ALONG THE EAST LINE OF SAID LOTS 6 AND 4, N02°19'33"W FOR A DISTANCE OF 660.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.~~

~~SAID PARCEL CONTAINS 3.0384 ACRES, MORE OR LESS~~

~~TOGETHER WITH~~

~~A parcel of land bounded on the north by the center of Pellicer Creek, bounded on the west by U.S. Highway No. 1 (225' R.O.W.) and bounded on the east by Interstate 95 (300' R.O.W.) and located within Government Sections 9, 10, 15, 16 and 47, Township 10 South, Range 30 East, Flagler County, Florida, being more particularly described as follows:~~

~~From a POINT OF REFERENCE being the southwest corner of Government Section 10, Township 10 South, Range 30 East, thence North 89°12'48" East along the south line of Section 10 a distance of 1076.18 feet to a point on the westerly right-of-way line of Interstate 95 and the POINT OF BEGINNING of this description, thence departing said section line South 25°15'02" East a distance of 1197.68 feet; thence departing Interstate 95 North 71°59'33" West a distance of 1131.92 feet; thence North 84°40'51" West a distance of 1590.29 feet; thence North 73°28'14" West a distance of 1344.18 feet; thence North 83°05'51" West a distance of 1080.93 feet to a point on the easterly right-of-way line of U.S. Highway No. 1; thence North 08°29'52" West a distance of 35.28 feet; thence North 89°54'13" East a distance of 25.27 feet; thence North 08°29'49" West a distance of 1815.26 feet to a point on a curve, concave easterly; thence northerly a distance of 501.71 feet along the arc of said curve to the right having a central angle of 05°07'44", a radius OF 5604.65 feet, a chord bearing of North 05°55'55" West and a chord distance of 501.55 feet to a point of tangency; thence North 03°22'03" West along the easterly right-of-way line of U.S. Highway No. 1 a distance of 1499.65 feet more or less to a point on the Mean High Water Line of Pellicer Creek; thence along the Mean High Water Line the following courses; North 80°41'19" East a distance of 74.32 feet; North 82°38'25" East 120.17 feet; South 39°07'10" East a distance of 33.88 feet; South 15°41'26" West a distance of 42.05 feet; South 38°50'22" East a distance of 23.54 feet; South 68°20'15" West a distance of 52.64 feet; South 17°47'43" East a distance of 13.68 feet; North 67°55'58" East a distance of 56.62 feet; North 23°51'55" East a distance of 18.55 feet; North 42°51'09" West a distance of 25.39'; North 67°49'14" East a distance of 20.09 feet; South 37°47'20" East a distance of 79.07 feet; South 61°10'22" East a distance of 57.15 feet; North 71°14'49" East a distance of 54.88 feet; North 02°37'44" West a distance of 65.39 feet; North 66°54'21" East 65.59 feet; North 46°53'40" East a distance of 39.49 feet; North 49°25'53" East a distance of 54.49 feet; North 74°32'33" East a distance of 88.46 feet; South 05°05'07" East a distance of 151.48 feet; South 26°16'30" East 108.59 feet; South 35°40'46" East a distance of 84.26 feet; South 62°40'17" East a distance of 96.43 feet; North 85°50'13" East a distance of 74.82 feet; South 35°12'36" East a distance of 50.91 feet; North 52°03'26" East 14.02 feet; North 08°31'55" West a distance of 56.53 feet; North 35°38'42" East a distance of 62.21 feet; North 80°53'32" East a distance of 38.04 feet; North 23°50'21" East a distance of 140.24 feet; North 59°19'54" East a distance of 103.99 feet; South 87°07'47" East 116.73 feet; south 02°17'08" East a distance of 72.06 feet; South 09°45'54" East a distance of 146.45 feet; South 35°06'25" East a distance of 165.17 feet; South 70°56'23" East a distance of 72.51 feet; South 67°15'16" East a distance of 24.62 feet; North 72°07'09" East a distance of 56.84 feet; North 65°42'00" East a distance of 30.03 feet; North 09°49'53" West a distance of 22.35 feet; North 31°26'30" East a distance of 25.54 feet; North 23°03'14" East a distance of 43.31 feet; North 18°20'32" East a distance of 45.84 feet; North 32°34'06" East a distance of 52.81 feet; North 40°15'56" East a distance of 84.52 feet; South 79°44'56" East a distance of 99.46 feet; South 52°31'21" East a distance of 67.72 feet; South 76°38'47" East a distance of 84.55 feet; South 27°46'32" East 48.88 feet; North 41°56'16" East a distance of 83.56 feet; North 87°37'48" East a distance of 144.64 feet; North 88°03'40" East 109.93 feet; South 23°04'33" East a distance of 79.18 feet; South 35°48'56" East a distance of 52.77 feet; South 72°56'15" East a distance of 72.49 feet; North 66°34'00" East a distance of 96.29 feet; North 27°22'43" East a distance of 79.97 feet; North 13°33'58" East a distance of 49.90 feet; North 44°34'23" East a distance of 109.63 feet; North 33°11'20" East a distance of 96.68 feet; North 46°48'21" East a distance 80.36 feet; North 32°52'01" East a distance of 55.22'; North 62°33'15" East a distance of 90.34 feet; North 50°15'29" East a distance of 100.50 feet; North 40°13'59" East a distance of 45.43 feet; North 44°08'53" East a distance of 119.41 feet to a point on the westerly right-of-way line of Interstate 95; thence along the said right-of-way line South 25°15'02" East a distance of 4500.25 feet to the POINT OF BEGINNING.~~

Parcel containing 379.1141 acres more or less.

TOGETHER WITH

~~A parcel of land being a portion of land lying in Government Sections 17, 18, 19 & 20, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:~~

~~From a Point of Reference, being the northeast corner of Government Section 20, Township 12 South, Range 31 East; thence South 01°13'11" East along the easterly line of Section 20 a distance of 150.00' to the POINT OF BEGINNING of this description; thence departing said section line South~~



~~89°02'14" West a distance of 5342.38' to a point on the west line of Section 20; thence South 01°30'00" East along said west line of Section 20 a distance 96.81' to a point on the northeasterly boundary of the plat Laguna Forest Section 64; thence North 36°30'00" West along said boundary a distance of 303.12' to a point on the south line of Government Section 18; thence North 88°59'26" East along said south line of Section 18 a distance of 173.87 to a point being the southwest corner of Section 17; thence North 89°02'14" East along the south line of Section 17 a distance of 1321.06'; thence North 00°35'15" West along the airport boundary a distance of 25.00'; thence North 89°02'14" East a distance of 4021.95' to a point on the east line of Section 17; thence South 1°9'47" East a distance of 174.99' to the POINT OF BEGINNING.~~

~~TOGETHER WITH~~

~~A PARCEL OF LAND LOCATED IN GOVERNMENT SECTIONS 20 AND 21, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~COMMENCE AT THE NORTHEAST CORNER OF SAID GOVERNMENT SECTION 20, TOWNSHIP 12 SOUTH, RANGE 31 EAST, THENCE S00°50'01"E FOR A DISTANCE OF 150.00 FEET TO THE SOUTHERLY LINE OF IROQUOIS WATERWAY (A 175-FOOT WIDE WATERWAY AT THIS POINT) AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N89°02'14"E ALONG SAID SOUTHERLY LINE OF IROQUOIS WATERWAY A DISTANCE OF 1082.73 FEET; THENCE DEPARTING SAID SOUTHERLY LINE S11°26'27"W FOR A DISTANCE OF 1290.00 FEET; THENCE S89°01'53"W FOR A DISTANCE OF 502.58 FEET; THENCE S28°40'19"W FOR A DISTANCE OF 1572.08 FEET; THENCE N74°35'44"W FOR A DISTANCE OF 3054.69 FEET; THENCE N02°32'58"W FOR A DISTANCE OF 1766.27 FEET TO SAID SOUTHERLY LINE OF IROQUOIS WATERWAY; THENCE N89°02'14"E ALONG SAID SOUTHERLY LINE FOR A DISTANCE OF 3454.09 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.~~

~~TOGETHER WITH~~

~~A PARCEL OF LAND LOCATED IN GOVERNMENT SECTION 17, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~COMMENCE AT THE SOUTHEAST CORNER OF SAID GOVERNMENT SECTION 17, TOWNSHIP 12 SOUTH, RANGE 31 EAST AS A POINT OF REFERENCE; THENCE N00°50'01"W ALONG THE EAST LINE OF SAID SECTION 17 FOR A DISTANCE OF 25.00 FEET TO THE NORTH LINE OF IROQUOIS WATERWAY (A 175-FOOT WIDE WATERWAY AT THIS POINT); THENCE DEPARTING SAID EAST LINE S89°02'14"W ALONG SAID NORTH LINE OF IROQUOIS WATERWAY FOR A DISTANCE OF 27.50 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE S89°02'14"W ALONG SAID NORTH LINE OF IROQUOIS WATERWAY FOR A DISTANCE OF 2643.89 FEET; THENCE DEPARTING SAID NORTH LINE N32°31'14" E FOR A DISTANCE OF 191.60 FEET; THENCE N48°13'23"E FOR A DISTANCE OF 1204.42 FEET; THENCE N90°00'00"E FOR A DISTANCE OF 390.62 FEET; THENCE S50°20'54"E FOR A DISTANCE OF 683.96 FEET TO A NON-TANGENT CURVE TO THE RIGHT, WITH AN ARC LENGTH OF 166.91 FEET, A RADIUS OF 565.60 FEET, A CENTRAL ANGLE OF 16°54'30", A CHORD BEARING OF S29°19'26"E AND A CHORD DISTANCE OF 166.31 FEET TO A NON-TANGENT LINE; THENCE DEPARTING SAID CURVE ALONG SAID NON-TANGENT LINE S45°42'00"E FOR A DISTANCE OF 899.33 FEET TO THE SAID NORTHERLY LINE OF IROQUOIS WATERWAY AND THE AFOREMENTIONED POINT OF BEGINNING.~~

~~TOGETHER WITH~~

~~A PARCEL OF LAND LYING IN GOVERNMENT SECTION 17, TOWNSHIP 12 SOUTH, RANGE 31 EAST BEING A PORTION OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 601, PAGES 1989 THROUGH 2025, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~A POINT OF REFERENCE BEING THE SOUTHERLY MOST CORNER OF TRACT "D" RESERVE PARCEL, AIRPORT COMMERCE CENTER, MAP BOOK 36, PAGES 88 THROUGH 91, PUBLIC~~

~~RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE N50°20'54"W ALONG THE SOUTHWESTERLY LINE OF SAID TRACT "D" FOR A DISTANCE OF 684.04 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S90°00'00"W DEPARTING SAID TRACT "D" BOUNDARY FOR A DISTANCE OF 2752.24 FEET; THENCE N39°47'12"E FOR A DISTANCE OF 407.59 FEET; THENCE N89°06'45"E FOR A DISTANCE OF 1069.37 FEET; THENCE N89°20'26"E FOR A DISTANCE OF 1010.30 FEET TO THE WESTERLY LINE OF SAID TRACT "D"; THENCE ALONG SAID WESTERLY LINE S50°20'54"E FOR A DISTANCE OF 535.01 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.~~

~~LESS AND EXCEPT ANY PORTION WHICH MAY LIE WITHIN THE NE 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA.~~

~~TOGETHER WITH:~~

~~A PORTION OF LAND LOCATED IN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST AND LOTS 7, 8, 9 AND 10, PALM COAST INTRACOASTAL INDUSTRIAL PARK PHASE I, RECORDED IN MAP BOOK 29, PAGES 33 AND 34, PUBLIC RECORDS OF FLAGLER COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~AS A POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF SAID LOT 7, PALM COAST INTRACOASTAL INDUSTRIAL PARK PHASE I ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF ROBERTS ROADS (AN 80 FOOT RIGHT-OF-WAY); THENCE S67°35'53"W DEPARTING SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 863.96 FEET; THENCE N48°44'00"W FOR A DISTANCE OF 851.08 FEET TO A POINT ON A NON-TANGENT CURVE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (A 200 FOOT RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 190.58 FEET, A RADIUS OF 7734.00 FEET, A DELTA OF 01°24'43", A CHORD BEARING NO5°58'42"E AND A CHORD DISTANCE OF 190.57 FEET TO A POINT ON A NON-TANGENT LINE; THENCE S88°55'52"E DEPARTING SAID RIGHT-OF-WAY LINE AND SAID CURVE FOR A DISTANCE OF 247.67 FEET; THENCE NO2°15'34"E FOR A DISTANCE OF 361.36 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ROBERTS ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE S87°44'25"E FOR A DISTANCE OF 220.17 FEET TO A POINT OF CURVATURE; (2) THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 1120.99 FEET, A RADIUS OF 983.00 FEET, A DELTA OF 65°20'18", A CHORD BEARING S55°04'16"E AND A CHORD DISTANCE OF 1061.22 FEET TO A POINT OF TANGENCY; (3) THENCE S22°24'07"E FOR A DISTANCE OF 175.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.~~

~~THE ABOVE DESCRIBED PARCEL CONTAINS 22.359 ACRES MORE OR LESS.~~

~~A PORTION OF LAND LOCATED IN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, PUBLIC RECORDS OF FLAGLER COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~AS A POINT OF BEGINNING BEING THE SOUTHWEST CORNER OF LOT 7, PALM COAST INTRACOASTAL INDUSTRIAL PARK PHASE I, RECORDED IN MAP BOOK 29, PAGES 33 AND 34; THENCE S22°24'07"E FOR A DISTANCE OF 1200.00 FEET; THENCE N67°35'53"E FOR A DISTANCE OF 370.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ROBERTS ROAD (AN 80 FOOT RIGHT-OF-WAY); THENCE S22°24'07"E ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 389.72 FEET; THENCE S67°35'53"W DEPARTING SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 824.87 FEET; THENCE N21°35'50"W FOR A DISTANCE OF 1589.87 FEET; THENCE N67°35'53"E FOR A DISTANCE OF 432.55 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.~~

~~THE ABOVE DESCRIBED PARCEL CONTAINS 19.503 ACRES MORE OR LESS.~~

~~A PORTION OF LAND LOCATED IN GOVERNMENT SECTIONS 2 AND 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, PUBLIC RECORDS OF FLAGLER COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~AS A POINT OF BEGINNING BEING THE NORTHEAST CORNER OF BEACH VILLAGE AT PALM COAST, RECORDED IN MAP BOOK 36, PAGES 92 AND 93; THENCE N89°29'02"W ALONG THE NORTH LINE OF SAID SUBDIVISION FOR A DISTANCE OF 331.60 FEET; THENCE N21°35'50"W DEPARTING SAID NORTH SUBDIVISION LINE FOR A DISTANCE OF 2662.38 FEET; THENCE N67°35'53"E FOR A DISTANCE OF 824.87 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ROBERTS ROAD (AN 80 FOOT RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY FOR THE FOLLOWING TWO (2) COURSES; (1) THENCE S22°24'07"E FOR A DISTANCE OF 1017.20 FEET TO A POINT OF CURVATURE; (2) THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 298.27 FEET, A RADIUS OF 1539.72 FEET, A DELTA OF 11°05'57", A CHORD BEARING S27°57'05"E AND A CHORD DISTANCE OF 297.80 FEET TO A POINT ON A NON-TANGENT LINE ALSO BEING THE SOUTHERLY LINE OF SAID SECTION 2; THENCE S88°27'05"W DEPARTING SAID CURVE AND RIGHT-OF-WAY LINE ALONG SAID SECTION LINE FOR A DISTANCE OF 24.59 FEET; THENCE S01°40'05"E DEPARTING SAID SECTION LINE FOR A DISTANCE OF 1589.33 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.~~

~~THE ABOVE DESCRIBED PARCEL CONTAINS 44.318 ACRES MORE OR LESS.~~

~~A PORTION OF LAND LOCATED IN GOVERNMENT SECTIONS 2, 3 AND 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, PUBLIC RECORDS OF FLAGLER COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~AS A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF LOT 7, PALM COAST INTRACOASTAL INDUSTRIAL PARK PHASE I, RECORDED IN MAP BOOK 29, PAGES 33 AND 34; THENCE S67°35'53"W FOR A DISTANCE OF 432.55 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S21°35'50"E FOR A DISTANCE OF 4252.26 FEET TO A POINT ON THE NORTH LINE OF BEACH VILLAGE AT PALM COAST, RECORDED IN MAP BOOK 36, PAGES 92 AND 93; THENCE N89°29'02"W ALONG SAID NORTH SUBDIVISION LINE FOR A DISTANCE OF 626.24 FEET; THENCE N23°53'12"W DEPARTING SAID NORTH SUBDIVISION LINE FOR A DISTANCE OF 875.00 FEET; THENCE S67°01'25"W FOR A DISTANCE OF 100.00 FEET TO A POINT ON A NON-TANGENT CURVE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (A 200 FOOT RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY LINE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 573.26 FEET, A RADIUS OF 2110.00 FEET, A DELTA OF 15°34'00", A CHORD BEARING N30°45'35"W AND A CHORD DISTANCE OF 571.50 FEET TO A POINT ON A NON-TANGENT LINE; THENCE N51°27'25"E DEPARTING SAID CURVE AND RIGHT-OF-WAY LINE FOR A DISTANCE OF 185.00 FEET; THENCE N16°20'16"W FOR A DISTANCE OF 1516.59 FEET; THENCE S73°25'57"W FOR A DISTANCE OF 185.00 FEET; THENCE N16°20'16"W FOR A DISTANCE OF 1516.59 FEET; THENCE S73°25'57"W FOR A DISTANCE OF 735.00 FEET TO A POINT ON A NON-TANGENT CURVE ALSO BEING THE SAID EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE; THENCE ALONG SAID RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 825.59 FEET, A RADIUS OF 1910.00 FEET, A DELTA OF 24°45'57", A CHORD BEARING N04°11'04"W AND A CHORD DISTANCE OF 819.18 FEET TO A POINT OF TANGENCY; (2) THENCE N08°11'55"E FOR A DISTANCE OF 862.02 FEET TO A POINT OF CURVATURE; (3) THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 204.38 FEET, A RADIUS OF 7734.00 FEET, A DELTA OF 01°30'51", A CHORD BEARING N07°26'29"E AND A CHORD DISTANCE OF 204.38 FEET TO A POINT ON A NON-TANGENT LINE; THENCE S48°44'00"E DEPARTING SAID CURVE AND RIGHT-OF-WAY LINE FOR A DISTANCE OF 851.08 FEET; THENCE N67°35'53"E FOR A DISTANCE OF 61.42 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.~~

~~THE ABOVE DESCRIBED PARCEL CONTAINS 75.765 ACRES MORE OR LESS.~~

~~A PORTION OF LAND LOCATED IN GOVERNMENT SECTIONS 2 AND 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, PUBLIC RECORDS OF FLAGLER COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~AS A POINT OF REFERENCE BEING THE NORTHWEST CORNER OF BEACH VILLAGE AT PALM COAST, RECORDED IN MAP BOOK 36, PAGES 92 AND 93 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (A 200 FOOT RIGHT-OF-WAY); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 1354.25 FEET, A RADIUS OF 2110.00 FEET, A DELTA OF 36°46'26", A CHORD BEARING N20°09'22"W AND A CHORD DISTANCE OF 1331.12 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 161.67 FEET, A RADIUS OF 2110.00 FEET, A DELTA OF 04°23'24", A CHORD BEARING N40°44'17"W AND A CHORD DISTANCE OF 161.63 FEET TO A POINT OF TANGENCY; (2) THENCE N42°55'59"W FOR A DISTANCE OF 658.63 FEET TO A POINT OF CURVATURE; (3) THENCE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 878.92 FEET, A RADIUS OF 1910.00 FEET, A DELTA OF 26°21'57", A CHORD BEARING N29°45'01"W AND A CHORD DISTANCE OF 871.19 FEET TO A POINT ON A NON-TANGENT LINE; THENCE N73°25'57"E DEPARTING SAID CURVE AND RIGHT-OF-WAY LINE FOR A DISTANCE OF 735.00 FEET; THENCE S16°20'16"E FOR A DISTANCE OF 1516.59 FEET; THENCE S51°27'25"W FOR A DISTANCE OF 185.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION~~

~~THE ABOVE DESCRIBED PARCEL CONTAINS 18.793 ACRES MORE OR LESS.~~

~~A PORTION OF LAND LOCATED IN GOVERNMENT SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, PUBLIC RECORDS OF FLAGLER COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~AS A POINT OF BEGINNING BEING THE NORTHWEST CORNER OF BEACH VILLAGE AT PALM COAST, RECORDED IN MAP BOOK 36, PAGES 92 AND 93 ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COLBERT LANE (A 200 FOOT RIGHT-OF-WAY); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 780.98 FEET, A RADIUS OF 2110.00 FEET, A DELTA OF 21°12'26", A CHORD BEARING N12°22'22"W AND A CHORD DISTANCE OF 776.53 FEET TO A POINT ON A NON-TANGENT LINE; THENCE N67°01'25"E DEPARTING SAID CURVE AND RIGHT-OF-WAY LINE FOR DISTANCE OF 100.00 FEET; THENCE S23°53'12"E FOR A DISTANCE OF 875.00 FEET TO A POINT ON THE NORTH LINE OF SAID BEACH VILLAGE AT PALM COAST; THENCE N89°29'02"W ALONG SAID NORTH SUBDIVISION LINE FOR A DISTANCE OF 280.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.~~

~~THE ABOVE DESCRIBED PARCEL CONTAINS 3.008 ACRES MORE OR LESS.~~

~~A PARCEL OF LAND RECORDED AT PAGE 1791 OF OFFICIAL RECORDS BOOK 553, PAGES 1539 THROUGH 1840, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LYING IN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF GOVERNMENT SECTION 2, THENCE NORTH 01°13'06" WEST ALONG THE WEST LINE OF SECTION 2 A DISTANCE OF 3107.53 FEET, THENCE DEPARTING SAID SECTION LINE NORTH 08°46'54" EAST A DISTANCE OF 154.23 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COLBERT LANE (200' R/W) AND THE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING ON A CURVE, THENCE 317.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT (CONCAVE WESTERLY) HAVING A CENTRAL ANGLE OF 02°21'02", A RADIUS OF 7734.00 FEET, A CHORD BEARING OF NORTH 04°05'50" EAST AND A CHORD DISTANCE OF 317.25 FEET TO A POINT OF REVERSE CURVATURE, THENCE 77.96 FEET ALONG THE ARC OF A CURVE TO THE~~



RIGHT (CONCAVE SOUTHEASTERLY) HAVING A CENTRAL ANGLE OF 09°20'15", A RADIUS OF 50.00 FEET, A CHORD BEARING OF NORTH 47°35'27" EAST AND A CHORD DISTANCE OF 70.30 FEET TO A POINT OF TANGENCY, THENCE SOUTH 07°44'26" EAST A DISTANCE OF 187.45 FEET, THENCE SOUTH 02°15'34" WEST A DISTANCE OF 361.36 FEET, THENCE NORTH 00°55'51" WEST A DISTANCE OF 247.67 FEET TO THE POINT OF BEGINNING.

~~A PARCEL OF LAND LYING WEST OF AND ADJACENT TO ROBERTS ROAD (FORMALLY THE LEHIGH CEMENT PLANT ROAD) IN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~AS A POINT OF REFERENCE BEING THE SOUTH QUARTER (¼) CORNER OF SAID GOVERNMENT SECTION 2 THENCE NORTH 88°27'05" EAST ALONG THE SOUTHERLY LINE OF SECTION 2 A DISTANCE OF 24.59 FEET TO A POINT ON A CURVE BEING THE WESTERLY RIGHT-OF-WAY OF SAID ROBERTS ROAD (80' R/W), THENCE DEPARTING SAID SECTION LINE NORTHWESTERLY 298.27 FEET ALONG SAID RIGHT-OF-WAY AND CURVE TO THE RIGHT (CONCAVE NORTHEASTERLY) HAVING A CENTRAL ANGLE OF 11°05'57", A RADIUS OF 1539.72 FEET, A CHORD BEARING OF NORTH 27°57'05" WEST AND A CHORD DISTANCE OF 297.80 FEET TO A POINT OF TANGENCY, THENCE NORTH 22°24'07" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1976.91 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 67°35'53" WEST A DISTANCE OF 370.00 FEET, THENCE NORTH 22°24'07" WEST A DISTANCE OF 630.00 FEET, THENCE NORTH 67°35'53" EAST A DISTANCE OF 370.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF ROBERTS ROAD (80' R/W) THENCE SOUTH 22°24'07" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 630.00 FEET TO THE POINT OF BEGINNING.~~

~~PARCEL CONTAINING 5.3512 ACRES MORE OR LESS.~~

~~A PARCEL OF LAND LYING WEST OF AND ADJACENT TO ROBERTS ROAD (FORMALLY THE LEHIGH CEMENT PLANT ROAD) IN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~AS A POINT OF REFERENCE BEING THE SOUTH QUARTER (¼) CORNER OF SAID GOVERNMENT SECTION 2 THENCE NORTH 88°27'05" EAST ALONG THE SOUTHERLY LINE OF SECTION 2 A DISTANCE OF 24.59 FEET TO A POINT ON A CURVE BEING THE WESTERLY RIGHT-OF-WAY OF SAID ROBERTS ROAD (80' R/W), THENCE DEPARTING SAID SECTION LINE NORTHWESTERLY 298.27 FEET ALONG SAID RIGHT-OF-WAY AND CURVE TO THE RIGHT (CONCAVE NORTHEASTERLY) HAVING A CENTRAL ANGLE OF 11°05'57", A RADIUS OF 1539.72 FEET, A CHORD BEARING OF NORTH 27°57'05" WEST AND A CHORD DISTANCE OF 297.80 FEET TO A POINT OF TANGENCY, THENCE NORTH 22°24'07" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 1406.91 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE DEPARTING SAID RIGHT-OF-WAY SOUTH 67°35'53" WEST A DISTANCE OF 370.00 FEET, THENCE NORTH 22°24'07" WEST A DISTANCE OF 570.00 FEET, THENCE NORTH 67°35'53" EAST A DISTANCE OF 370.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF ROBERTS ROAD (80' R/W) THENCE SOUTH 22°24'07" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 570.00 FEET TO THE POINT OF BEGINNING.~~

~~PARCEL CONTAINING 4.8416 ACRES MORE OR LESS.~~

~~TOGETHER WITH:~~

~~A PARCEL OF LAND LYING NORTH OF STATE ROAD 100 (200' R/W) WITHIN GOVERNMENT SECTIONS 10 AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~A POINT OF REFERENCE BEING THE NORTHEAST CORNER OF SAID GOVERNMENT SECTION 10, TOWNSHIP 12 SOUTH, RANGE 31 EAST, THENCE SOUTH 01°23'05" EAST ALONG THE EAST LINE OF SECTION 10 A DISTANCE OF 1280.24 FEET, THENCE SOUTH 89°37'11" WEST 738.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE SOUTH~~

~~00°04'45" EAST 1316.81 FEET TO A NON-TANGENT CURVE, THENCE 872.51 FEET ALONG THE ARC TO THE LEFT (CONCAVED SOUTH) HAVING CENTRAL ANGLE OF 02°42'13", A RADIUS OF 23,042.76 FEET, A CHORD BEARING OF SOUTH 89°09'51" WEST AND A CHORD DISTANCE OF 872.49 FEET, THENCE NORTH 01°23'05" WEST A DISTANCE OF 1328.00 FEET, THENCE NORTH 89°37'15" EAST A DISTANCE OF 902.62 PLUS OR MINUS TO THE POINT OF BEGINNING.~~

~~(2) —City Council district boundaries. The City Council district boundaries for the districts of the City Council are hereby created and established and shall exist as follows:~~

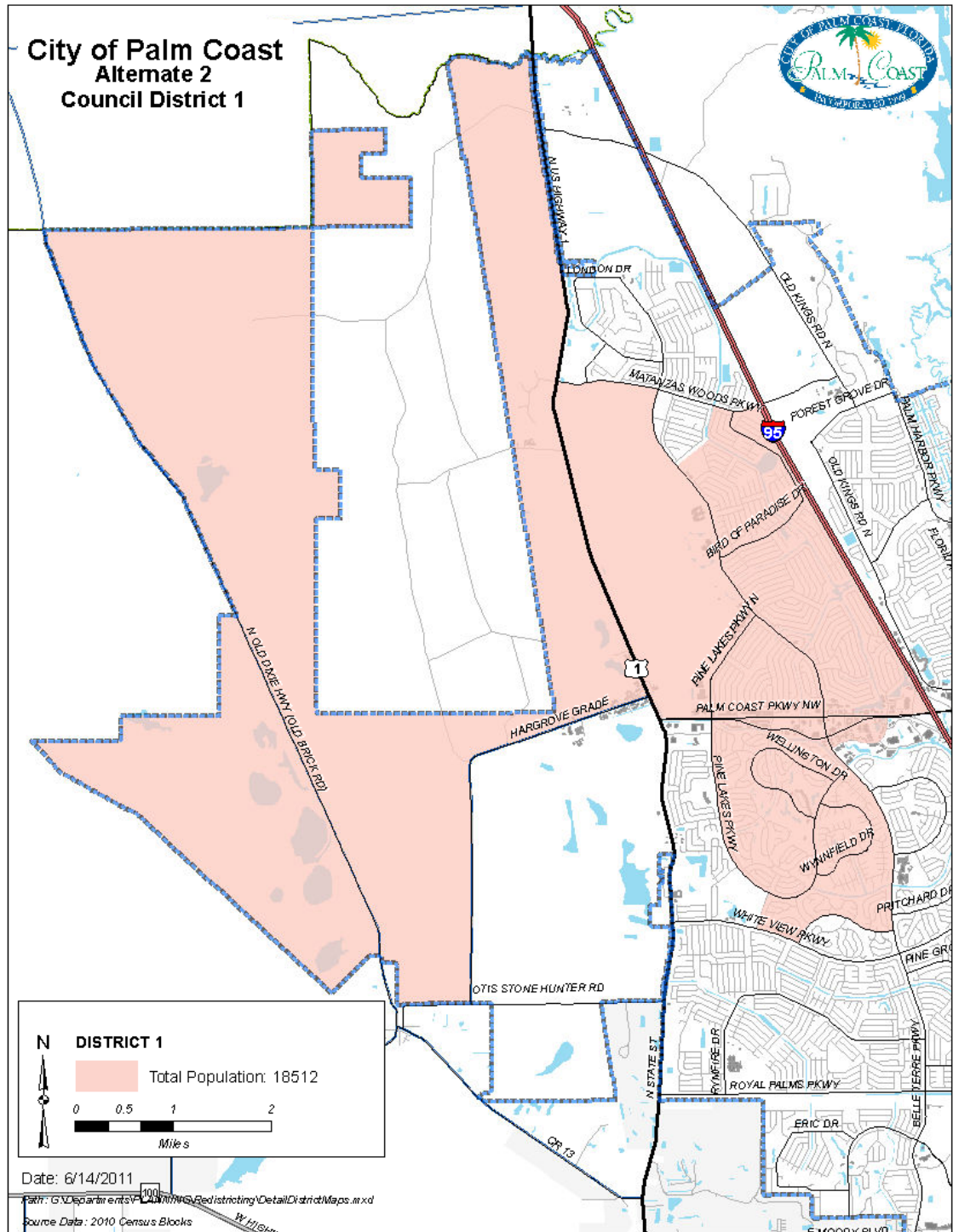
~~The City shall be divided into four (4) Council Districts by an ordinance of the City. This ordinance shall comply with the general laws governing district boundaries. Following each decennial census, the City Council shall by ordinance adjust the boundaries of the City Council districts according to general law. In addition, the City Council may, at its discretion, adjust the districts provided that any such adjustment will not take place less than one year before an election. The Council may appoint a special commission to develop district boundaries, use consulting firms specializing in the process and/or use such other public governmental resources as are available to develop a plan for districts and to adjust the district boundaries when required.~~

(a) City of Palm Coast City Council District 1 boundaries:

District 1:

~~Beginning at the intersection of Palm Coast Parkway and I-95, follow I-95 north (ca. 3.61 miles) until it intersects with Matanzas Woods Parkway. Turn west and follow Matanzas Woods Parkway (ca. .51 miles) to the centerline of the Belleaire Waterway. Turn south and follow the Belleaire Waterway (ca. .36 miles) to the northeast corner of parcel number 07-11-31-7035-00910-0100 (as recorded in the Flagler County Public Records). Follow the rear property lines of parcels on the southeasterly side of Bud Hollow Drive (as shown in Map book 11, pages 15 and 18) to Belle Terre Parkway. Turn north and follow Belle Terre Parkway (ca. .86 miles) until it intersects with Matanzas Woods Parkway. Turn west and follow Matanzas Woods Parkway (ca. 1.06 miles) until it intersects with US Hwy 1. Follow US Hwy 1 (ca. 3.38 miles) north until it intersects the northern most city boundary. Turn west and follow the city boundary (ca. 36.69 miles) to the intersection of Otis Stone Hunter Road and Hargrove Grade. Then follow Hargrove Grade north and east (ca. 4.43 miles) until it intersects with US Hwy 1. Then south on US Hwy 1 (ca. .28 miles) to Palm Coast Parkway. Then east on Palm Coast Parkway (ca. .53 miles) to Pine Lakes Parkway. Turn south and follow Pine Lakes Parkway (ca. 1.97 miles) to White Mill Drive. Turn south and follow White Mill Drive (ca. .37 miles) to White View Parkway. Turn east and follow White View Parkway (ca. .45 miles) to Whippoorwill Drive. Follow Whippoorwill Drive (ca. 1.16 miles) north and east until it intersects with Belle Terre Parkway. Turn north and follow Belle Terre Parkway (ca. 2.08 miles) until it intersects with Cypress Point Parkway. Follow Cypress Point Parkway (ca. .80 miles) east and north until it intersects with Palm Coast Parkway. Turn east and follow Palm Coast Parkway east (ca. .47 miles) until it intersects with I-95 at the point of beginning.~~

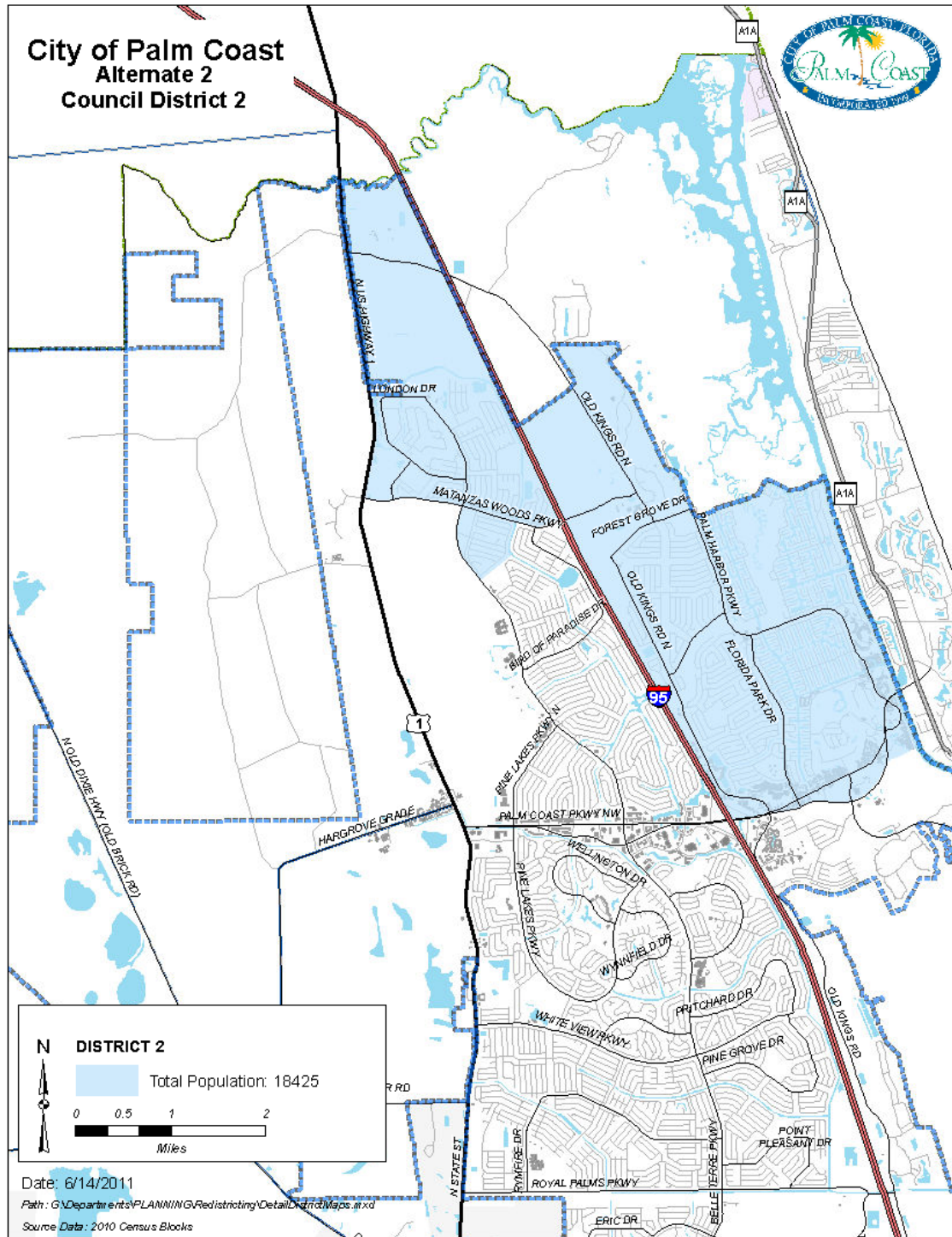




(b) — City of Palm Coast City Council District 2 boundaries:

District 2:

Beginning at the intersection of Palm Coast Parkway and I-95, follow I-95 north (ca. 3.61 miles) until it intersects with Matanzas Woods Parkway. Turn west and follow Matanzas Woods Parkway (ca. .51 miles) to the centerline of the Belleaire Waterway. Turn south and follow the Belleaire Waterway (ca. .36 miles) to the northeast corner of parcel number 07-11-31-7035-00910-0100 (as recorded in the Flagler County Public Records). Follow the rear property lines of parcels on the southeasterly side of Bud Hollow Drive (as shown in Map book 11, pages 15 and 18) to Belle Terre Parkway. Turn north and follow Belle Terre Parkway (ca. .86 miles) until it intersects with Matanzas Woods Parkway. Turn west and follow Matanzas Woods Parkway (ca. 1.06 miles) until it intersects with US Hwy 1. Follow US Hwy 1 (ca. 3.38 miles) north until it intersects the northern most city boundary. Turn east and follow the city boundary (ca. 12.44 miles) until it intersects with the eastern-most end of the St. Joe Canal. Turn west and follow the St. Joe Canal (ca. .37 miles) until it intersects with Palm Coast Parkway SE. Then follow Palm Coast Parkway west (ca. 1.90 miles) until it intersects with I-95 at the point of beginning.

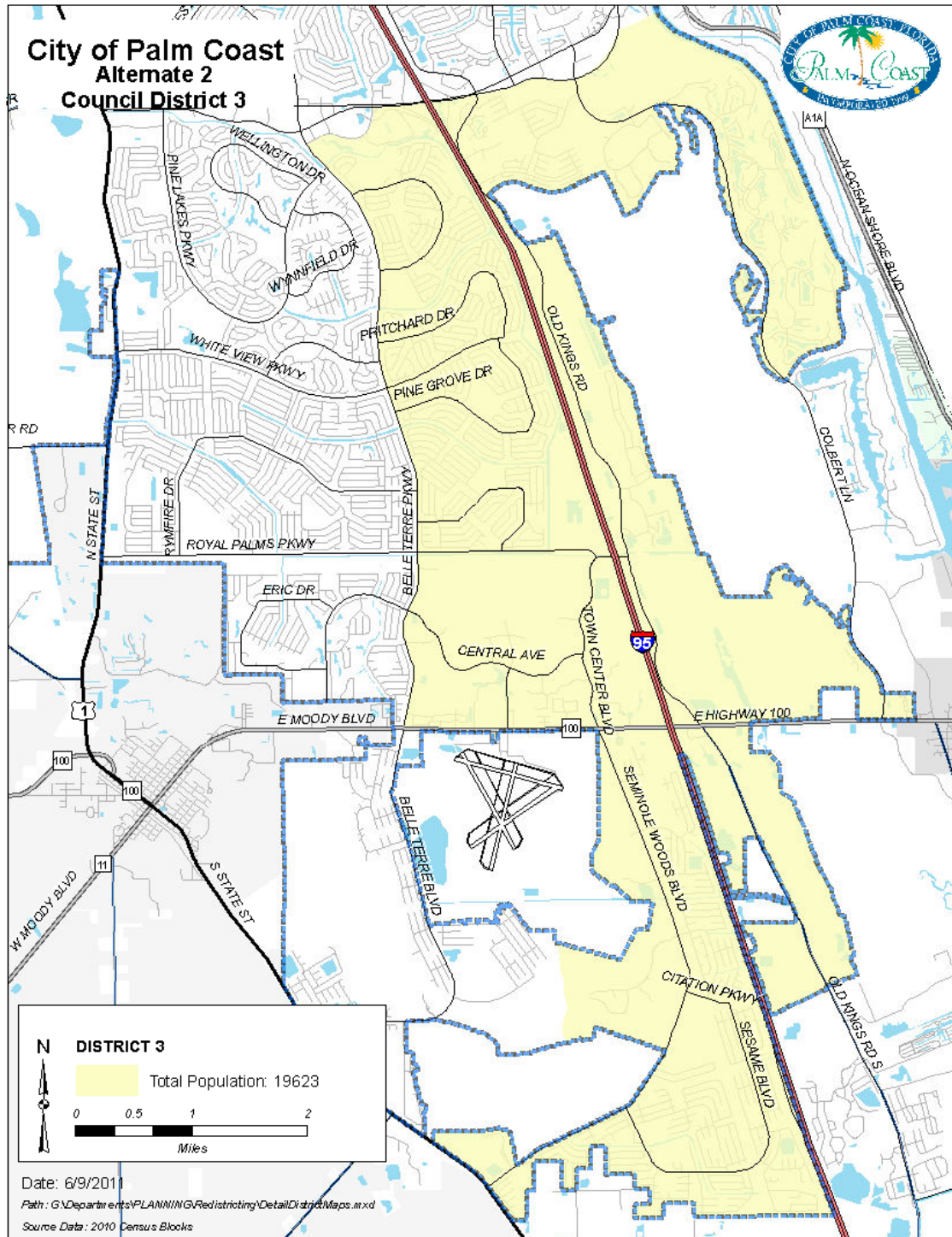


(c) City of Palm Coast City Council District 3 boundaries:

District 3:

~~Beginning at the intersection of Palm Coast Parkway and I-95 travel west on Palm Coast Parkway (ca. .47 miles) to Cypress Point Parkway. Turn south and follow Cypress Point Parkway (ca. .80 miles) until it intersects with Belle Terre Parkway. Turn south and follow Belle Terre Parkway (ca. 5.35 miles) until it intersects with SR 100. Turn east and follow SR 100 (ca. 1.68 miles) until it intersects with Seminole Woods Boulevard. At Seminole Woods Boulevard, turn south and follow the city boundary (ca. 3.08 miles) around the Flagler County Airport and other non-annexed parcels until it intersects with the unimproved road known as the "Flagler Beach Wellfield Road". Turn south and follow the Flagler Beach Wellfield Road (ca. 1.27 miles) until it intersects with the City boundary at the northern property line of parcel number 29-12-31-0000-01010-0020 (as recorded in the Flagler County Public Records). Turn east and follow the City boundary (ca. 9.64 miles) until it intersects with I-95. Turn north and follow the City Boundary (ca. 44.50 miles) to the point where the Intra-Coastal Waterway intersects with the St. Joe Canal. Turn west and follow the St. Joe Canal (ca. .37 miles) until it intersects with Palm Coast Parkway SE. Then follow Palm Coast Parkway west (ca. 1.90 miles) until it intersects with I-95 at the point of beginning.~~



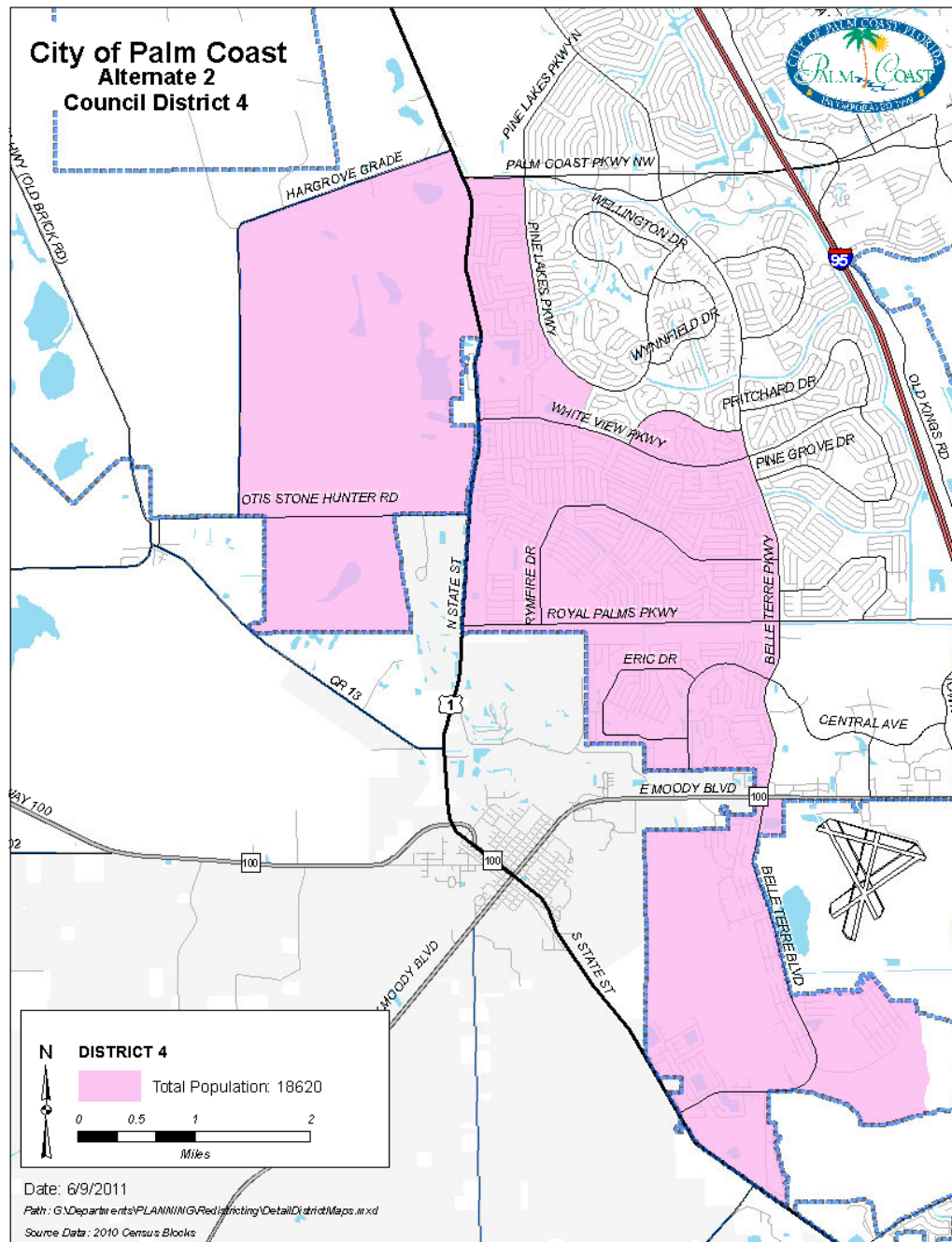


(d) — City of Palm Coast City Council District 4 boundaries:

District 4:

~~Begin at intersection of Otis Stone Hunter Road and Hargrove Grade, then follow Hargrove Grade north and east (ca. 4.43 miles) until it intersects with US Hwy 1. Then south on US Hwy 1 (ca. .28 miles) to Palm Coast Parkway. Then east on Palm Coast Parkway (ca. .53 miles) to Pine Lakes Parkway. Turn south and follow Pine Lakes Parkway (ca. 1.97 miles) to White Mill Drive. Turn south and follow White Mill Drive (ca. .37 miles) to White View Parkway. Turn east and follow White View Parkway (ca. .45 miles) to Whippoorwill Drive. Follow Whippoorwill Drive (ca. 1.16 miles) north and east until it intersects with Belle Terre Parkway. Turn south and follow Belle Terre Parkway (ca. 3.27 miles) until it intersects with SR 100. Turn east and follow SR 100 (ca. .16 miles) to the northwest corner of the City boundary surrounding the Flagler County Airport. Turn south and follow the City boundary (ca. 3.39 miles) until it intersects with the unimproved road known as the "Flagler Beach Wellfield Road". Turn south and follow the Flagler Beach Wellfield Road (ca. 1.27 miles) until it intersects with the City boundary at the northern property line of parcel number 29-12-31-0000-01010-0020 (as recorded in the Flagler County Public Records). Turn west and follow the City boundary (ca. 14.62 miles) until it intersects with Hargrove grade at the point of beginning.~~





(H. B. No. 527, § 2, 5-1-02; Ord. No. 03-09, § 2, 5-20-03; Ord. No. 07-27, Exh. A, 12-18-07; Ord. No. 09-13, § 3, 6-2-09; Ord. No. 2011-9, § 2(Exh. A), 6-21-11; Ord. No. 2011-15, § 3, 8-16-11; Ord. No. 2013-07, § 3(Exh. A), 10-1-13; Ord. No. 2014-12, § 3(Exh. A), 6-17-14; Ord. No. 2014-13, § 3(Exh. A), 6-17-14; Ord. No. 2015-01, § 2(Exhs. A1-4), 2-17-15; Ord. No. 2015-11, § 3(Exhs. A-D), 10-6-15; Ord. No. 2017-1, § 1(Exh. A), 1-17-17)

**Sec. 10Art. IX.** - General provisions.

(1) *Charter amendment.* This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, chapter 166, Florida Statutes, as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

(2) *Charter review; schedule, Charter Review Committee.*

Commented [MK2]: NOTE: §(2). Charter Review; subject to separate ballot question.

(a) *Schedule.* The Charter shall be reviewed no sooner than 10 years after the creation of the City of Palm Coast on December 31, 1999, and thereafter it may be reviewed every 10 years.

(b) *Charter Review Committee.* A five-member Charter Review Committee shall be appointed. Each district council member shall appoint one member from his or her district, and the Mayor shall appoint one member at large. The Palm Coast City Council shall fund this committee. The Charter Review Committee shall be appointed at least one year before the next scheduled general election and complete its work and present any recommendations for change no later than 60 days before the general election. The Palm Coast City Council shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot.

(3) *Initiative and referendum.* At least 25 10 percent of the qualified electorate of the City shall have the power to petition the Council to propose an ordinance or to require reconsideration of an adopted ordinance, or to propose an amendment to this Charter. 2 If the Council fails to adopt such ordinance or amendment so proposed, or to repeal such adopted ordinance, without any change in substance, then the Council shall place the proposed ordinance or amendment, or the repeal of the adopted ordinance, on the ballot at the next general election. This Procedure for such initiative or referendum shall be as established by ordinance.

(4) *Adjustments of districts; number, commission, report, support, procedure, failure to enact, effect of enactment.*

(a) *Number of districts.* There shall be four City Council districts as described in subsection (2) of section-9 Art. VIII. These boundaries shall remain in effect until the City Council determines, based upon each decennial census, that redistricting is appropriate to ensure that the requirements of subsection-(2)-of-section-9-and-paragraph-(c)-Art. VIII are accomplished and adequately monitored or until a redistricting commission is appointed as outlined in paragraph (b). All Council district boundaries shall be based upon population data derived from the most recent decennial census.

(b) *Districing commission.* By the first day of the month following official certification notification of the decennial census to the state, the City Council shall appoint five City electors, determined from the registration for the last statewide general election, who shall comprise the districing commission. Electors chosen shall not be employed by the City in any other capacity.

(c) *Commission report.* Within 120 days after appointment, or such earlier time as prescribed by the Council, the districing commission shall file with the official designated by the Council a report containing a recommended plan for adjustment of the council district boundaries to comply with the following specifications:

1. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of natural and manmade separations, such as canals, streets, etc., where possible.
2. The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the designated official, the report shall be treated as an ordinance introduced by a Council member.

- (d) *Support.* It shall be the responsibility of the City Manager to provide staff assistance and technical data to the districting commission.
  - (e) *Procedure.* The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that any summary of the ordinance published pursuant to this Charter and general law must include both the map and a description of the recommended districts.
  - (f) *Failure to enact ordinance.* After receipt of the commission report, the Council shall adopt a redistricting ordinance at least 90 days before the next regular City election. If the Council fails to do so by such date, the report of the districting commission shall go into effect and have the effect of an ordinance.
  - (g) *Effect of enactment.*
    - 1. The new council districts and boundaries, as of the date of enactment, shall supersede previous council districts and boundaries for all the purposes of the next regular City election, including qualifications.
    - 2. The new council districts and boundaries shall supersede previous council districts and boundaries for all other purposes as of the date all Council members take office who were elected subsequent to the effective date of the new districts.
    - 3. All district seats not up for election, but which as a result of the redistricting no longer have Council members who live within the district, shall be declared vacant for purposes of the next regularly scheduled election. Such election shall, in order to preserve the staggering of the terms, be for either four years or for the remaining two years of the term, depending on the district vacant.
- (5) *Standards of conduct.* All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Council may, by ordinance, establish a code of ethics for officials and employees of the City, which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law.

(H. B. No. 527, § 4, 5-1-02)

**Footnotes:**

~~—(2)—~~

~~**Editor's note**—The referendum language contained within Section 10(3) of the City Charter requiring a minimum of 25 percent of the qualified electorate of the City to propose an amendment to the City Charter is statutorily preempted in accordance with Section 166.031, F.S. Pursuant to Section 166.031(1), F.S., the electors of the City of Palm Coast may, by a petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of the City of Palm Coast a proposed amendment to its Charter, which amendment may be to any part or to all of said Charter except that part describing the boundaries of such municipality.~~

~~Sec. 11~~**Art X.** - Severability.

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

(H. B. No. 527, § 5, 5-1-02)

~~Sec. 12.—Transition schedule.~~

- ~~(1) *Creation and establishment of City.* For the purpose of compliance with Florida Statutes relating to assessment and collection of ad valorem taxes, and for the purpose of subsection (2) of section 10, the City is hereby created and established effective December 31, 1999.~~
- ~~(2) *Transitional ordinances and resolutions.* The City Council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting shall be passed as emergency ordinances. These transitional ordinances shall be effective for no longer than 90 days after adoption, and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.~~
- ~~(3) *Transitional comprehensive plan and land development regulation.*~~
- ~~(a) Until such time as the City shall adopt a comprehensive plan, the applicable provisions of the Comprehensive Plan of Flagler County, Florida, as the same exists on the day the City commences corporate existence, shall remain in effect as the City's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the City Council of Palm Coast, which shall be deemed the local planning agency until the Council establishes a separate local planning agency.~~
- ~~(b) All powers and duties of the Flagler County Planning and Land Development Regulations Council, any boards of adjustment and appeals created pursuant to statutory trade codes, and the County Commission of Flagler County, Florida, as set forth in these transitional zoning and land use regulations, shall be vested in the City Council of Palm Coast until such time as the City Council delegates all or a portion thereof to another entity.~~
- ~~General law prohibits the adoption of zoning ordinances as emergency ordinances.~~
- ~~(c) Subsequent to the commencement of the City's corporate existence, no amendment of the comprehensive plan or land development regulations enacted by the Flagler County Commission shall be deemed an amendment of the City's transitional comprehensive plan or land development regulations or shall otherwise take effect within the City's corporate limits unless approved by the City Council.~~

(H. B. No. 527, § 6, 5-1-02)

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 04/03/2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	2806	<b>Account</b>
<b>Subject</b>	ORDINANCE 2018-XX AMENDING CHAPTER 29 IMPACT FEES, ARTICLE II TRANSPORTATION IMPACT FEES	

**Background:**  
**Update from the March 27, 2018 Workshop:**  
This item was heard by City Council at their March 27, 2018 Workshop. There were no changes suggested to this item.

**Original Background from the March 27, 2018 Workshop:**  
One of City Council’s priority is to update the Transportation Impact Fee. As required by the City’s Code, an update must be considered every six years. The City’s first roadway/transportation impact fee was adopted in 2004 and updated in 2011.

Regular updates or review of impact fees (not just transportation impact fees) are necessary to accommodate changes in facility/capital needs, land use characteristics, cost assumptions, and projected growth. An update or review of impact fees also ensures that impact generating development pays an appropriate share of capital improvements.

The City retained the services of Lassiter Transportation Group (LTG) to facilitate the review of the City’s transportation impact fee. The study conducted by LTG met the following objectives for the update:

- Update fees based on best available localized data (construction costs, trip generation of land use, identification of capacity projects), and
- Promote City’s economic development by providing incentives for certain land uses
- Highlights of the fee based incentives provided in the new impact fee schedule include:

- Development of impact fee for historic ITT platted lots,
- Multi-Family category (separate category from single-family),
- Active Adult category (separate category from single-family),
- Development of impact fees for “Multi-tenant Retail Category” vs. “Free Standing Retail Category”,
- Additionally, the schedule maintains simplicity in application by combining land uses as appropriate (i.e. all offices are combined into one category)

In calculating the new impact fees a reduction in the capital improvement plan was achieved through the following:

- Exclusion of Right-of-Way costs,
- Identifying intersection improvements in lieu of roadway widening projects,
- Providing credit for projects included the TPO’s Long Range Transportation Plan (LRTP), and

- Interstate Adjustment Factor.

**Recommended Action:**

Adopt Ordinance 2018-XX Amending Chapter 29 Impact Fees, Article II Transportation Impact Fees



**ORDINANCE 2018-\_\_\_\_**  
**TRANSPORTATION IMPACT FEES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA AMENDING CHAPTER 29 IMPACT FEES, ARTICLE II TRANSPORTATION IMPACT FEES, CODE OF ORDINANCES OF THE CITY OF PALM COAST, TO ADJUST RATES BASED ON A COMPREHENSIVE STUDY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Palm Coast (the "City") is a municipal corporation lawfully established and organized under the laws of Florida; and

**WHEREAS**, pursuant to Article VIII of the 1968 Florida Constitution, as amended, and Sections 163 and 166, Florida Statutes, the City Council of Palm Coast has the authority to fix, impose, and provide for the collection of transportation impact fees to finance, in whole or in part, the capital costs of public works, improvements, and facilities required to accommodate new impact-generating development; and

**WHEREAS**, the City Council has studied the necessity for and implications of the adoption of transportation impact fees for various transportation facilities and has retained LTG Engineering and Planning, and, by subcontract, NUE Urban Concepts, LLC (hereinafter, together, the "Consultants") to prepare a transportation impact fee report to determine the proportionate demand new development generates for additional capital transportation improvements, and the Consultants have prepared a transportation impact fee report, titled "The City of Palm Coast Transportation Impact Fee – Technical Report," dated January 2018 (hereinafter the "transportation impact fee report"); and

**WHEREAS**, the transportation impact fee report has been presented to and reviewed by the City Council, which has determined (1) that a transportation impact fee is necessary to offset the costs associated with meeting future capital transportation improvement demands pursuant to the projections set forth in the report; (2) that the transportation impact fees adopted by this Ordinance bear a reasonable relationship to the burden imposed upon the City to provide capital transportation improvements to new residents, employees, and businesses; and transportation impact fees provide a direct benefit to such new residents, employees, and businesses reasonably related to the transportation impact fees assessed; (3) that an "essential nexus" exists between the projected new development and the need for additional capital transportation improvements to be funded with transportation impact fees, and between the transportation impact fee and the benefits that accrue to new development paying the fee; and (4) that the amount of the transportation impact fees is "roughly proportional" to the pro rata share of the additional capital transportation improvements needed to serve new residential and non-residential development, while

maintaining the level of service (LOS) standard currently provided to City residents, employees, and businesses; and

**WHEREAS**, the City annually develops a capital budget to ensure new development is adequately provided with capital transportation improvements necessary to serve new development at the growth rates projected in the transportation impact fee report; and

**WHEREAS**, this Ordinance contains administrative provisions to ensure that the benefit of capital transportation improvements funded with impact fee funds will accrue proportionately to new development paying the fee; and

**WHEREAS**, it is not the intent of this Ordinance to impose or collect any transportation impact fees from new development that are in excess of new development's proportionate demand on capital transportation improvements; and

**WHEREAS**, based on the population, housing unit, and land use projections as well as the capital transportation improvement needs associated with the projected level of growth, the City Council has determined that transportation impact fees are a reasonable, appropriate, and necessary technique, to be used in conjunction with other financing techniques, to ensure that transportation facilities are available and adequate for new development; and

**WHEREAS**, the City Council has determined that transportation impact fees are necessary for adequate capital transportation improvements sufficient to protect the public health, safety, and general welfare of future residents and employees generated by new development; and

**WHEREAS**, the Consultants reviewed the existing demand for capital transportation improvements, including, where appropriate, land acquisition, road improvements, and construction costs; the existing inventory of same; and the method of financing same; and

**WHEREAS**, all funds collected from transportation impact fees will be deposited in a segregated, interest-bearing account to ensure that transportation impact fee funds are spent only for the reasonable benefit of the new development paying the fee; and

**WHEREAS**, any interest or other income earned on funds deposited in said interest-bearing account will be credited to the transportation impact fee account; and

**WHEREAS**, the City has determined and will determine that the payment of the transportation impact fees and their expenditure for needed capital transportation improvements will result in a reasonable benefit to the development on which it is imposed in a manner not shared by those not paying the fee; and

**WHEREAS**, the City Council has developed and adopted a schedule of transportation impact fees by land use classification; and

**WHEREAS**, the City Council has provided a credit mechanism in cases where the proposed new development dedicates public sites and/or capital improvements for which transportation impact fees are being imposed; and

**WHEREAS**, this Ordinance is consistent with and implements the City of Palm Coast 2035 Comprehensive Plan, including the Capital Improvements Element and Capital Improvements Program therein, and with Fla. Stat. 163.31801.

**WHEREAS**, words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (\*\*\*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

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

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

**SECTION 2: AMENDMENT TO CHAPTER 29, IMPACT FEES, ARTICLE II, TRANSPORTATION IMPACT FEES.**

Chapter 29, "Impact Fees, Article II, "Transportation Impact Fees" of the Code of Ordinances, City of Palm Coast, Florida, is hereby amended as follows:

Section 29.31 – Purpose and intent:

\* \* \*

Sec. 29-32. - Transportation impact fee report.

~~A.~~ The City Council has reviewed and accepted, and incorporates into this article by reference, the transportation impact fee report, titled, "City of Palm Coast ~~2004-2018~~ Transportation Impact Fee ~~Update Study~~Technical Report," dated ~~August 2004~~March 2018, and prepared by ~~Tindale-Oliver and Associates, Inc.~~LTG Inc. and NUE Urban Concepts, LLC, which establishes the need for impact fees for capital transportation improvements and sets forth a reasonable methodology and analysis for the determination of the impact fees for capital transportation improvements.

~~B. The City Council has reviewed and accepted, and incorporates into this article by reference, the transportation impact fee report, titled "2011 Transportation Impact Fee Consolidation Report," dated April 6, 2011, and prepared by City Staff, which establishes the need to consolidate and simplify the existing impact fee structure and sets forth a reasonable methodology and analysis for the determination of a consolidated impact fee structure.~~

Sec. 29-33. – Definitions

In this article words and terms have the meanings set forth in this section. Words and terms not specifically defined herein have the meanings set forth in the City Code, as amended:

*Applicant* means any person who files an application with the City for a building permit to undertake impact-generating development within the City.

*Appropriation* means to obligate funds for use by the City. Appropriation includes inclusion of a capital transportation improvement in the annual City budget, execution of a contract or other legal encumbrance for construction or acquisition of a capital transportation improvement using transportation impact fee funds in whole or in part; and/or the expenditure or transfer of transportation impact fee funds from a transportation impact fee account for the financing of capital transportation improvements that provides or will provide a reasonable benefit to impact-generating development.

*Building permit* means evidence of the City's approval to undertake impact-generating development pursuant to the City's building code.

*Capital improvements program* means a schedule of capital transportation improvements to be undertaken by the City as determined from time to time by the City Council or as set forth in the capital budget and/or the comprehensive plan.

*Capital transportation improvement* means the planning, design, engineering, surveying, land acquisition, permitting, and construction costs of all features and facilities necessary for road construction projects including those relied upon in the transportation impact fee report, the need for which is created by and the provision of which will reasonably benefit impact-generating development.

*City* means the City of Palm Coast, Florida.

*City Code* means the City Code of the City of Palm Coast, Florida, as amended from time to time.

*City Council* means the Mayor and City Council of the City of Palm Coast, Florida.

*City Manager* means the City Manager for the City of Palm Coast, Florida.

*Comprehensive plan* means the City of Palm Coast ~~2020-2035~~ Comprehensive Plan, as amended from time to time.

*Department* means the ~~Development Services~~Community Development Department of the City of Palm Coast, Florida.

*Director* means the Director of the ~~Development Services~~Community Development Department of the City of Palm Coast, Florida or the Director's designee.

*Director of Financial Services* means the Director of the Financial Services Department of the City of Palm Coast, Florida.

*Existing land use* means the most intense lawful use of land within the twelve (12) months prior to the time of payment of the impact fee pursuant to this article.

*Fee schedule* means the list of transportation impact fees set forth in Exhibit A to this article. [Located at the end of this article.]

*Group fee* means transportation impact fee codes that are grouped together with the same fee amount and is under one classification category.

*Impact-generating development* means any construction, reconstruction, redevelopment, rehabilitation, structural alteration, structural enlargement, structural extension, or use undertaken pursuant to a building permit issued after the effective date of this ordinance, which attracts or produces vehicular trips over and above that produced by the existing land use.

*Non-residential* means a use or development that is not a residential use.

*Post-incorporation structures* means structures with a certificate of occupancy on or after the City of Palm Coast's incorporation on December 31, 1999.

*Pre-incorporation structures* means structures with a certificate of occupancy prior to the City of Palm Coast's incorporation on December 31, 1999.

*Residential* means a use or development that includes or results in the creation of a dwelling unit.

~~*Transportation Impact Fee Consolidation Report* means a report titled "2011 Transportation Impact Fee Consolidation Report," dated April 6, 2011, prepared by City Staff which sets for the methodology and rational basis for the consolidation and simplification of the existing impact fee structure.~~

*Transportation impact fee* means an impact fee imposed on residential and non-residential development to fund the proportionate share of the costs of capital transportation improvements created by impact-generating development for capital transportation improvements.

*Transportation impact fee report* means a report titled, "City of Palm Coast ~~2004-2018~~ Transportation Impact Fee ~~Update Study~~ Technical Report," dated ~~August 2004~~ February ~~March~~ 2018, and prepared by LTG, Inc. and NUE Urban Concepts, LLC, ~~and prepared by Tindale-Oliver and Associates, Inc.,~~ which sets forth the methodology and rational basis for the transportation impact fees and the mechanisms for ensuring that a rational nexus exists between the fee amount and the impact of impact-generating development on capital transportation improvements and the reasonable benefits that accrue to impact-generating development paying the impact fee.

Sec. 29-34. - Applicability.

A. *Term.* This article and the procedures established herein shall remain in effect unless and until repealed, amended, or modified by the City Council in accordance with applicable state law and the City Code.

B. *Affected area.* Transportation impact fees will be imposed by the City on impact-generating development proposed within the corporate boundaries of the City.

C. *Type of development affected.* Except as provided in D. below, this ordinance applies to all impact-generating development.

D. *Type of development not affected; exemptions.* This article does not apply to:

1. *Previously-issued building permits.* No additional transportation impact fee may be imposed on impact-generating development for which a building permit has been issued prior to the effective date of this article, except that if such building permit expires, the development will be treated as impact-generating development and be subject to the provisions of this amended article.

2. *No net increase in floor area.* Provided there is no intensification of use, no transportation impact fee may be imposed on an impact-generating development that does not result in the creation of additional floor area, unless the Director makes a written determination that the impact-generating development increases the demand for capital transportation improvements for which transportation impact fees are being imposed.

3. *Replacements.* No transportation impact fee may be imposed on the replacement of a destroyed or partially destroyed building or structure, provided that there is no change in use and no net increase in the number of dwelling units or amount of floor area.

4. *Temporary uses.* No transportation impact fee may be imposed on a temporary use.

5. *Development agreements.* No transportation impact fee may be imposed on impact-generating development that is the subject of a duly executed and lawful development agreement entered into prior to the effective date of this article, which agreement contains provisions in conflict or inconsistent with this article, but only to the extent of the conflict or inconsistency.

6. *Public education.* No transportation impact fee may be imposed on impact-generating development related to a public education use constructed by a district school board or a community college district board of trustees, pursuant to Section 1013.371(1)(a), Florida Statutes or related to a charter school facility, pursuant to Section 1002.33(18)(d), Florida Statutes.

7. *Other uses.* No transportation impact fee may be imposed on a use, development, project, structure, building, fence, sign or other activity, whether or not a building permit is required, which does not result in an increase in the demand for capital transportation improvements.

8. *Pre-incorporation structures.* No transportation impact fee shall be imposed on changes of use within a pre-incorporation structure where no



additional square feet are added, however the exemption does not apply to any other post-incorporation impact-generating development as defined in section 29-33 of this article.

E. *Effect of payment of transportation impact fees on other regulations.*

1. The payment of transportation impact fees shall not entitle the applicant to a building permit unless all applicable land use, zoning, planning, dedication, platting, subdivision, or other related requirements, standards, and conditions of the city code have been met. Such other requirements, standards, and conditions are independent of the requirement for payment of a transportation impact fee.

2. This article shall not affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards, or other applicable standards or requirements of the City Code, which shall remain operative and in full force and effect without limitation.

F. *Amendments.* This article may be amended from time to time by the City Council; provided, however, that no such amendment may be adopted without a written report detailing the reasons and need for the transportation impact fee revision nor without proper notice and public hearing as required by state law and the City Code.

Sec. 29-35. - Procedures for imposition, calculation, collection, reimbursement, and credit of transportation impact fees.

A. *Generally.* The Director must calculate the applicable transportation impact fee and administrative fee at the time of application for a building permit. The City may not issue a certificate of occupancy until the applicant has paid all transportation impact fees and administrative fees due pursuant to this article.

B. *Early payment incentive.* Administrative fee set forth in subsection C. shall be waived when transportation impact fee is paid at the time of building permit issuance.

C. *Calculation.*

1. Upon receipt of an application for a building permit, the Director must determine whether the proposed development is an impact-generating development; the specific category of residential or non-residential use proposed; and the amount of additional residential dwelling unit or non-residential floor-area square footage associated with the proposed use.

2. If the application for a building permit involves a change in use, the Director is required to base the transportation impact fee on the incremental increase in capital transportation improvement capacity created by the proposed change in use.

3. After making these determinations, the Director must calculate the applicable transportation impact fee by multiplying the amount of additional

residential based on dwelling unit or non-residential floor-area-square footage proposed by the amount of the applicable transportation impact fee per unit of development, incorporating any applicable exemptions or credits, based on the impact fees in effect at the time of building permit application.

4. The fee schedule is intended to consolidate a number of non-residential land uses into broad land use categories defined in Section 29-33. The Director, in consultation with other City staff and consultants, as necessary, shall determine the closest applicable land use based on the definitions in Section 29-33 and a comparison of trip generation rates with the rates established in the Technical Transportation Impact Fee Report referenced in Section 29-32; or

b. ~~Calculate~~ the Director may calculate the transportation impact fee based on an independent impact analysis pursuant to subsection D. below:     .

5. The calculation of transportation impact fees due from a multiple-use impact-generating development must reflect the aggregated demand for capital transportation improvements generated by each land use type within the proposed impact-generating development.

6. The calculation of transportation impact fees due from a phased impact-generating development must reflect the demand generated by each land use type within the phase of development for which a separate building permit is requested.

7. An administrative fee not to exceed actual cost to administer the transportation impact fee program ~~charged against a particular application~~ may be assessed by the Director for the expenses of collecting and administering this article. The Director, ~~may~~ develop application and review fees that reflect actual cost to review special studies and ~~request~~ requests for credits, or ~~reconsideration~~ to reconsider an applicable land use designation.

D. *Independent impact analysis.*

1. *Criteria for use of an independent impact analysis.* The impact fee may be computed by the use of an independent impact analysis if:

a. The Director determines that the proposed impact-generating development is not one of the land use types listed on the fee schedule; or

b. The applicant chooses to have the amount of the fee determined by the use of an independent impact analysis; or

c. The Director determines that the nature, timing, or location of the proposed impact-generating development makes it likely to generate impacts costing substantially more or less to mitigate than the amount of the fee that would be generated by the use of the fee schedule.

2. *Preparation of independent impact analysis.*

a. The applicant is responsible for preparation of the independent impact analysis if the applicant chooses to conduct the analysis. The Director is responsible for preparation of the independent impact analysis if

the proposed impact-generating development is interpreted not to be one of those types listed in the fee schedule or analysis of the proposed impact-generating development indicates that the nature, timing, or location of the proposed land use make it likely to generate impacts costing substantially more or less than the amount of the fee generated by the use of the fee schedule.

b. The person who prepares the independent impact analysis is required to be a qualified professional in the preparation of impact analyses, and is required to be approved by the Director on the basis of professional training and experience. If the Director is responsible for preparation of the independent impact analysis, the Director may request the applicant ~~to~~ prepare the analysis, and credit the cost of the preparation against the impact fee due.

3. *Independent impact analysis standard.* The independent impact analysis is required to be based on the same standards and unit costs for transportation capital improvements used in the transportation impact fee report. The applicant has the burden of demonstrating that the assumptions, unit costs, or other data used in the independent impact analysis are more accurate than those used in the transportation impact fee report and reflected in the fee schedule.

4. *Independent impact analysis procedure.*

a. *Submission of application.* An independent impact analysis may be undertaken through the submission of a form provided by the City or upon the Director's determination that an independent impact analysis is appropriate as described above.

b. *Determination of completeness.* Within 20 days of receipt of an application, the Director is *required* to determine if the application is complete. If it is determined that the application is not complete, a written statement is required to be sent to the applicant, by mail, specifying the deficiencies. If no deficiencies are specified the Director is required to deem the application complete. The Director may not take further action on the application until it is deemed complete.

c. *Review of application.*

i. Within 30 days of the date the application is determined complete, the Director will render a written decision on (a) whether the transportation impact fee should be modified based on the independent impact analysis, and if so, the amount of the fee due or (b) what fee should be charged based on a proposed use not listed on the fee schedule. If the independent impact analysis fails to satisfy the requirements of this section, the fee established in the fee schedule applies.

ii. If, based on generally-recognized principles of transportation impact analysis, the Director determines that the proposed impact-generating development will create

impacts upon capital transportation improvements substantially different than those assumed under the transportation impact fee report and fee schedule or if the proposed use is not listed in the fee schedule, the fee established pursuant to the independent impact analysis is to be imposed.

E. *Non-binding transportation impact fee estimate.* An applicant may request a non-binding estimate of transportation impact fees due for a particular impact-generating development by filing a request on a form provided for that purpose; provided, however, that the estimate may be subject to change when a formal application for a building permit for impact-generating development is made. Non-binding estimates are for the sole benefit of the prospective applicant and neither bind the City nor preclude it from making amendments or revisions to any provisions of this article. No vested rights, legal entitlements, or equitable estoppel accrue by reason of a non-binding estimate. A non-binding fee estimate does not constitute a final decision and may not be appealed pursuant to section 29-377 of this article.

F. *Reimbursements and credits.*

1. *Eligibility for a reimbursement.* The City may reimburse transportation impact fee funds paid by an applicant in exchange for the dedication or construction of capital transportation improvements made necessary by impact-generating development and upon which transportation impact fee funds may be appropriated pursuant to subsection 29-36B. Transportation impact fees may be reimbursed only at or reasonably close to the time the proffered transportation capital improvement is scheduled for construction or completion in the City's capital budget or capital improvements program. Reimbursements are appropriate only where the proffered transportation capital improvement adds capacity made necessary by and to be provided for the reasonable benefit of impact-generating development. The City and an applicant may enter into a development agreement to facilitate the acceptance by the City of proffered capital transportation improvements and reimbursements to the applicant.

2. *Additional provisions.*

a. In order to be eligible for a reimbursement, the applicant must receive approval by the Director pursuant to the provisions of this article, prior to the issuance of a building permit.

b. The City may not reimburse the applicant in an amount exceeding the amount of the transportation impact fee due pursuant to this article.

c. The City may not reimburse the applicant until a proffered land dedication is finalized or the construction project is at least 50 percent complete, as determined by the City. Reimbursement may then occur based on the percent completion of the project.

d. As provided in subsection F.4., below, if an applicant proposes to dedicate or construct a capital transportation improvement valued at an amount greater than the amount of the transportation impact fee due, then the applicant may be reimbursed by future developers for costs incurred over and above those reimbursed by the City.

3. *Calculation of the value of dedication or construction.* The amount of the reimbursement to be paid by the City is to be calculated as follows:

a. *Construction of facilities.* The reimbursement must be equal to the actual cost of construction as evidenced by receipts and other sufficient documentation or the amount of transportation impact fees due pursuant to this ordinance, whichever is less.

b. *Dedication of land.* At the option of the applicant, the reimbursement is to be based on either the assessed value of the proffered land, based on the most recent appraisal by the Flagler County Property Appraiser, or the fair market value of the land as determined by a certified property appraiser hired and paid for by the applicant. If the latter option is chosen and the City rejects the applicant's appraisal, the City may hire and pay for a second appraiser to appraise the property. If either party rejects the second appraisal, a third appraisal may be performed by an appraiser chosen by the first and second appraisers, the costs of which are to be shared equally by the City and the applicant. The third appraisal is binding on both parties. All appraisals must be consistent with generally-accepted appraisal techniques and the date of valuation must be the date of transfer to the City.

4. *Eligibility for credits for excessive dedication or construction.*

a. *Generally.* An applicant may be given a credit against a transportation impact fee upon demonstration that, after the date of this article, a capital transportation facility was dedicated or constructed by a previous applicant with sufficient excess capacity to offset the impacts of the applicant's proposed impact-generating development. In order for a credit to be accepted, the applicant must demonstrate that the dedicated or constructed capital transportation improvement will reduce the overall need for capital transportation improvements and that the applicant has secured from the previous applicant a contractual right to an allocation of capacity equal to the transportation impact fee due pursuant to the fee schedule. Any approved credit must be consistent with the City's capital budget, capital improvements program, comprehensive plan, and the transportation impact fee report.

b. *Transferability.* Credit for contributions, payments, construction or dedications of a capital transportation improvement may not be applied to impact fees due for a capital facility other than transportation, although credit against a transportation impact fee may be transferred within the same subdivision, site plan, development of regional impact, or planned unit development or an adjacent subdivision, site plan, development of regional impact, or planned unit development in common ownership.

c. *Calculation of credit.* No credit may exceed the total amount of the transportation impact fee imposed in the fee schedule.

G. *Collection.* The Director must collect all transportation impact fees in the amounts set forth in this ordinance prior to the issuance of a certificate of occupancy and must issue a receipt to the applicant for such payment unless:

1. The applicant is not subject to the payment of a transportation impact fee;

2. The applicant has filed an appeal as required by Section 29-37 of this article and has filed a bond or other surety in the amount of the transportation impact fee as calculated by the Director and approved by the City Attorney and Director of Financial Services;

3. The applicant has received a credit as provided in subsection F., above;  
or

4. An independent impact analysis has been approved as provided in subsection D., above.

Sec. 29-36. - Establishment of a transportation impact fee account; use and appropriation of transportation impact fee funds; and refunds.

A. *Establishment of transportation impact fee account.* The Director of Financial Services is required to establish a designated transportation impact fee account for transportation impact fees. The account must be identified clearly and distinctly as the transportation impact fee account. All transportation impact fee funds collected by the City must be deposited into the transportation impact fee account and all interest earned on monies deposited must be credited to and considered funds of the transportation impact fee account. Transportation impact fee funds must be capable of being accounted for separately from all other City funds. The Director of Financial Services must establish and implement necessary accounting controls to ensure that transportation impact fee funds are properly deposited, accounted for, and appropriated in accordance with this article and other applicable legal requirements.

B. *Use of transportation impact fee funds.*

1. *Generally.* Transportation impact fee funds may be appropriated only for:

a. Capital transportation improvements, the need for which is created by and the provision of which will reasonably benefit impact-generating development;

b. The payment of principal, interest, and other financing costs on contracts, bonds, notes, or other obligations issued by or on behalf of the City to finance capital transportation improvements as provided above;

c. Financing of reimbursements as set forth in subsection 5.E.;

d. Financing of refunds as set forth in subsection 6.D.;



e. Financing the costs of updating this ordinance and the transportation impact fee report.

2. *Restrictions on use.* Transportation impact fee funds may not be appropriated for repair or maintenance of capital transportation improvements, or for operational or personnel expenses associated with the provision of capital transportation improvements. Additionally, transportation impact fees must be appropriated within six (6) years of the beginning of the City's fiscal year immediately succeeding the date of collection, unless such time period is extended as provided in subsection 3 below. Transportation impact fee funds must be spent on a first in/first out basis.

3. *Extension of time for appropriation.* Notwithstanding the provisions of subsection 2. above, transportation impact fee funds may be appropriated beyond six (6) years from the beginning of the City's fiscal year immediately succeeding the date of collection, if the appropriation is for a capital transportation improvement that requires more than six (6) years to plan, design, and construct. The City must document compliance with the provisions of this paragraph.

4. *Benefit District.* The extent of current City Limits shall form the boundaries of the transportation impact fee benefit district. All fees collected within the limits of the benefit district shall be expended within the boundaries of the district to ensure that the entities paying the fee receive the benefit from improvements constructed by the fee. The limits of the benefit district shall extend to areas annexed into the City, unless a new benefit district is established by the City for the annexed areas. The need for updated benefit district boundaries shall be evaluated during updates of the transportation impact fee.

5. *New Benefit Districts.* The City may establish new benefit districts for an area within the City where a development agrees to fund and construct significant Capital Transportation Improvements, and the City elects to reimburse the development with future transportation impact fees paid by the owners of other land uses within the development. The City shall have sole discretion regarding establishing the limits of any new benefit district.

C. *Capital improvements program.* Each year, the City will update its five-year capital improvements program to include capital transportation improvements to be funded in full or in part with transportation impact fee funds.

D. Refunds.

1. *Eligibility.*

a. *Expiration or revocation of building permit.* On a form provided by the City, an applicant who has paid a transportation impact fee for an impact-generating development for which construction has not begun, and the necessary building permit has expired or has been revoked, may apply for a refund of impact fees paid.

b. *Failure to make timely appropriation.* On a form provided by the City, a current property owner may apply for a refund of transportation

impact fee funds paid by an applicant if the City has failed to appropriate the transportation impact fee funds collected from the applicant within the time limit established in subsection B.2. above.

c. *Abandonment of impact-generating development.* An applicant who has paid an impact fee for an impact-generating development for which a building permit has been issued and pursuant to which construction has been initiated but abandoned prior to issuance of a certificate of occupancy is eligible for a refund if the partially constructed building is demolished.

2. *Administrative fee.* The City may deduct an ~~two hundred dollar (\$200.00)~~ administrative fee equivalent to the cost to process a refund from the total amount of any refund, to defray the administrative expenses associated with processing a refund application.

3. *Processing of refund applications.*

a. *Application made to the Director.* Applications for a refund must be made on a form provided by the Director for such purposes. Upon receipt of a complete application for a refund, the Director must review the application and documentary evidence submitted by the applicant, as well as such other information and evidence as may be deemed relevant, and must make a final decision to approve or deny the proposed refund.

b. *Due to expiration or revocation.* Applications for refunds due to expiration or revocation of a building permit must be made on forms provided by the City and made within sixty (60) days following expiration or revocation of the building permit. Failure to apply for a refund within sixty (60) days following expiration or revocation of the building permit constitutes a waiver of entitlement to a refund. In order for the refund application to be deemed complete, the applicant must submit: (a) evidence that the person applying for the refund was the initial applicant who paid the fee, or the authorized agent of the initial applicant, (b) the amount of the transportation impact fees paid and receipts evidencing such payments, and (c) documentation evidencing the expiration or revocation of the building permit. No interest must be paid by the City in calculating the amount of a refund pursuant to this paragraph.

c. *Due to timeliness.* Applications for refunds, including interest earned, due to the failure of the City to appropriate transportation impact fees collected from the applicant within the time limits established in subsection B.2. above must be made on forms provided by the Director and must be made within one (1) year following the expiration of such time limit. Failure to apply for a refund within one (1) year following expiration of the time limit constitutes a waiver of entitlement to a refund. In order for the refund application to be deemed complete, the applicant must submit: (a) evidence that the applicant is the current property owner or the authorized agent of the current property owner, (b) the amount of the transportation impact fees paid and receipts evidencing such payments, and

(c) a description and documentation of the City's failure to appropriate transportation impact fee funds pursuant to subsection B.2. above.

d. *Due to abandonment.* Applications for refunds due to abandonment of an impact-generating development prior to completion must be on a form provided by the Director and made within sixty (60) days following the date of abandonment. Failure to apply for a refund within sixty (60) days following the date of abandonment constitutes a waiver of entitlement to a refund. The application must include: (a) evidence that the person applying for the refund is the initial applicant who paid the fee, or the authorized agent of the initial applicant, (b) the amount of the transportation impact fees paid and receipts evidencing such payments, and (c) documentation evidencing the demolition of the building partially constructed pursuant to payment of the impact fees to be refunded. No interest must be paid by the City in calculating the amount of the refund pursuant to this paragraph.

#### Sec. 29-37. – Appeals

\* \* \*

Sec. 29-38. - Annual adjustments; ~~five year phase in~~; six~~five~~-year update; and impact fee schedule.

A. *Annual adjustments.* - The City will increase the transportation impact fees to keep pace with inflation. In August of each year, the City will review the projected rate of inflation for the upcoming calendar year as determined by the most recent FDOT Transportation Cost Report Construction Cost Inflation Factors. If inflation is projected to increase, the City will provide notice of the corresponding increase in the transportation impact fees no later than September 30, in the manner required by law. The impact fee increase will go into effect on January 1st of the following year.

~~On October 1, 2005, and each October 1<sup>st</sup> thereafter, the City of Palm Coast shall adjust all transportation impact fees assessed by the City. Adjustment shall be determined by comparing the U.S. Department of Labor (USDOL) Other Non-Residential Construction Index for March of the year of adjustment, to the USDOL Other Non-Residential Construction Index for March of the previous year. Alternatively, the City Council may adopt annual adjustments to the Transportation Impact Fee based upon more localized data, including but not limited to, that from the Florida Department of Transportation on roadway construction cost. In such event, the City Council shall adopt this alternative annual adjustment by Resolution. Similarly, the City Council may adopt changes to the Transportation Impact Fee Schedule by Resolution.~~

~~B. *Five year phase in.* On October 1, 2011, and each October 1 thereafter up to five years with the last adjustment being October 1, 2015, the City of Palm Coast shall annually adjust each~~

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individual transportation impact fee that is less than the group fee so that the individual fee is equal to the group fee at the end of the five years. This annual adjustment will be in addition to the annual adjustment to the group fee described in subsection 29-38A. Individual fees that are greater than the group fee will be reduced to the group fee amount on October 1, 2011.

B. The annual notice referenced in subsection A is provided as a courtesy. The notice of this code amendment is intended to provide notice of the inflationary adjustments and satisfy the requirement in Fla. Stat. 163.31801 that notice be provided 90 days prior to an increase in an impact fee.

C. ~~Six~~Five-year update. At least once every ~~six~~four years beginning in 2022, the Director, after consultation with appropriate providers of capital transportation improvements, is required to recommend to the City Council whether changes to this ordinance or the fee schedule are necessary, due to changes in facility needs, land use characteristics, cost assumptions, projected growth, and impacts on capital transportation improvements. The update should be completed within five-years from date of adoption of the last fee update, not counting the annual inflation adjustment. The purpose of the ~~six~~five-year update is to ensure that impact generating development does not pay more than its proportionate share for the costs of growth-induced capital transportation improvements.

D. Fee Schedule. The Transportation Impact Fee Schedule is provided in Table 3-1 below. For non-residential uses, the fees are illustrated per 1,000 square feet, but calculated on a gross square footage (floor area) basis. All other fees are assessed based on an applicable unit of measure.

E. Additive Fees. The transportation impact fee schedule includes separate fees for pharmacy drive-thru lane(s), bank drive-thru lane(s), restaurant drive-thru lane(s), ATM drive-thru lanes, fueling positions and free standing ATM's. The fees for these uses are additive to any fees assessed for a pharmacy, bank, restaurant, convenience store, or retail uses. For example, a bank would pay per gross square foot based on the applicable fee rate for each bank and/or ATM drive-thru lane. Likewise, a 5,000-square foot convenience store with eight gas pumps would pay a fee per square foot for the convenience market, and a fee per vehicle fueling position (8 pumps x 2 vehicle fueling positions = 16 vehicle fueling positions). The Fee Schedule contains applicable notations for additive fees.

F. Conversions. Several land uses require the calculation of useable acreage or gross floor area that includes unenclosed acreage. For example, a Home Improvement Store would include all areas used for sale, storage or display of goods (includes all outside garden center areas), plus all areas under roof in the calculation of gross floor area. The acreage for a golf course or outdoor commercial recreation use would be the acreage for all structures along with all acreage used to carry out the primary function on the land use. For example, the area for a golf driving range would include the acreage for any buildings, concessions, sale of merchandise, bathrooms, clubhouse or areas devoted to customer service, along with all acreage used for the driving range. The gross acreage would exclude parking areas.

TABLE 3-1 Transportation Impact Fee Schedule is amended as follows:

Transportation Impact Fee Schedule				
Table 3-1				
Group	ITE/LUC	Description	Unit of Measure	Fee
Group ITE LUC				
A		Industrial and Automotive	1,000 sq. ft.	\$3,052.45
	110	General Light Industrial/Utilities		
	130	Industrial Park		
	140	Manufacturing		
	150	Warehouse		
	843	Auto Parts Sales/Tire Store		
	942	Auto Repair or Body Shop		
	944	Gasoline Station		
B		Residential	Dwelling Unit	\$2,686.65
	210	Single-Family Detached/Duplex/Mobile Home Individual Lot		
	220	Multifamily/Apartments		
	230	Condominium/Townhouse		
C		Lodging	Room	\$1,577.54
	310	Hotel		
	320	Motel		
D		Schools	Student	\$462.60
	520	Elementary School		
	522	Middle School		
	530	High School		
	540	Junior/Community College		
	550	University		

E	General Office and Retail		1,000 sq. ft.	\$5,781.62
	710	Office		
	720	Medical Office/Clinic		
	770	Business Park		
	814 & 820	Retail/Shopping Center/Specialty Retail (Out parcels excluded)		
	816	Hardware/Paint		
	817	Nursery (Garden Center) gross floor area		
	881	Pharmacy/Drugstore with Drive-through Window		
	896	Video Rental Store		
	565	Day Care Center		
F	Large Box		1,000 sq. ft.	\$8,267.12
	813	Discount Superstore, including Electronics, Toys/Childrens Superstore		
	850	Supermarket		
	862	Home Improvement Store		
	492	Raquet Club/Health/Fitness Club/Spa/Dance Studio		
	494	Bowling Alley		
	495	Recreational Community Center		
G	Stand Alone Building (Not incorporated with another Group)		1,000 sq. ft.	\$16,645.30
	851	Convenience Store		
	912	Bank/Savings		
	9231	Restaurant		
Individual ITE LUC				
	Industry—Other			
	120	General Heavy Industrial	1,000 sq. ft.	\$469.31
	Residential—Other			



	240	Mobile Home Park	Dwelling Unit	\$1,385.11
	251	Senior Adult Housing	Dwelling Unit	\$899.73
	Recreational			
	411	Local Park	Acre	\$266.82
	411	General Recreation	Acre	\$396.90
	412	District Park	Aeres	\$569.87
	416	RV Park	RV Space	\$1,082.07
	420	Marina	Berth	\$772.34
	430	Golf Course	Hole	\$8,924.81
	444	Movie Theater with Matinee	Seats	\$80.45
	480	Amusement Park	Acre	\$18,918.28
	Institutional			
	253	Congregate Care Facility (attached)	Dwelling Unit	\$280.23
	560	Church	1,000 sq. ft.	\$2,046.17
	566	Cemetery	Acre	\$1,971.08
	610	Hospital	1,000 sq. ft.	\$4,507.99
	620	Nursing Home	Bed	\$335.22
	Retail			
	812	Building Materials and Lumber	1,000 sq. ft.	\$10,893.20
	841	New/Used Auto Sales	1,000 sq. ft.	\$8,041.18
	890	Furniture Store	1,000 sq. ft.	\$1,104.87
	934	Fast Food Restaurant with Drive Through	1,000 sq. ft.	\$34,863.88
	937	Quick Lube	Bays	\$5,287.04
	947	Self-Service Car Wash	Bays	\$9,770.89
	General Office—Other			
	714	Corporate Headquarters Building	1,000 sq. ft.	\$2,506.08

**Editor's note**— ~~Section 6 of Ord. No. 2011-6, adopted May 17, 2011, changed the title of § 29-38 from "Annual adjustments; six-year update" to "Annual adjustments; five-year phase in; six-year update; and impact fee schedule."~~

**TABLE 3-1. Transportation Impact Fee Schedule**

<b>Table 3-1. Vehicle Miles of Travel per Land Use</b>	<b>Unit of Measure</b>	<b>Trip Gen</b>	<b>% new trips</b>	<b>Trip Length</b>	<b>I-95 Adj</b>	<b>VMT</b>
<b>Residential Use</b>						
Single Family Detached / Mobile Home	Dwelling Unit	9.44	1	5.04	0.51	12.13
Vested Single Family Platted Lot	Dwelling Unit	7.38	1	3.53	0.51	6.64
Single Family Attached (includes Duplex, Townhomes, Villas, Condominiums)	Dwelling Unit	7.32	1	5.04	0.51	9.41
Vested Duplex Platted Lot	Dwelling Unit	5.72	1	3.53	0.51	5.15
Multi-Family Apartment	Dwelling Unit	5.44	1	5.04	0.51	6.99
Active Adult & Independent Living (55+) (Attached or Detached Units)	Dwelling Unit	3.99	1	5.04	0.51	5.13
<b>Institutional Use</b>						
Adult Congregate Living Facility	Bed	2.52	1	5.04	0.51	3.24
Cemetery	Acre	6.05	1	5.50	0.51	8.49
Day Care	1,000 sq. ft.	47.62	0.5	3.26	0.51	19.79
Places of Worship	1,000 sq. ft.	6.95	0.9	5.50	0.51	8.77
Private School (Pre K-12)	1,000 sq. ft.	13.58	0.5	5.50	0.51	9.52
Private College or University	1,000 sq. ft.	23.15	0.5	5.50	0.51	16.23
<b>Industrial Use</b>						
Manufacturing / Warehousing / Production	1,000 sq. ft.	4.66	0.8	7.21	0.51	6.85
Retail Fulfillment / Distribution	1,000 sq. ft.	7.97	0.9	7.21	0.51	13.19
Mini-Warehouse / Boat / RVs & Other Outdoor Storage	1,000 sq. ft.	1.51	0.9	5.04	0.51	1.75
<b>Entertainment, Recreation &amp; Lodging Use</b>						
Movie Theater	per Seat	1.76	0.5	4.44	0.51	1.00
Marina (including dry storage)	per Berth	2.41	1	4.44	0.51	2.73
Golf Course	per Hole	30.38	1	4.44	0.51	34.40
Outdoor Commercial Recreation	per Acre	14.32	1	4.44	0.51	16.21
Multi-Purpose Commercial Recreation	1,000 sq. ft.	5.57	0.9	4.44	0.51	5.68
Health Club / Fitness / Gym	1,000 sq. ft.	35.53	0.9	4.44	0.51	36.20
Recreational Vehicle (RV) Park	per Space	2.40	1	5.04	0.51	3.08
Hotel / Motel / Lodging	Room / Unit	6.19	0.9	5.04	0.51	7.16
Community Center / Civic / Gallery / Lodge	1,000 sq. ft.	14.54	0.8	4.44	0.51	13.17
<b>Office Use</b>						
Office / Office Park / Medical / Clinic / Bank / Financial	1,000 sq. ft.	11.41	0.7	7.21	0.51	14.68
<b>Retail Use</b>						
Multi-Tenant Retail Center	1,000 sq. ft.	37.75	0.4	4.51	0.51	17.37
Pharmacy (Free Standing)	1,000 sq. ft.	90.08	0.3	4.51	0.51	31.08
Pharmacy Drive-Thru	per lane	89.04	0.3	4.51	0.51	30.72
General Retail (Free Standing)	1,000 sq. ft.	58.30	0.4	4.51	0.51	26.82
Furniture / Mattress Store (Free Standing)	1,000 sq. ft.	6.30	1	4.51	0.51	7.25
Supermarket / Grocery Store (Free Standing)	1,000 sq. ft.	98.83	0.4	4.51	0.51	45.46
Sit Down Restaurant (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	98.01	0.4	4.90	0.51	48.99
Fast Food / Fast Casual Restaurant (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	214.36	0.3	4.90	0.51	80.35
Restaurant Drive-Thru (based on number of lanes at point of ordering)	per lane	356.54	0.2	4.90	0.51	89.10
Discount Superstore (Free Standing)	1,000 sq. ft.	50.70	0.8	5.64	0.51	58.31
Home Improvement / Building Materials / Garden Center	1,000 sq. ft.	31.51	0.8	5.64	0.51	36.24
Nursery (Wholesale or Retail)	per Acre	31.37	0.8	4.51	0.51	28.86
Bank Drive-Thru Lane, Free Standing ATM or ATM Drive-Thru Lane	per lane and / or per ATM	113.35	0.4	4.11	0.51	47.52
Vehicle & Boat - Sales or Dealership	1,000 sq. ft.	27.45	0.9	5.64	0.51	35.51
Vehicle & Boat - Service / Repair / Parts	1,000 sq. ft.	38.02	0.9	4.11	0.51	35.86
Vehicle & Boat - Cleaning / Detailing / Wash	1,000 sq. ft.	264.20	0.2	4.11	0.51	55.38
Convenience Store	1,000 sq. ft.	801.21	0.1	4.51	0.51	92.14
Vehicle Fueling Position	per Vehicle Fueling Position	250.98	0.2	4.03	0.51	51.58
Personal Services	1,000 sq. ft.	32.15	0.4	4.11	0.51	13.48

**SECTION 3. APPLICABILITY.** This ordinance shall apply to any Impact-Generating Development for which a building permit application is filed on or after the effective date of this Ordinance.

**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 Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance.

**SECTION 5. 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 Ordinance 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 6. CONFLICTS.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This Ordinance will become effective immediately, except that the fees will be effective as provided in this Section. For developments where the impact fee will decrease under this Ordinance, the decrease will become effective 30 days after adoption of this Ordinance. For developments where the impact fees will increase, the developers must pay the impact fees that apply July 16, 2018, unless the developer obtains a building permit before February 1, 2019, in which case the lesser fees will apply.~~This Ordinance shall become effective 90 days after adoption of this Ordinance.~~

**Approved** on the first reading this 3rd day of April 2018.

**Adopted** on the second reading after due public notice and hearing this 17th day of April 2018.

**CITY OF PALM COAST, FLORIDA**

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Milissa Holland, Mayor

ATTEST:

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Virginia A. Smith, City Clerk

Approved as to form and legality

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William E. Reischmann, Jr., Esq.  
City Attorney

# The City of Palm Coast Transportation Impact Fee



## Technical Report

March 2018

Prepared for:

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## EXECUTIVE SUMMARY

The City of Palm Coast Transportation Impact Fee was last updated in 2004. Subsequent amendments in 2011 were made to consolidate the number of land uses to streamline implementation. In 2006, the Florida Legislature adopted the Impact Fee Act, confirming the ability of local governments to adopt impact fees to fund the addition of new capacity to accommodate the demand from new development and provided guidance on the administration and implementation of impact fees. In 2009, the Florida Legislature made a significant change to the Impact Fee Act by changing the burden of proof from a deference to local governments to a requirement that local governments demonstrate that the fee has been properly developed and meets the dual rational nexus test and demonstrates that the assessed fee is roughly proportional to the impact of a specific land use. This Technical Report provides the basis for the update of the City of Palm Coast Transportation Impact Fee and meets both the dual rational nexus test and the rough proportionality test.

In 2011, the Florida Legislature adopted the Community Planning Act which eliminated State mandated transportation concurrency and made transportation concurrency optional for local governments. In 2013, the Legislature amended the Act to encourage alternative forms of transportation mitigation, including mobility fees. The Act placed several restrictions on how transportation concurrency could be implemented and required impact fee credit for road capacity improvements constructed by new development that provided new capacity more than what was required to meet the travel demand of the new development. Local governments throughout the State have been increasingly electing to repeal transportation concurrency and just require new development to pay either a transportation impact fee or a mobility fee. The City of Palm Coast could elect to repeal transportation concurrency. The City can still require traffic impact analysis to identify the need for site related, operational and safety improvements.

There are several significant changes that have been made to the methodology used to calculate the transportation impact fee. The existing transportation impact fee is considered a “consumption” based fee that makes generalized assumptions on needed improvements and does not make specific findings of the need or type improvements necessary to meet future travel demands. The proposed transportation impact fee is considered an “improvements” based fee that identifies specific road and intersection improvements based on documented need. Improvements driven plans provide a greater level of transparency, compared to consumption based fees, regarding the type of road and intersection improvements. Improvement driven fees allow new development to know what they are paying a fee for and what benefit will derive. Improvement driven impact fees provide a more substantial demonstration that the transportation impact fee meets the dual rational nexus test.

The updated transportation impact fee has been designed to encourage economic development, infill residential, workforce housing and interconnected retail developments. The updated transportation impact fee also reflects the increased impact to the transportation system due to free standing retail uses, outparcels and significant trip generators such as restaurant, bank and pharmacy drive-thru lanes. To encourage residential infill, specific land uses have been developed for single family and duplex dwelling units on lots with plats approved before December 30<sup>th</sup>, 1977. The impact fee schedule also provides lower rates for multifamily housing and single family attached dwellings for the community's workforce and first time home buyers. The number of categories for industrial, office and medical office uses have been consolidated to encourage these types of land uses that often provide employment opportunities. The proposed transportation impact fee also reflects the reduced impact of multi-tenant retail centers that share driveways, internal circulation, parking and stormwater facilities. These centers allow for a greater capture of internal retail trips and provide opportunities for park once environments where multiple stores can be accessed through walking; as opposed to outparcel and free standing retail uses that has less connectivity, more driveways and increases the number of external trips.

The methodology utilized to update the transportation impact fee has resulted in a lower fee for a number of land uses based on several factors. One factor is the decision to focus of intersection improvements as alternatives to roadway widenings. The methodology used to update the transportation impact fee provides for a substantial capacity increase from intersection improvements, at a lower construction cost compared to new roads and wider roads. The methodology utilized also allowed for the integration of a traffic synchronization system which increased the overall road capacity for several roads by 10% at a lower cost than adding an additional travel lane. The traffic signal synchronization project will improve traffic flow, reduce congestion and increase capacity of major roads throughout the City providing a direct and immediate benefit to new developments.

An additional factor is the recommendation to provide a full credit for all improvements identified in the 2040 River to Sea Transportation Planning Organization (TPO) Long Range Transportation Plan. The City is only legally required to provide a credit for improvements funded in the current Transportation Improvement Program (TIP), which is currently just over \$3 million dollars; compared to the credit provided based on \$100 million dollars of improvements over the 20 plus year horizon of the LRTP. This has resulted in a substantial credit. Unlike a sales tax or gas tax, which are specially authorized over a set period and voted for by the citizens of a community, LRTP funds are not guaranteed and can be changed at any time. The transportation impact fee revenues can be used towards a 10% local match to expedite the improvements identified in the 2040 LRTP that are funded by the Federal Government and the State of Florida.

The final significant factor is the decision to not include the cost for right-of-way (ROW) for roadway widening. The City of Palm Coast is somewhat unique in that large right-of-way have been set aside for roadways. The construction cost does account for ROW for stormwater management areas. At a minimum, the proposed transportation impact fees are roughly 30% lower because the City largely has ROW set aside for the widening roads and the addition of intersection turn lanes.

The proposed transportation impact fee schedule includes a comparison of the proposed fee with the existing transportation impact fee. Some of the units of measure have changed from the current fee, such as Private Schools which are currently based on number of students and will now be based on square footage. Other land uses, such as restaurant drive-thru lane, are not included on existing impact fee schedule. Drive-thru lanes have been separated from banks, fast food and pharmacies to reflect the increased traffic for these facilities. Traditional convenience stores have increasingly been replaced by new prototypes that are either larger and provide more prepared foods and drinks or include multiple land uses such as restaurants with drive-thru lanes. Bank footprints are either being integrated into larger office buildings or being replaced with free-standing drive-thru ATM's. As new retail uses try to increase sales per square foot, a greater percentage of outdoor spaces are being used to display, sell and store merchandise. The proposed fee schedule reflects the changing dynamics in the size, operation and configuration of land uses.

The current transportation impact fee has been adjusted for both inflation and to address the 2011 amendment to consolidate land uses. The proposed transportation impact fee is proposed to be adjusted annually for inflation. In July or August of each year, the Florida Department of Transportation (FDOT) prepares inflation forecast as part of its yearly transportation cost updates. The inflation factors will be used to adjust the transportation impact fee rate on or before September 30<sup>th</sup> of each year. Consistent with State Statute which requires a 90-day period for any rate increase to go into effect, the inflation adjusted rates would become effective January 1<sup>st</sup> of following year. Thus, the current proposed rates will be adjusted by September 30<sup>th</sup>, 2018 and the inflation adjusted rates would go into effect on January 1<sup>st</sup>, 2019.

The update cycle, due to changes in land use and technology, has also been proposed to be reduced from every six years to every five years. Thus, the technical analysis to update the current proposed fee would begin in 2022. The following is the proposed transportation impact fee schedule, along with a comparison to the existing impact fee rate.

Executive Summary Palm Coast Transportation Impact Fee Schedule	Unit of Measure	Proposed Impact Fee	Existing Impact Fee
<b>Residential Use</b>			
Single Family Detached / Mobile Home	Dwelling Unit	\$ 2,981	\$ 3,124.67
Vested Single Family Platted Lot *	Dwelling Unit	\$ 1,632	\$ 3,124.67
Single Family Attached (includes Duplex, Townhomes, Villas, Condominiums)	Dwelling Unit	\$ 2,311	\$ 3,124.67
Vested Duplex Platted Lot *	Dwelling Unit	\$ 1,266	\$ 3,124.67
Multi-Family Apartment	Dwelling Unit	\$ 1,718	\$ 3,124.67
Active Adult & Independent Living (55+) (Attached or Detached Units)	Dwelling Unit	\$ 1,260	\$ 1,046.41
<b>Institutional Use</b>			
Adult Congregate Living Facility	Bed	\$ 796	\$ 389.87
Cemetery	Acre	\$ 2,085	\$ 2,292.42
Day Care	1,000 sq. ft.	\$ 4,863	\$ 5,781.62
Places of Worship	1,000 sq. ft.	\$ 2,155	\$ 2,379.75
Private School (Pre K-12) (Current Impact Fee of \$538.01 per Student)	1,000 sq. ft.	\$ 2,340	n/a
Private College or University (Current Impact of \$538.01 Fee per Student)	1,000 sq. ft.	\$ 3,988	n/a
<b>Industrial Use</b>			
Manufacturing / Warehousing / Production	1,000 sq. ft.	\$ 1,684	\$ 3,550.10
Retail Fulfillment / Distribution	1,000 sq. ft.	\$ 3,240	\$ 3,550.10
Mini-Warehouse / Boat / RVs & Other Outdoor Storage <sup>1</sup>	1,000 sq. ft.	\$ 429	n/a
<b>Entertainment, Recreation &amp; Lodging Use</b>			
Movie Theater / Performing Arts	per Seat	\$ 245	\$ 93.57
Marina (including dry storage)	per Berth	\$ 670	\$ 898.26
Golf Course	per Hole	\$ 8,450	\$10,379.83
Outdoor Commercial Recreation <sup>2</sup>	per Acre	\$ 3,982	n/a
Multi-Purpose Commercial Recreation	1,000 sq. ft.	\$ 1,395	\$ 9,614.91
Health Club / Fitness / Gym	1,000 sq. ft.	\$ 8,893	\$ 9,614.91
Recreational Vehicle (RV) Park	per Space	\$ 758	\$ 1,258.49
Hotel / Motel / Lodging	Room / Unit	\$ 1,759	\$ 1,834.73
Community Center / Civic / Gallery / Lodge	1,000 sq. ft.	\$ 3,235	\$ 9,614.91
<b>Office Use</b>			
Office / Office Park / Medical / Clinic / Bank / Financial	1,000 sq. ft.	\$ 3,608	\$ 6,724.20
<b>Retail Use</b>			
Multi-Tenant Retail Center <sup>3</sup>	1,000 sq. ft.	\$ 4,266	\$ 6,724.20
Pharmacy (Free Standing)	1,000 sq. ft.	\$ 7,635	\$ 6,724.20
Pharmacy Drive-Thru (fee is in addition to fee per 1,000 sq. ft. for pharmacy)	per lane	\$ 7,547	n/a
General Retail (Free Standing)	1,000 sq. ft.	\$ 6,589	\$ 6,724.20
Furniture / Mattress Store (Free Standing)	1,000 sq. ft.	\$ 1,780	\$ 1,285.00
Supermarket / Grocery Store (Free Standing)	1,000 sq. ft.	\$ 11,169	\$ 9,614.91
Sit Down Restaurant <sup>4</sup> (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	\$ 12,034	\$19,358.98
Fast Food / Fast Casual Restaurant <sup>4</sup> (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	\$ 19,740	\$40,547.73
Restaurant Drive-Thru <sup>4</sup> (based on number of lanes at point of ordering)	per lane	\$ 21,889	n/a
Discount Superstore (Free Standing) <sup>1</sup>	1,000 sq. ft.	\$ 14,324	\$ 9,614.91
Home Improvement / Building Materials / Garden Center <sup>1</sup>	1,000 sq. ft.	\$ 8,903	\$ 9,614.91
Nursery (Wholesale or Retail) <sup>2</sup>	per Acre	\$ 7,090	\$ 6,724.20
Bank Drive-Thru Lane, Free Standing ATM or ATM Drive-Thru Lane <sup>5</sup>	per drive thru lane and / or per ATM	\$ 11,674	n/a
Vehicle & Boat - Sales or Dealership	1,000 sq. ft.	\$ 8,725	\$ 9,352.13
Vehicle & Boat - Service / Repair / Parts (current fee under industrial use)	1,000 sq. ft.	\$ 8,810	\$ 3,550.10
Vehicle & Boat - Cleaning / Detailing / Wash (current fee per bay)	1,000 sq. ft.	\$ 13,605	n/a
Convenience Store <sup>6</sup>	1,000 sq. ft.	\$ 22,637	\$19,358.98
Vehicle Fueling Position <sup>6</sup>	per Vehicle Fueling Position	\$ 12,673	n/a
Personal Services	1,000 sq. ft.	\$ 3,311	n/a
*Residential lot with final plat approval as of December 30, 1977.			
<sup>1</sup> Acreage for any unenclosed material and vehicle storage, sales and display shall be converted to gross floor area.			
<sup>2</sup> The gross floor area for any buildings shall be converted to acreage.			
<sup>3</sup> Excludes all outparcels. The fee for any outparcel shall be based on the applicable land use. Also excludes any type of drive-thru, vehicle fueling positions or free-standing ATM, which are additive fees in addition to the fee for the multi-tenant retail center.			
<sup>4</sup> Areas for outdoor seating shall be converted to gross floor area. Any drive-thru associated with a restaurant will be an additive fee to the fee per square foot for the restaurant. The number of drive-thru lanes will be based on the number of lanes present when an individual places an order. The restaurant drive-thru rate applies for any building, whether a multi-tenant, free standing or convenience land use.			
<sup>5</sup> Bank building square footage falls under office and is an additive fee beyond the fee due for bank/ATM drive-thru lanes or free standing ATM's. These rates are per drive-thru lane for the bank and per drive-thru lane with an ATM. The free standing ATM is for an ATM only and not an ATM within or part of another non-financial building, such as an ATM within a grocery store.			
<sup>6</sup> Convenience Store rates are separate and an additive fee beyond the fee due for vehicle fueling positions. Rates per vehicle fueling position also apply to gas stations and service stations with fuel pumps. The fee for any restaurant square footage or restaurant drive-thru in a convenience store will be based on the individual fee rate for the land use, not the convenience store rate.			



## INTRODUCTION

The Florida Constitution grants local governments broad home rule authority to establish assessments and fees. Special assessments, impact fees, mobility fees, franchise fees, and user fees or service charges are examples of these home rule revenue sources. All impact fees require the adoption of a local implementing ordinance. Payment of road impact fees are one of the primary means through which local governments require new development, and redevelopment or expansion of existing land uses which generates additional impact, to fund a share of the cost of infrastructure needed to accommodate the increase in travel demand from the development.

Impact fees are designed to meet the infrastructure needs to accommodate new growth at a local level. As a result, impact calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost of the fee's earmarked purposes. The impact fee is a one-time charge, generally due at the time of building permit approval or certificate of occupancy. A local government may implement either a road impact fee or a mobility fee; but typically, not both, unless the implementing ordinances can clearly demonstrate that they are not charging development twice for the same capacity.

The primary difference between road impact fees and mobility fees are that road impact fees principally pay for the cost associated with adding new roadway capacity while mobility fees pay for the cost associated with adding new multi-modal capacity based on an adopted mobility plan. Road capacity projects are the construction of new roads, the widening of existing roads and the addition or extension of turn lanes at intersections. Typical practice only allows for the expenditure of road impact fees on sidewalks and bike lanes as part of road capacity improvements, not as stand-alone or retrofit improvements.

The last update of the transportation impact fee occurred in 2004. On September 21<sup>st</sup>, 2004, City Council accepted the findings of an updated technical report by the City's consultant and adopted an updated impact fee schedule. The adopted 2004 Ordinance called for an adjustment to occur October 1<sup>st</sup> of every subsequent year to account for changes in construction cost. On September 16<sup>th</sup>, 2008, the City Council voted to delay a proposed increase in the impact fee due to the impact of the nationwide recession. On May 17<sup>th</sup>, 2011, the City Council adopted a revised impact fee schedule that consolidated the number of impact fee land uses to streamline implementation. Fee rates were consolidated as well into a group rate and for several uses the fee was phased in over a five-year period from 2011 to 2015 until it equaled the group rate.

Road impact fees in Florida maybe either "consumption" based fees or "improvement or plan" based fees. A consumption based fee is based on how much general road capacity a development is projected to consume and generalized cost estimates. The current Palm Coast Road Impact Fee is a "consumption" based fee. The update of the Palm Coast Transportation Impact Fee will be an "improvement" based fee. The improvements are based upon an evaluation of the Central Florida Regional Planning (CFRPM) Model and the identification of needed road and intersection improvements between 2017 and 2040 to accommodate the travel demand from new development. The identified improvements also including funding for the synchronization of traffic signals on key corridors. The updated Transportation Impact Fee methodology is based upon the need for increases in Vehicle Miles of Capacity (VMC) to meet the Vehicles Miles of Travel (VMT) demand from new development.

The City transportation impact fee, like any local government imposing an impact fee, is required based on case law to meet the two prongs of the "dual rational test" which are:

*"Needs Prong:" That a rational nexus exists between an increase in demand from new development and the need for improvements, and*

*"Benefits Prong:" That a rational nexus exists between the payment of fees by new development and the benefit that new development receives from the expenditure of those fees.*

In addition to the “dual rational nexus test”, the U.S. Supreme Court in *Dolan v. Tigard* also established a “rough proportionality” test to address the relationship between the amount of a fee imposed on a new development and the impact of the new development. The “rough proportionality” test requires that there be a reasonable relationship between the impact fee and the impact of new development based upon the applicable unit of measure for residential and non-residential uses and that the variables used to calculate a fee are reasonably assignable and attributable to the impact of each new development.

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## CONCURRENCY

The State of Florida passed the Growth Management Act of 1985 that required all local governments in Florida to adopt Comprehensive Plans to guide future development. The Act mandated that adequate public facilities must be provided “concurrent” with the impacts of new development. State mandated “concurrency” was adopted to ensure the health, safety and general welfare of the public. The introduction of transportation concurrency focused on accommodating the impact of new development primarily by adding roadway capacity via new and wider roadways. This resulted in an unintended consequence of driving development away from urban areas, where capacity was unavailable or cost prohibitive to provide, to suburban and rural areas where capacity was available or cheaper to construct.

In the late 90’s, as the negative impacts of transportation concurrency became more apparent, the Legislature adopted statutes to provide urban areas with alternative means to address the impact of new development with the introduction of Transportation Concurrency Exception Areas (TCEA) whereby local governments could identify alternative solutions to provide Mobility. In the mid 2000’s, Florida experienced phenomenal growth that strained local governments ability to provide the necessary infrastructure. Many communities across the State started to deny developments or require substantial transportation improvements to meet concurrency. Between 2005 and 2009 the Florida Legislature enacted several laws related to proportionate share that allowed new development to mitigate its share of roadway capacity improvements and prohibited local governments from charging new development for over capacity “backlogged” roadways.

In 2009, the Legislature declared Dense Urban Land Areas (DULA), communities with a population greater than 1,000 persons per square mile, as TCEA’s and it also introduced the ideas of Mobility Fees as an alternative to concurrency, proportionate share and road impact fees. The Legislature during the 2011 session repealed state mandated transportation concurrency and enacted further restrictions on local governments to implement transportation concurrency, calculate proportionate share and address over capacity roadways.

House Bill 319, passed by the Florida Legislature in 2013, established Mobility Plans and associated Mobility Fees as a principle means by which local governments may allow development consistent with an adopted Comprehensive Plan to equitably mitigate its transportation impact. The Legislature further clarified that local governments have the option to continue to implement transportation concurrency, so long as the transportation concurrency system is consistent with Florida Statute 163.3180 (5) (h), which states:

*1. Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, Laws of Florida, or as subsequently modified, must:*

- a. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.*
- b. Exempt public transit facilities from concurrency. For the purposes of this sub-subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this sub-subparagraph, the terms “terminals” and “transit facilities” do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.*
- c. Allow an applicant for a development-of-regional-impact development order, development agreement, rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government’s concurrency management system, and s. 380.06, when applicable, if:*
  - (I) The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required improvements in a manner consistent with this subsection.*
  - (II) The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. A local government may accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose.*

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- e. The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit (emphasis added).**
3. *This subsection does not require a local government to approve a development that, for reasons other than transportation impacts, is not qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.*
4. *As used in this subsection, the term "transportation deficiency" means a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips, plus additional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.*

While the Legislature still allows local governments to implement transportation concurrency, due to the requirements for proportionate share, the exclusion of backlogged facilities, and the requirement that impact fee credit be granted, many local governments are electing to replace concurrency with either a mobility fee or an impact fee. The Statutory requirement that a dollar for dollar impact fee credit be provided for any proportionate share contribution has largely made transportation concurrency a paper exercise for local governments that already have an impact fee or mobility fee.

Prior to the making concurrency optional in 2011, Statute allowed local governments to time or deny development due to a lack of transportation capacity. After 2011, any local government that continues to implement transportation concurrency must allow a development to pay its proportionate share impact and be allowed to develop, so long as the development is otherwise consistent with the local government comprehensive plan. What several local governments have begun to do is to evaluate transportation concurrency for developments seeking a comprehensive plan amendment. Since a comprehensive plan amendment is a legislative decision by elected officials, transportation concurrency and the availability of capacity can still be considered in the review of comprehensive plan amendments and requirements placed on

development as a condition of approval of a comprehensive plan amendment. Once a development is consistent with the comprehensive plan and has its land use in place, transportation concurrency cannot be used to time, condition or deny a development due to a lack of road capacity or future road deficiencies.

The City of Palm Coast has the option to eliminate transportation concurrency. The City also has the option to implement transportation concurrency for comprehensive plan amendments and to either allow for: (1) a pay and go system for development to meet transportation concurrency, or (2) to allow development to pay its transportation impact fee and eliminate any concurrency requirements not associated with a comprehensive plan amendment. If the City elects to keep transportation concurrency, it is required to be consistent with Florida Statute 163.3180.

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## LEGAL

In 2006, the Legislature adopted the “Impact Fee Act” to provide general criteria that local governments who adopted an impact fee are required to meet. Unlike many States throughout the U.S. that have adopted enabling legislation, the Florida Legislature deferred largely to the significant case law that has been developed in both Florida and throughout the U.S. to provide guidance to local governments. By the time the “Impact Fee Act” was adopted, many local governments had already developed impact fees through their broad home rule powers.

In 2009, the Legislature made several changes to the “Impact Fee Act”, the most significant of which was placing the burden of proof on local governments, through a preponderance of the evidence, that the imposition of the Fee meets legal precedent and the requirements of Florida Statute 163.31801. Prior to the 2009 amendment, Courts generally deferred to local governments as to the validity of an imposed impact fee and placed the burden of proof, that an imposed impact fee was invalid or unconstitutional, on the plaintiff. There has yet to be a legal challenge to impact fees in Florida since the 2009 legislation, due in large part to the great recession and the fact that many local governments either reduced impact fees or placed a moratorium on impact fees between 2009 and 2015. Starting in 2013, locally governments slowly started to remove moratoriums and reinstate previously reduced rates.

In 2015, as development started to pick up and the effects of the great recession wore off, local governments throughout Florida began to update their impact fees and a number have begun to adopt Mobility Fees, based on an adopted Mobility Plan, as a replacement of road impact fees, proportionate share and concurrency. One of the biggest issues facing local governments in Florida at this moment, is that due to the great recession, many impact fee ordinances have not been updated since before 2007, with some having last been updated in the 90’s. In addition, any impact fee adopted and last updated before 2006 will not even reference the “Impact Fee Act” in Florida Statute 163.31801 which reads:

- “(1) This section may be cited as the “Florida Impact Fee Act.”*
- (2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments’ reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.*
- (3) An impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:*
- (a) Require that the calculation of the impact fee be based on the most recent and localized data.*
  - (b) Provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.*
  - (c) Limit administrative charges for the collection of impact fees to actual costs.*
  - (d) Require that notice be provided no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.*
- (4) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.*
- (5) In any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section. The court may not use a deferential standard.”*

The first time the Courts recognized the authority of a municipality to impose “impact fees” in Florida occurred in 1975 In the case of *City of Dunedin v. Contractors and Builders Association of Pinellas County*, 312 So.2d 763 (2 D.C.A. Fla., 1975), where the court held: “that the so-called “impact fee” did not constitute “taxes” but was a charge for using the utility services under Ch. 180, F. S.”

The Court set forth the following criteria to validate the establishment of an impact fee: *"...where the growth patterns are such that an existing water or sewer system will have to be expanded in the near future, a municipality may properly charge for the privilege of connecting to the system a fee which is in excess of the physical cost of connection, if this fee does not exceed a proportionate part of the amount reasonably necessary to finance the expansion and is earmarked for that purpose."* 312 So.2d 763, 766, (1975).

The case was appealed to the Florida Supreme Court and a decision rendered in the case of Contractors and Builders Association of Pinellas County v. City of Dunedin 329 So.2d 314 (Fla. 1976), in which the Second District Court's decision was reversed. The Court held that "impact fees" did not constitute a tax; that they were user charges analogous to fees collected by privately owned utilities for services rendered. However, the Court reversed the decision, based on the finding that the City did not create a separate fund where impact fees collected would be deposited and earmarked for the specific purpose for which they were collected, finding:

*"The failure to include necessary restrictions on the use of the fund is bound to result in confusion, at best. City personnel may come and go before the fund is exhausted, yet there is nothing in writing to guide their use of these moneys, although certain uses, even within the water and sewer systems, would undercut the legal basis for the fund's existence. There is no justification for such casual handling of public moneys, and we therefore hold that the ordinance is defective for failure to spell out necessary restrictions on the use of fees it authorizes to be collected. Nothing we decide, however prevents Dunedin from adopting another sewer connection charge ordinance, incorporating appropriate restrictions on use of the revenues it produces. Dunedin is at liberty, moreover, to adopt an ordinance restricting the use of moneys already collected. We pretermitt any discussion of refunds for that reason."* 329 So.2d 314 321, 322 (Fla. 1976)

The case tied impact fees directly to growth and recognized the authority of a local government to impose fees to provide capacity to accommodate new growth and basing the fee on a proportionate share of the cost of the needed capacity. The ruling also established the need for local government to create a separate account to deposit impact fee collections to help ensure those funds are expended on infrastructure capacity.

The Utah Supreme Court had ruled on several cases related to the imposition of impact fees by local governments before hearing *Banberry v. South Jordan*. In the case, the Court held that: “the fair contribution of the fee-paying party should not exceed the expense thereof met by others. To comply with this standard a municipal fee related to service like water and sewer must not require newly developed properties to bear more than their equitable share of the capital costs in relation to the benefits conferred”. (*Banberry Development Corporation v. South Jordan City*, 631 P. 2d 899 (Utah 1981). To provide further guidance for the imposition of impact fees, the court articulated seven factors which must be considered (*Banberry Development Corporation v. South Jordan City*, 631 P. 2d 904 (Utah 1981):

- (1) *the cost of existing capital facilities;*
- (2) *the manner of financing existing capital facilities (such as user charges, special assessments, bonded indebtedness, general taxes or federal grants);*
- (3) *the relative extent to which the newly developed properties and the other properties in the municipality have already contributed to the cost of existing capital facilities (by such means as user charges, special assessments, or payment from the proceeds of general taxes);*
- (4) *the relative extent to which the newly developed properties in the municipality will contribute to the cost of existing capital facilities in the future;*
- (5) *the extent to which the newly developed properties are entitled to a credit because the municipality is requiring their developers or owners (by contractual arrangement or otherwise) to provide common facilities (inside or outside the proposed development) that have been provided by the municipality and financed through general taxation or other means (apart from user fees) in other parts of the municipality;*
- (6) *extraordinary costs, if any, in servicing the newly developed properties; and*
- (7) *the time-price differential inherent in fair comparisons of amounts paid at different times.”*



The Court rulings in Florida, Utah and elsewhere in the U.S. during the 1970's and early 1980's led to the first use of what ultimately become known as the "dual rational nexus test" in *Hollywood, Inc. v. Broward County*; which involved a Broward County ordinance that required a developer to dedicated land or pay a fee for the County park system. The Fourth District Court of Appeal found to establish a reasonable requirement for dedication of land or payment of an impact fee that: "... the local government must demonstrate a reasonable connection, or rational nexus between the need for additional capital facilities and the growth of the population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for the use in acquiring capital facilities to benefit new residents." (*Hollywood, Inc. v. Broward County*, 431 So. 2d 606 (Fla. 4th DCA), rev. denied, 440 So. 2d 352 (Fla. 1983).

In 1987, the 1st of two major cases were heard before the Supreme Court that have come to define what is now commonly referred to as the "dual rational nexus test". The 1st case was *Nollan v. California Coastal Commission* which involved the Commission requiring the Nollan family to dedicated a public access easement to the beach in exchange for permitting the replacement of a bungalow with a larger home which the Commission held would block the public's view of the beach. Justice Scalia delivered the decision of the Court: "The lack of nexus between the condition and the original purpose of the building restriction converts that purpose to something other than what it was...Unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but an out-and-out plan of extortion (*Nollan v. California Coastal Commission*, 483 U. S. 825 (1987)". The Court found that there must be an essential nexus between an exaction and the government's legitimate interest being advanced by that exaction (*Nollan v. California Coastal Commission*, 483 U. S. 836, 837 (1987).

The 2<sup>nd</sup> case, *Dolan v. Tigard*, heard by the Supreme Court in 1994 solidified the elements of the “dual rational nexus test”. The Petitioner Dolan, owner and operator of a Plumbing & Electrical Supply store in the City of Tigard, Oregon, applied for a permit to expand the store and pave the parking lot of her store. The City Planning Commission granted conditional approval, dependent on the property owner dedicating land to a public greenway along an adjacent creek, and developing a pedestrian and bicycle pathway to relieve traffic congestion. The decision was affirmed by the Oregon State Land Use Board of Appeal and the Oregon Supreme Court. The U.S. Supreme Court over turned the ruling of the Oregon Supreme Court and held:

*“Under the well-settled doctrine of "unconstitutional conditions," the government may not require a person to give up a constitutional right in exchange for a discretionary benefit conferred by the government where the property sought has little or no relationship to the benefit. In evaluating Dolan's claim, it must be determined whether an "essential nexus" exists between a legitimate state interest and the permit condition. Nollan v. California Coastal Commission, 483 U. S. 825, 837. If one does, then it must be decided whether the degree of the exactions demanded by the permit conditions bears the required relationship to the projected impact of the proposed development.” Dolan v. City of Tigard, 512 U.S. 383, 386 (1994)*

The U.S. Supreme Court in addition to upholding the “essential nexus” requirement from *Nollan* also introduced the “rough proportionality” test and held that: *“In deciding the second question-whether the city's findings are constitutionally sufficient to justify the conditions imposed on Dolan's permit-the necessary connection required by the Fifth Amendment is "rough proportionality." No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the proposed development's impact. This is essentially the "reasonable relationship" test adopted by the majority of the state courts. Dolan v. City of Tigard, 512 U.S. 388, 391 (1994)”*

The U.S. Supreme Court recently affirmed, through *Koontz vs. St. Johns Water Management District*, that the “dual rational nexus” test equally applies to monetary exactions in the same manner as a governmental regulation requiring the dedication of land. Justice Alito described:

*“Our decisions in Nollan v. California Coastal Commission, 483 U. S. 825 (1987), and Dolan v. City of Tigard, 512 U. S. 374 (1994), provide important protection against the misuse of the power of land-use regulation. In those cases, we held that a unit of government may not condition the approval of a land-use permit on the owner’s relinquishment of a portion of his property unless there is a “nexus” and “rough proportionality” between the government’s demand and the effects of the proposed land use. In this case, the St. Johns River Water Management District (District) believes that it circumvented Nollan and Dolan because of the way in which it structured its handling of a permit application submitted by Coy Koontz, Sr., whose estate is represented in this Court by Coy Koontz, Jr. The District did not approve his application on the condition that he surrender an interest in his land. Instead, the District, after suggesting that he could obtain approval by signing over such an interest, denied his application because he refused to yield.” Koontz v. St. Johns River Water Management District 1333 S. Ct. 2586 (2013).*

Justice Alito responded to the Districts and Florida Supreme Court findings that monetary exactions are not the same as a property dedications:

*“That carving out a different rule for monetary exactions would make no sense. Monetary exactions—particularly, fees imposed “in lieu” of real property dedications—are “commonplace” and are “functionally equivalent to other types of land use exactions.” To subject monetary exactions to lesser, or no, protection would make it “very easy for land-use permitting officials to evade the limitations of Nollan and Dolan.” Furthermore, such a rule would effectively render Nollan and Dolan dead letters “because the government need only provide a permit applicant with one alternative that satisfies the nexus and rough proportionality standard, a permitting authority wishing to exact an easement could simply give the owner a choice of either surrendering an easement or making a payment equal to the easement’s value.” Koontz v. St. Johns River Water Management District 1333 S. Ct. 2599 (2013).*

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## IMPACT FEE BENEFIT DISTRICT

An impact fee benefit district is an area within which impact fees collected are earmarked for expenditure. The entire City of Palm Coast is envisioned as a single impact fee benefit district given road and intersection improvements are distributed through-out the City and the high likelihood that over the course of normal daily traffic patterns, significant portions of the transportation system are utilized to accommodate travel demand from new development. Impact fees collected anywhere within the City can be spent on the needed road and intersection improvements that add capacity through-out the City.

Establishing the City boundary as a single Impact Fee benefit district allows for the streamlined incorporation of annexed areas into the City. The single benefit district ensures the second prong of the dual rational nexus test is met by clearly defining where funds are collected and where they are expended and that the land uses within the City that pay the Fee are provided the benefit of capacity from the road and intersection improvements to be funded within the District.

The current impact fee features a single Citywide benefit district. The updated transportation impact fee continues with a single Citywide benefit district. The City will be required to continue to account for all impact fee collections and expenditures in a separate fund established specifically for impact fees.

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## GROWTH IN THE CITY OF PALM COAST

The first prong of the dual rational nexus for an Impact Fee is to demonstrate that there is a need for future transportation improvements to accommodate the travel demand from future growth. An evaluation of the projected population and employment for the City of Palm Coast, based upon data from the Central Florida Regional Planning (CFRPM) Model, demonstrates that there is projected to be a significant increase in both population and employment (**Table 1**). The population in Palm Coast is projected to increase by 47,268 between 2015 and 2040. The employment in Palm Coast is projected to grow from 16,288 in 2015 to 35,244 in 2040, an increase of 18,956 employees.

**TABLE 1. PROJECTED GROWTH**

Year	Population	Employment
2015	78,073	16,288
2040	125,341	35,244
Increase	47,268	18,956

Source: Traffic Analysis Zone (TAZ) data from the 2040 Long Range Transportation Plan and Central Florida Regional Planning Model (CFRPM).

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## EXISTING TRAVEL CHARACTERISTICS

One of the steps in development of an impact fee is the evaluation of the travel characteristics on the major road system in the City of Palm Coast. The major road system consists of all State, County and City functionally classified collector and arterial roads within the City. Travel on Interstate 95 is excluded from impact fee calculations due to the regional nature of the facility and the fact that gas tax funding from the federal government is used to fund maintenance and improvements. The data for the major road system is used to evaluate existing traffic conditions, establish a funding credit and develop an Interstate Adjustment Factor. The Traffic Data Report, based on information obtained by the City, includes the length of the roads, the functional classification, daily traffic, number of lanes, and the capacity for each road on the major road system (**Appendix A**). The capacity for each road was established using the Florida Department of Transportation (FDOT) Generalized Service Volume Tables (**Appendix B**). The traffic count data representing the most recent data available was collected in 2013 and utilizing growth factors provided by the City, was projected to 2017 traffic. The calculation of vehicle miles of travel (VMT) for the major road system is accomplished through multiplying the length of a road segment by the daily traffic on the roadway. **Table 2** illustrates the VMT on the major road system in the City.

**TABLE 2. EXISTING TRAVEL ON MAJOR ROAD SYSTEM**

Roadway Category	Miles	Daily Vehicle Miles of Travel (VMT)
Collector	40.59	179,783
Arterial	95.23	894,391
Total Major Road System	135.82	1,074,174
Interstate	18.7	1,036,304
Total	154.52	2,110,478
Source: Functional classification, total miles and daily VMT based on Traffic Data Report in Appendix A.		



## Backlog Evaluation

Case law and State Statute prohibit local governments from charging new development for over capacity or “backlogged” roadways. To evaluate the capacity of the major road system to ensure that new development is not being charged for existing deficiencies, a system-wide capacity analysis has been conducted. The analysis is achieved by dividing the system-wide capacity (VMC) by the system-wide demand (VMT). As shown in **Table 3**, the major road system currently provides adequate units of capacity (VMC) for every unit of travel demand (VMT). This represents the current system-wide level of service. A VMC/VMT ratio less than 1.00 indicates that there are system deficiencies. Based on the analysis illustrated in **Table 3**, the system wide VMC/VMT ratio is 2.4. Thus, there are no backlogged facilities on a system-wide basis for which new development would be assessed. New development will only be assessed its share of the cost to provide new capacity.

**TABLE 3. EXISTING MAJOR ROADS CAPACITY/DEMAND RATIO**

Functional Classification	Existing Vehicle Miles of Capacity (VMC)	Existing Vehicle Miles of Travel (VMT)	VMC / VMT Ratio
Collector	939,232	179,783	5.22
Arterial	2,393,628	894,391	2.68
Interstate	1,739,100	1,036,304	1.68
Total	5,071,960	2,110,478	2.40
Source: Data based on Traffic Data Report in Appendix A. VMC derived by multiplying road capacity by length of road. VMT derived by multiplying AADT by length of road. Decimal numbers rounded to the nearest 100th.			

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## IMPROVEMENTS

The impact fee update is an improvement-based fee based upon the provision of adequate units of capacity (VMC) for every unit of travel demand (VMT) from new development. The needed capacity improvements are based on projected 2040 roadway traffic volumes from the River to Sea Transportation Planning Organization's (TPO) Long Range Transportation Plan Model. The Model was developed for the 2040 Long Range Transportation Plan (LRTP). Detailed projected employment and population data through the year 2040 were input into this comprehensive, transportation-forecasting model by the TPO to evaluate the future transportation needs of the Volusia County/Flagler County metropolitan planning area. The employment and population data were provided by the cities and counties within the TPO. Roadway model volumes were taken from the 2040 model run to determine roadway capacity deficiencies in the year 2040 which formed the basis for recommended transportation improvements.

The LRTP model utilizes the Central Florida Regional Planning Model (CFRPM), which is maintained by FDOT District Five and was recently validated to Year 2015 conditions. The model's projected daily travel demand is used in the development of the year 2040 Long Range Transportation Plans for area Metropolitan Planning Organizations (MPOs) and Transportation Planning Organizations (TPOs) within FDOT District Five. The model includes the following nine counties within District Five: Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

Network deficiencies in the horizon year (2040) are forecast through simulation of an Existing Plus + Committed (E+C) network. The E+C scenario includes the existing network augmented by financially committed improvements (those fully funded in the Five-Year Work Program). The E+C model represents a minimum investment scenario that, when simulated against 2040 demand, highlights network deficiencies that require improvements (**Appendix C**).

**Table 4** identifies the needed road improvements based on the modeling analysis. The table includes the road to be improved, the limits of the improvements, the existing number of lanes and the proposed road improvement.

**TABLE 4. ROAD IMPROVEMENTS**

Roadway	From	To	Existing Lanes	Future Lanes
Belle Terre Parkway	Pine Lakes Parkway	Palm Coast Pkwy (EB)	Four	Six
Bulldog Drive	SR 100	Central Avenue	Two	Four
Matanzas Woods Pkwy	US 1	SB I-95 Ramps	Two	Four
Old Kings Road	Town Center Boulevard	Forest Grove Drive	Two	Four
Royal Palms Parkway	Town Center Boulevard	US 1	Two	Four
SR 100	Belle Terre Pkwy	Old Kings Rd	Four	Six
Town Center Boulevard	Central Avenue	Royal Palms Pkwy	Two	Four
US 1	White View Pkwy Espanola Rd	Royal Palms Pkwy Royal Palms Pkwy	Four	Six

Intersection improvements have been identified for roads throughout the City (**Appendix D**). In addition, a traffic signal synchronization system for major corridors has also been included as an improvement incorporated into the impact fee. In some instances, the intersection improvements have been identified as the most context sensitive and effective improvement versus widening a roadway.

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## CAPACITY

The FDOT Generalized Service Volumes were utilized to establish capacities for evaluating system deficiencies and for calculating the increase in Vehicle Miles of Capacity (VMC) for both roads and intersections. Two variables are utilized in the determination of service volume capacity: facility classification and number of lanes. Class I road facilities are those roads with a speed limit of 40 MPH or greater. Class II road facilities are those roads with a speed limit of 35 MPH or less. Uninterrupted highways are those facilities with signals that are spaced more than three miles apart. The number of lanes in the City of Palm Coast are either two, four or six lane facilities. A LOS standard of “D” was utilized for all major roads and intersections. **Table 5** illustrates the capacities utilized in development of the impact fee.

**TABLE 5. DAILY VEHICLE CAPACITIES**

Lane Type & Number	Total Capacity	Capacity per Lane
Class I – 2-Lane Undivided	17,700	8,850
Class I - 4-Lane Divided	39,800	9,950
Class I - 6-Lane Divided	59,900	9,983
Class II - 2-Lane Undivided	14,800	7,400
Class II - 4-Lane Divided	32,400	8,100
Highway - 2-Lane Undivided	24,200	12,100

Source: Florida Department of Transportation 2013 Quality/Level of Service (LOS) Handbook, Generalized Annual Average Daily Volumes for Florida's Urbanized Areas, Appendix B. Capacities for left and right turn lanes at intersections are based upon 5% of the per lane capacity per the FDOT Generalized Tables. The road and intersection standard used is LOS D. For one-way roads, the capacity is determined by multiplying the corresponding two-directional capacities by .6

The FDOT Generalized Tables provides for an increase in capacity of 5% where a right turn lane is added. The Generalized Tables assumes that left turn lanes are provided where needed to derive the service volume capacity for two lane undivided roads and typically only provides a capacity increase where a two-lane undivided road is converted to a divided road. There are capacity reductions on multilane undivided road where left turn lanes are not present. While not included on the Generalized Tables, a 5% capacity increase has also been provided where left

turn lanes are proposed to be added to a road. The capacity for intersections is based upon the facility classification of the road, the number of lanes and the service volume capacities. The capacity for roadways was divided by the number of lanes to derive a lane capacity. The lane capacity was multiplied by 5% to determine the additional capacity added from the intersection improvement. The calculated capacity added for each intersection improvement is illustrated in **Appendix D**.

The existing and future capacity for the road improvements identified in **Table 4** are based on the vehicle capacities in **Table 5**. **Table 6** illustrates the existing road capacity and the road capacity after improvements. The capacity of several roads has been increased by 10% to reflect the funding of a traffic signal synchronization system included in the list of impact fee improvements. The 10% increase is based on discussions with FDOT on capacity increases due to signal synchronization.

**TABLE 6. ROAD CAPACITY INCREASE**

Roadway	From	To	Existing Capacity	Future Capacity
Belle Terre Parkway	Pine Lakes Parkway	Palm Coast Pkwy (EB)	39,800	59,900
Bulldog Drive	SR 100	Central Avenue	14,800	32,400
Matanzas Woods Pkwy	US 1	SB I-95 Ramps	17,700	43,780 <sup>1</sup>
Old Kings Road	Town Center Boulevard	Forest Grove Drive	24,400	43,780 <sup>1</sup>
Royal Palms Parkway	Town Center Boulevard	US 1	17,700	39,800
SR 100	Belle Terre Pkwy	Old Kings Rd	39,800	65,890 <sup>1</sup>
Town Center Boulevard	Central Avenue	Royal Palms Pkwy	24,400	39,800
US 1	White View Pkwy Espanola Rd	Royal Palms Pkwy Royal Palms Pkwy	39,800	65,890 <sup>1</sup>
Source: Capacity based on Table 5. <sup>1</sup> The daily capacity increased by 10% to reflect the funding of a synchronized traffic signals on these corridors.				

## IMPACT FEE METHODOLOGY

The impact fee update is an improvement-based fee based upon the units of Vehicle Miles of Capacity (VMC) provided from needed road and intersection capacity improvements to accommodate the per unit Vehicle Miles of Travel (VMT) demand of new development. The impact fee for an individual land use is calculated based on the per unit VMC cost of needed roadway and intersection improvements, the per unit VMT credit for reasonably anticipated funding of improvements and the per unit VMT demand of new development. The first component of developing the impact fee is the calculation of a per unit VMC rate. The second component is the calculation of a per unit VMT credit for funding reasonably anticipated to be available. The third component is the calculation of a per unit VMT demand per each land use in the impact fee schedule based upon trip generation, the percent of new trips and the average trip length for each land use. The preceding sections in this Report document the methodologies and results utilized to develop the Impact Fee Schedule.

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## GROSS VEHICLE MILES OF CAPACITY (VMC) RATE

The calculation of a gross per Vehicle Mile of Capacity (VMC) rate is utilized to determine a per unit cost of providing new vehicular capacity. The gross per unit VMC rate is adjusted for per unit VMT funding credit and the net per unit VMC rate is multiplied by the per unit Vehicle Miles of Travel (VMT) for each land use to determine the impact fee per the applicable unit of measure. **Figure 1** illustrates the formulas and steps utilized to calculate a gross VMC rate.

**Figure 1. Gross Vehicle Miles of Capacity (VMC) Rate**

**VMGg Formula =  $(VMCf - VMCe) = VMCRd$ ,  $(VMCRd + VMCI) = VMCT$ ,  $(COSTt / VMCT) = VMCG$**

Step 1	$VMCe$	=	$SUM (LEN \times CAPE)$
Step 2	$VMCf$	=	$SUM (LEN \times CAPf)$
Step 3	$VMCRd$	=	$VMCf - VMCe$
Step 4	$VMCI$	=	$SUM (CAPE / \#LN \times .05)$
Step 5	$VMCT$	=	$VMCRd + VMCI$
Step 6	$COSTt$	=	$SUM (COSTrd) + SUM (COSTi)$
Step 7	$VMCG$	=	$COSTt / VMCT$

**Where:**

$VMCe$	=	Vehicle Miles of Capacity existing
$LEN$	=	Length of road segment
$CAPE$	=	Capacity of Existing Road
$VMCf$	=	Vehicle Miles of Capacity Future
$CAPf$	=	Capacity of Future Road Improvements
$VMCRd$	=	Total Vehicle Miles of Capacity for Roads
$VMCI$	=	Total Vehicle Miles of Capacity for Intersections
$\#LN$	=	Number of lanes
$VMCT$	=	Total Vehicle Miles of Capacity of Improvements
$COSTt$	=	Total Cost of Improvements
$COSTrd$	=	Total Cost of Road Improvements
$COSTi$	=	Total Cost of Intersection Improvements
$VMCG$	=	Gross Vehicle Miles of Capacity Rate

The 1<sup>st</sup> step in the calculation of a gross VMC rate is to determine the existing VMC for the roads proposed to be widened. The 2<sup>nd</sup> in the calculation of a gross VMC rate is to determine the existing VMC for the proposed road improvements. To calculate VMC, the service volume capacities from **Table 6** were multiplied by the length of each road segment shown in **Table 7**. The VMC for existing conditions and the VMC with proposed improvements is shown in **Table 7**.

**TABLE 7. VEHICLE MILES OF CAPACITY INCREASE**

Roadway	From	To	Length	Current VMC	Future VMC
Belle Terre Parkway	Pine Lakes Parkway	Palm Coast Pkwy (EB)	.95	24,560	42,330
Bulldog Drive	SR 100	Central Avenue	.53	35,577	79,998
Matanzas Woods Pkwy	US 1	SB I-95 Ramps	2.01	86,376	154,982
Old Kings Road	Town Center Boulevard	Forest Grove Drive	7.72	188,368	337,982
Royal Palms Parkway	Town Center Boulevard	US 1	4.31	76,287	171,972
SR 100	Belle Terre Pkwy	Old Kings Rd	2.61	103,878	156,339
Town Center Boulevard	Central Avenue	Royal Palms Pkwy	.90	21,960	35,820
US 1	White View Pkwy Espanola Rd	Royal Palms Pkwy Royal Palms Pkwy	2.85	113,430	187,787

The 3<sup>rd</sup> step in calculating the gross VMC rate is to determine the increase in VMC between existing conditions and future improvements. The VMC's from **Table 7** were summed for existing conditions and future improvements. The increase in road VMC was obtained by subtracting the VMC of future improvements from the VMC for existing conditions. **Table 8** illustrates the increase in road VMC.

**TABLE 8. VEHICLE MILES OF CAPACITY FROM ROAD IMPROVEMENTS**

Existing Vehicle Miles of Capacity	564,060
Future Vehicle Miles of Capacity	1,035,427
Total Vehicle Miles of Capacity Added	471,367
Source: Table 7	

The 4<sup>th</sup> step was summing the increase in intersection VMC based on the calculated capacity added for the intersection improvements (**Appendix D**). **Table 9** illustrates the results from step 5 which entails adding the increase in road VMC with the increase in intersection VMC to determine the total increase in VMC from both road and intersection improvements.

**TABLE 9. VEHICLE MILES OF CAPACITY ADDED FROM ALL IMPROVEMENTS**

Vehicle Miles of Capacity Added from Road Improvements	471,367
Vehicle Miles of Capacity Added from Intersection Improvements	61,642
Total Vehicle Miles of Capacity Added	533,009
Source: The total vehicle miles of capacity added is based on the VMC illustrated on Table 7. The total vehicle miles of capacity added for intersections is included in Appendix D. Capacities based on the 2013 Florida Department of Transportation Generalized Tables.	

The 6<sup>th</sup> step in calculating the gross VMC rate is calculating a cost for each road improvement. The FDOT Long Range Estimates Model and the 2040 LRTP were used to determine road cost (**Table 10**). The City of Palm Coast provided the cost estimates for intersection improvements (**Appendix D**). The cost for both roads and intersections were increased by 35% to capture the cost for engineering design (PE) and construction, engineering and inspection (CEI). The cost estimates for several roads were obtained from the 2040 LRTP. The cost of improvements obtained from the 2040 LRTP were not adjusted for PE and CEI, as those cost estimates already include those factors (**Appendix E**).

**TABLE 10. ROAD IMPROVEMENT COST**

Roadway	From	To	Total Cost <sup>2</sup>
Belle Terre Parkway <sup>1</sup>	Pine Lakes Parkway	Palm Coast Pkwy (EB)	\$2,600,498.68
Bulldog Drive <sup>1</sup>	SR 100	Central Avenue	\$3,614,641.05
Matanzas Woods Pkwy <sup>3, 4</sup>	US 1	SB I-95 Ramps	\$14,130,000.00
Old Kings Road <sup>1, 4</sup>	Town Center Boulevard	Forest Grove Drive	\$44,926,541.60
Royal Palms Parkway <sup>1</sup>	Town Center Boulevard	US 1	\$29,394,533.85
SR 100 <sup>3, 4</sup>	Belle Terre Pkwy	Old Kings Rd	\$34,870,000
Town Center Boulevard <sup>1</sup>	Central Avenue	Royal Palms Pkwy	\$6,138,069.71
US 1 <sup>1, 4</sup>	White View Pkwy Espanola Rd	Royal Palms Pkwy Royal Palms Pkwy	\$9,566,139.32
Source: <sup>1</sup> FDOT Long Range Estimates – Cost per Mile Model (2016), <sup>2</sup> Excludes ROW Cost, Includes Engineering and Construction, Engineering & Inspection (CEI) at 35% of construction cost, <sup>3</sup> River to Sea 2040 Long Range Transportation Plan Cost Estimate, <sup>4</sup> Reasonably anticipate that funding maybe available to fund construction, funding subject to change (Appendix E).			

Due to the right-of-way (ROW) widths that currently exist in the City of Palm Coast, no additional cost was added for ROW. This is a significant difference from most impact fees as often times ROW must be acquired to widen roads and intersections. ROW cost for most impact fees range from 40% to 100% of construction cost. **Table 11** illustrates the results of the 6<sup>th</sup> step which include summing the cost of all road improvements and adding that with the sum of the cost of the proposed intersection improvements and the cost of the traffic synchronization system.

**TABLE 11. CAPITAL IMPROVEMENT NEEDS**

<b>Roadway Capital Improvements</b>	<b>\$145,240,424.22</b>
<b>Intersection Capital Improvements</b>	<b>\$13,282,500</b>
<b>Traffic Signal Synchronization</b>	<b>\$3,000,000</b>
<b>Total Cost of Capital Improvements</b>	<b>\$161,522,924.22</b>
<i>Source:</i> The total cost of roadway capital improvements based on improvements identified in Table 10. The total cost of intersection capital improvements based on improvements identified in Appendix D.	

The 7<sup>th</sup> and final step is calculating the gross per unit VMC rate. The total cost of the road and intersection improvements from **Table 11** are divided by the total VMC of the road and intersection improvements in **Table 9** to determine the gross per unit VMC rate shown in **Table 12**.

**TABLE 12. GROSS VEHICLE MILES OF CAPACITY RATE**

<b>Total Cost of Capital Improvements</b>	<b>\$161,522,924.22</b>
<b>Total Vehicle Miles of Capacity Added</b>	<b>533,009</b>
<b>Gross Vehicle Miles of Capacity Rate</b>	<b>\$303.04</b>
<i>Source:</i> The total cost of Capital Improvements is based on the information provided in Table 11. The total vehicle miles of Capacity Added is based on the information provided in Table 9. Gross per unit vehicle miles of capacity rate derived by dividing the total cost of capital improvements by the total vehicle miles of capacity added.	

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## FUNDING ADJUSTMENT

One of the general principles of any impact fee assessed by local government on new development is that the fee must be proportional to the impact generated by the development. To ensure new development is not paying more than its impact and is also not paying for existing deficiencies, per unit Vehicle Miles of Travel (VMT) transportation funding adjustments are provided. Per Unit VMT transportation funding adjustments will be given for revenues that are reasonably anticipated to be available for providing road capacity. These per unit funding adjustments will result in a reduction in the gross per unit Vehicle Mile of Capacity (VMC) rate to ensure that new development does not pay twice for the same capacity, once through impact fees and again through available funding that are used to fund future capacity improvements.

A per unit VMT funding adjustments is being calculated to account for the Federal and State funding of needed improvements identified in the 2040 LRTP. In the calculation of this impact fee, no funding adjustments was provided for Gas Tax as all Gas Tax revenue available to the City is expended on roadway maintenance. Flagler County does not currently have a Transportation Infrastructure Surtax that is being used to fund capacity-expanding improvements. The City has also not issued any bonds to fund the needed improvements. Should additional funding sources become available that would fund the needed road and intersection improvements, then a per unit VMT credit would need to be calculated.

**Unlike a gas tax or a sales tax which are authorized for a specific number of years or a bond which is issued for a fixed duration and amount, federal and state funds are subject to annual budgets. This makes the funding source highly susceptible to annual fluctuations, economic conditions and political preferences in Washington and in Tallahassee (emphasis added).**

**The Federal Highway Trust Fund, which relies on gas tax revenue, is currently running at a deficit. There is no guarantee that federal or state funds will be available next year or over the horizon of the 2040 LRTP (emphasis added).**



Typically, the first three years of the five-year Transportation Improvement Program (TIP) are secure, anything beyond that is subject to federal budgets and reauthorization of Transportation Acts. From a legal and technical standpoint, the City is only obliged to provide a per unit VMT revenue credit for projects that are in the in the five-year TIP (emphasis added).

It is recommended as one means to encourage economic development, since there are no other revenue sources readily available and currently authorized, that a revenue credit be provided for the full funding currently identified in the 2040 LRTP to partially offset the per unit Vehicle Miles of Capacity (VMC) Rate. While these revenues are reasonably anticipated to be available to fund capacity needs, there are no guarantees. In fact, as of the writing of this Technical Report, there is discussion of a proposal that will make infrastructure funding competitive and require local governments to come up with new matching funding sources to be able to secure federal funding. The City could elect, if desired, to limit the per unit VMT credit to only those funds currently identified in the five-year TIP (emphasis added).

The funding adjustment is provided per existing major road VMT on a per unit basis. The formula for calculating funding adjustments, as shown in Figure 2, looks at the total funding available from a given revenue source, the total years the funding is available and the present value of funding based on the current discount rate of 4.5% (the current prime rate for 2018 from the Federal Reserve).

Figure 2. Vehicle Miles of Travel (VMT) Funding Adjustment Formula

VMT Funding Adjustment Formula	= $(F / TY) = AAF, PV(4.50\%, TY, -AAF), PV/VMT_m = VMT_c$
VMT Funding Adjustment Formula Steps	= Step 1: $(F/TY) = AAF$ , Step 2: $PV(AAF) = PV$ , Step 3: $(PV/VMT_m) = VMT_a$
<u>Where:</u>	
	F = Total Funding
	TY = Total Years of Funding Availability
	AAF = Average Annual Funding
	PV = Present Value (4.5% at TY)
	VMT <sub>m</sub> = Vehicle Miles of Travel on Major Roads
	VMT <sub>a</sub> = Vehicle Mile of Travel Funding Adjustment

FDOT and the TPO developed revenue forecasts of state and federal transportation funds for the 2040 Long Range Transportation Plan (LRTP). These forecasts are based on a statewide estimate of revenues that fund the state transportation program. This study provides a credit based directly on the average annual Federal and State tax funding for capacity expanding road projects per Vehicle Miles of Travel (VMT).

The 2040 forecast \$106,774,262.59 million in Federal and State Funding being available to fund the needed improvements. Separate Federal and State funds are available for improvements to Interstate 95. The Impact Fee methodology excludes travel on Interstate 95 and does not include any needed improvements to Interstate 95. Over the 22-year of the LRTP, roughly \$4.8 million dollars will be available annually. This equates to a projected per unit funding adjustment of \$59.19, as illustrated in **Table 13**.

**TABLE 13. FEDERAL & STATE CAPACITY FUNDING ADJUSTMENT**

<b>Federal &amp; State Capacity Funding, FY 2018 to 2040</b>	<b>\$103,492,680.92</b>
<b>Total Years in Long Range Transportation Plan</b>	<b>22</b>
<b>Annual Funding</b>	<b>\$4,704,212.77</b>
<b>Daily Vehicle Miles of Travel (VMT) on Major Road</b>	<b>1,066,626</b>
<b>Annual Capacity Funding per VMT</b>	<b>\$4.41</b>
<b>Net Present Value Factor (4.5% discount rate over 20 years)</b>	<b>\$13.01</b>
<b>Federal &amp; State Funding Adjustment per VMT</b>	<b>\$57.37</b>
<i>Source:</i> The total funding available is based on road improvements identified as Cost Feasible in the 2040 Long Range Transportation Plan and are reasonably anticipated to be available to fund needed capacity improvements. The daily vehicle miles of travel data is based on information from Appendix A. The discount rate for the present value factor is based on average bank prime loan interest rate of 4.5% for January 2018 obtained from the Federal Reserve at <a href="http://www.federalreserve.gov/releases/h15/">http://www.federalreserve.gov/releases/h15/</a>	

## NET VEHICLE MILE OF CAPACITY (VMC) RATE

The net Vehicle Miles of Capacity (VMC) rate is the per unit cost that will be attributed to new development. The net per unit VMC rate is calculated by subtracting the VMC funding adjustment credit from the gross VMC rate per the formula in **Figure 3**.

**Figure 3. Vehicle Miles of Capacity (VMC) Rate**

$$\text{Net VMC Rate Formula} = \text{VMCn} = \text{VMCg} - \text{VMCf}$$

Where:

VMCn	=	Net Vehicle Miles of Capacity Rate
VMCg	=	Gross Vehicle Miles of Capacity Rate
VMCf	=	Vehicle Miles of Capacity Funding Adjustment

The net per unit VMC rate in **Table 14** will be multiplied by the per unit Vehicle Miles of Travel (VMT) rate per land use to determine the impact fee to be assessed to new development per the applicable land use category in the impact fee schedule.

**TABLE 14. NET VEHICLE MILES OF CAPACITY RATE**

<b>Gross Vehicle Miles of Capacity (VMC) Rate</b>	<b>\$303.04</b>
<b>Federal &amp; State Funding Adjustment per VMT</b>	<b>\$57.37</b>
<b>Net Vehicle Miles of Capacity (VMC) Rate</b>	<b>\$245.67</b>
<i>Source: The gross per unit VMC is from Table 12. The per unit VMT funding adjustment is from Table 13. The net per unit VMC rate is derived by subtracting the VMT funding adjustment from the gross VMC rate.</i>	

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## VEHICLE MILE OF TRAVEL (VMT) PER LAND USE

There are two essential components in determining the Vehicle Miles of Travel per land use. The 1st component is new trips that will utilize the transportation system. New development, and in some instances redevelopment, generate new vehicle trips. An impact fee is one means for development that generates new trips to equitably pay for the travel demands placed on the transportation system. These trips are based on factors identified in the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th, Edition and the ITE Trip Generation Handbook, 3rd Edition. These factors include trip generation rates per land use and pass-by trips.

The 2nd component is the length of trips. The lengths of trips are determined based upon data from the 2009 National Household Travel Study (NHTS). To ensure that the most localized and readily available data for trip lengths is used, NHTS data for Florida Metropolitan Statistical Areas between 250,000 and 400,000 people, as of 2009, was used instead of National level data. It should be noted that an update of the NHTS was conducted in 2017. The data will be available sometime in late 2018 or 2019. The Daytona – Flagler MSA in 2018/2019 will be above 600,000. The trip lengths data obtained from the Florida based NHTS were further adjusted to remove travel on Interstate 95.

The formula for calculating the per unit VMT rate per land use is described in **Figure 4**.

Figure 4. Vehicle Miles of Travel (VMT) per Land Use		
Vehicle Miles of Travel per Lar	=	$(TG \times \% \text{ NEW} \times (TPL * INTA)) / ODA$
VMTlu	=	Vehicle Miles of Travel per Land Use
TG	=	Trip Generation
% NEW	=	Percent of trips that are primary trips, as opposed to pass-by or diverted-link trips
TPL	=	Average length of a trip by trip purpose conditions
INTA	=	Interstate Adjustment Factor
ODA	=	Origin & Destination Adjustment Factor which divides gross VMT by two ( / 2) to avoid the double-counting trips

## DAILY TRIP GENERATION

Trip generation rates are based on information published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th edition. The ITE Manual provides the most recent, uniform and widely utilized source for trip generation rates. In addition, the national trip generation rates compiled by ITE are likely to be applicable to the land uses and trip characteristics found in Palm Coast. The ITE Manual is used in communities across the US and is the accepted source for trip generation utilized by FDOT. There are several land use categories that have been consolidated in the impact fee schedule to streamline administration and implementation of the impact fee. Further detail on the ITE land use codes and any adjustments or conversions from peak hour trips to daily trips is documented in **Appendix F**.

## NEW TRIPS (AKA PASS-BY)

The percentage of new trips is based on a combination of the various pass-by analyses provided in ITE's Trip Generation, various studies and professional experience that demonstrated higher pass-by rates for convenience land uses such as fast food and convenience gas stations. While ITE's Trip Generation Handbook does not recognize pass-by rates for uses other than retail, pass-by rates were utilized on non-retail uses such as offices, hospitals, social and civic uses in recognition that not all trips to these types of uses are new trips. A pass-by trip is a trip that is already on the roadway and stops at a land uses between an origin point (commonly a dwelling) and a destination (place of employment, park).

## TRIP LENGTHS

The trip lengths per individual land uses are from the NHTS data for Florida communities that were within Metropolitan Statistical Areas (MSAs) that were between 250,000 and 400,000 people as of 2009, which include Volusia and Flagler Counties. In the updated NHTS data, the Volusia-Flagler MSA will be in the population group over 600,000. The 2009 NHTS data is the

most readily available data on trip length by trip purpose. The Florida based trip length data tends to be less than National trip lengths by trip purpose. The Center for Urban Transportation Research (CUTR) conducted an extensive evaluation of NHTS data for all of Florida and areas across the State showed lower trip lengths than National trip length data (Trends and Conditions Report 2013). The primary trip purposes are: work, personal, shopping, social / recreation and school / church. To obtain a trip length rate for residential uses, the five primary trip purposes were averaged. Specific trip lengths by trip purpose for specific land uses were also extracted from the Florida NHTS data. **Table 15** illustrates the trip lengths by trip purposes using both National Data and Florida Data. These trip lengths were assigned to the various land uses in the impact fee schedule based on characteristics that most closely resembled the trip purpose data.

**TABLE 15. AVERAGE VEHICLE TRIP LENGTH**

Trip Purpose	2009 National Household Travel Survey Length (miles)	2009 National Household Travel Survey - Florida Length (miles)
To/From Work	11.8	7.21
Shopping	6.5	4.51
Other Family/Personal Errands	7	5.04
School/Church	6.3	5.50
Social and Recreational	10.7	4.44
Residential	8.5	5.04
Meals	6.5 <sup>1</sup>	4.90
Day Care	7 <sup>2</sup>	3.25
Personal Services	7 <sup>2</sup>	4.11
Gas	7 <sup>2</sup>	4.03
Regional Retail	6.5 <sup>1</sup>	5.64
Source: National average person trip lengths from US Department of Transportation, National Household Travel (NHTS) Survey, 2009 ( <b>Appendix G</b> ); Residential is an average of the top five NHTS trip purposes. National trip length decimal numbers rounded to the nearest 10th. Local Adjustment factors decimal rounded to nearest 100th. The Florida NHTS data is specifically from Florida for communities within a Metropolitan Statistical Area (MSA) between		



250,000 and 400,000 residents as of 2009. <sup>1</sup> Meals and Regional Retail uses would fall under NHTS category for Shopping. <sup>2</sup> Day Care, Personal Services and Gas would fall under NHTS category for Other Family / Personal Errands.

In a recent publication in the Journal for Transportation and Land Use titled Modeling the land-use correlates of vehicle-trip lengths for assessing the transportation impacts of land developments (Volume 6, Number 2 (2013), research from the University of Florida found a direct correlation between land use patterns and trip length. The abstract for the publication provides the following summary: *“This study developed models that relate trip lengths to the land-use characteristics at the trip ends (both production and attraction ends). Separate models were developed by trip purpose. The results indicate several statistically significant and intuitively reasonable effects of land-use patterns. High residential densities and a good mix of complementary land uses are associated with shorter trips. Larger establishments attract longer trips, and the lengths of home-based other trips decrease with an increase in the number of convenient commercial land use parcels in the neighborhood. The connectivity provided by the roadway network and the urban form of the area (measured in terms of number of intersections and cul-de-sacs) affect trip lengths. In addition to the local land-use characteristics, trip lengths also vary significantly by the location of the neighborhood within the region. All these results hold even after controlling for several trip and traveler characteristics.”*

The University of Florida study largely conformed several findings from the CUTR Report conducted in 2013 that trip lengths within built-up and urban areas within Florida were shorter than suburban and rural areas within the State. On average, based on the findings of the CUTR Report, trip lengths in urban areas were on average 30% shorter than suburban areas of the State. A 30% trip length reduction was applied to vested single family and duplex platted lots comprised of residential lots with final plat approval as of December 30<sup>th</sup>, 1977.

## INTERSTATE TRIP LENGTH ADJUSTMENT

Travel on the interstate highway system is excluded from impact fee calculations as the interstate system is principally funded and maintained by the Federal Government in coordination with

State Department of Transportation. Thus, to ensure development that generates new trips is not charged for travel on the interstate system, the VMT on Interstate 95 is excluded from the major road system. **Table 16** illustrates the adjustment factor calculated to exclude travel on Interstate 95. The Interstate adjustment factor of 51% is applied to trip lengths to reduce them accordingly to ensure new development is not charged for travel on Interstate 95.

**TABLE 16. INTERSTATE ADJUSTMENT FACTOR**

Roadway Category	Miles	Daily Vehicle Miles of Travel (VMT)
Interstate 95	18.7	1,036,304
Major Thoroughfare System	135.82	2,110,478
Interstate Adjustment Factor		0.51
Source: Daily VMT based on Traffic Data Table in Appendix A. VMT derived by multiplying AADT by length of road. Decimal numbers rounded to the nearest 100th.		

## ORIGIN & DESTINATION ADJUSTMENT FACTOR

Trip generation rates represent trip ends, or driveway crossings at the site of a land use. Thus, a single origin trip from home to work counts as one trip end for the residence and one trip end for the work place, for a total of two trip ends. To avoid over-counting, the VMT for all uses has been divided by two. This places the burden of travel equally between the origin and destination of the trip and eliminates double charging for any particular trip.

## VEHICLE MILES OF TRAVEL PER LAND USE

The result of multiplying trip generation rates, percent of new trips, average trip length, and interstate adjustment factor is the establishment of a per unit VMT per land use (**Table 17**). The VMT reflects the average daily weekday travel generated by the various land uses in the impact fee schedule. The land use schedule includes the unit of measure that will be used to calculate the total impact fee for a given land use.



Table 17. Vehicle Miles of Travel per Land Use	Unit of Measure	Trip Gen	% new trips	Trip Length	I-95 Adj	VMT
<b>Residential Use</b>						
Single Family Detached / Mobile Home	Dwelling Unit	9.44	1	5.04	0.51	12.13
Vested Single Family Platted Lot	Dwelling Unit	7.38	1	3.53	0.51	6.64
Single Family Attached (includes Duplex, Townhomes, Villas, Condominiums)	Dwelling Unit	7.32	1	5.04	0.51	9.41
Vested Duplex Platted Lot	Dwelling Unit	5.72	1	3.53	0.51	5.15
Multi-Family Apartment	Dwelling Unit	5.44	1	5.04	0.51	6.99
Active Adult & Independent Living (55+) (Attached or Detached Units)	Dwelling Unit	3.99	1	5.04	0.51	5.13
<b>Institutional Use</b>						
Adult Congregate Living Facility	Bed	2.52	1	5.04	0.51	3.24
Cemetery	Acre	6.05	1	5.50	0.51	8.49
Day Care	1,000 sq. ft.	47.62	0.5	3.26	0.51	19.79
Places of Worship	1,000 sq. ft.	6.95	0.9	5.50	0.51	8.77
Private School (Pre K-12)	1,000 sq. ft.	13.58	0.5	5.50	0.51	9.52
Private College or University	1,000 sq. ft.	23.15	0.5	5.50	0.51	16.23
<b>Industrial Use</b>						
Manufacturing / Warehousing / Production	1,000 sq. ft.	4.66	0.8	7.21	0.51	6.85
Retail Fulfillment / Distribution	1,000 sq. ft.	7.97	0.9	7.21	0.51	13.19
Mini-Warehouse / Boat / RVs & Other Outdoor Storage	1,000 sq. ft.	1.51	0.9	5.04	0.51	1.75
<b>Entertainment, Recreation &amp; Lodging Use</b>						
Movie Theater	per Seat	1.76	0.5	4.44	0.51	1.00
Marina (including dry storage)	per Berth	2.41	1	4.44	0.51	2.73
Golf Course	per Hole	30.38	1	4.44	0.51	34.40
Outdoor Commercial Recreation	per Acre	14.32	1	4.44	0.51	16.21
Multi-Purpose Commercial Recreation	1,000 sq. ft.	5.57	0.9	4.44	0.51	5.68
Health Club / Fitness / Gym	1,000 sq. ft.	35.53	0.9	4.44	0.51	36.20
Recreational Vehicle (RV) Park	per Space	2.40	1	5.04	0.51	3.08
Hotel / Motel / Lodging	Room / Unit	6.19	0.9	5.04	0.51	7.16
Community Center / Civic / Gallery / Lodge	1,000 sq. ft.	14.54	0.8	4.44	0.51	13.17
<b>Office Use</b>						
Office / Office Park / Medical / Clinic / Bank / Financial	1,000 sq. ft.	11.41	0.7	7.21	0.51	14.68
<b>Retail Use</b>						
Multi-Tenant Retail Center	1,000 sq. ft.	37.75	0.4	4.51	0.51	17.37
Pharmacy (Free Standing)	1,000 sq. ft.	90.08	0.3	4.51	0.51	31.08
Pharmacy Drive-Thru	per lane	89.04	0.3	4.51	0.51	30.72
General Retail (Free Standing)	1,000 sq. ft.	58.30	0.4	4.51	0.51	26.82
Furniture / Mattress Store (Free Standing)	1,000 sq. ft.	6.30	1	4.51	0.51	7.25
Supermarket / Grocery Store (Free Standing)	1,000 sq. ft.	98.83	0.4	4.51	0.51	45.46
Sit Down Restaurant (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	98.01	0.4	4.90	0.51	48.99
Fast Food / Fast Casual Restaurant (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	214.36	0.3	4.90	0.51	80.35
Restaurant Drive-Thru (based on number of lanes at point of ordering)	per lane	356.54	0.2	4.90	0.51	89.10
Discount Superstore (Free Standing)	1,000 sq. ft.	50.70	0.8	5.64	0.51	58.31
Home Improvement / Building Materials / Garden Center	1,000 sq. ft.	31.51	0.8	5.64	0.51	36.24
Nursery (Wholesale or Retail)	per Acre	31.37	0.8	4.51	0.51	28.86
Bank Drive-Thru Lane, Free Standing ATM or ATM Drive-Thru Lane	per lane and / or per ATM	113.35	0.4	4.11	0.51	47.52
Vehicle & Boat - Sales or Dealership	1,000 sq. ft.	27.45	0.9	5.64	0.51	35.51
Vehicle & Boat - Service / Repair / Parts	1,000 sq. ft.	38.02	0.9	4.11	0.51	35.86
Vehicle & Boat - Cleaning / Detailing / Wash	1,000 sq. ft.	264.20	0.2	4.11	0.51	55.38
Convenience Store	1,000 sq. ft.	801.21	0.1	4.51	0.51	92.14
Vehicle Fueling Position	per Vehicle Fueling Position	250.98	0.2	4.03	0.51	51.58
Personal Services	1,000 sq. ft.	32.15	0.4	4.11	0.51	13.48

## IMPACT FEE SCHEDULE

The Impact Fee for a given land uses is based on the net per unit VMC Rate established in **Table 14** multiplied by the VMT Rate per land use from **Table 17**. The formula below is utilized to determine the Impact Fee per land use (**Figure 5**):

**Figure 5. Impact Fee**

$$\text{Impact Fee Formula} = \text{VMCn} \times \text{VMTlu}$$

Where:

VMCn = Net Vehicle Miles of Capacity Rate

VMTlu = Vehicle Miles of Travel per land use

The Impact Fee for land uses is compared with the existing Impact Fee (**Table 18**). The following are three examples of impact fee calculations:

Land Use:	Multi-Family Apartment
Unit of Measure:	per Dwelling Unit
Number of Units:	200
Impact Fee:	\$1,982 per dwelling unit
# of Dwelling Units x Impact Fee:	200 x \$1,718 = \$343,600

Land Use:	Office
Unit of Measure:	per 1,000 Square Feet
Number of Units:	15,250 square feet
Impact Fee:	\$3,608 per 1,000 square feet of office
Square Footage / 1000 x Impact Fee:	(15,250 / 1,000) = 15.25 x \$3,608 = \$55,022

Land Use:	Bank with drive-thru
Unit of Measure 1:	per 1,000 Square Feet
Unit of Measure 2:	per Drive-thru lane(s)
Number of Units 1:	3,000 square feet
Number of Units 2:	Two drive-thru lanes & One drive-thru ATM
Impact Fee 1:	\$3,608 per 1,000 square feet of office
Impact Fee 2:	\$11,674 per drive-thru
Square Footage / 1000 x Impact Fee:	(3,000 / 1,000) = 3 x \$3,608 = \$10,824
Drive-Thru Lanes x Impact Fee:	3 x \$11,674 = \$35,022
Total Impact Fee:	\$10,824 + \$35,022 = \$45,846

Table 18. Palm Coast Transportation Impact Fee Schedule	Unit of Measure	Proposed Impact Fee
<b>Residential Use</b>		
Single Family Detached / Mobile Home	Dwelling Unit	\$ 2,981
Vested Single Family Platted Lot *	Dwelling Unit	\$ 1,632
Single Family Attached (includes Duplex, Townhomes, Villas, Condominiums)	Dwelling Unit	\$ 2,311
Vested Duplex Platted Lot *	Dwelling Unit	\$ 1,266
Multi-Family Apartment	Dwelling Unit	\$ 1,718
Active Adult & Independent Living (55+) (Attached or Detached Units)	Dwelling Unit	\$ 1,260
<b>Institutional Use</b>		
Adult Congregate Living Facility	Bed	\$ 796
Cemetery	Acre	\$ 2,085
Day Care	1,000 sq. ft.	\$ 4,863
Places of Worship	1,000 sq. ft.	\$ 2,155
Private School (Pre K-12)	1,000 sq. ft.	\$ 2,340
Private College or University	1,000 sq. ft.	\$ 3,988
<b>Industrial Use</b>		
Manufacturing / Warehousing / Production	1,000 sq. ft.	\$ 1,684
Retail Fulfillment / Distribution	1,000 sq. ft.	\$ 3,240
Mini-Warehouse / Boat / RVs & Other Outdoor Storage <sup>1</sup>	1,000 sq. ft.	\$ 429
<b>Entertainment, Recreation &amp; Lodging Use</b>		
Movie Theater / Performing Arts	per Seat	\$ 245
Marina (including dry storage)	per Berth	\$ 670
Golf Course	per Hole	\$ 8,450
Outdoor Commercial Recreation <sup>2</sup>	per Acre	\$ 3,982
Multi-Purpose Commercial Recreation	1,000 sq. ft.	\$ 1,395
Health Club / Fitness / Gym	1,000 sq. ft.	\$ 8,893
Recreational Vehicle (RV) Park	per Space	\$ 758
Hotel / Motel / Lodging	Room / Unit	\$ 1,759
Community Center / Civic / Gallery / Lodge	1,000 sq. ft.	\$ 3,235
<b>Office Use</b>		
Office / Office Park / Medical / Clinic / Bank / Financial	1,000 sq. ft.	\$ 3,608
<b>Retail Use</b>		
Multi-Tenant Retail Center <sup>3</sup>	1,000 sq. ft.	\$ 4,266
Pharmacy (Free Standing)	1,000 sq. ft.	\$ 7,635
Pharmacy Drive-Thru (fee is in addition to fee per 1,000 sq. ft. for pharmacy)	per lane	\$ 7,547
General Retail (Free Standing)	1,000 sq. ft.	\$ 6,589
Furniture / Mattress Store (Free Standing)	1,000 sq. ft.	\$ 1,780
Supermarket / Grocery Store (Free Standing)	1,000 sq. ft.	\$ 11,169
Sit Down Restaurant <sup>4</sup> (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	\$ 12,034
Fast Food / Fast Casual Restaurant <sup>4</sup> (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	\$ 19,740
Restaurant Drive-Thru <sup>4</sup> (based on number of lanes at point of ordering)	per lane	\$ 21,889
Discount Superstore (Free Standing) <sup>1</sup>	1,000 sq. ft.	\$ 14,324
Home Improvement / Building Materials / Garden Center <sup>1</sup>	1,000 sq. ft.	\$ 8,903
Nursery (Wholesale or Retail) <sup>2</sup>	per Acre	\$ 7,090
Bank Drive-Thru Lane, Free Standing ATM or ATM Drive-Thru Lane <sup>5</sup>	per drive thru lane and / or per ATM	\$ 11,674
Vehicle & Boat - Sales or Dealership	1,000 sq. ft.	\$ 8,725
Vehicle & Boat - Service / Repair / Parts (current fee under industrial use)	1,000 sq. ft.	\$ 8,810
Vehicle & Boat - Cleaning / Detailing / Wash (current fee per bay)	1,000 sq. ft.	\$ 13,605
Convenience Store <sup>6</sup>	1,000 sq. ft.	\$ 22,637
Vehicle Fueling Position <sup>6</sup>	per Vehicle Fueling Position	\$ 12,673
Personal Services	1,000 sq. ft.	\$ 3,311
*Residential lot with final plat approval as of December 30, 1977.		
<sup>1</sup> Acreage for any unenclosed material and vehicle storage, sales and display shall be converted to gross floor area.		
<sup>2</sup> The gross floor area for any buildings shall be converted to acreage.		
<sup>3</sup> Excludes all outparcels. The fee for any outparcel shall be based on the applicable land use. Also excludes any type of drive-thru, vehicle fueling positions or free-standing ATM, which are additive fees in addition to the fee for the multi-tenant retail center.		
<sup>4</sup> Areas for outdoor seating shall be converted to gross floor area. Any drive-thru associated with a restaurant will be an additive fee to the fee per square foot for the restaurant. The number of drive-thru lanes will be based on the number of lanes present when an individual places an order. The restaurant drive-thru rate applies for any building, whether a multi-tenant, free standing or convenience land use.		
<sup>5</sup> Bank building square footage falls under office and is an additive fee beyond the fee due for bank/ATM drive-thru lanes or free standing ATM's. These rates are per drive-thru lane for the bank and per drive-thru lane with an ATM. The free standing ATM is for an ATM only and not an ATM within or part of another non financial building, such as an ATM within a grocery store.		
<sup>6</sup> Convenience Store rates are separate and an additive fee beyond the fee due for vehicle fueling positions. Rates per vehicle fueling position also apply to gas stations and service stations with fuel pumps. The fee for any restaurant square footage or restaurant drive-thru in a convenience store will be based on the individual fee rate for the land use, not the convenience store rate.		



## DEFINITIONS

*Active Adult & Independent Living (55+)* shall mean age-restricted housing that is deed restricted for residents fifty-five (55) years or older. These communities are for independent living without common dining and on-site health facilities for residents that is not a general retail or commercial use open to the public. Active adult communities may include clubhouses, golf courses and active recreation uses. Any recreational facility such as golf courses, clubhouses, tennis courts or fitness clubs open to the public shall be assessed separate impact fees. The housing may consist of senior adult detached and attached units (ITE Trip Generation Manual uses #251 and #252).

*Adult Congregate Living Facility* shall mean a residential setting that provides either routine general protective oversight or assistance with activities necessary for assisted living to mentally or physically limited persons. This use includes nursing homes, congregate care facilities, and assisted living facilities that may be part of continuing care retirement communities.

*Bank Drive-Thru Lane, Free Standing ATM or ATM Drive-Thru Lane* shall mean any drive-thru lane used for banking purposes such as deposits, withdrawals, balance inquiries or bill pay. The drive-thru may include either a teller window or pneumatic device for transferring banking information or funds, or an Automated Teller Machine (ATM). This use also includes free standing bank drive-thru lanes and freestanding walk-up or drive-thru ATM machines. An ATM inside or attached to a building that has a use open to the public or end user and is not just a standalone ATM structure or building shall not be assessed a fee. The fee shall be based upon the total number of drive-thru lanes with a banking window, pneumatic device or ATM and/or the total number of free standing ATM's.

*Benefit District* shall mean an area designated in the applicable impact fee ordinance where fees that are paid by development are expended. The City shall consist of a single Benefit District that shall be comprised on all land within current City limits and any future areas added to the City through subsequent annexations.

*Cemetery* shall mean a place for burying the deceased, possibly including accessory buildings used for funeral services, a mausoleum, and a crematorium.

*Community Center / Civic / Gallery / Lodge* shall mean a facility that is generally operated by a governmental entity, non-profit or foundation and can include uses such as YMCA, museum, art gallery or studio, community meeting spaces, library, or a fraternal or masonic lodge or club that participates in community and public activities and does not sell goods or products for profit.

*Convenience Store* shall mean facilities that sell, convenience foods, newspapers, lottery tickets and cards, magazines, beverages, snacks and often beer, wine and tobacco products. The use may also serve ice cream and prepared foods. The fee for any fueling positions, car wash, unaffiliated restaurant, or restaurant drive-thru shall be based on the separate fee for the use.

*Day Care* shall mean a facility where care for young children or for older adults is provided, normally during the daytime hours. Day care facilities generally include classrooms, offices, eating areas and playgrounds.

*Discount Superstore (free standing)* shall mean a large format retail store which sells products at prices that are lower than the typical market value. A full-line discount store or mass merchandiser may offer a wide assortment of goods with a focus on price rather than service, display and includes a grocery store that sells a complete assortment of food, food preparation and other household goods and that is usually operated on a self-service basis. The use may also offer various personal services such as eye glasses, banking, nail and salon and tire changing services for motor vehicles. Any fueling services associated with the Discount Superstore shall pay a separate fee per fueling position.

*Dwelling Unit* shall mean a room or connected rooms, constituting a separate, independent housekeeping entity, for owner occupancy or rental or lease on a daily, weekly, monthly, or longer basis, and physically separated from any other rooms or Dwelling Units which may be in the same structure and containing sleeping and sanitary facilities and one kitchen. The term "Dwelling Unit," as used in this Fee, shall be deemed to include mobile home dwellings.

*Entertainment, Recreation and Lodging Use* shall mean those public or quasi-public uses that serve a community's social, cultural, fitness, entertainment and recreational needs, including recreation vehicle parking spaces and limited period lodging and accommodations which include applicable land uses specified in the ITE Trip Generation Manual under Land Use Code Series 300, 400 and 500.

*Fast Food / Fast Casual Restaurant* shall mean a dining establishment where a person(s) orders their meal at either a counter, select individual items prepared in front of the person or serves themselves buffet style. A person(s) typically pays for their meal at a cashier before obtaining their food. A separate fee is required for uses with one or more drive-thru lanes.

*Free Standing* shall mean a building that is not part of a multi-tenant retail center and contains a single tenant. Free Standing buildings generally have defined parking areas and limited access connections either to an internal circulation route and/or an external road. Free standing buildings are typically oriented towards arterial or major collector roads and generally include separate signage for the use.

*Furniture / Mattress Store (free standing)* shall mean a building that is not part of a multi-tenant retail center, contains a single tenant and displays furniture for sale or sells mattress to the public. Furniture stores do not keep a significant amount of product for sale in store. The product is typically shipped to the desired location of the end user purchaser. Retail uses which sell home goods or small furniture for purchase and pick-up at the store would generally fall under multi-tenant retail centers or general retail. Mattress Stores only sell mattress and sometimes accessory bed frames or pillows for either pick-up in store or delivery.

*General Retail (free standing)* shall mean a building that is not part of a multi-tenant retail center, contains a single tenant and sells products to the public that is not otherwise defined as a separate and distinct land use in the transportation impact fee schedule. Variety, Department Specialty, and Dollar Stores are examples of general retail uses that are typically free standing when not part of a mall or multi-tenant retail center.

*Golf Course* shall mean an area design for the play of golf. Golf courses may include clubhouses, with a pro-shop, lounge and banquet facilities.

*Health / Fitness / Gym* shall mean facilities that primarily focus on individual or group fitness, training or exercise. The uses typically provide exercise, dance or cheerleading classes, weightlifting, yoga, pilates, cross-fit training, fitness and gymnastics equipment.

*Home Improvement / Building Materials / Garden Center* shall mean a facility where hardware, building materials, lumber, farming and gardening equipment, paint, plants and landscape are sold or rented. All outside areas, whether underroof or not, that are used for outdoor display, storage or sale shall be included in the overall square footage of the facility. Areas of storing and refilling propane shall also be included in the overall square footage. The rental or sale of large earthmoving equipment shall fall under vehicle sales.

*Hotel / Motel / Lodging* shall mean places of accommodations that provide places for sleeping and bathing and may include supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and limited recreational facilities (pool, fitness room) intended for primary use by guest.

*Impact Fee* shall mean a monetary exaction imposed at the time of issuance of a Certificate of Occupancy, Certificate of Completion, Special Use Permit or Construction Permit on a pro-rata basis in accordance with the average demand for public facilities created by growth and new development/redevelopment.

*Improvements* shall mean the roadway and intersection projects and traffic signal synchronization identified in the transportation impact fee technical report 2018. Improvements can include new or additional travel lanes and turn lanes, new or upgraded traffic signals, traffic synchronization, mobilization, maintenance of traffic, planning, survey, geotechnical and engineering, utilities, construction, engineering and inspection, utility relocation, right-of-way, easements, stormwater facilities, repayment of bonds used to front design and construction, local match for federal and state funded projects, and sidewalks, bike lanes, trails, paths, lighting and transit stops constructed as part of a road or intersection improvement.

*Industrial Use* shall mean those activities which are predominantly engaged in the assembly, finishing, processing, packaging, and/or storage, warehousing or distribution of products and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000 and 100, but excluding governmental uses.

*Institutional Use* shall mean those public or quasi-public uses that serve one or more community's social, educational, health, cultural, and religious needs and which include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 500, except for Adult Congregate Living Facility as defined.

*ITE Trip Generation Manual* shall mean and refer to the latest edition of the report entitled "Trip Generation" produced by the Institute of Transportation Engineers, and any official updates hereto, as approved by Public Works.

*Manufacturing / Warehousing / Production* shall mean a facility that is used for the storage of materials, goods and merchandise prior to the distribution to retail outlets, distribution centers or other warehouses. Manufacturing shall mean a facility where the primary activity is the conversion of raw materials or parts into finished products. Production shall mean a facility that has an emphasis on activities other than manufacturing, including brewing and distilling, and typically have ancillary office space and may have tap, sampling or tasting rooms.

*Marina* shall mean facilities that provide docks and berths for boats.

*Mini-Warehouse / Boat / RVs & Other Outdoor Storage* shall mean facilities or acreage in which one or more storage units or vaults are rented for the storage of goods and/or acreage is providing for the storage of boats, RVs, vehicle trailers and other physical items that are larger than what is typically stored within an enclosed structure. They are typically referred to as "self-storage" facilities and are typically access controlled where storage units or spaces are rented. The acreage for outdoor storage, excluding drive aisles, buffers and stormwater management areas, shall be converted to square footage for purposes of calculating the fee. This shall not include an individual's personal property where such items are stored by the owner of the land and not for commercial purposes, subject to allowance by land development and zoning regulations.

*Mobile Home* shall mean a detached Dwelling Unit with all the following characteristics: (1) designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; (2) designed for transportation after fabrication on streets or highways on its own wheels; and (3) arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities and the like. A travel trailer or Recreational Vehicle (RV) is not to be considered as a Mobile Home.

*Movie Theater / Performing Arts* shall mean a building with an area for audience seating, single or multiple screens or stages and auditoriums, a lobby and refreshment stand and shows either films or live performances.

*Multi-family Apartment* shall mean a single structure containing two or more Dwelling Units where Dwelling Units are rented or leased to occupants.

*Multipurpose Recreational Facility* shall mean a facility, generally enclosed within a building that includes uses such as bowling, pool, darts, arcades, video games, batting cages, trampolines, laser tag, bounce houses, skating, or climbing walls. Food and beverage may also be provided. The fee for outdoor recreation areas for uses such as batting cages or mini-golf would be calculated based upon the outdoor commercial recreation land use.

*Multi-Tenant Retail Center* shall mean retail uses in one or more buildings consisting of two or more individual, unaffiliated tenants. Multi-Tenant Retail Centers include shared access connections to external roads, shared internal circulation, parking and external signs and master stormwater management areas. Multi-Tenant Retail Centers do not include outparcels which are defined as having separate and distinct parking areas, generally landscaped along the perimeter, and separate access connections to internal circulation routes and /or external roads. Outparcels may include separate parcels for sale or lease to one or more end users. Any land use within a Multi-Tenant Retail Center that includes one or more drive-thru lanes shall pay the fee for the drive-thru lane in addition to the fee for square footage of the land-use. Freestanding ATM's not directly attached to or located within a separate land use shall pay the applicable fee for a freestanding ATM.

*Nursery (Wholesale or Retail)* shall mean an establishment that sells plants, trees, grasses, shrubs, landscape, gardening equipment, mulch, compost, gravel and stone. The applicable acreage of the nursery for purposes of calculating the fee shall include those areas with plants, landscape, greenhouses and landscape services that are primarily accessible to the public.

*Outdoor Commercial Recreation* shall mean a facility with land uses that may include miniature golf, batting cages, video arcade, bumper boats, go-carts, golf driving ranges, tennis, racquet or basketball courts, soccer, baseball and softball fields, paint-ball, skating, cycling or biking that require paid admittance, membership or some other type of fee for use. Buildings for refreshments, bathrooms, changing and retail may be included. The fee shall be based upon the total acreage of the facility, including buildings, primarily used to carry out the land use activity. Areas for parking, buffers and stormwater that are not active features of the land use are excluded from the fee acreage.

*Office Use* shall mean those businesses which provide professional services to individuals, businesses, or groups and which include those uses in the ITE Trip Generation Manual under Land Use Code Series 600 and 700.

*Office / Office Park / Medical / Bank / Financial* shall mean activities primarily involving the provision of professional or skilled services, including but not limited to legal, medical, dental, real estate, financial, engineering, architecture, accounting, and technology. Hospitals and Clinics are included under this land use. Banks are also included in this land use with a separate fee calculated per drive-thru lane or free-standing ATM with or without a drive-thru lane.

*Personal Services* shall mean any establishment that primarily sells services to the public that includes uses such as person or pet grooming, nail salon, hairdresser, spa, salon, tanning, massage, barber, waxing, funeral home, small appliance, device or computer repair or service, shipping, copying or printing service, dry cleaning, locksmith, laundry, tailor, embroidery, cobbler, watch repair, check cashing, money transfer, test taking, tutoring, musical lessons. These uses may also sell ancillary goods used in the primary function of the use.

*Pharmacy (free standing)* shall mean a retail facility that primarily sell prescription and non-prescription drugs. These facilities may also sell cosmetics, toiletries, medications, stationary personal care products, limited food products and general merchandise.

*Pharmacy Drive-Thru* shall mean one or more dedicated lanes where an individual will drop-off a prescription and pick-up the prescription. Some pharmacies will also sell general merchandise or medicine at the drive-thru windows as well. The fee for the pharmacy drive-thru is additive to the fee due for the pharmacy itself, as some pharmacies elect not to provide one or more drive-thru lanes. The fee is per drive-thru lane where a prescription can be dropped-off and picked-up.

*Place of Worship* shall mean a building in which worship services are held. Buildings or square footage used primarily for pre-school, private school or day care should be evaluated under those land uses and excluded from the buildings or square footage for place of worship.

*Principal Use* shall mean the carrying out of any building activity or the making of any material change in the use of a structure or land that requires the issuance of a Certificate of Occupancy, Certificate of Completion, Change of Use Permit, Construction Permit or Special Use Permit and which generates a demand or increase in vehicle trips over and above the existing use of the structure or land, excluding governmental uses.

*Private School (Pre K-12)* shall mean a building or buildings in which students are educated by a non-governmental entity with grades ranging from pre-kindergarten to 12th grade. Private schools do not include Charter Schools which are exempt from local government fees per Florida Statute.

*Recreational Vehicle (RV) Park* shall mean a Park with spaces where RV's maybe parked for short or long term occupancy, and: (1) containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities; (2) include plumbing and electrical connections are provided by a battery or generator and maybe connected to an outside system; (3) are designed for transportation after fabrication on streets or highways on its own wheels. A space available for a travel trailer will be considered a space for an RV. This definition does not include Recreational Vehicles stored on a lot at a personal residence.

*Restaurant Drive-Thru* shall mean a drive-thru lane where an order for food is placed. The vehicle will proceed to one or more common pick-up windows after the order has been placed. The number of drive-thru's shall be based upon the total number of points where an order is taken,



not the number of windows where an order is picked-up. Some drive-thru's may be opened longer than the walk-up restaurant is open. The fee per restaurant drive-thru is in addition to the fee assessed for the restaurant itself based upon the applicable unit of measure.

*Residential Use* shall mean a Dwelling Unit or Dwelling Units and shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200.

*Retail Use* shall mean those commercial activities which provide for sale, lease or rent of products, services, accommodations or use of space to individuals, businesses, or groups and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900.

*Retail Fulfillment / Distribution* shall mean a facility designed primarily to process e-commerce products directly to end users that order the products over the internet or by phone. These facilities include both short term and longer term storage areas and are characterized by the external shipment of small packages.

*Single-Family Attached* shall mean a single family attached Dwelling Unit that has at least one other Dwelling Unit that is individually owned within the same building structure. Townhomes, duplexes, villas and condominiums are the most common type of single-family attached dwellings.

*Single-Family Detached* shall mean a structure containing only one Dwelling Unit.

*Sit Down Restaurant* shall mean a dining establishment where a person(s) sit down at a table, booth or bar and orders food or drinks from a server or bartender and has prepared food and /or drink delivered to the table or bar. A separate fee is required for uses with one or more drive-thru lanes.

*Square feet* shall mean the sum of the gross floor area (in square feet) of the area of each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six feet six inches, minimum) regardless of their use. If a ground level area, or part thereof, within or adjacent to the principal outside faces of the exterior walls is not enclosed and is determined to be a part of the principal use, this gross floor area is considered part of the overall square footage of the building.

*Supermarket / Grocery Store* shall mean a large retail store that sells a complete assortment of food, food preparation and other household goods and that is usually operated on a self-service basis. Discount superstores are identified as a separate land use.

*Vested Single-family or Duplex Platted Lot* shall mean a residential lot with final plat approval as of December 30, 1977. Such lots may be replatted for infrastructure improvements without an increase in the total number of lots.

*Vehicle & Boat – Sales or Dealership* shall mean an establishment for the sale, rent or leasing of motor vehicles and boats. Services and parts sales maybe provided as well. This land use may include automobiles, trucks, recreational vehicles, boats, motorcycles, all-terrain vehicles, tractors and earth moving equipment. The square footage shall include all areas under roof used for the sale, service, display or cleaning of vehicles.

*Vehicle & Boat – Service / Repair / Parts* shall mean an establishment for the sale of parts, tires, accessories or the service, maintenance, repair, repaint or body work of a vehicle or boat. The square footage shall include all areas under roof.

*Vehicle & Boat – Cleaning / Detailing / Wash* shall mean an establishment for the cleaning, detailing, vacuuming and / or washing of vehicles and boats. The square footage shall include all areas under roof, all stalls, bays, or areas for cleaning, detailing, vacuuming and / or washing of vehicles and boats.

*Vehicle Fueling Position* shall mean any paved area where a vehicle can be fueled. Typical fuel pumps include two vehicles fueling positions. Thus, a gas station or convenience market with eight pumps would have a total 16 vehicular fueling positions. The fee for number of fueling positions is in addition to the fee for any associated convenience store, market, station, superstore or wholesale use.

*Vehicle Miles of Capacity (VMC)* shall mean a unit to measure the road capacity provided to accommodate vehicle travel made by a private motor vehicle, such as an automobile, van, pickup truck, or motorcycle where each mile of road capacity is counted as one vehicle mile regardless of the number of persons in the vehicle. VMC is calculated by multiplying the length of a road segment by the capacity of the road based on its level of service standard and classification.

*Vehicle Miles of Travel (VMT)* shall mean a unit to measure vehicle travel made by a private motor vehicle, such as an automobile, van, pickup truck, or motorcycle where each mile traveled is counted as one vehicle mile regardless of the number of persons in the vehicle. VMT is calculated by multiplying the length of a road segment by the total number of vehicles on that road segment.

*Vehicle Trip* shall mean a trip by one person driving a motor vehicle or a motorcycle.

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## CONCLUSION

The City of Palm Coast Transportation Impact Fee update is based upon the most recent and localized data per Florida Statute. The improvements driven fee is based on projected road and intersection improvements needed to meet the future travel demands of growth in the City. The identified improvements will provide increased capacity on roads and intersections throughout the City. The traffic signal synchronization project will improve traffic flow, reduce congestion and increase capacity of major roads throughout the City providing a direct and immediate benefit to new developments that pay the transportation impact fee. The transportation impact fee revenues can also be used towards a 10% local match to expedite improvements identified in the 2040 LRTP that are funded by the Federal Government and the State of Florida. This Technical Report provides the documentation to demonstrate that the updated transportation impact fee meets the dual rational nexus and rough proportionality test. The updated transportation impact fee also encourages infill residential, workforce housing and economic development.

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# Appendix A

## Traffic Data Report

Link	Facility	Facility Type	Classification	Length (miles)	Number of Lanes	Divided	Turn Lanes Left Right	Signals	Signals/ Mile	Speed Limit	2013 AADT	2013 VMT	Day of count	Background Growth %	2017 AADT	2017 VMT	2017 SV	2017 VMC	Adopted LOS		
<b>Belle Terre Parkway</b>																					
1200	Matanzas Woods Parkway to Bird of Paradise Drive	Arterial	Class 1 Segment	1.86							7,400	13,764	9/24/2013	3.3%	8,476	15,673	39,800	74,028			
1205	Bird of Paradise Drive to Pine Lakes Parkway (North)			0.71							15,300	10,863	9/26/2013	5.0%	18,597	13,204	39,800	28,258			
1210	Pine Lakes Parkway (North) to Bellaire Drive			0.85	4	Yes	Yes	5	1.28	45	15,800	13,430	4/9/2013	1.4%	16,704	14,198	39,800	33,830			
1215	Bellaire Drive to Palm Coast Parkway(WB)			0.48		Yes	Yes				18,700	8,976	9/17/2013	1.0%	19,459	9,340	39,800	19,104	D		
<b>Segment</b>																					
1220	Palm Coast Parkway (WB) to Palm Coast Parkway (EB)	Arterial	Class 1 Segment	3.90							18,500	4,070	10/22/2013	1.3%	19,481	4,286	39,800	8,756			
1225	Palm Coast Parkway (EB) to Cypress Point Parkway			0.22	4	Yes	Yes	5	8.06	45	21,300	2,769	4/11/2013	2.6%	23,603	3,068	39,800	5,174	D		
1230	Cypress Point Parkway to Pine Lakes Parkway (South)			0.62							32,400	8,748	4/11/2013	1.0%	33,716	9,103	39,800	10,746			
<b>Segment</b>																					
1240	Pine Lakes Parkway (South) to Parkview Drive	Arterial	Class 1 Segment	1.03							24,000	24,720	4/11/2013	1.0%	24,974	25,724	39,800	40,994			
1245	Parkview Drive to White View Parkway			1.02							24,200	24,684	9/17/2013	1.0%	25,183	25,686	39,800	40,596			
1250	White View Parkway to Rumlire Drive			0.92							22,200	20,424	4/16/2013	1.6%	25,786	23,723	39,800	36,616			
1254	Rumlire Drive to Royal Palms Parkway			0.53							25,100	13,303	4/16/2013	3.8%	29,138	15,443	39,800	21,094			
1254	Royal Palms Parkway to East Hampton Boulevard			0.52							24,000	12,480	4/16/2013	2.1%	26,080	13,562	39,800	20,696	D		
1260	East Hampton Boulevard to SR 100	Arterial	Class 1 Segment	1.04	4	Yes	Yes	7	1.38	45	24,100	25,064	9/19/2013	4.8%	29,071	30,234	39,800	41,392			
<b>Segment</b>																					
<b>Belle Terre Blvd.</b>																					
1263	SR 100 to Zebulas Trail					0.21							5,400	1,134	4/18/2013	1.0%	5,619	1,180	24,200	5,082	
1265	Zebulas Trail to Zaun Trail					0.84							6,200	5,208	9/12/2013	2.8%	6,924	5,816	24,200	20,328	
1270	Zaun Trail to Citation Parkway					1.37							3,500	4,795	4/18/2013	3.9%	4,079	5,588	24,200	33,154	
1275	Citation Parkway to US 1					1.31	2	No	n.a.	n.a.	n.a.	50	3,600	4,716	4/18/2013	3.8%	4,179	5,475	24,200	31,702	D
<b>Segment</b>																					
<b>Bird of Paradise Drive</b>																					
2420	Matanzas Woods Parkway to Birchwood Drive	Collector	UFH	1.31	2	No	n.a.	n.a.	n.a.	30	2,200	2,882	9/24/2013	1.0%	2,289	2,999	24,200	31,702	D		
2430	Birchwood Drive to Belle Terre Parkway			1.01							4,100	4,141	9/5/2013	1.4%	4,334	4,378	24,200	24,442			
<b>Segment</b>																					
<b>Bulldog Drive</b>																					
4300	SR 100 to Central Avenue	Collector	Class 2 Segment	0.54							1,700	918	4/23/2013	1.0%	1,769	955	14,800	7,992	D		
4310	Central Avenue to Lake Avenue			0.28	2	No	No	1	1.11	25											
4320	Lake Avenue to terminus			0.08																	
<b>Segment</b>																					
<b>Central Avenue</b>																					
4400	Belle Terre Parkway to Market Avenue	Collector	Class 2 Segment	0.35	4	Yes	Yes	No	2	2.90	4,900	1,715	9/24/2013	1.0%	5,099	1,785	32,400	11,340			
4410	Market Avenue to Lake Avenue			0.11							2,200	242	4/23/2013	1.0%	2,289	252	32,400	3,564	D		
4420	Lake Avenue to Landings Blvd			0.23							2,200	506	4/23/2013	1.0%	2,289	527	32,400	7,452			
<b>Segment</b>																					
4430	Landings Blvd to Park Street	Collector	Class 2 Segment	0.69							2,300	759	4/23/2013	1.0%	2,393	790	14,800	4,884			
4440	Park Street to Bulldog Drive			0.33							2,300	368	4/23/2013	1.0%	2,393	383	14,800	2,368			
4450	Bulldog Drive to Brookhaven Drive			0.16							1,500	435	4/23/2013	1.0%	1,561	453	14,800	4,292			
4460	Brookhaven Drive to Town Center Blvd			0.29	2	no	no	0	0.00	20	1,500	615	4/23/2013	1.0%	1,561	640	14,800	6,068	D		
<b>Segment</b>																					
<b>Citation Parkway</b>																					
3312	Belle Terre Parkway to Laguna Forest Lane	Collector	UFH	0.77	2	No	n.a.	n.a.	n.a.	35	200	154	4/18/2013	1.0%	208	160	24,200	18,634	D		
3315	Seminole Woods Parkway to Sesame Boulevard			0.41						40	2,900	1,189	4/18/2013	1.0%	3,018	1,237	24,200	9,972			
<b>Segment</b>																					
<b>Club House Drive</b>																					
1300	Palm Harbor Parkway to Palm Coast Parkway (WB)	Collector	Class 2 Segment	1.65	2	No	Yes	No	1	0.56	2,900	4,285	4/16/2013	1.0%	3,018	4,979	14,800	24,420	D		
1310	Palm Coast Parkway (WB) to Palm Coast Parkway (EB)			0.15							3,100	465	5/28/2013	1.0%	3,226	484	14,800	2,220			
<b>Segment</b>																					
<b>Colbert Lane</b>																					
3105	Palm Coast Parkway (WB) to Palm Coast Parkway (EB)	Arterial	Class 2 Segment	0.20						30	5,100	1,020	8/29/2013	1.4%	5,392	1,078					
3110	Palm Coast Parkway (EB) to Waterside Parkway (N)			1.70						45	6,900	11,730	8/29/2013	1.0%	7,180	12,206	24,200	41,140			
3120	Waterside Parkway (N) to Waterside Park (S)			1.40							4,800	6,720	8/29/2013	1.0%	4,995	6,993	24,200	33,880			
3125	Waterside Park (S) to South Park Road			0.60							5,300	3,180	8/29/2013	1.0%	5,515	3,309	24,200	14,520			
3130	South Park Road to Roberts Road	Arterial	UFH	1.87	2	No	n.a.	n.a.	n.a.	55	5,200	9,724	8/29/2013	1.0%	5,411	10,119	24,200	45,254	D		
3135	Roberts Road to SR 100			1.29							3,500	4,515	10/22/2013	1.0%	3,642	4,698	24,200	31,218			
<b>Segment</b>																					
<b>Cypress Point Parkway</b>																					
4200	Belle Terre Parkway to Pine Cone Drive	Arterial	Class 2 Segment	0.22							19,500	4,290	9/24/2013	1.0%	20,292	4,464	32,400	7,128			
4205	Pine Cone Drive to Cypress Edge (S)			0.29							16,100	4,669	9/24/2013	1.0%	16,754	4,859	32,400	9,396			
4210	Cypress Edge (S) to Cypress Edge (N)			0.16	4	Yes	Yes	3	3.80	35	17,200	2,752	10/27/2013	1.0%	17,898	2,864	32,400	5,164	D		
4215	Cypress Edge (N) to Palm Coast Parkway			0.12							30,100	3,612	9/24/2013	1.0%	31,322	3,759	32,400	3,888			

Link	Facility	Facility Type	Classification	Length (miles)	Number of Lanes	Divided	Turn Lanes Left Right	Signals	Signals / Mile	Speed Limit	2013 AADT	2013 VMT	Day of Count	Background Growth %	2017 AADT	2017 VMT	2017 SV	2017 VMC	Adopted LOS
			Segment	0.79															
	Farmsworth Drive																		
2716	Old Kings Road to Florida Park Drive	Collector	Class 2*	0.90	2	No	n.a.	n.a.	n.a.	30	2,000	1,800	5/16/2013	1.0%	2,081	1,873	13320	11,988	D
	Farragut Drive																		
2717	Old Kings Road to Florida Park Drive	Collector	Class 2*	0.97	2	No	n.a.	n.a.	n.a.	30	260	252	5/14/2013	1.0%	271	262	13320	12,920	D
	Fleetwood Drive																		
2714	Old Kings Road to Florida Park Drive	Collector	Class 2*	0.94	2	No	n.a.	n.a.	n.a.	30	920	865	5/14/2013	1.0%	957	900	13320	12,521	D
	Florida Park Drive																		
2090	Palm Harbor Parkway to Forest Hill Drive			0.32							5,400	1,728	5/14/2013	1.0%	5,619	1,798	14800	4,736	
2100	Forest Hill Drive to Fleetwood Drive			0.64							6,300	4,032	11/7/2013	1.0%	6,556	4,196	14800	9,472	
2105	Fleetwood Drive to Farragut Drive			0.25							7,800	1,950	5/14/2013	1.0%	8,117	2,029	14800	3,700	
2110	Farragut Drive to Palm Coast Parkway (WB)			0.63							8,500	5,355	12/4/2013	1.0%	8,845	5,572	14800	9,324	D
2120	Palm Coast Parkway (WB) to Palm Coast Parkway (EB)	Collector	Class 1	0.08	2	No	Yes	No	1	0.52	5,200	416	9/5/2013	1.0%	5,411	343	14800	1,164	D
			Segment	1.92															
	Forest Grove Drive																		
4000	Old Kings Road (W) to Old Kings Road (E)	Collector	Class 2*	0.59	2	No	n.a.	n.a.	n.a.	30	3,500	2,065	5/14/2013	1.0%	3,642	2,149	13320	7,859	D
4010	Old Kings Road (E) to Palm Harbor Parkway			0.41							4,700	1,927	5/16/2013	1.0%	4,891	2,005	13320	5,461	
			Segment	1.00															
	Frontier Drive																		
2712	Old Kings Road (E) to Palm Harbor Parkway	Collector	Class 2*	1.14	2	No	n.a.	n.a.	n.a.	30	1,400	1,596	10/9/2013	1.0%	1,457	1,661	13320	15,185	D
	Harrover Grade Road																		
3707	US 1 to SR King	Collector	Class 2*	1.00	2	No	n.a.	n.a.	n.a.	35	3,500	3,500	10/9/2013	1.0%	3,642	3,642	13320	13,320	D
	I-95 (SR 9)																		
251	Palm Coast City Limit to Palm Coast Parkway			7.64							45,000	343,800	2012	1.0%	48,500	370,540	93000	710,520	
292	Palm Coast Parkway to SR 100	Arterial	Freeway	5.80	6	Yes	n.a.	n.a.	n.a.	70	63,200	366,560	2012	1.5%	71,800	416,440	93000	539,400	C
255	SR 100 to Old Dixie Highway			5.26							39,000	205,140	2012	1.7%	47,400	249,324	93000	489,180	
			Segment	18.70															
	Lakeview Boulevard																		
3925	London Drive to Matanzas Woods Parkway	Collector	UFH	1.33	2	No	n.a.	n.a.	n.a.	n.a.	3,200	4,256	5/30/2013	1.0%	3,330	4,429	24200	32,186	D
	Landings Blvd.																		
4500	SR 100 to Central Avenue	Collector	UFH	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.				1.0%					
4510	Central Avenue to Lake Avenue			n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.				1.0%					
	Lake Avenue																		
4550	Market Avenue to Landings Blvd.			n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.				1.0%					
4560	Landings Blvd to City Place Drive			n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.				1.0%					
4570	City Place Drive to Town Center Blvd.	Collector	UFH	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.				1.0%					
	Market Avenue																		
4600	Belle Terre Parkway to Central Avenue	Collector	UFH	0.28	2	No	n.a.	n.a.	n.a.	25	280	78	9/4/2013	1.0%			24200	6,776	D
4610	Central Avenue to Lake Avenue		Segment	0.28										1.0%					
	Matanzas Woods Parkway																		
2400	US 1 to Belle Terre Parkway			1.06							4,500	4,770	5/30/2013	5.8%	5,638	5,972	17,700	18,762	
2410	Belle Terre Parkway to Bird of Paradise Drive	Arterial	Class 1	0.80							4,700	3,760	5/30/2013	1.0%	4,891	3,913	17,700	14,160	
2415	Bird of Paradise Drive to Old Kings Road		Segment	1.14	2	No	Yes	No	1	0.33	5,100	5,814	5/30/2013	3.1%	5,762	6,569	17,700	20,178	D
				3.00															
	Old Kings Road																		
2700	US 1 to Princess Place Preserve Entrance			1.55							1,900	2,945	5/16/2013	1.0%	1,927	3,065	24200	32,510	
2702	Princess Place Preserve Entrance to Forest Grove Drive			3.01							2,000	6,020	5/16/2013	1.0%	2,081	6,264	24200	72,882	
2705	Forest Grove Drive to Farmsworth Drive			1.55							3,600	5,580	5/21/2013	5.5%	4,460	6,913	24200	37,510	





Link	Facility	Facility Type	Classification	Length (miles)	Number of Lanes	Divided	Turn Lanes Left Right	Signals Signals / Mile	Speed Limit	2013 AADT	2013 VMT	Day of Count	Background Growth %	2017 AADT	2017 VMT	2017 SV	2017 VMC	Adopted LOS
3210	Rumfire Drive to Belle Terre Parkway	Arterial	Class 1 Segment	2.05	2	No	Yes No	0.23	45	5,200	10,660	5/23/2013	5.3%	6,417	13,156	17,700	36,285	
3212	Belle Terre Parkway to Town Center Boulevard			1.57						7,000	10,990	10/9/2013	1.0%	7,284	11,436	17,700	27,789	D
				4.30														
	<b>Runfire Drive</b>																	
3215	Royal Palms Parkway to Ravenwood Drive	Collector	UFH	1.71	2	No	n.a. n.a.	0.00	45	3,300	5,643	4/18/2013	1.0%	3,434	5,872	24,200	41,382	D
3225	Ravenwood Drive to Belle Terre Parkway			1.34						5,000	6,700	4/18/2013	1.0%	5,203	6,972	24,200	32,428	
			Segment	3.05														
	<b>Seminole Woods Parkway</b>																	
3325	SR 100 to Ulaturn Place			0.95	4	Yes				7,600	7,220	4/25/2013	1.0%	7,909	7,513	65,600	62,320	
3300	Ulaturn Place to Citation Parkway			1.45						5,500	7,975	4/25/2013	1.0%	5,723	8,299	65,600	95,120	
3310	Citation Parkway to Sesame Boulevard	Collector	UFH	1.15	2	No	n.a. n.a.	n.a.	50	4,000	4,600	4/25/2013	1.0%	4,162	4,287	24,200	22,830	D
3305	Sesame Boulevard to US 1			1.37						4,200	5,754	5/17/2013	1.0%	4,371	5,988	24,200	33,154	
			Segment	4.97														
	<b>Sesame Boulevard</b>																	
3320	Seminole Woods Parkway to terminus	Collector	UFH	2.97	2	No	n.a. n.a.	n.a.	45	1,300	3,796	5/23/2013	1.0%	1,353	3,950	24,200	70,664	D
	<b>State Road 100</b>																	
3560	John Anderson Drive to Colbert Lane	Arterial	State Class 1 Segment	1.17	4	Yes	Yes No	0.74	55	17,500	20,475	6/4/2013	1.5%	18,574	21,731	39,800	46,566	
3550	Colbert Lane to Tuscanv Blvd.			0.46						18,500	8,372	6/4/2013	1.0%	18,939	8,712	39,800	18,308	D
3540	Tuscanv Blvd. to Old Kings Road			1.07							19,795	6/4/2013	1.0%	19,251	20,599	39,800	47,586	
			Segment	2.70														
3530	Old Kings Road to L-95			0.49					55	25,700	12,593	6/4/2013	2.0%	27,819	13,631	39,800	19,502	D
3525	L-95 to Memorial Medical Parkway			0.27						31,200	8,424	12/4/2013	1.0%	32,467	8,766	39,800	10,746	
3520	Memorial Medical Pkwy to Seminole Woods Parkway			0.35					50	28,400	9,940	12/4/2013	1.0%	29,553	10,344	39,800	13,930	
3515	Seminole Woods Pkwy to Bulldog Drive			0.27						27,000	7,290	12/4/2013	1.0%	28,096	7,586	39,800	10,746	
3510	Bulldog Drive to Landlides Blvd.			0.78						29,100	23,166	12/19/2013	1.7%	31,772	24,782	39,800	31,044	
3505	Landlides Blvd. to Belle Terre Parkway	Arterial	State Class 1 Segment	0.45	4	Yes	Yes No	1.96	55	26,100	11,745	12/19/2013	1.4%	27,593	12,417	39,800	17,910	D
3500	Belle Terre Parkway to Palm Coast City Limits			0.45						17,900	8,055	9/12/2013	1.0%	18,627	8,382	39,800	17,910	
			Segment	3.06														
	<b>Town Center Blvd.</b>																	
4100	SR 100 to Hospital Drive			0.29	4	Yes				3,800	1,102	4/25/2013	1.0%	3,954	1,147	65,600	19,024	
4110	Hospital Drive to Central Avenue			0.39						4,000	1,560	4/25/2013	1.0%	4,162	1,623	65,600	25,584	
4120	Central Avenue to Lake Avenue			0.30						4,400	1,320	9/12/2013	1.0%	4,579	1,374	24,200	7,260	
4130	Lake Avenue to Royal Palm Parkway	Collector	UFH	0.59	2	No	n.a. n.a.	n.a.	25	4,300	2,537	9/12/2013	1.0%	4,475	2,640	24,200	14,278	D
4140	Royal Palm Parkway to Old Kings Road			0.25						6,900	1,725	9/19/2013	1.0%	7,180	1,795	24,200	6,050	
			Segment	1.82														
	<b>Tuscanv Blvd.</b>																	
4145	Old Kings Road to SR100	Collector	Class 1	2.01	n.a.	n.a.	n.a. n.a.	n.a.	n.a.									
	<b>US1 (SR51)</b>																	
3700	St. Johns County Line to Old Kings Road			0.76					60	11,300	8,588	8/20/2013	5.3%	13,893	10,559	39,800	30,248	
3702	Old Kings Road to Matanzas Woods Parkway			2.61					65	10,000	26,100	8/20/2013	3.4%	11,431	29,835	39,800	103,878	
3705	Matanzas Woods Parkway to Palm Coast Parkway			3.65						8,900	32,485	8/20/2013	1.1%	9,298	33,938	39,800	145,270	
3710	Palm Coast Parkway to White View Parkway			2.11						13,000	27,430	8/20/2013	1.0%	13,528	28,544	39,800	83,978	
3720	White View Parkway to Royal Palms Parkway	Arterial	State Class 1 Segment	1.78	4	Yes	Yes No	0.25	60	14,400	25,632	8/22/2013	1.0%	14,985	26,673	39,800	70,844	D
3725	Royal Palms Parkway to Espanola Road			1.07						15,200	16,264	8/22/2013	1.0%	15,817	16,924	39,800	47,586	
			Segment	11.98														
101	Palm Coast City Limit to Belle Terre Parkway			0.57						10,200	5,814	8/22/2013	1.4%	10,783	6,146	39,800	22,686	
3750	Belle Terre Parkway to DuPont Road			0.9						12,700	11,430	9/12/2013	1.6%	13,533	12,179	39,800	35,820	
3755	DuPont Road to Seminole Woods Parkway	Arterial	State Class 1 Segment	1.04	4	Yes	Yes No	0.69	60	12,700	13,208	8/22/2013	2.8%	14,183	14,751	39,800	41,392	D
235	Seminole Woods Parkway to Palm Coast City Limit			0.37						13,400	4,958	8/27/2013	1.0%	13,944	5,159	39,800	14,726	
			Segment	2.88														
	<b>White Mill Drive</b>																	
3915	Pine Lakes Parkway to White View Parkway	Collector	UFH	0.39	2	No	n.a. n.a.	n.a.	40	3,300	1,287	4/30/2013	2.6%	3,657	1,426	24,200	9,438	D
	<b>White View Parkway</b>																	
3920	US 1 to White Mill Drive			0.88	4	Yes			45	5,300	4,664	8/27/2013	3.9%	6,176	5,435	39,800	35,024	
3910	White Mill Drive to Belle Terre Parkway	Arterial	Class 1 Segment	1.53	2	No	Yes No	0.28	50	6,100	9,333	8/27/2013	4.8%	7,358	11,258	17,700	27,081	D
3900	Belle Terre Parkway to Pritchard Drive			1.11					45	2,900	3,219	8/27/2013	2.6%	3,214	3,567	17,700	19,647	
			Segment	3.57														

Freeway = Interstate Highway, State = State Highway, UFH = Uninterrupted Flow Highway, Class 1 = 40 mph or higher speed limit, Class 2 = 35 mph or lower speed limit, PMPH = P.M. Peak Hour, K (actual) = Measured Peak Hour Factor.

## **Appendix B**

### **2013 FDOT Generalized LOS Tables**

**Generalized Annual Average Daily Volumes for Florida's  
Urbanized Areas**

**TABLE 1**

12/18/12

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	16,800	17,700	**	4	47,400	64,000	77,900	84,600	
4	Divided	*	37,900	39,800	**	6	69,900	95,200	116,600	130,600	
6	Divided	*	58,400	59,900	**	8	92,500	126,400	154,300	176,600	
8	Divided	*	78,800	80,100	**	10	115,100	159,700	194,500	222,700	
						12	162,400	216,700	256,600	268,900	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
2	Undivided	*	7,300	14,800	15,600	4	45,800	61,500	74,400	79,900	
4	Divided	*	14,500	32,400	33,800	6	68,100	93,000	111,800	123,300	
6	Divided	*	23,300	50,000	50,900	8	91,500	123,500	148,700	166,800	
8	Divided	*	32,000	67,300	68,100	10	114,800	156,000	187,100	210,300	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lanes					
Non-State Signalized Roadways						Present in Both Directions					
- 10%						+ 20,000					
Ramp Metering						+ 5%					
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
2	Divided	Yes	No	+5%		2	Undivided	8,600	17,000	24,200	33,300
2	Undivided	No	No	-20%		4	Divided	36,700	51,800	65,600	72,600
Multi	Undivided	Yes	No	-5%		6	Divided	55,000	77,700	98,300	108,800
Multi	Undivided	No	No	-25%							
-	-	-	Yes	+ 5%							
One-Way Facility Adjustment						Uninterrupted Flow Highway Adjustments					
Multiply the corresponding two-directional volumes in this table by 0.6						Lanes	Median	Exclusive left lanes	Adjustment factors		
						2	Divided	Yes	+5%		
						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE <sup>2</sup>						<sup>1</sup> Values shown are presented as two-way annual average daily volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the Highway Capacity Manual and the Transit Capacity and Quality of Service Manual.  <sup>2</sup> Level of service for the bicycle and pedestrian modes in this table is based on number of motorized vehicles, not number of bicyclists or pedestrians using the facility.  <sup>3</sup> Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.  * Cannot be achieved using table input value defaults.  ** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)											
<b>Paved Shoulder/Bicycle</b>											
Lane Coverage	B	C	D	E							
0-49%	*	2,900	7,600	19,700							
50-84%	2,100	6,700	19,700	>19,700							
85-100%	9,300	19,700	>19,700	**							
PEDESTRIAN MODE <sup>2</sup>						Source: Florida Department of Transportation Systems Planning Office <a href="http://www.dot.state.fl.us/planning/systems/sm/los/default.shtm">www.dot.state.fl.us/planning/systems/sm/los/default.shtm</a>					
(Multiply motorized vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)											
<b>Sidewalk Coverage</b>											
	B	C	D	E							
0-49%	*	*	2,800	9,500							
50-84%	*	1,600	8,700	15,800							
85-100%	3,800	10,700	17,400	>19,700							
BUS MODE (Scheduled Fixed Route) <sup>3</sup>											
(Buses in peak hour in peak direction)											
<b>Sidewalk Coverage</b>											
	B	C	D	E							
0-84%	> 5	≥ 4	≥ 3	≥ 2							
85-100%	> 4	≥ 3	≥ 2	≥ 1							

**TABLE 1**  
(continued)

Generalized **Annual Average Daily** Volumes for Florida's  
**Urbanized Areas**

12/18/12

INPUT VALUE ASSUMPTIONS	Uninterrupted Flow Facilities				Interrupted Flow Facilities					
					State Arterials				Class I	
	Freeways	Core Freeways	Highways		Class I		Class II		Bicycle	Pedestrian
ROADWAY CHARACTERISTICS										
Area type (u,lu)	lu	lu	u	u	u	u	u	u	u	u
Number of through lanes (both dir.)	4-10	4-12	2	4-6	2	4-8	2	4-8	4	4
Posted speed (mph)	70	65	50	50	45	50	30	30	45	45
Free flow speed (mph)	75	70	55	55	50	55	35	35	50	50
Auxiliary Lanes (n,y)	n	n								
Median (n, nr, r)			n	r	n	r	n	r	r	r
Terrain (l,r)	l	l	l	l	l	l	l	l	l	l
% no passing zone			80							
Exclusive left turn lane impact (n, y)			[n]	y	y	y	y	y	y	y
Exclusive right turn lanes (n, y)					n	n	n	n	n	n
Facility length (mi)	4	4	5	5	2	2	1.9	1.8	2	2
Number of basic segments	4	4								
TRAFFIC CHARACTERISTICS										
Planning analysis hour factor (K)	0.090	0.085	0.090	0.090	0.090	0.090	0.090	0.090	0.090	0.090
Directional distribution factor (D)	0.547	0.547	0.550	0.550	0.550	0.560	0.565	0.560	0.565	0.565
Peak hour factor (PHF)	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Base saturation flow rate (pcphpl)			1,700	2,100	1,950	1,950	1,950	1,950	1,950	1,950
Heavy vehicle percent	4.0	4.0	2.0	2.0	1.0	1.0	1.0	1.0	2.5	2.0
Local adjustment factor	0.91	0.91	0.97	0.98						
% left turns					12	12	12	12	12	12
% right turns					12	12	12	12	12	12
CONTROL CHARACTERISTICS										
Number of signals					4	4	10	10	4	6
Arrival type (1-6)					3	3	4	4	4	4
Signal type (a, c, p)					c	c	c	c	c	c
Cycle length (C)					120	150	120	120	120	120
Effective green ratio (g/C)					0.44	0.45	0.44	0.44	0.44	0.44
MULTIMODAL CHARACTERISTICS										
Paved shoulder/bicycle lane (n, y)									n, 50%, y	n
Outside lane width (n, t, w)									t	t
Pavement condition (d, t, u)									t	
On-street parking (n, y)										
Sidewalk (n, y)										n, 50%, y
Sidewalk/roadway separation(a, t, w)										t
Sidewalk protective barrier (n, y)										n
LEVEL OF SERVICE THRESHOLDS										
Level of Service	Freeways	Highways		Arterials			Bicycle	Ped	Bus	
	Density	Two-Lane	Multilane	Class I		Class II	Score	Score	Buses/hr.	
		%ffs	Density	ats		ats				
B	≤ 17	> 83.3	≤ 17	> 31 mph		> 22 mph	≤ 2.75	≤ 2.75	≤ 6	
C	≤ 24	> 75.0	≤ 24	> 23 mph		> 17 mph	≤ 3.50	≤ 3.50	≤ 4	
D	≤ 31	> 66.7	≤ 31	> 18 mph		> 13 mph	≤ 4.25	≤ 4.25	< 3	
E	≤ 39	> 58.3	≤ 35	> 15 mph		> 10 mph	≤ 5.00	≤ 5.00	< 2	

% ffs = Percent free flow speed    ats = Average travel speed

# Appendix C

## Model Data



ROADWAY		DIR	Existing - 2017 Counts										2040 CFRPM Volumes				2040 IMPVMT	Comments
			EXISTING LANES	Adopted LOS	PM Pk-Hr TWO-WAY CAPACITY at LOS	EQUIVALENT DAILY CAPACITY at LOS	Annual Growth Rate	2017 AADT	K100 Factor	2017 PM Pk-Hr Two-Way Volume	Daily V/C	ADVERSE?	2040 Daily Model Volumes	Daily Model Capacity	Model V/C	ADVERSE?		
BELLE TERRE BLVD/PKWAY																		
US 1	CITATION PKWAY	NB	2LU	D	2,170	24,200	3.80%	3,800	0.096	365	0.16	NO	1,699	17,200	0.10	NO		
		SB																
CITATION PKWAY	ZUNA TRAIL	NB	2LU	D	2,170	24,200	3.90%	4,000	0.093	372	0.17	NO	2,321	17,200	0.13	NO		
		SB																
ZUNA TRAIL	ZEBULAS TRAIL	NB	2LU	D	2,170	24,200	2.80%	6,600	0.091	601	0.27	NO	3,081	17,200	0.18	NO		
		SB																
ZEBULAS TRAIL	SR 100	NB	2LU	D	2,170	24,200	1.00%	8,400	0.090	756	0.35	NO	5,774	17,200	0.34	NO		
		SB																
SR 100	EAST HAMPTON BLVD	NB	4LD	D	3,222	39,800	1.79%	22,000	0.084	1,848	0.55	NO	27,289	39,200	0.70	NO		
		SB																
EAST HAMPTON BLVD	ROYAL PALMS PKWAY	NB	4LD	D	3,222	39,800	1.00%	25,400	0.083	2,108	0.64	NO	25,335	39,200	0.65	NO		
		SB																
ROYAL PALMS PKWAY	RYMFIRE DR	NB	4LD	D	3,222	39,800	1.29%	25,700	0.085	2,185	0.65	NO	29,162	39,200	0.74	NO		
		SB																
RYMFIRE DR	WHITE VIEW PKWAY	NB	4LD	D	3,222	39,800	1.60%	23,900	0.083	1,984	0.60	NO	25,568	39,200	0.65	NO		
		SB																
WHITE VIEW PKWAY	PARKVIEW DR (S)	NB	4LD	D	3,222	39,800	1.00%	22,800	0.082	1,870	0.57	NO	20,746	39,200	0.53	NO		
		SB																
PARKVIEW DR (S)	PINE LAKES PKWAY (S)	NB	4LD	D	3,222	39,800	1.00%	26,300	0.078	2,051	0.66	NO	25,737	37,600	0.68	NO		
		SB																
PINE LAKES PKWAY (S)	CYPRESS POINT PKWAY	NB	4LD	D	3,222	39,800	1.00%	34,000	0.080	2,720	0.85	NO	25,185	37,600	0.67	NO	6 Ln	System Continuity
		SB																
CYPRESS POINT PKWAY	PALM COAST PKWAY (EB)	NB	4LD	D	3,222	39,800	2.60%	21,100	0.079	1,667	0.53	NO	43,159	37,600	1.15	YES	6 Ln	6L Recommended
		SB																
PALM COAST PKWAY (EB)	PALM COAST PKWAY (WB)	NB	4LD	D	3,222	39,800	1.30%	24,700	0.085	2,100	0.62	NO	27,968	37,600	0.74	NO		
		SB																
PALM COAST PKWAY (WB)	BELLAIRE DR	NB	4LD	D	3,222	39,800	1.00%	17,400	0.082	1,427	0.44	NO	18,787	29,600	0.63	NO		
		SB																
BELLAIRE DR	PINE LAKES PKWAY (N)	NB	4LD	D	3,222	39,800	1.40%	14,700	0.088	1,294	0.37	NO	12,759	29,600	0.43	NO		
		SB																
PINE LAKES PKWAY (N)	BIRD OF PARADISE DR	NB	4LD	D	3,222	39,800	5.00%	14,100	0.085	1,199	0.35	NO	15,048	29,600	0.51	NO		
		SB																
BIRD OF PARADISE DR	MATANZAS WOODS PKWAY	NB	4LD	D	3,222	39,800	3.30%	6,600	0.092	607	0.17	NO	5,778	29,600	0.20	NO		
		SB																
BIRD OF PARADISE DR																		
BELLE TERRE PKWAY	BIRCHWOOD DR	NB	2LU	D	2,170	24,200		3,000	0.085	255	0.12	NO	9,420	23,000	0.41	NO		
		SB																
BIRCHWOOD DR	MATANZAS WOODS PKWAY	NB	2LU	D	2,170	24,200		2,900	0.090	261	0.12	NO	8,396	23,000	0.37	NO		
		SB																
BULLDOG DR																		
SR 100	CENTRAL AVE	NB	2LU	D	1,197	14800		2,800	0.104	291	0.19	NO				Yes		4L Recommended; Required due to Town Center Growth (not in the model) based on Professional Experience.
		SB																
CLUB HOUSE DRIVE																		
PALM COAST PKWAY (EB)	PALM COAST PKWAY (WB)	NB	2LU	D	1,197	14,800	1.00%	3,400	0.073	248	0.23	NO	2,165	12,000	0.18	NO		
		SB																
PALM COAST PKWAY (WB)	CASPER DR	NB	2LU	D	1,197	14,800	1.00%	3,400	0.081	275	0.23	NO	2,766	12,000	0.23	NO		
		SB																
CASPER DR	PALM HARBOR PKWAY	NB	2LU	D	1,197		1.00%	3,400	0.081	275		NO	3,857	23,000	0.17	NO		
		SB																
COLBERT LANE																		
SR 100	ROBERTS RD	NB	2LU	D	2,170	24,200	1.00%	4,500	0.069	311	0.19	NO	8,951	11,200	0.80	NO		
		SB																
ROBERTS RD	SOUTH PARK RD	NB	2LU	D	2,170	24,200	1.00%	6,200	0.088	546	0.26	NO	7,255	20,800	0.35	NO		
		SB																
SOUTH PARK RD	WATERSIDE PKWAY (S)	NB	2LU	D	2,170	24,200	1.00%	6,300	0.085	536	0.26	NO	7,252	20,800	0.35	NO		
		SB																
WATERSIDE PKWAY (S)	WATERSIDE PKWAY (N)	NB	2LU	D	2,170	24,200	1.00%	5,500	0.081	446	0.23	NO	2,311	12,000	0.19	NO		
		SB																
WATERSIDE PKWAY (N)	PALM COAST PKWAY (EB)	NB	2LU	D	2,170	24,200	1.00%	7,900	0.079	624	0.33	NO	5,345	12,000	0.45	NO		
		SB																
PALM COAST PKWAY (EB)	PALM COAST PKWAY (WB)	NB	2LU	D	2,170	14,800	1.40%	5,500	0.070	385	0.37	NO	3,417	12,000	0.28	NO		
		SB																

ROADWAY		DIR	Existing - 2017 Counts										2040 CFRPM Volumes				2040 IMPVMT	Comments
			EXISTING LANES	Adopted LOS	PM Pk-Hr TWO-WAY CAPACITY at LOS	EQUIVALENT DAILY CAPACITY at LOS	Annual Growth Rate	2017 AADT	K100 Factor	2017 PM Pk-Hr Two-Way Volume	Daily V/C	ADVERSE?	2040 Daily Model Volumes	Daily Model Capacity	Model V/C	ADVERSE?		
FROM	TO																	
CYPRESS POINT PARKWAY																		
BELLE TERRE PKWY	PINE CONE DR	NB	4LD	D	2,628	32,400	1.00%	19,000	0.080	1,520	0.59	NO	22,667	33,600	0.67	NO		
		SB																
PINE CONE DR	CYPRESS EDGE DR (S)	NB	4LD	D	2,628	32,400	1.00%	18,100	0.076	1,376	0.56	NO	22,023	33,600	0.66	NO		
		SB																
CYPRESS EDGE DR (S)	CYPRESS EDGE DR (N)	NB	4LD	D	2,628	32,400	1.00%	16,900	0.083	1,403	0.52	NO	23,842	33,600	0.71	NO		
		SB																
CYPRESS EDGE DR (N)	PALM COAST PKWY	NB	4LD	D	2,628	32,400	1.00%	31,100	0.079	2,457	0.96	NO	23,842	33,600	0.71	NO		
		SB																
FLORIDA PARK DRIVE																		
PALM COAST PKWY (EB)	PALM COAST PKWY (WB)	NB	2LU	D	1,197	14,800	1.00%	5,600	0.093	521	0.38	NO	1,623	12,000	0.14	NO		
		SB																
PALM COAST PKWY (WB)	FARRAGUT DR	NB	2LU	D	1,197	14,800	1.00%	8,100	0.095	770	0.55	NO	2,686	12,000	0.22	NO		
		SB																
FARRAGUT DR	FLEETWOOD DR	NB	2LU	D	1,197	14,800	1.00%	8,100	0.089	721	0.55	NO	2,637	12,000	0.22	NO		
		SB																
FLEETWOOD DR	FOREST HILL DR	NB	2LU	D	1,197	14,800	1.00%	6,600	0.090	594	0.45	NO	5,291	23,000	0.23	NO		
		SB																
FOREST HILL DR	PALM HARBOR PKWY	NB	2LU	D	1,197	14,800	1.00%	5,700	0.085	485	0.39	NO	5,291	23,000	0.23	NO		
		SB																
HARGROVE GRADE ROAD																		
CR 13	OTIS STONE HUNTER	NB	NEW 2LU	D			1.00%	3,400	0.090	306		YES				NO		
		SB																
OTIS STONE HUNTER	PALM COAST PKWY EXT	NB	NEW 2LU	D			1.00%		0.090	0		NO				NO		
		SB																
MATANZAS WOODS PARKWAY																		
US-1	BELLE TERRE PKWY	EB	2LU	D	1,440	17,700	5.80%	4,000	0.100	400	0.23	NO	25,782	15,930	1.62	YES	4 Ln	4L Recommended; Future Model Capacity set to Signalized Non-State Roadway Capacity
		WB																
BELLE TERRE PKWY	BIRDS OF PARADISE DR	EB	2LU	D	1,440	17,700	1.00%	8,200	0.075	615	0.46	NO	24,670	15,930	1.55	YES	4 Ln	4L Recommended; Future Model Capacity set to Signalized Non-State Roadway Capacity
		WB																
BIRDS OF PARADISE DR	OLD KINGS RD (S)	EB	2LU	D	1,440	17,700	3.10%	10,700	0.070	749	0.60	NO	32,390	15,930	2.03	YES	4 Ln	4L Recommended; Future Model Capacity set to Signalized Non-State Roadway Capacity
		WB																
OLD KINGS RD																		
PALM COAST CITY LIMIT	SR 100	NB	2LU	D	2,170	24,200	4.40%	7,600	0.091	692	0.31	NO	18,039	23,000	0.78	NO		May need to break at south boundary of SOKR DRI when becomes interrupted flow
		SB																
SR 100	TOWN CENTER BLVD	NB	4LD	D	5,900	65,600	2.60%	8,900	0.081	721	0.14	NO	23,805	35,820	0.66	NO		Future Model Capacity set to Signalized Non-State Roadway Capacity
		SB																
TOWN CENTER BLVD	OAK TRAILS BLVD	NB	2LU	D	2,170	24,200	4.20%	8,700	0.083	722	0.36	NO	16,412	15,930	1.03	YES		4L Recommended
		SB																
OAK TRAILS BLVD	UTILITY DR	NB	2LU	D	2,170	24,200	1.70%	9,000	0.086	774	0.37	NO	13,762	15,930	0.86	YES		4L Recommended; Also improve for system continuity
		SB																
UTILITY DR	PALM COAST PKWY	NB	2LU	D	2,170	24,200	1.30%	10,700	0.080	856	0.44	NO	19,596	15,930	1.23	YES		4L Recommended
		SB																
PALM COAST PKWY	FARRAGUT DR	NB	4LD	D	3,580	39,800	1.00%	18,700	0.072	1,346	0.47	NO	17,751	56,400	0.31	NO		
		SB																
FARRAGUT DR	FLEETWOOD DR	NB	2LU	D	2,170	24,200	1.00%	13,700	0.077	1,055	0.57	NO	15,547	75,200	0.21	NO		
		SB																
FLEETWOOD DR	FRONTIER DR	NB	2LU	D	2,170	24,200	1.00%	11,600	0.079	916	0.48	NO	8,525	75,200	0.11	NO		
		SB																

			Existing - 2017 Counts									2040 CFRPM Volumes				2040 IMPVMT	Comments
ROADWAY			EXISTING LANES	Adopted LOS	PM Pk-Hr TWO-WAY CAPACITY at LOS	EQUIVALENT DAILY CAPACITY at LOS	Annual Growth Rate	2017 AADT	K100 Factor	2017 PM Pk-Hr Two-Way Volume	Daily V/C	2040 Daily Model Volumes	Daily Model Capacity	Model V/C	ADVERSE?		
FROM	TO	DIR															
FRONTIER DR	FARMSWORTH DR	NB	2LU	D	2,170	24,200	6.00%	8,600	0.087	748	0.36	8,151	75,200	0.11	NO		
		SB															
FARMSWORTH DR	FOREST GROVE DR	NB	2LU	D	2,170	24,200	5.50%	4,900	0.079	387	0.20	8,095	75,200	0.11	NO		
		SB															
FOREST GROVE DR	PRINCESS PL PRESERVE	NB	2LU	D	2,170	24,200	1.00%	1,300	0.098	127	0.05	6,922	23,000	0.30	NO		
		SB															
PRINCESS PL PRESERVE	US 1	NB	2LU	D	2,170	24,200	1.00%	1,400	0.103	144	0.06	1,546	11,800	0.13	NO		
		SB															
PALM COAST PARKWAY																	
US-1	PINE LAKES PKWY	EB	4LD	D	3,580	39,800	1.30%	12,700	0.084	1,067	0.32	25,494	75,200	0.34	NO		
		WB															
PINE LAKES PKWY	BELLE TERRE PKY	EB	2L-1 WAY	D	2,150	23,880	1.00%	10,600	0.089	943	0.44	15516	37600	0.41	NO		
		WB	2L-1 WAY	D	2,150	23,880	1.00%	18,500	0.075	1,388	0.77	13,846	37,600	0.37	NO		
BELLE TERRE PKY	CYPRESS POINT PKWY	EB	3L-1 WAY	D	3,240	35,940	1.00%	17,000	0.078	1,326	0.47	13,132	56,400	0.23	NO		
		WB	3L-1 WAY	D	3,240	35,940	1.00%	10,100	0.085	859	0.28	10,017	56,400	0.18	NO		
CYPRESS POINT PKWY	I-95 SB RAMPS	EB	6LD	D	5,360	59,900	1.00%	47,900	0.077	3,688	0.80	44947	75200	0.60	NO		
		WB															
I-95 SB RAMPS	I-95 NB RAMPS	EB	6LD	D	5,360	59,900	1.00%	45,400	0.077	3,496	0.76	45,239	75,200	0.60	NO		
		WB															
I-95 NB RAMPS	OLD KINGS RD	EB	6LD	D	5,360	59,900	1.00%	42,100	0.075	3,158	0.70	44,803	75,200	0.60	NO		
		WB															
OLD KINGS RD	FLORIDA PARK DR	EB	2L-1 WAY	D	3,240	35,940	1.00%	12,900	0.086	1,109	0.36	16,684	37,600	0.44	NO		
		WB	2L-1 WAY	D	2,150	23,880	1.00%	14,600	0.075	1,095	0.61	17,439	37,600	0.46	NO		
FLORIDA PARK DR	CLUBHOUSE DR	EB	2L-1 WAY	D	3,240	35,940	1.00%	12,500	0.088	1,100	0.35	16,240	37,600	0.43	NO		
		WB	2L-1 WAY	D	2,150	23,880	1.00%	11,800	0.072	850	0.49	15,914	37,600	0.42	NO		
CLUBHOUSE DR	COLBERT LN	EB	2L-1 WAY	D	3,240	35,940	1.00%	9,900	0.079	782	0.28	14,337	37,600	0.38	NO		
		WB	2L-1 WAY	D	2,150	23,880	1.00%	9,600	0.071	682	0.40	13,809	37,600	0.37	NO		
COLBERT LN	PALM HARBOR PKWY	EB	2L-1 WAY	D	3,240	35,940	1.00%	7,300	0.076	555	0.20	13,409	37,600	0.36	NO		
		WB	2L-1 WAY	D	2,150	23,880	1.90%	7,500	0.078	585	0.31	9,480	37,600	0.25	NO		
PALM HARBOR PKWY	SR A1A / N OCEANSHORE BLVD	EB	2LU	D	1,600	17,700	1.00%	12,500	0.071	888	0.71	16,778	24,200	0.69	NO		
		WB															
PALM HARBOR PARKWAY																	
PALM COAST PKWY	CLUB HOUSE DR	EB	2LU	D	1,330	14,800	1.00%	5,100	0.086	439	0.34	11,496	23,000	0.50	NO		
		WB															
CLUB HOUSE DR	FLORIDA PARK DR	EB	2LU	D	2,170	24,200	1.00%	4,700	0.081	381	0.19	14,349	23,000	0.62	NO		
		WB															
FLORIDA PARK DR	FOREST GROVE DR	EB	2LU	D	2,170	24,200	4.10%	7,100	0.077	547	0.29	12,038	23,000	0.52	NO		
		WB															
PINE LAKES PARKWAY																	
BELLE TERRE PKWY (S)	WYNNFIELD DR	EB	2LU	D	1,600	17,700	1.00%	8,300	0.077	639	0.47	6,626	12,000	0.55	NO		
		WB															
WYNNFIELD DR	WHITE MILL DR	EB	2LU	D	1,600	17,700	1.00%	8,300	0.077	639	0.47	7,286	12,000	0.61	NO		
		WB															
WHITE MILL DR	COMMERCE BLVD	EB	2LU	D	1,600	17,700	1.00%	6,500	0.087	566	0.37	11,174	12,000	0.93	NO		
		WB															
COMMERCE BLVD	PALM COAST PKWY	EB	2LU	D	1,600	17,700	1.20%	9,500	0.079	751	0.54	15,509	17,700	0.88	NO		
		WB															
PALM COAST PKWY	BELLE TERRE PKWY (N)	EB	2LU	D	1,600	17,700	2.80%	4,300	0.093	400	0.24	8,996	12,000	0.75	NO		
		WB															
RAVENWOOD DR																	
RYMFIRE DR	WHITE VIEW PKWY	EB	2LU	D	2,170	24,200	4.60%	5,200	0.083	432	0.21	3,898	9,000	0.43	NO		
		WB															
ROYAL PALMS PKWY																	
US 1	RYMFIRE DR	EB	2LU	D	1,600	17,700	5.90%	6,600	0.098	647	0.37	17,050	15,930	1.07	YES		4L Recommended; Future Model Capacity set to Signalized Non-State Roadway Capacity
		WB															
RYMFIRE DR	BELLE TERRE PKWY	EB	2LU	D	1,600	17,700	5.40%	5,900	0.077	454	0.33	14,356	15,930	0.90	YES		4L Recommended; Also improve for system contintuity
		WB															
BELLE TERRE PKWY	TOWN CENTER BLVD	EB	2LU	D	1,600	17,700	1.00%	8,900	0.090	801	0.50	16,991	15,930	1.07	YES		4L Recommended; Future Model Capacity set to Signalized Non-State Roadway Capacity
		WB															

			DIR	Existing - 2017 Counts									2040 CFRPM Volumes				2040 IMPVM'T	Comments
ROADWAY		EXISTING LANES		Adopted LOS	PM Pk-Hr TWO-WAY CAPACITY at LOS	EQUIVALENT DAILY CAPACITY at LOS	Annual Growth Rate	2017 AADT	K100 Factor	2017 PM Pk-Hr Two-Way Volume	Daily V/C	ADVERSE?	2040 Daily Model Volumes	Daily Model Capacity	Model V/C	ADVERSE?		
FROM	TO																	
RYMFIRE DRIVE																		
ROYAL PALMS PKWY	RAVENWOOD DR	EB	2LU	D	2,170	24,200	1.00%	4,000	0.078	312	0.17	NO	5,494	9,000	0.61	NO		
RAVENWOOD DR	BELLE TERRE PKWY	WB	2LU	D	2,170	24,200	1.00%	5,700	0.088	502	0.24	NO	8,369	9,000	0.93	NO		
SEMINOLE WOODS PARKWAY																		
US 1	SESAME BLVD	NB	2LU	D	2,170	24,200	1.00%	5,500	0.097	534	0.23	NO	16,561	20,200	0.82	NO		
SESAME BLVD	CITATION PKWY	SB	2LU	D	2,170	24,200	1.00%	5,200	0.094	489	0.21	NO	7,364	12,000	0.61	NO		
CITATION PKWY	ULATURN PL	SB	4LD	D	5,900	65,600	1.00%	8,500	0.089	757	0.13	NO	10,933	33,600	0.33	NO		
ULATURN PL	SR 100	NB	4LD	D	5,900	65,600	1.00%	10,100	0.086	869	0.15	NO	12,839	33,600	0.38	NO		
SR 100																		
PALM COAST CITY LIMIT	BELLE TERRE PKWY	WB	4LD	C	3,580	37,900	1.00%	17,200	0.085	1,462	0.45	NO	14,552	39,200	0.37	NO		
BELLE TERRE PKWY	LANDING BLVD	WB	4LD	C	3,580	37,900	1.40%	25,800	0.080	2,064	0.68	NO	11,355	39,800	0.29	YES	6 Ln	Set capacity to State 4L Classs I Signalized Arterial; 6L Recommended, Sys Cont.
LANDING BLVD	BULLDOG DRIVE	WB	4LD	C	3,580	37,900	1.70%	26,900	0.080	2,152	0.71	NO	12,224	39,800	0.31	YES	6 Ln	Set capacity to State 4L Classs I Signalized Arterial; 6L Recommended, Sys Cont.
BULLDOG DRIVE	SEMINOLE WOODS PKWY	WB	4LD	C	3,580	37,900	1.00%	28,100	0.085	2,389	0.74	NO	20,392	39,800	0.51	YES	6 Ln	Set capacity to State 4L Classs I Signalized Arterial; 6L Recommended, Sys Cont.
SEMINOLE WOODS PKWY	MEMORIAL MEDICAL PKWY	WB	4LD	C	3,580	37,900	1.00%	28,200	0.084	2,369	0.74	NO	40,760	39,800	1.02	YES	6 Ln	Set capacity to State 4L Class I Signalized Arterial; 6L Recommended
MEMORIAL MEDICAL PKWY	I-95	WB	4LD	C	3,580	37,900	1.00%	27,900	0.083	2,316	0.74	NO	40,760	39,800	1.02	YES	6 Ln	Set capacity to State 4L Class I Signalized Arterial; 6L Recommended
I-95	OLD KINGS RD	WB	4LD	D	3,580	39,800	2.00%	31,100	0.074	2,301	0.78	NO	44,650	39,800	1.12	YES	6 Ln	Set capacity to State 4L Class I Signalized Arterial; 6L Recommended
OLD KINGS RD	TUSCANY BLVD	WB	4LD	D	3,580	39,800	1.00%	22,500	0.077	1,733	0.57	NO	35,925	39,800	0.90	NO		Set capacity to State 4L Classs I Signalized Arterial
TUSCANY BLVD	COLBERT LN	WB	4LD	D	3,580	39,800	1.00%	22,600	0.077	1,740	0.57	NO	35,184	39,800	0.88	NO		Set capacity to State 4L Class I Signalized Arterial
COLBERT LN	JOHN ANDERSON	WB	4LD	D	3,560	39,800	1.00%	21,100	0.077	1,625	0.53	NO	31,577	37,200	0.85	NO		Set capacity to State 4L Class I Signalized Arterial
TOWN CENTER BOULEVARD																		
SR 100	HOSPITAL DR	WB	4LD	D	5,900	65,600	1.00%	5,600	0.074	414	0.09	NO	18,227	29,160	0.63	NO		Set capacity to non-State 4L Class II Signalized Arterial
HOSPITAL DR	CENTRAL AVE	WB	4LD	D	5,900	65,600	1.00%	5,800	0.086	499	0.09	NO	18,277	29,160	0.63	NO		Set capacity to non-State 4L Class I Signalized Arterial
CENTRAL AVE	LAKE AVE	WB	2LU	D	2,170	24,200	1.00%	5,700	0.083	473	0.24	NO	5,791	13,320	0.43	Yes		Recommend 4L due to safety concerns; Set capacity to non-State 2L Class I Signalized Arterial
LAKE AVE	ROYAL PALM PKWY	WB	2LU	D	2,170	24,200	1.00%	5,400	0.082	443	0.22	NO	5,791	13,320	0.43	Yes		Recommend 4L due to safety concerns; Set capacity to non-State 2L Class I Signalized Arterial
ROYAL PALM PKWY	OLD KINGS RD	WB	2LU	D	2,170	24,200	1.00%	9,500	0.086	817	0.39	NO	22,602	23,000	0.98	NO		
US-1																		
ST JOHN'S COUNTY LINE	OLD KINGS RD	SB	4LD	D	3,580	39,800	5.30%	11,800	0.103	1,215	0.30	NO	18,048	65,600	0.28	NO		
OLD KINGS RD	MATANZAS WOODS PKWY	SB	4LD	D	3,580	39,800	3.40%	10,400	0.103	1,071	0.26	NO	29,072	65,600	0.44	NO		
MATANZAS WOODS PKWY	PALM COAST PKWY	SB	4LD	D	3,580	39,800	1.10%	10,200	0.100	1,020	0.26	NO	39,235	65,600	0.60	NO		
PALM COAST PKWY	WHITE VIEW PKWY	SB	4LD	D	3,580	39,800	1.00%	15,500	0.097	1,504	0.39	NO	33,925	65,600	0.52	NO		
WHITE VIEW PKWY	ROYAL PALM PKWY	SB	4LD	D	3,580	39,800	1.00%	15,700	0.086	1,350	0.39	NO	44,267	39,800	1.11	YES	6 Ln	Reduce Capacity due to signalization; 6L Recommended
ROYAL PALM PKWY	ESPANOLA RD	SB	4LD	D	3,580	39,800	1.00%	18,100	0.090	1,629	0.45	NO	43,292	39,800	1.09	YES	6 Ln	Reduce Capacity due to signalization; 6L Recommended
PALM COAST CITY LIMIT	BELLE TERRE BLVD	SB	4LD	D	3,580	39,800	1.40%	11,700	0.090	1,053	0.29	NO	54,198	65,600	0.83	NO	6 Ln	Increase capacity to reflect free-flow conditions
BELLE TERRE BLVD	CR 304	SB	4LD	D	3,580	39,800	1.60%	13,500	0.090	1,215	0.34	NO	35,869	65,600	0.55	NO	6 Ln	Increase capacity to reflect free-flow conditions
CR 304	SEMINOLE WOODS PKWY	SB	4LD	D	3,580	39,800	2.80%	13,300	0.090	1,197	0.33	NO	41,521	65,600	0.63	NO	6 Ln	Increase capacity to reflect free-flow conditions
SEMINOLE WOODS PKWY	PALM COAST CITY LIMIT	SB	4LD	D	3,580	39,800	1.00%	14,500	0.098	1,421	0.36	NO	48,101	65,600	0.73	NO	6 Ln	Increase capacity to reflect free-flow conditions
WHITE VIEW PARKWAY																		
US 1	WHITE MILL DR	NB	4LD	D	3,580	39,800	3.90%	6,500	0.093	605	0.16	NO	11,856	24,400	0.49	NO		
WHITE MILL DR	BELLE TERRE PKWY	NB	2LU	D	1,600	17,700	4.80%	7,600	0.084	638	0.43	NO	8,481	9,000	0.94	NO		
BELLE TERRE PKWY	PRITCHARD DR	NB	2LU	D	1,600	17,700	2.60%	3,800	0.098	372	0.21	NO	6,991	9,000	0.78	NO		
I-95																		
OLD DIXIE HWY	SR 100	NB	6LD	C	10,060	95,200	1.70%	47,000	0.090	4,230	0.49	NO	88,325	138,000	0.64	NO		
SR 100	PALM COAST PKWY	NB	6LD	C	10,060	95,200	1.50%	63,700	0.090	5,733	0.67	NO	85,123	138,000	0.62	NO		

ROADWAY		DIR	Existing - 2017 Counts										2040 CFRPM Volumes				2040 IMPVMT	Comments
			EXISTING LANES	Adopted LOS	PM Pk-Hr TWO-WAY CAPACITY at LOS	EQUIVALENT DAILY CAPACITY at LOS	Annual Growth Rate	2017 AADT	K100 Factor	2017 PM Pk-Hr Two-Way Volume	Daily V/C	ADVERSE?	2040 Daily Model Volumes	Daily Model Capacity	Model V/C	ADVERSE?		
FROM	TO																	
PALM COAST PKWY	MATANZAS WOODS PKWY	NB	6LD	C	10,060	95,200	1.00%	49,500	0.090	4,455	0.52	NO	68,636	138,000	0.50	NO		
		SB																
MATANZAS WOODS PKWY	US 1	NB	6LD	C	10060	95,200	1.00%	49,500	0.090	4,455	0.52	NO	75,014	138,000	0.54	NO		
		SB																

## **Appendix D**

### **Intersection Improvements**



Intersection	Improvements	Proposed Construction Costs	Multiplier to include CEI, design fees and contingencies (50%)	Total	Capacity Added
<b>Bell Terre Parkway - Four Lane Road, Class 1 Facility with a capacity of 9,950 per lane</b>					
Belle Terre Pkwy at Burroughs Drive	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Barrister Lane	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Pine Lakes Pkwy (N)	NB & SB Right Turn Lane	\$130,000	\$65,000	\$195,000	995
Belle Terre Pkwy at Bayside Dr	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Bridgehaven Drive	SB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Parkview Dr (South)	NB Right Turn lane and Mastarms Replacement	\$350,000	\$175,000	\$525,000	497.5
Belle Terre Pkwy at Pritchard Dr	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Whippoorwill Dr	SB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Pine Grove Dr	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Ponce DeLeon Dr	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Point Pleasant Dr	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Royal Palms Pkwy	NB, SB, WB Right Turn Lanes	\$195,000	\$97,500	\$292,500	1492.5
Belle Terre Pkwy at Easthampton Blvd	EB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Pkwy at Eastwood Dr/Market Ave	SB Right Turn Lane and Traffic Signal	\$350,000	\$175,000	\$525,000	497.5
Belle Terre Pkwy at Eastwood Dr (South)	SB Right Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Blvd at Zonal Geranium Trail	NB Left Turn Lane	\$65,000	\$32,500	\$97,500	497.5
Belle Terre Blvd at Citation Blvd	NB Right Turn Lane and SB Left Turn Lane	\$130,000	\$65,000	\$195,000	995
Belle Terre Blvd at Karas Trail	WB Left Turn Lane	\$65,000	\$32,500	\$97,500	497.5
<b>Colbert Lane - Two Lane Road, Uninterrupted Highway with a capacity of 12,100 per lane</b>					
Colbert Lane at Blare Dr	NB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
<b>Palm Harbor Parkway - Two Lane Road, Uninterrupted Highway with a capacity of 12,100 per lane</b>					
Palm Harbor Pkwy at Crystal Way	NB & SB Left Turn Lanes	\$130,000	\$65,000	\$195,000	1210
Palm Harbor Pkwy at Cottonwood Ct	EB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
Palm Harbor Pkwy at Cocoa Way	WB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
Palm Harbor Pkwy at Coral Way	WB Left Turn Lane & EB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Palm Harbor Pkwy at Frontier Dr	NB Left Turn Lane & EB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Palm Harbor Pkwy at Farmsworth Dr	NB Left & SB Right Turn Lanes	\$130,000	\$65,000	\$195,000	1210
Palm Harbor Pkwy at Fellowship Dr	NB Left Turn Lane & SB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Palm Harbor Pkwy at Colorado Drive	NB Right Turn Lane & SB Left Turn Lane	\$130,000	\$65,000	\$195,000	1210
Palm Harbor Pkwy at Fenimore Dr	NB Left Turn Lane & SB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Palm Harbor Pkwy at Cunningham Lane	SB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
Palm Harbor Pkwy at Fernmill Lane	NB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
<b>Pine Lakes Parkway - Two Lane Road, Class 1 with a capacity of 8,850 per lane</b>					
Pine Lakes Pkwy (S) at Commerce Blvd	NB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Pine Lakes Pkwy (S) at Wellwater Dr	SB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Pine Lakes Pkwy (S) at Woodhaven Dr (S)	NB Left turn Lane	\$65,000	\$32,500	\$97,500	442.5
Pine Lakes Pkwy (S) at Westhampton Dr (N)	SB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Pine Lakes Pkwy (S) at Woodhaven Dr (S)	NB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Pine Lakes Pkwy (S) at Woodbury Dr	NB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Pine Lakes Pkwy (S) at Whirlaway Dr	WB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Pine Lakes Pkwy (S) at Westhampton Dr	NB Left Turn Lane & SB Right Turn Lane	\$130,000	\$65,000	\$195,000	885
Pine Lakes Pkwy (S) at Wellington Dr (S)	NB Left Turn Lane & SB Right Turn Lane	\$130,000	\$65,000	\$195,000	885
Pine Lake Pkwy (S) at Wynnfield Dr (N)	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Pine Lakes Pkwy (S) Wellington Dr (N)	NB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
<b>Ravenwood - Two Lane Road, Uninterrupted Highway with a capacity of 12,100 per lane</b>					
Ravenwood at Rolling Sands Dr	NB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
<b>Rymfire - Two Lane Road, Uninterrupted Highway with a capacity of 12,100 per lane</b>					
Rymfire Dr at Ryan Dr E	WB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
Rymfire Dr at Rae Dr E	EB Left turn Lane and WB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Rymfire Dr at Ryan Dr W	WB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
Rymfire Dr at Rae Dr W	EB Left turn Lane	\$65,000	\$32,500	\$97,500	605
Rymfire Dr at Ravenwood Dr	EB Left Turn Lane & WB Right Turn Lane & SB Right Turn Lane	\$195,000	\$97,500	\$292,500	1815
Rymfire Dr at Riviera Dr	WB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
Rymfire Dr at Ruth Dr	EB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
Rymfire Dr at Rickenbacker Dr	NB Right Turn Lane & SB Left Turn Lane	\$130,000	\$65,000	\$195,000	1210
Rymfire Dr at Red Mill Dr (N)	NB Left Turn Lane & SB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Rymfire Dr at Rymfire Elementary	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	605
<b>Seminole Woods Blvd - Two Lane Road, Uninterrupted Highway with a capacity of 12,100 per lane</b>					
Seminole Woods Blvd at Pinnacles	NB Right Turn Lane	\$65,000	\$32,500	\$97,500	605
Seminole Woods Blvd at Utah Pl	SB Left Turn Lane & NB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Seminole Woods Blvd at Ulaturn Trail (N)	SB Left Turn Lane & NB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Seminole Woods Blvd at Ulaturn Tr (S)	SB Left Turn Lane & NB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Seminole Woods Blvd at Universal Tr	SB Left Turn Lane & NB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Seminole Woods Blvd at Citation Pkwy	SB Left Turn Lane & NB Right Turn Lane	\$130,000	\$65,000	\$195,000	1210
Seminole Woods Blvd at Sesame Blvd	EB Right Turn Lane & WB Left Turn Lane	\$130,000	\$65,000	\$195,000	1210
Seminole Woods Blvd at Slipper Tr	WB Left Turn Lane	\$65,000	\$32,500	\$97,500	605

Intersection	Improvements	Proposed Construction Costs	Multiplier to include CEI, design fees and contingencies (50%)	Total	Capacity Added
Seminole Woods Blvd at Sloganeer Tr E	WB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
Seminole Woods Blvd at Sloganeer Tr W	WB Left Turn Lane	\$65,000	\$32,500	\$97,500	605
<b>Whiteview Parkway - Two Lane Road, Class 1 with a capacity of 8,850 per lane</b>					
Whiteview Pkwy at Rolling Sands	WB Left Turn Lane & EB Right Turn Lane	\$130,000	\$65,000	\$195,000	885
Whiteview Pkwy at Wood Ash Ln	EB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Whiteview Pkwy at Wood Aspen Ln	EB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Whiteview Pkwy at Woodsbury	EB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Whiteview Pkwy at White Mill Dr	EB Left Turn Lane & WB Right Turn Lane & SB Right Turn Lane	\$195,000	\$97,500	\$292,500	1327.5
Whiteview Pkwy at Whippoorwill Dr	EB Left Turn Lane & WB Right Turn Lane	\$130,000	\$65,000	\$195,000	442.5
Whiteview Pkwy at Ravenwood Dr	EB Right Turn Lane & WB Left Turn Lane & NB Right Turn Lane & Traffic Signal	\$500,000	\$250,000	\$750,000	1327.5
Whiteview Pkwy at Belle Terre Pkwy	WB Right Turn Lane & EB Right Turn Lane	\$130,000	\$65,000	\$195,000	885
Whiteview Pkwy at Princess Rose Dr	EB Left Turn Lane	\$65,000	\$32,500	\$97,500	442.5
<b>Pine Lakes Parkway - Two Lane Road, Class 1 with a capacity of 8,850 per lane, Palm Coast Parkway - Three Lanes east</b>					
<b>Palm Coast Parkway - Three Lanes east bound (EB), Two Lanes west bound (WB), Class 1 - capacity varies for one-way roads</b>					
Palm Coast Pkwy and Pine Lakes Pkwy	SB Right Turn Lane	\$65,000	\$32,500	\$97,500	442.5
Palm Coast Pkwy (EB) at Pine Cone Dr	EB Right Turn Lane & Signal Improvement	\$350,000	\$175,000	\$525,000	599
Palm Coast Pkwy (WB) at Pine Cone Dr	WB Right Turn Lane & Signal Improvement	\$350,000	\$175,000	\$525,000	597
Palm Coast Pkwy (WB) at Frontage Road	2 WB Right Turn Lanes	\$130,000	\$65,000	\$195,000	1194
Palm Coast Pkwy (WB) at Colbert Lane	WB Right Turn Lane	\$65,000	\$32,500	\$97,500	597
Palm Coast Pkwy (WB) at Corporate Drive	Left and Right turn lanes	\$130,000	\$65,000	\$195,000	1194
Palm Coast Pkwy (WB) at Bridgehaven Drive	Left and Right turn lanes	\$130,000	\$65,000	\$195,000	1194
Palm Coast Pkwy (EB) at Corporate Drive	Left turn lane	\$65,000	\$32,500	\$97,500	599
Palm Coast Pkwy (EB) at Belle Terre Pkwy	Left turn lane and through lane	\$65,000	\$32,500	\$97,500	1198

# Appendix E

## Roadway Cost

Improvement Costs  
City of Palm Coast

Roadway	Segment		Improvement	Recommended Improvement	Model Type	FDOT LRE <sup>1</sup>	Unit	Length (Mile)	Cost	Preliminary Engineering & CEI (35% of Cost)	Total Cost <sup>2</sup>	2017 Existing Volumes	Adopted LOS Capacity	Road Improve ment
	From	To												
Belle Terre Parkway <sup>1</sup>	Cypress Point Parkway	Palm Coast Pkwy (EB)	4L to 6L	Widen from 4LN divided to 6LN Divided	Urban	\$ 4,586,417.42	Mile	0.12	\$550,370.09	\$192,629.53	\$742,999.62	1,667	3,580	5,390
	Pine Lakes Parkway	Cypress Point Parkway	4L to 6L	Widen from 4LN divided to 6LN Divided	Urban	\$ 4,586,417.42	Mile	0.30	\$1,375,925.23	\$481,573.83	\$1,857,499.06	2,720	3,580	5,390
Bulldog Drive <sup>1</sup>	SR 100	Central Avenue	2L to 4L	Widen from 2LN to 4LN Divided	Urban	\$ 5,051,909.23	Mile	0.53	\$2,677,511.89	\$937,129.16	\$3,614,641.05	291	1,330	2,920
Matanzas Woods Pkwy <sup>3</sup>	US 1	SB I-95 Ramps	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban	\$ 4,834,348.49	Mile	2.01	\$14,130,000.00	\$0.00	\$14,130,000.00	400	1,600	3,580
Old Kings Road <sup>1</sup>	Town Center Boulevard	Oak Trails Boulevard	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban	\$ 5,051,909.23	Mile	3.54	\$17,883,758.67	\$6,259,315.54	\$24,143,074.21	722	2,170	3,580
	Oak Trails Boulevard	Utility Drive	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban	\$ 5,051,909.23	Mile	0.25	\$1,262,977.31	\$442,042.06	\$1,705,019.37	774	2,170	3,580
	Utility Drive	Palm Coast Pkwy (EB)	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban	\$ 5,051,909.23	Mile	0.62	\$3,132,183.72	\$1,096,264.30	\$4,228,448.03	856	2,170	3,580
	Palm Coast Parkway	Forest Grove Drive <sup>3</sup>	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban			3.31	\$14,850,000.00	\$0.00	\$14,850,000.00			
Royal Palms Parkway <sup>1</sup>	Town Center Boulevard	Belle Terre Pkwy	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban	\$ 5,051,909.23	Mile	1.58	\$7,982,016.58	\$2,793,705.80	\$10,775,722.39	801	1,600	3,580
	Belle Terre Pkwy	Rymfire Drive	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban	\$ 5,051,909.23	Mile	2.06	\$10,406,933.01	\$3,642,426.55	\$14,049,359.57	454	1,600	3,580
	Rymfire Drive	US 1	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban	\$ 5,051,909.23	Mile	0.67	\$3,384,779.18	\$1,184,672.71	\$4,569,451.90	647	1,600	3,580
SR 100 <sup>3</sup>	Belle Terre Pkwy	Old Kings Rd	4L to 6L	Widen from 4LN divided to 6LN Divided	Urban		Mile	2.61	\$34,870,000.00	\$0.00	\$34,870,000.00	2,064	3,580	5,390
Town Center Boulevard <sup>1</sup>	Central Avenue	Lake Avenue	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban	\$ 5,051,909.23	Mile	0.30	\$1,515,572.77	\$530,450.47	\$2,046,023.24	473	2,170	3,580
	Lake Avenue	Royal Palms Pkwy	2L to 4L	Widen from 2LN Undivided to 4LN Divided	Urban	\$ 5,051,909.23	Mile	0.60	\$3,031,145.54	\$1,060,900.94	\$4,092,046.48	443	2,170	3,580
US 1 <sup>1</sup>	White View Pkwy	Royal Palms Pkwy	4L to 6L	Widen from 4LN divided to 6LN Divided	Rural	\$ 2,486,326.01	Mile	1.78	\$4,425,660.30	\$1,548,981.10	\$5,974,641.40	1,350	3,580	5,390
	Espanola Rd	Royal Palms Pkwy	4L to 6L	Widen from 4LN divided to 6LN Divided	Rural	\$ 2,486,326.01	Mile	1.07	\$2,660,368.83	\$931,129.09	\$3,591,497.92	1,629	3,580	5,390
									\$124,139,203.13	\$21,101,221.10	\$145,240,424.22			

<sup>1</sup> FDOT Long Range Estimates Cost per Mile Models 2016

<sup>2</sup> Excludes right-of-way costs

<sup>3</sup> River to Sea 2040 LRTP Cost Estimate

Yellow equals currently funded in TPO LRTP or other funding sources

Non-LRTP-funded Roads	\$41,747,743.30
Non-LRTP Roads with Intersections	\$55,030,243.30 with intersection
All Roads with Intersections	\$158,522,924.22 with intersection
Traffic Signal Synchronization	\$3,000,000.00

## **Appendix F**

### **Trip Generation**

Appendix F. Impact Fee Trip Generation Documentation	Unit of Measure	ITE Land Use Codes
<b>Residential Use</b>		
Single Family Detached / Mobile Home	Dwelling Unit	ITE Land Use Code 210
Vested Single Family Platted Lot	Dwelling Unit	ITE Land Use Code 270
Single Family Attached (includes Duplex, Townhomes, Villas, Condominiums)	Dwelling Unit	ITE Land Use Code 220
Vested Duplex Platted Lot	Dwelling Unit	ITE Land Use Code 220
Multi-Family Apartment	Dwelling Unit	ITE Land Use Code 221
Active Adult & Independent Living (55+) (Attached or Detached Units)	Dwelling Unit	ITE Land Use Code 251, 252
<b>Institutional Use</b>		
Adult Congregate Living Facility	Bed	ITE Land Use Code 253, 254, 255, 620
Cemetery	Acre	ITE Land Use Code 566
Day Care	1,000 sq. ft.	ITE Land Use Code 565
Places of Worship	1,000 sq. ft.	ITE Land Use Code 560
Private School (Pre K-12)	1,000 sq. ft.	ITE Land Use Codes 534, 536 <sup>1</sup>
Private College or University	1,000 sq. ft.	ITE Land Use Codes 540, 550
<b>Industrial Use</b>		
Manufacturing / Warehousing / Production	1,000 sq. ft.	ITE Land Use Codes 110, 130, 140, 150, 154, 157, 160, 170, 180
Retail Fulfillment / Distribution	1,000 sq. ft.	ITE Land Use Codes 155, 156
Mini-Warehouse / Boat / RVs & Other Outdoor Storage	1,000 sq. ft.	ITE Land Use Codes 151
<b>Entertainment, Recreation &amp; Lodging Use</b>		
Movie Theater / Performing Arts	per Seat	ITE Land Use Code 444 <sup>2</sup>
Marina (including dry storage)	per Berth	ITE Land Use Code 420
Golf Course	per Hole	ITE Land Use Code 430
Outdoor Commercial Recreation	per Acre	ITE Land Use Codes 480, 488 & 491 <sup>3</sup>
Multi-Purpose Commercial Recreation	1,000 sq. ft.	ITE Land Use Codes 434, 435, 436, 437, & 465 <sup>4</sup>
Health Club / Fitness / Gym	1,000 sq. ft.	ITE Land Use Codes 492 & 493 <sup>4</sup>
Recreational Vehicle (RV) Park	per Space	ITE Land Use Code 416 <sup>4</sup>
Hotel / Motel / Lodging	Room / Unit	ITE Land Use Codes 310, 320
Community Center / Civic / Gallery / Lodge	1,000 sq. ft.	ITE Land Use Code 495 & 580
<b>Office Use</b>		
Office / Office Park / Medical / Clinic / Bank / Financial	1,000 sq. ft.	ITE Land Use Code 710, 712, 714, 715, 750, 760, 770
<b>Retail Use</b>		
Multi-Tenant Retail Center	1,000 sq. ft.	ITE Land Use Code 820
Pharmacy (Free Standing)	1,000 sq. ft.	ITE Land Use Code 881
Pharmacy Drive-Thru	per lane	ITE Land Use Code 880 <sup>5</sup>
General Retail (Free Standing)	1,000 sq. ft.	ITE Land Use Code 814, 815
Furniture / Mattress Store (Free Standing)	1,000 sq. ft.	ITE Land Use Code 890,
Supermarket / Grocery Store (Free Standing)	1,000 sq. ft.	ITE Land Use Code 850, 854
Sit Down Restaurant (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	ITE Land Use Code 931, 932
Fast Food / Fast Casual Restaurant (Retail Center, Free Standing or Outparcel)	1,000 sq. ft.	ITE Land Use Code 930, 931, 932, 933,
Restaurant Drive-Thru (based on number of lanes at point of ordering)	per lane	ITE Land Use Code 934, 935 <sup>6</sup>
Discount Superstore (Free Standing)	1,000 sq. ft.	ITE Land Use Code 813, 857
Home Improvement / Building Materials / Garden Center	1,000 sq. ft.	ITE Land Use Codes 812, 816, 817, 862
Nursery (Wholesale or Retail)	per Acre	ITE Land Use Code 817, 818
Bank Drive-Thru Lane, Free Standing ATM or ATM Drive-Thru Lane	per lane and / or per ATM	ITE Land Use Code 912 <sup>7</sup>
Vehicle & Boat - Sales or Dealership	1,000 sq. ft.	ITE Land Use 840 & 841
Vehicle & Boat - Service / Repair / Parts	1,000 sq. ft.	ITE Land Use 843, 848, 849, 941, 943
Vehicle & Boat - Cleaning / Detailing / Wash	1,000 sq. ft.	ITE Land Use 947, 949
Convenience Store	1,000 sq. ft.	ITE Land Use 851, 853, 945, 960
Vehicle Fueling Position	per Vehicle Fueling Position	ITE Land Use 853, 944, 945, 960
Personal Services	1,000 sq. ft.	ITE Land Use 918, 920
<sup>1</sup> Summation of AM & PM Peak Generator of Trips		
<sup>2</sup> Utilized vehicle occupancy factor of 3 persons per vehicle		
<sup>3</sup> Golf driving range converted to acreage at two tee positions per one acre, Soccer Complex fields converted to acres at ratio of 2 acres per 1 field, Racquet / Tennis Club assume 2 courts plus accessory buildings per acre, Utilized vehicle occupancy of 3 persons per vehicle		
<sup>4</sup> Converted AM and PM Peak Hour Periods and applied a Peak to Daily Conversion of .1 (10% of daily traffic occurs during peak hours)		
<sup>5</sup> Per drive-thru lane calculated by taking the difference in trip generation with and without drive-thru, times 14 (14,000 / 1,000 sq. ft. - standard size of pharmacy) and divided by three to account for typical number of drive-thru lanes in free standing pharmacies		
<sup>6</sup> The trip generation rate derived by subtracting the trip generation rate for fast food restaurants with and without drive-thru lanes		
<sup>7</sup> The trip generation is based on the trip rate per drive-thru lane minus the trips associated with office uses since the bank square footage, which may or may not contain office space beyond that for tellers falls under the office land use category.		

## **Appendix G**

### **2009 National Household Travel Survey Travel Length**





### 3.0 HOUSEHOLD TRAVEL

Overall, the decreases in person travel shown in Table 3 were indicated in household-generated travel. Table 5 shows the trends in person trips and person miles of travel (PMT) by purpose. While most estimates are statistically the same as in 2001, important exceptions include the significant decrease in person miles, person trips, and average person trip length for family and personal business (errands), and the decrease in person trips per household and average person trip length for shopping. Another significant change is the number of person trips per household to and from work; although the total PMT and average trip length to work have not changed (the 2001 estimate is within the margin of error of the 2009 estimate).

**Table 5.** Average Annual PMT, Person Trips and Trip Length by Trip Purpose 1969, 1977, 1983, 1990, and 1995 NPTS, and 2001 and 2009 NHTS.

Trip Purpose	1983	1990	1995	2001	2009	95% CI
<b>Average Annual PMT per Household</b>						
All Purposes	22,802	30,316	34,459	35,244	33,004	1,235.1
To/From Work	4,586	5,637	7,740	6,706	6,256	170.1
Work Related Business	1,354	1,043	1,987	2,987	2,078	247.2
Shopping	2,567	3,343	4,659	4,887	4,620	181.4
Other Family/Personal Errands	3,311	7,167	7,381	6,671	5,134	222.8
School/Church	1,522	1,599	1,973	2,060	2,049	123.0
Social and Recreational	8,964	11,308	10,571	10,586	9,989	585.8
Other	500	214	131	1,216	2,878	864.6
<b>Average Annual Person Trips per Household</b>						
All Purposes	2,628	3,262	3,828	3,581	3,466	31.8
To/From Work	537	539	676	565	541	7.9
Work Related Business	62	38	100	109	106	7.4
Shopping	474	630	775	707	725	14.6
Other Family/Personal Errands	456	854	981	863	748	13.9
School/Church	310	304	337	351	333	9.8
Social and Recreational	728	874	953	952	952	14.1
Other	61	22	6	30	61	4.1
<b>Average Person Trip Length (miles)</b>						
All Purposes	8.7	9.5	9.1	10.0	9.7	0.4
To/From Work	8.5	10.7	11.6	12.1	11.8	0.3
Work Related Business	21.8	28.2	20.3	28.3	20.0	2.0
Shopping	5.4	5.4	6.1	7.0	6.5	0.2
Other Family/Personal Errands	7.3	8.6	7.6	7.8	7.0	0.3
School/Church	4.9	5.4	6.0	6.0	6.3	0.3
Social and Recreational	12.3	13.2	11.3	11.4	10.7	0.6
Other	8.2	10.3	22.8	43.1	51.5	14.5

**Note:**

- Average person trip length is calculated using only those records with trip mileage information present.
- 1990 person and vehicle trips were adjusted to account for survey collection method changes (see 2001 Summary of Travel Trends Appendix 2).
- 1995 Vehicle Miles of Travel (VMT) and vehicle trips with "To or From Work" as a trip purpose is believed to be overstated.
- "Other Family/Personal Errands" includes personal business and medical/dental. Please see Appendix A - Glossary for definition.
- PMT is Person Miles of Travel. CI is Confidence Interval.

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 04/03/2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	2737	<b>Account</b>
<b>Subject</b>	ORDINANCE 2018-XX AMENDING CHAPTER 15 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY'S CODE OF ORDINANCES	
<b>Background :</b> <b><u>Update from the March 27, 2018 Workshop:</u></b> This item was heard by City Council at their March 27, 2018 Workshop. There were no changes suggested to this item.  <b><u>Original Background from the March 27, 2018 Workshop:</u></b> The Florida Building Code has gradually integrated flood regulations. To ensure ongoing consistency with the NFIP and FBC regulations, the Florida Division of Emergency Management (FDEM) created a “model ordinance” for Florida communities to maintain compliance with the NFIP. In the last year, City staff have worked with FDEM consulting staff to align the model ordinance with the City’s existing higher standards associated with the Community Rating System (CRS) program. The draft Ordinance(s) are the product of adapting the model ordinance to existing City regulations and standards.  The proposed technical amendment to the Florida Building Code incorporates local higher standards to appropriately enforce flood damage protection regulations.		
<b>Recommended Action :</b> Adopt Ordinance 2018-XX Amending Chapter 15 "BUILDINGS AND BUILDING REGULATIONS" of the City's Code of Ordinances		

**ORDINANCE 2018- \_\_\_\_\_**  
**AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES**

**AN ORDINANCE OF THE CITY OF PALM COAST, FLORIDA,  
AMENDING THE CITY’S CODE OF ORDINANCES, CHAPTER 15 –  
“BUILDINGS AND BUILDING REGULATIONS” ADOPTING LOCAL  
TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE;  
PROVIDING A FISCAL IMPACT STATEMENT; PROVIDING FOR  
APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the City of Palm Coast participates in the National Flood Insurance Program, adopting and administering floodplain management regulations in the Land Development Code; and

**WHEREAS**, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

**WHEREAS**, the City Council, previously adopted requirements (1) to increase the minimum elevation requirement in high risk flood hazard areas; (2) to limit partitioning of enclosed areas below elevated buildings and to limit access to enclosed areas; (3) to require buildings that sustain repetitive flood damage over a 10-year period to be included in the definition of “substantial damage;” and (4) to require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a 10-year period, for the purpose of participating in the National Flood Insurance Program’s Community Rating System, and, pursuant to section 553.73(5), F.S., is formatting those requirement to coordinate with the *Florida Building Code*; and

**WHEREAS**, words with underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (\* \* \*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

**SECTION 2. AMENDING CHAPTER 15, BUILDINGS AND BUILDING REGULATIONS.**  
Chapter 15 – “Buildings and Building Regulations” of the City Code of Ordinances, is hereby amended to add local technical amendments to the *Florida Building Code* as follows: .

**Sec. 15-28. – Technical Amendments to the Florida Building Code, Building**

In Section 202, Definitions, modify as follows:

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to August 19, 2008. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

In Section 1612, Flood Loads, add as follows:

**1612.4.2 Elevation requirements.** The minimum elevation requirements for coastal high hazard areas (Zone V) and Coastal A Zones shall be as specified in ASCE 24 or the base flood elevation plus 2 feet (610 mm), whichever is higher.

**1612.4.3 Additional requirements for enclosed areas.** In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators.

## **Sec. 15-29. – Technical Amendments to the Florida Building Code, Existing Building**

In Section 202, Definitions, modify as follows:

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to August 19, 2008. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the

structure's continued designation as a historic structure.

**Sec. 15-30. – Technical Amendments to the Florida Building Code, Residential**

In Section R322, modify as follows:

**R322.2.2 Enclosed areas below design flood elevation.** Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

*Remainder unchanged*

\* \* \*

**R322.3.2 Elevation requirements.**

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 2 feet ~~plus 1 foot (305 mm)~~ or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

\* \* \*

**R322.3.4 Walls below design flood elevation.** Walls ~~and partitions~~ are permitted below the elevated floor, provided that such walls ~~and partitions~~ are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa),

the construction documents shall include documentation prepared and sealed by a registered design professional that:

- 4.1. The walls ~~and partitions~~ below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.
- 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

**R322.3.5 Enclosed areas below the design flood elevation.** Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

**SECTION 3. FISCAL IMPACT STATEMENT.** In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

**SECTION 4. APPLICABILITY.** For the purposes of jurisdictional applicability, this ordinance shall apply to all applications for building permits in flood hazard areas submitted on or after the effective date.

**SECTION 5. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance.

**SECTION 6. 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 Ordinance 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 7. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Adopted on second reading after due public notice and hearing this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
WILLIAM E. REISCHMANN, JR., ESQ.  
CITY ATTORNEY



# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 04/03/2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	2736	<b>Account</b>
		<b>#</b>
<b>Subject</b>	ORDINANCE 2018-XX AMENDING SECTION 10.02 OF THE UNIFIED LAND DEVELOPMENT CODE RELATING TO FLOOD DAMAGE PROTECTION	

**Background :**  
**Update from the March 27, 2018 Workshop:**  
This item was heard by City Council at their March 27, 2018 Workshop. There were no changes suggested to this item.

**Original Background from the March 27, 2018 Workshop:**  
Since February 2002, the City of Palm Coast has participated in the National Flood Insurance Program (NFIP) administered by the Federal Emergency Management Agency (FEMA). Participation in the NFIP comes with a requirement to adopt the minimal standards of the program, originally satisfied by Ordinance adoption in 2001. In order for a citizen to buy flood insurance, a community must participate in the NFIP. Beyond the minimal standards of the NFIP, communities are encouraged to participate in the Community Rating System (CRS) program.

The CRS program recognizes and encourages communities for floodplain management activities that exceed NFIP standards. The CRS program ranks participants on a scale of 1 (best) to 10 (entry level) based on a points-achieved standard. The City’s participation has directly reduced flood insurance rates for most policies written for properties with the City. The following section provides a timeline of the City’s efforts to improve floodplain management efforts.

02/02/2002: Accepted into the NFIP  
05/01/2004: CRS Class 7 (15% premium reduction)  
07/17/2006: Effective Date of revised Flood Insurance Rate Maps  
08/19/2008: Unified Land Development Code adopted  
05/01/2009: CRS Class 6 (20% premium reduction)  
11/20/2014: CRS Class 5 (25% premium reduction)  
05/01/2017: CRS Class 4 (30% premium reduction). At time of 2017 Class change, there were only 12 other communities with a Class 4 or better designation in the entire United States.  
06/06/2018: Effective Date of revised Flood Insurance Rate Maps. The proposed ordinance references the upcoming effective date for the updated maps.

In the last few years, the Florida Building Code has gradually integrated flood regulations. To ensure ongoing consistency with the NFIP and FBC regulations, the Florida Division of Emergency Management (FDEM) created a “model ordinance” for Florida communities to maintain compliance with the NFIP. In the last year, City staff have worked with FDEM consulting staff to align the model ordinance with the City’s existing higher standards associated with the Community Rating System (CRS) program. The draft Ordinance(s) are the product of adapting the model ordinance to existing City regulations and standards.

In an effort to receive feedback from the development community, the Ordinance(s) were distributed to the Flagler County Association for Responsible Development (FCARD) stakeholders. Three meetings were conducted with FCARD on April 13, 2017, January 25, 2018, and February 15, 2018 along with subsequent updates and Ordinance(s) drafts. Over the course of these meetings and additional discussions, various changes to the Ordinance(s) associated with Section(s) 10.02 and 14.02 of the Unified Land Development Code (LDC) and Chapter 15 of the Code of Ordinances were requested by FCARD. At the February 21, 2018 Planning and Land Development Regulation Board (PLDRB) meeting, the FCARD requested changes to Section 10.02 of LDC were presented; however, additional changes have been requested and applied since the meeting. Staff will present these changes during the City Council Workshop.

Staff evaluated the following Comprehensive Plan Policies to determine if the proposed Ordinance(s) are consistent.

**Objective 6.1.12 – Floodplain Protection**

Maintain the hydrological and ecological function of floodplain areas by reducing loss of flood storage capacity and protecting the functional value of wetlands.

**Policy 6.1.12.1 –** The City shall enforce land development regulations and amend the LDC, as necessary, to specify limitations on the encroachment, setbacks, buffer zones, alteration and incompatible land uses in design storm event floodplains. At a minimum, the City shall include the following criteria as the basis for the protection of 100-year floodplains:

- A. Minimization of flood damage and related losses by prohibiting new development within 100-year floodplains unless the structures uses elevated lowest floors or flood proofing, and provide compensating storage.

- B. Protection of appropriate floodplain areas by land acquisition or conservation easements.

- C. Minimum standards for drainage from developments within 100-year floodplains to reduce impacts on adjoining properties or degradation of the quality of the receiving surface water bodies.

**Policy 6.1.12.2 –** The City shall continue to participate in the FEMA Community Rating Systems (CRS) program, which involves meeting higher than minimum National Flood Insurance Program (NFIP).

**Policy 6.1.12.3 –** The City's LDC shall be reviewed annually to ensure that it is consistent with the latest available regulations promulgated by the FEMA to reduce property damage and loss of life due to flooding.

**Policy 6.1.12.4 –** The City shall protect the natural functions of the 100-year floodplain so that the flood carrying and flood storage capacity are maintained by implementing and enforcing floodplain regulations and reviewing development proposals for the presence of impacts on floodplains.

Staff has determined that the proposed Ordinance(s) are consistent with all applicable Comprehensive Plan Policies.

Ordinance(s) Timeline Summary:

January 17, 2018 PLDRB Workshop

February 21, 2018 PLDRB Business Meeting: PLDRB Action – 6-0 vote – Recommend to City Council to approve the Ordinance to amend Section(s) 10.02 and 14.02 of the Unified Land Development Code.

**Recommended Action :**

Adopt Ordinance 2018-XX Amending Section 10.02 of the Unified Land Development Code relating to Flood Damage Protection

**ORDINANCE 2018- \_\_\_\_\_**  
**AMENDING SECTION 10.02 OF THE**  
**UNIFIED LAND DEVELOPMENT CODE**

**AN ORDINANCE OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE CITY’S UNIFIED LAND DEVELOPMENT CODE; REPEALING SECTION 10.02, “FLOOD DAMAGE PROTECTION” OF CHAPTER 10, ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION, AND REPLACING IT WITH NEW SECTION 10.02, “FLOODPLAIN MANAGEMENT” TO CLARIFY INTENT AND TO REFLECT CURRENT DEVELOPMENT TRENDS; AMENDING SECTION 14.02, “GLOSSARY” TO ADD, REVISE AND DELETE DEFINITIONS RELATING TO FLOODPLAIN TERMINOLOGY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Palm Coast and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

**WHEREAS**, the City of Palm Coast was accepted for participation in the National Flood Insurance Program on February 4, 2002 and the City of Palm Coast desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, the City Council has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the Florida Building Code as adopted by Ordinance 2008-14; and

**WHEREAS**, the City Council has determined that an amendment to Section 10.02 - Flood Damage Protection and related definitions in Section 14.02 - Glossary is warranted to remain consistent with the National Flood Insurance Program requirements; and

**WHEREAS**, the City’s Planning and Land Development Regulation Board (PLDRB) held a public meeting to hear public input and discuss these proposed revisions, and found the revisions to be consistent with the Comprehensive Plan; and

**WHEREAS**, at a meeting on February 21, 2018 the PLDRB voted 6-0 in favor of the proposed revisions; and

**WHEREAS**, the City Council of Palm Coast has determined to revoke the previous Section 10.02 and replace it with the following text as shown below; and

**WHEREAS**, words with underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (\* \* \*) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. LEGISLATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

**SECTION 2. REPEALING SECTION 10.02 – “FLOOD DAMAGE PROTECTION” AND REPLACING IT WITH SECTION 10.02 – “FLOODPLAIN MANAGEMENT” OF THE UNIFIED LAND DEVELOPMENT CODE.** Section 10.02 – Flood Damage Protection is hereby repealed and replaced by the following:

## **Sec. 10.02 Floodplain Management**

### **10.02.01 Administration**

- A. General.** These regulations shall be known as the Floodplain Management Ordinance of the City of Palm Coast, hereinafter referred to as “this article.”
- B. Scope.** The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

### **10.02.02 Reserved.**

### **10.02.03 Intent.**

- A.** The purposes of this article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public

health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
  3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  5. Minimize damage to public and private facilities and utilities;
  6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- B. **Coordination with the Florida Building Code.** This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- C. **Warning.** The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guarantee of vested use, existing use, or future use is implied or expressed by compliance with this article.
- D. **Disclaimer of Liability.** This article shall not create liability on the part of City Council of the City of Palm Coast or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

#### 10.02.04      **Applicability**

- A. **General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. **Areas to which this article applies.** This article shall apply to all flood hazard areas within the City of Palm Coast as established in Section 10.02.04.C of this article.

- C. Basis for establishing flood hazard areas.** The Flood Insurance Study for Flagler County, Florida and Incorporated Areas dated June 6, 2018 and any subsequent revisions, and the accompanying Flood Insurance Rate Maps (FIRM), are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Palm Coast Community Development Department, 160 Lake Avenue, Palm Coast, Florida 32164.
- D. Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to Section 10.02.07 of this article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the Floodplain Administrator indicates that ground elevations:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as a flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
  2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- E. Other Laws.** The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.
- F. Abrogation and greater restrictions.** This article supersedes any article in effect for management and development in flood hazard areas. However, it is not intended to repeal or abrogate any other provisions of existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between these regulations and any other regulation, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.
- G. Interpretation.** In the interpretation and application of this article, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **10.02.05 Duties and Powers of the Floodplain Administrator**

- A. Designation.** The Land Use Administrator is designated the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. General.** The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies, and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to Section 10.02.09 of this article.



- C. Applications and permits.** The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed development will be located in flood hazard areas;
  2. Review applications for modifications of any existing development in flood hazard areas for compliance with the requirements of this article;
  3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  4. Provide available flood elevation and flood hazard information;
  5. Determine whether additional flood hazard data shall be obtained from other sources which shall be developed by an applicant;
  6. Review applications to determine whether proposed development will be reasonably safe from flooding;
  7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
  8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.
- D. Substantial improvements and substantial damage determinations.** For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall;
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before the repairs are made;
  2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  3. Determine and document whether the proposed work constitutes substantial improvements or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement”; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of “substantial damage”;

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this article is required.
- E. **Modifications of the strict application of the requirements of the Florida Building Code.** The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 10.02.09 of this article.
- F. **Notices and orders.** The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.
- G. **Inspections.** The Floodplain Administrator shall make the required inspections as specified in Section 10.02.08 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. **Other duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to:
  1. In coordination with the Building Official, review all permits for construction within the Special Flood Hazard Areas to ensure that the proposed project meets the flood resistant construction requirements of the *Florida Building Code*, including elevation requirements;
  2. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 10.02.05.D of this article;
  3. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
  4. Require applicants, who submit hydrologic and hydraulic engineering analyses to support permit applications, to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
  5. Review required design certifications and documentation of elevations specified by this article and the Florida Building Code to determine that such certifications and documentations are complete. Elevation certificates shall be provided at three stages, 1) construction drawings, 2) building under construction, and 3) finished construction;
  6. Notify the Federal Emergency Management Agency (FEMA) when the corporate boundaries of the City of Palm Coast are modified; and
  7. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction;

areas subject to this limitation are identified on Flood Insurance Rate Maps as “Coastal Barrier Resource System Areas” and “Otherwise Protected Areas.”

- I. **Floodplain management records.** Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City of Palm Coast.

#### 10.02.06 Permits

- A. **Permits required.** Any owner or owner’s authorized agent (hereinafter “applicant”) who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.
- B. **Floodplain development permits or approvals.** Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. **Buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:
1. Railroads and ancillary facilities associated with the railroad.
  2. Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
  3. Temporary buildings or sheds used exclusively for construction purposes.
  4. Mobile or modular structures used as temporary offices.
  5. Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.

6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
  7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site, and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
  8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
  9. Structures identified in Section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- D. Application for a permit or approval.** To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the City of Palm Coast. The information provided shall:
1. Identify and describe the development to be covered by the permit or approval.
  2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
  3. Indicate the use and occupancy for which the proposed development is intended.
  4. Be accompanied by a site plan or construction documents as specified in Section 10.04.07.
  5. State the valuation of the proposed work.
  6. Be signed by the applicant or the applicant’s authorized agent.
  7. Give such other data and information as required by the Floodplain Administrator.
- E. Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of this community. The issuance shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- F. Expiration.** A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- G. Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of the City.
- H. Other permits.** Floodplain development permits and building permits shall include a condition or disclaimer that all other applicable state or federal permits be obtained by the applicant before

commencement of the permitted development. Such permits may include but not limited to the following:

1. The St. Johns Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
5. Federal permits and approvals.

#### **10.02.07 Site Plans and Construction Documents**

**A. Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries, 25-foot floodway setback, flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 10.02.07.B.2 or Section 10.02.07.B.3 of this article.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 10.02.07.B.1 of this article.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

**B. Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source, or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation data and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

**C. Additional analyses and certifications.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway or within the 25-foot floodway setback, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analyses to FEMA as specified in Section 10.02.07.D of this article and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone "O" or Zone "AH".
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 10.02.07.D of this article.

- D. Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant shall seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

#### **10.02.08 Inspections**

- A. General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. Development other than buildings and structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
- C. Buildings, structures and facilities exempt from the *Florida Building Code*.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.
- D. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
- 1.** If a design flood elevation was used to determine the required elevation of the lowest floor, certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
  - 2.** If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 10.02.07.B.3.b of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- E. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 10.02.08.D of this article.
- F. Manufactured homes.** The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

#### **10.02.09 Variances and Appeals**

- A. General.** The Land Use Administrator and the City of Palm Coast Planning and Land Development Regulation Board shall hear and decide on requests for appeals and the Planning and Land Development Regulation Board shall hear requests for variances from the strict application of this article. Pursuant to Section 553.73(5), F.S., the Planning and Land



Development Regulation Board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

- B. Appeals.** Same process as set out in Section 2.16, of the Land Development Code.
- C. Limitations on authority to grant variances.** The Planning and Land Development Regulation Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 10.02.09.H of this article, the conditions of issuance set forth in Section 10.02.09.I of this article, and the comments and recommendations of the Land Use Administrator, Floodplain Administrator and the Building Official. The Planning and Land Development Regulation Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.
- D. Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 10.02.07.C of this article.
- E. Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- F. Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of Section 10.02.09.D, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. Alteration of sand dunes or mangrove stands in coastal high hazard areas.** A variance shall not be issued for any proposed alteration of sand dunes or mangrove stands in coastal high hazard areas (Zone V) unless the applicant submits, and the City approves, an engineering analysis that demonstrates the proposed alteration will not increase the potential for flood damage or the potential for erosion. Any such variance shall not be issued unless the proposed alteration is approved by the Florida Department of Environmental Protection. This limitation shall not apply to mangrove stands within City canals.
- H. Considerations for issuance of variances.** In reviewing requests for variances, the Planning and Land Development Regulation Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, Land Development Code and this article, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
  2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development with existing and anticipated development;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets, and bridges.

**I. Conditions for issuance of variances.** Variances shall be issued only upon:

1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards.
2. Determination by the Planning and Land Development Regulation that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. Literal interpretation of the provision of this Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Land Development Code and would result in unnecessary and undue hardship on the applicant;
  - c. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances;
  - d. The variance is the minimum necessary, considering the flood hazard, to afford relief;
  - e. The special conditions and circumstances are not self-imposed and do not result from the actions of the applicant; and
  - f. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of Court in such a manner that it appears in the chain of title of the affected parcel of land;
  - g. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the

variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property;

- h. The proposed development must not be in conflict with or contrary to the public interest;
- i. The proposed development must be consistent with the Comprehensive Plan and the provisions of this Land Development Code;
- j. The proposed development must not impose a significant financial liability or hardship for the City;
- k. The proposed development must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants; and
- l. The proposed development must comply with all other applicable local, state, and federal laws, statutes, ordinances, regulators, or codes.

#### **10.02.10 Violations**

- A. Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- B. Authority.** For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation of a stop work order, except such work as that a person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

#### **10.02.11 Flood Resistant Development Design and construction of buildings, structures and facilities exempt from the Florida Building Code.**

- (i) Pursuant to Section 10.02.06.C of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 10.02.17 of this article.

#### **10.02.12 Subdivisions**

**A. Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**B. Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries, 25-foot floodway setback, flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. All subdivisions where the base flood elevation is not included on the FIRM, the base elevations are determined in accordance with Section 10.02.07.B.1. of this article; and
3. Compliance with the site improvement and utilities requirements of Section 10.02.13 of this article.
4. Any reduction in the water-holding capacity of the flood hazard area caused by development, structures, and site improvements shall be compensated such that no increase in water surface elevations, peak discharges, or velocities occurs either upstream, downstream, or in the vicinity of the site during occurrence of flood events up to and including the base flood. The compensatory storage shall be located within the same defined floodplain's hydrologic sub basin as the placement of the fill. Technical data providing evidence of the equivalency of the compensatory storage shall be submitted to the City.
5. Applicant shall ensure that technical data reflecting base flood elevation changes or flood hazard area boundary changes are submitted to Federal Emergency Management Agency, with the City's endorsement, for a conditional Flood Insurance Rate Map revision. Prior to approval of final plat, an issued Letter of Map Change determination from FEMA is required.

#### **10.02.13 Site Improvements, Utilities and Limitations**

**A. Minimum requirements.** All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**B. Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste

disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

- C. Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- D. Compensatory storage.** Any reduction in the water-holding capacity of the flood hazard area caused by development, structures, and site improvements shall be compensated such that no increase in water surface elevations, peak discharges, or velocities occurs either upstream, downstream, or in the vicinity of the site during occurrence of flood events up to and including the base flood. The compensatory storage shall be located within the same defined floodplain's hydrologic sub basin as the placement of the fill. Technical data providing evidence of the equivalency of the compensatory storage shall be submitted to the City.
- E. Limitations on sites in regulatory floodways and 25-foot floodway setback.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway or 25-foot floodway setback unless the floodway encroachment analysis required in Section 10.02.07.C.1 of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- F. Limitations on placement of fill.** Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- G. Limitations on sites in coastal high hazard areas (Zone V).** In coastal high hazard areas, alteration of sand dunes and mangrove stands shall not be permitted. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 10.02.17.I.3 of this article.

#### **10.02.14 Manufactured Homes**

- A. General.** Manufactured homes shall not be installed in floodways and 25-foot floodway setback except in an existing manufactured home park or subdivision. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, F. S. and shall comply with the requirements of Chapter 15C-1, F. A. C. and the requirements of this article.
- B. Foundations** All manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
  - 1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this article. Foundations for manufactured homes subject to Section 10.02.14.F of this article are permitted to be reinforced piers or other foundation elements of at least equal strength.

2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this article.
- C. **Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over the top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
- D. **Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 10.02.14.E or Section 10.02.14.F of this article, as applicable.
- E. **General elevation requirement.** Unless subject to the requirements of Section 10.02.14.F of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located:
  1. Outside of a manufactured home park or subdivision;
  2. In a new manufactured home park or subdivision;
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code Residential Section R322.2 (Zone A) or Section R322.3 (Zone V).
- F. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 10.02.14.E of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:
  1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code Residential Section R322.2 (Zone A) or Section R322.3 (Zone V); or
  2. Bottom of frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.
- G. **Enclosures.** Enclosed areas below elevated manufactured shall comply with the requirements of the Florida Building Code Residential Section R322.2 or Section R322.3 for such enclosed areas, as applicable to the flood hazard area.
- H. **Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

#### **10.02.15 Recreational Vehicles and Trailer Parks**

- A. **Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
  1. Be prohibited to park or store a recreational vehicle for more than a total of three (3) days,

or any part thereof in any consecutive seven (7) day period on a residential driveway; or

2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

**B. Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations in Section 10.02.15.A of this article for temporary placement shall meet the requirements of Section 10.02.14 of this article for manufactured homes.

#### 10.02.16 Tanks

**A. Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

**B. Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Section 10.02.16.C of this article shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy, assuming the tank is empty, and the effects of flood-borne debris.
2. Not be permitted in coastal high hazard areas (Zone V).

**C. Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

**D. Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

#### 10.02.17 Other Development

**A. General requirements for other development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 10.02.13.E of this article if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;



4. Be constructed of flood damage-resistant materials; and
  5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- B. Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 10.02.13.E of this article.
- C. Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 10.02.13.E of this article.
- D. Roads and watercourse crossings in regulated floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways, shall meet the limitations of Section 10.02.13.E of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 10.02.07.C.3 of this article.
- E. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).** In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
1. Structurally independent of the foundation system of the building or structure;
  2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
  3. Have a maximum slab thickness of not more than four (4) inches.
- F. Decks and patios in coastal high hazard areas (Zone V).** In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
  2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
  3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional

demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

**G. Other development in coastal high hazard areas (Zone V).** In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

**H. Nonstructural fill in coastal high hazard areas (Zone V).** In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

## **10.02.18 Critical Facilities**

- A. New critical facilities shall be directed and sited away from special flood hazard areas. A critical facility shall have at least one (1) access road connected to land outside the special flood hazard area that is capable of supporting a 4,000-pound vehicle. The top of the road shall be no lower than six (6) inches below base flood elevation.
- B. New critical facilities constructed within a Special Flood Hazard Area without a determined base flood elevation shall not be constructed unless base flood elevations are determined and certified data is provided from a Florida licensed professional engineer. The technical data shall

be submitted to the Federal Emergency Agency with the City's endorsement for a Letter of Map Change to remove the entire project area from the Special Flood Hazard Area. Prior to close out of the permit, a Letter of Map Change determination shall be submitted to the Floodplain Administrator.

**SECTION 3. AMENDMENT TO SECTION 14.02. – “GLOSSARY” OF CHAPTER 14 – GLOSSARY OF THE UNIFIED LAND DEVELOPMENT CODE.** Section 14.02. - “Glossary” of the City of Palm Coast Unified Land Development Code is hereby amended as follows:

**Sec. 14.02. Glossary**

~~Addition (to an existing building):~~ Relating to flood damage protection, this term means any walled and roofed expansion to the perimeter of a building in which a common load-bearing wall other than a firewall connects the addition. Any walled and roofed addition connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Alteration of a watercourse: A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal: Relating to flood damage protection, means a request for review of the Floodplain Administrator's interpretation of any provision of Section 10.02. ~~this term means any walled and roofed expansion to the perimeter of a building in which a common load-bearing wall other than a firewall connects the addition. Any walled and roofed addition connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.~~

ASCE 24: A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood: A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation: The elevation of flood having a one percent chance of being equaled or exceeded in any given year, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map.

Basement: That portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall: ~~A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.~~

Coastal high hazard area: Relating to flood damage protection, this term means ~~an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.~~ a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

~~*Coastal velocity hazard area:* An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.~~

*Compensatory storage (floodplain):* An artificially excavated hydraulically equivalent volume of storage used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

~~*Construction, existing:* See *Structure, existing*.~~

*Construction, new:* Relating to flood damage protection and the flood resistant requirements of the Florida Building Code, this term means any ~~Any~~ structure for which the "start of construction" commenced after February 5, 1986, or standard based upon specific technical base flood elevation data that establishes the area of special flood hazard. The term also includes any subsequent improvements to such structure.

~~*Construction, start of (other than new construction or substantial improvements under the Coastal Barrier Resources Act Title 16, Chapter 55, United States Code):*~~ Relating to flood damage protection, this term includes substantial improvement and means the date the building permit was issued for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building including, but not limited to, a manufactured home and mobile home on a site such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home or mobile home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units and are not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Critical facilities:* Any facility that, if flooded or impacted by a natural disaster, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to, hospitals, nursing homes, police stations, fire stations, emergency operation centers, chemical or hazardous materials storage facilities, and utility facilities. The term includes facilities that are assigned Flood Design Class 3 and Flood Design Class 4 pursuant to the Florida Building Code, Building.

*Design flood:* The flood associated with the greater of the following two areas:

- (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Design flood elevation:* The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

*Development:* Relating to flood damage protection, this term means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, tanks, mining, dredging, filling, grading, paving, excavating, drilling operations, or temporary or permanent storage of materials or equipment or other land disturbing activities.

~~*Elevated building:* A nonbasement building built to have the lowest floor elevated above the ground level by solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.~~

~~*Elevation:* The placement of a structure above flood level to minimize or prevent flood damages.~~

~~*Encroachment:* The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.~~

~~*Flood or flooding:* A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~(1) The overflow of inland or tidal waters; or~~
- ~~(2) The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~*Flood control:* Keeping floodwaters away from specific developments or populated areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works.~~

~~*Flood damage-resistant materials:* Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.~~

~~*Flood elevation study:* See Flood insurance study.~~

~~*Flood fringe:* Relating to flood damage protection, this term means the portion of the floodplain that lies beyond the floodway and serves as a temporary storage area for floodwaters during a flood. This section receives waters that are shallower and of lower velocities than those of the floodway.~~

~~*Flood hazard area:* The greater of the following two areas:~~

- ~~(1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.~~
- ~~(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.~~

~~*Flood hazard boundary map (FHBM):* Relating to flood damage protection, this term means an official map of a community issued by the Federal Emergency Management Agency that defines the boundaries of the areas of special flood hazard as Zone A.~~

~~*Flood insurance rate map:* An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~

~~*Flood insurance study:* The official report provided by the Federal Emergency Management Agency. It is an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, elevation, and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.~~

~~*Floodplain:* Any land area susceptible to being inundated by water from any source. Also, see definition of flood or flooding.~~

~~*Floodplain Administrator:* The office or position designated and charged with the administration and enforcement of this article (may be referred to as the Floodplain Manager).~~

~~*Floodplain development permit or approval:* An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.~~

~~*Floodplain variance:* See *Variance, floodplain.*~~

~~*Flood prone:* See *Floodplain.*~~

~~*Floodproofing:* Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water, and sanitary facilities, structures and their contents.~~

~~*Floodwall:* Relating to flood damage protection, this term means a constructed barrier of resistant material, such as concrete or masonry block, designed to keep water away from structure.~~

~~*Floodway:* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~

~~*Floodway encroachment analysis:* An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.~~

~~*Floor:* The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction.~~

~~*Floor, lowest:* The lowest floor of the lowest enclosed area (including, but not limited to, basement). An unfinished or flood-resistant enclosure used solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building's lowest floor, provided such enclosure is not built to render the structure in violation of the nonelevation design standards of Chapter 10. In Coastal High Hazard Areas, the lowest floor is considered the horizontal structure member of that floor.~~

~~*Floor, lowest:* The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.~~

~~*Florida Building Code (FBC):* The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.~~

~~*Footing:* Relating to flood damage protection, this term means the enlarged base of a foundation wall, pier, or column, designed to spread the load of the structure so that it does not exceed the soil bearing capacity.~~

~~*Foundation walls:* Relating to flood damage protection, this means a support structure that connects the foundation to the main portion of the building or superstructure.~~

~~*Freeboard:* Relating to flood damage protection, this term means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.~~

~~*Functionally dependent use:* A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities. ~~*-and/or water dependent facility:* Relating to flood damage protection, this term means a use and/or facility that cannot be used for its intended purpose, unless it is located or carried out in close proximity to water, such as a docking or port use and facility necessary~~~~

for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities and uses.

*Grade, highest adjacent:* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a building.

~~*Grade, slab on:* Relating to flood damage protection, this term means a structural design where the first floor sits directly on a poured concrete slab that sits directly on the ground.~~

*Historic structure:* Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings. Any structure that is:

- ~~(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~
- ~~(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~(3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or~~
- ~~(4) Individually listed on a local inventory of historic places in communities with historic preservation programs certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.~~

~~*Improvement, substantial:* Any combination of repairs, reconstruction, rehabilitation, alteration, additions or improvements to a structure taking place ten years from the date of such action in which the cumulative cost equals or exceeds 50 percent of the market value before the start of construction of the improvement of the structure. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. However, the term does not include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications identified by the Land Use Administrator and which are solely necessary to assure safe living conditions. This term does not include any alteration of a "historic structure", provided the alteration will not preclude the structure's continued designation as an "historic structure."~~

~~*Independent scientific body:* Relating to flood damage protection, this term means a nonfederal technical or scientific organization involved in the study of land use planning, floodplain management, hydrology, geology, geography, or any other related field of study concerned with flooding.~~

*Letter of Map Change (LOMC):* An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include, but not limited to:

- (1) *Letter of Map Amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.



- (2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

~~Levee: Relating to flood damage protection, this term means a man-made structure; usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or diverts the flow of water to provide protection from temporary flooding.~~

~~Level of protection: Relating to flood damage protection, this term means the greatest flood level against which a protective measure is designed to be fully effective.~~

Light-duty truck: As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

~~Loss, repetitive: Relating to flood damage protection, this term means two flood-related losses within a ten-year period, when combined, must equal or exceed 50 percent of market value.~~

~~Mangrove stand: An assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (Avicennia nitida); red mangrove (Rhizophora mangle); white mangrove (Longunculariaracemosa); and buttonwood (Conocarpus erecta).~~

~~Manufactured home: A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." A mobile home fabricated on or after June 15, 1976 in an off-site manufacturing facility for installation or assembly at the building site, which each section bears the insignia of the State Department of Community Affairs. A structure that is transportable in one or more sections and built on a permanent chassis designed to be used with a permanent foundation when connected to the required utilities. The term shall not include recreational vehicles. Relating to flood damage protection, the term means a building, transportable in one or more sections, built on a permanent chassis designed for use with or without a permanent foundation when connected to the required~~

~~utilities. The term also includes park trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.~~

*Manufactured home (mobile home) park/subdivision, existing:* Relating to flood damage protection, this term means a manufactured home (mobile home) park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes (mobile homes) are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 5, 1986 or standard based upon specific technical base flood elevation data which established the area of special flood hazard.

*Manufactured home/mobile home/park/subdivision, expansion to an existing:* Relating to flood damage protection, this term means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes (mobile homes) are to be affixed (including the minimum installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 5, 1986.

*Manufactured home/mobile home park/subdivision, new:* Relating to flood damage protection, this term is defined as a manufactured (mobile home) park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes (mobile homes) are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 5, 1986.

~~*Manufactured home/mobile home park/subdivision, substantially improved existing:* Where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.~~

*Market value:* Relating to flood damage protection, this term means the Property Appraiser's 'Just Value' of the structure, excluding the land, or an appraisal of the structure by a qualified independent appraiser ~~certified property appraiser~~. For the purposes of determining "substantial damage" per incident, the market value is the value prior to the damage occurring. For purposes of determining "substantial improvements", the market value is the value prior to the start of construction of each improvement.

*Market value:* The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

~~*Mean sea level:* The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. Relating to flood damage protection, this term is synonymous with 'National Geodetic Vertical Datum' (NGVD).~~

~~*Mobile home:* A structure, transportable in one or more sections, which is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. This structure is required to bear the insignia of the U.S. Department of Housing and Urban Development (HUD). Relating to flood damage protection, this term means a building that is transportable in one or more sections and built on a permanent chassis designed for use with or without a permanent foundation when connected to the required utilities. The term also includes park trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.~~

~~*National Geodetic Vertical Datum (NGVD):* Relating to flood damage protection, this term means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.~~

*One hundred (100)-year flood elevation:* See *Base flood elevation*.

*Park trailer:* A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

~~*Post:* Relating to flood damage protection, this term means long upright support units for a building that are set in pre-dug holes and backfilled with compacted material. Each post usually requires bracing to other units. They are also known as columns, although they are usually made of wood.~~

~~*Primary frontal dune:* Relating to flood damage protection, this term means a continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.~~

*Recreational vehicle:* Relating to flood damage protection, this term means a vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~*Relocation:* Relating to flood damage protection, this term means the moving of a structure from a flood area to a new location, normally to one where there is not threat of flooding.~~

~~*Repetitive loss:* See *Loss, repetitive*.~~

~~*Retrofitting:* Relating to flood damage protection, this term means floodproofing measures taken on an existing structure.~~

~~*Riprap:* Relating to flood damage protection, this term means broken stone, cut stone blocks, or rubble placed on slopes to protect them from erosion or scouring caused by floodwaters or wave action.~~

*Riverine:* Relating to flood damage protection, this term means relating to, formed by, or resembling a river including, but not limited to, tributaries, stream, brook, etc.

~~*Runoff:* Relating to flood damage protection, this term means that portion of precipitation that is not intercepted by vegetation, absorbed by the land surface, or evaporated, and thus flows overland into a depression, stream, lake, or ocean (runoff, called immediate subsurface runoff, also takes place in the upper layers of the soil).~~

*Sand Dunes:* Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

*Setback, 25-foot floodway:* The area between the outer boundary of the regulatory floodway associated with natural named wetland systems including, but not limited to Big Mulberry Branch and Bulow Creek shown on the FIRM and a line parallel thereto at a distance of 25 feet. The purpose of the 25-foot floodway setback is to minimize encroachments to protect floodplain storage and natural floodplain functions.

~~*Setback, 30-year:* Relating to flood damage protection, this term means a distance equal to 30 times the average annual long-term recession rate at a site measured from the reference feature.~~

~~Shallow flooding, areas of: A designated AO, AH, AR/AO, AR/AH or VO Zone on a community's FIRM with a one percent or greater annual chance of flooding to an average depths of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~Sheet flow (area): See shallow flooding, areas of.~~

~~Slab on grade: See Grade, slab on.~~

~~Special flood hazard areas: The land in the flood plain within a community subject to a one percent or greater change of flooding in any given year. An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.~~

~~Start of construction: See Construction, start of.~~

~~Structure: Anything constructed, installed or portable, the use of which requires a location on a parcel of land, such as buildings, manufactured homes, mobile homes, fences, billboards, swimming pools, poles, pipelines, transmission lines, advertising signs, a gas or liquid storage tank, seawall, bulkhead, revetment, or other man-made facilities or infrastructure. Relating to flood damage protection, this term means a walled and roofed building, including, but not limited to, a gas or liquid storage tank that is principally above ground, including, but not limited to, a manufactured home and mobile home. For the purposes of Subsection 4.01.05—Residential Docking Facilities along Saltwater and Freshwater Canals (and Intracoastal Waterway, as applicable) and Section 4.16—Marinas, this term means anything constructed or otherwise located or operated on or over water, extended over water, or affixed to something that is or will be located on the ground and covered by water, or is located on land and is an essential part of the operation or an integral system of the marina such as, by way of example only, fuel and electrical systems.~~

~~Structure, existing and Building, existing: Relating to flood damage protection, this term means any structure or building for which the "start of construction" commenced before February 5, 1986 or standard based upon specific technical base flood elevation data that establishes the area of special flood hazard.~~

~~Substantial damage: Relating to flood damage protection, this term means damage of any origin including, but not limited to, a gas or liquid storage tank that is principally above ground including, but not limited to, a manufactured home and mobile home.~~

~~Substantial damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.~~

~~Substantial improvement: Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to August 19, 2008. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.~~

- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

~~Substantial improvement: See Improvement, substantial.~~

~~Thirty (30) year setback: See Setback, 30 year.~~

*Variance, floodplain:* Relating to flood damage protection, this term means a grant of relief from the requirements of this Section 10.02 or the flood resistant construction requirements of the Florida Building Code that permits construction in a manner otherwise prohibited by this Section 10.02 or the flood resistant construction requirements of the Florida Building Code ~~where specific enforcement would result in unnecessary hardship.~~

*Venting:* ~~Relating to flood damage protection, this term means a system designed to allow floodwaters to enter an enclosure, usually the interior of foundation walls, so that the rising water does not create a dangerous differential in hydrostatic pressure. This is usually achieved through small openings in the wall, such as a missing or rotted brick, or concrete block, or small pipe.~~

*Violation, remedy a:* ~~Relating to flood damage protection, this term means to bring the structure or other development into compliance with state or local floodplain management regulations or if this is not possible, to reduce the impacts of its noncompliance. Ways to reduce impact include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.~~

*Water dependent facility:* ~~A use and/or facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port use and facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities and uses.~~

*Watercourse:* A natural or artificial channel in which a flow of water occurs either continually or intermittently.

*Watershed:* ~~Relating to flood damage protection, this term means an area that drains to a single point. In a natural basin, this is the area contributing flow to a given place or stream.~~

*Water table:* ~~Relating to flood damage protection, this term means the uppermost zone of water saturation in the ground.~~

*Water surface elevation:* The height, in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) of 1988, or other datum specified on the Flood Insurance Rate Map (FIRM, of floods of various magnitudes and frequencies in the floodplains of coastal and riverine areas.

*Zone of imminent collapse:* ~~Relating to flood damage protection, this term means an area subject to erosion adjacent to the shoreline of an ocean, bay, or lake and within a distance equal to ten feet plus five times the average annual long-term erosion rate for the site measured from the reference feature.~~

**SECTION 4. APPLICABILITY.** For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Palm Coast, Florida. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

**SECTION 5. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance 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 Ordinance.

**SECTION 6. 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 Ordinance 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 7. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this 3<sup>rd</sup> day of April 2018.

Adopted on second reading after due public notice and hearing this 17th day of April 2018.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
WILLIAM E. REISCHMANN, JR. ESQ.  
CITY ATTORNEY

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 04/03/2018

<b>Department</b>	PLANNING	<b>Amount</b>
<b>Item Key</b>	2741	<b>Account</b>
		<b>#</b>
<b>Subject</b>	RESOLUTION 2018-XX A PROPOSED AMENDMENT TO THE WIRELESS MASTER PLAN TO INCLUDE A PORTION OF PROPERTY LOCATED AT FIRE STATION #24, 1505 PALM HARBOR PARKWAY	
<b>Background :</b> <b><u>Update from the March 27, 2018 Workshop:</u></b> This item was heard by City Council at their March 27, 2018 Workshop. There were no changes suggested to this item.  <b><u>Original Background from the March 27, 2018 Workshop:</u></b> City Council approved the City's <i>Wireless Master Plan</i> as Resolution #2018-15 on January 16, 2018. The <i>Wireless Master Plan</i> supports the City's new Telecommunication Ordinance, adopted on February 6, 2018 per Ordinance #2018-02. Sites within the <i>Wireless Master Plan</i> are allowed administrative approval provided they meet applicable Federal, State and Building Code requirements.  A major carrier is interested in locating on the site located at Fire Station #24. Staff, working with Diamond representatives, developed a conceptual design limited to no greater than 75' by 75' footprint, with a 24' wide access point, adjacent to the current lift station near Fire Station #24. The footprint is designed to be as compact and non-intrusive as possible, to allow future lift station expansion and or other future uses on the 7.22 acre site.  Please note that any tower proposals within the <i>Wireless Master Plan</i> amendment are also subject to City Council lease approval.		
<b>Recommended Action:</b> Approve Resolution 2018-XX amending the Wireless Master Plan to include a portion of Fire Station #24, located at 1505 Palm Harbor Parkway, as Site #30 in the City's Wireless Master Plan.		



**RESOLUTION 2018-\_\_\_\_**  
**AMENDMENT TO THE WIRELESS MASTER PLAN**

**A RESOLUTION BY THE CITY COUNCIL OF THE  
CITY OF PALM COAST, FLORIDA, APPROVING  
AN AMENDMENT TO THE CITY-WIDE WIRELESS  
MASTER PLAN; PROVIDING FOR CONFLICTS;  
PROVIDING FOR SEVERABILITY; AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City entered into a contract with Diamond Communications to assist the City with a comprehensive solution to improve the City's wireless infrastructure; and

**WHEREAS**, the City and Diamond together developed a City-wide Wireless Master Plan for the City; and

**WHEREAS**, the City desires to amend the Wireless Master Plan to include an additional site near Fire Station #24.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF  
PALM COAST, FLORIDA:**

**SECTION 1. AMENDMENT OF THE WIRELESS MASTER PLAN.** The City Council of the City of Palm Coast hereby approves the amendment to the City-wide Wireless Master Plan, adopted by Resolution 2018-15, as attached hereto and incorporated herein by reference as Exhibit "A".

**SECTION 2. CONFLICTS.** All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution 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 Resolution.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage and adoption.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, this 3<sup>rd</sup> April 2018.

ATTEST:

CITY OF PALM COAST, FLORIDA

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Virginia A. Smith, City Clerk

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Milissa Holland, Mayor

Attachment: Exhibit A – City Wireless Plan Amendment

Approved as to form and legality

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William E. Reischmann, Jr., Esq.



## WIRELESS MASTER PLAN AMENDMENT March 27, 2018

### OVERVIEW

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Property Owner:	City of Palm Coast
Location:	Generally located on the northwestern corner of Palm Harbor Drive and Farmsworth Drive.
Parcel ID #:	07-11-31-7009-RP0F-00010 (a portion thereof)
Current FLUM designation:	Greenbelt
Current Zoning designation:	PSP
Current Use:	Vacant
Size of subject property:	7.22 acres
Proposed Tower site:	75' by 75' footprint, approximately 5,625 SF.

### ANALYSIS

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#### REQUESTED ACTION

To amend the City's *Wireless Master Plan* to include "Site 8-D" a portion of the property on which Fire Station #24 is located.

#### BACKGROUND

On January 16, 2018 the City Council adopted a Wireless Master Plan as a result of Resolution 2018-05. The stated goals of the Wireless Master Plan are to:

- Improve service for City residents and businesses by reducing coverage gaps;
- Enhance the capacity of wireless networks within the City;
- Optimize deployment of equipment and technologies;
- Encourage towers on suitable publically owned sites.

The *Wireless Master Plan* supports the City's new Telecommunication Ordinance, adopted on February 6, 2018 per Ordinance #2018-02. Sites within the *Wireless Master Plan* may be administratively approved; however, these sites must still meet applicable Federal, State and Building Code requirements.

City staff reviewed property owned by the City of Palm Coast, along with other public sites within deficit areas to determine the most suitable parcels from a land use, environmental and feasibility perspective.

## PROPOSED AMENDMENT

A major wireless carrier has expressed specific interest in the Fire Station #24 location. This interest prompted staff to conduct a detailed, secondary review of the site.

Fire Station #24 was considered as part of the original site review process, however, some additional study was required to determine site feasibility. This study included additional field trips and an environmental review to evaluate onsite conditions. A detailed environmental analysis is attached to this report.

Staff, working with Diamond representatives, developed a conceptual design limited to no greater than 75' by 75' footprint, with a 24' wide access point, adjacent to the current lift station near Fire Station #24. The footprint is designed to be as compact and non-intrusive as possible, to allow future lift station expansion and or other future uses on the 7.22 acre site.

Please note that any amendments to the *Wireless Master Plan* amendment are also subject to City Council lease approval.

## AMENDMENT ATTACHMENTS:

- 1) Draft Resolution;
- 2) Staff Summary;
- 3) Environmental Site Analysis;
- 4) Area map;
- 5) Fire Station location map;
- 6) Conceptual map.

## RECOMMENDATION

Staff recommends the proposed amendment to the City's *Wireless Master Plan* based on the following conditions:

1. The site footprint is limited to an approximate 75' by 75' footprint as generally depicted,
2. The site footprint be located as close to existing facilities as possible (namely the lift station) so as to preserve the balance of the site for future use, and
3. Access to the site be limited to Farmsworth Drive.
4. Consistency with City's *Wireless Master Plan* height, design and setback requirements.



# City of PALM COAST

## Community Development Department

160 Lake Avenue  
Palm Coast, FL 32164  
386-986-3736

To: Jim Landon, City Manager

From: Denise Bevan, City Administration Coordinator

CC: Debbie Streichsbier, Compensation and Training Manager

Donald Schrager, Construction Site Supervisor

RE: Fire Station #24 (Farmsworth) Site Inspection Results

On February 15, 2018, a site inspection of the vacant area associated with Fire Station #24 (PIN: 07-11-31-7009-RP0F-00010) was performed. As part of the due diligence associated with potential construction of a communications tower, staff focused on the following attributes:

- 1) Evaluate onsite conditions and inventory observations of concern
- 2) Determine the extent of wetland resources pursuant State of Florida Unified Wetland Delineation Methodology (Section 62-340, FAC) and US Corps of Engineers Wetland Delineation Manual (1987) and 2008 Corps Interim Regional Supplement to the Corps Wetland Delineation Manual
- 4) Floodplain determination
- 5) Cultural and historical resources

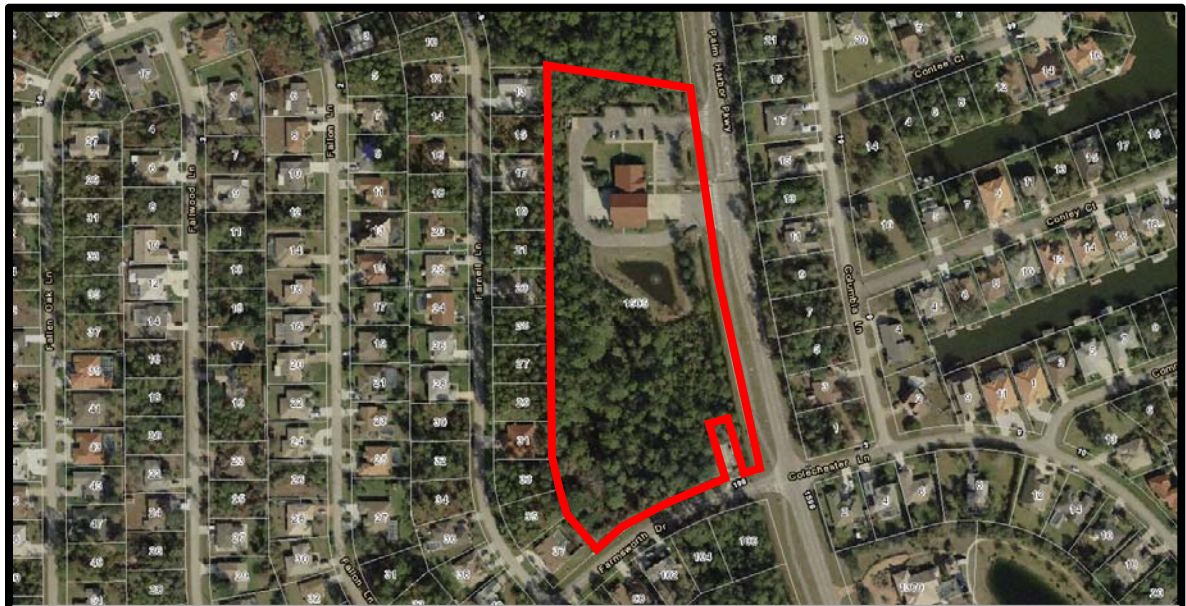


Image 1: Sampled from City "Property Records and Land Use" mapping application depicting 2017 conditions.



1) Evaluate onsite conditions and inventory observations of concern

The subject property is vacant in nature and naturally vegetated. The focus of the inspection was the southern extent of the site based on the direction provided by a team member's email. The site was accessed along the western extent of the pump station site along Farmsworth Drive. The vegetative composition is mesic in nature with sparse ground cover. The species composition quickly transitions to a dense xeric sand pine (*Pinus clausa*) and saw palmetto (*Serenoa repens*) dominated community to the north. The potential of gopher tortoise (*Gopherus Polyphemus*) and commensal species does increase within the xeric conditions; however, due to the dense vegetation, habitat value is low. A 100% gopher tortoise survey of the project construction footprint and 50-foot perimeter is recommended within 90 days of construction activities.



Image 2: Looking north from southern property extent. See image 4.



Image 3: Looking west towards wetlands from Image 2 location. See Image 4.

2) Determine the extent of wetland resources pursuant State of Florida Unified Wetland Delineation Methodology (Section 62-340, FAC) and US Corps of Engineers Wetland Delineation Manual (1987) and 2008 Corps Interim Regional Supplement to the Corps Wetland Delineation Manual

As part of the Environmental Resource Permitting (ERP) for the Fire Station improvements, the onsite wetland limits were verified by St. Johns River Water Management District (SJRWMD). A required 25-foot natural upland buffer is also depicted contiguous to the wetland boundary in Image 4.

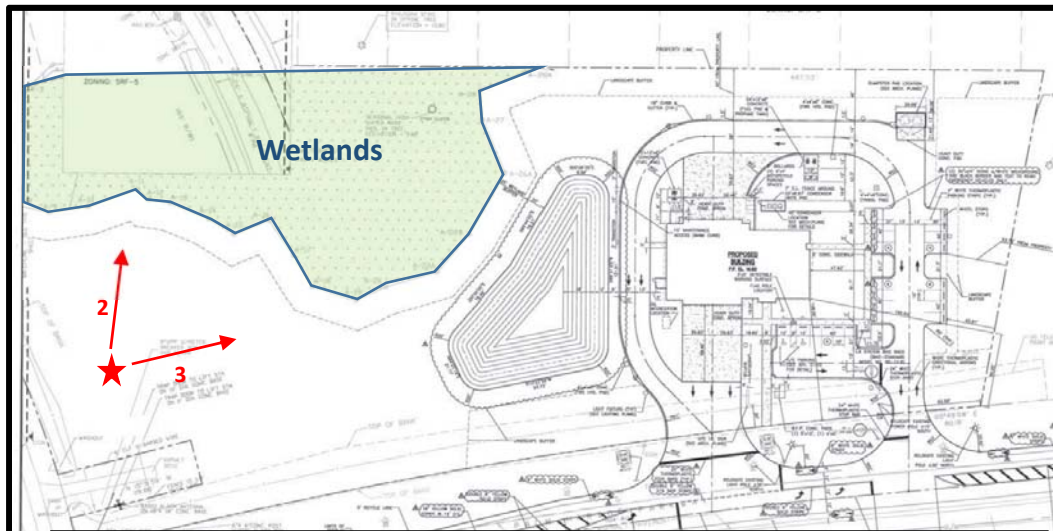
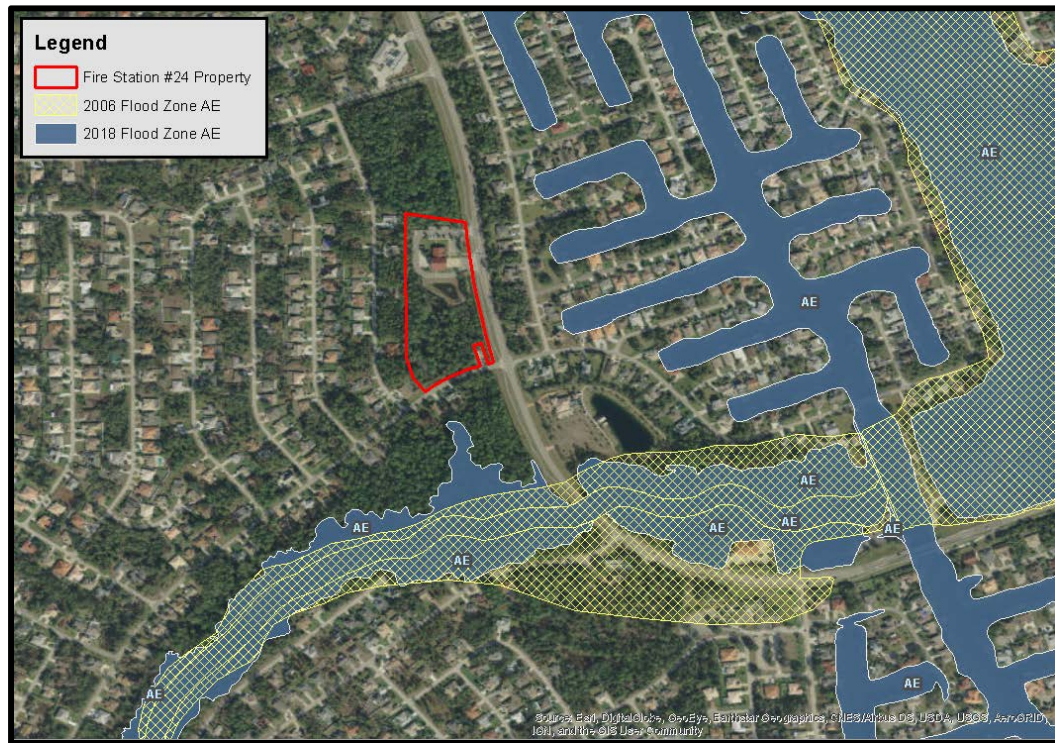


Image 4: Sample of SJRWMD approved plans (permit #115381-1). The complete sheet is provided as an attachment. The star indicates photograph location of images 2 and 3.

#### 4) Floodplain determination

The Fire Station property is located within an “X” zone and outside of a Special Flood Hazard Areas, “AE” zones, according to the effective Flood Insurance Rate Maps (FIRMs) of July 17, 2006, and the FIRMs that will take effect on June 6, 2018.



#### 5) Cultural and historical resources

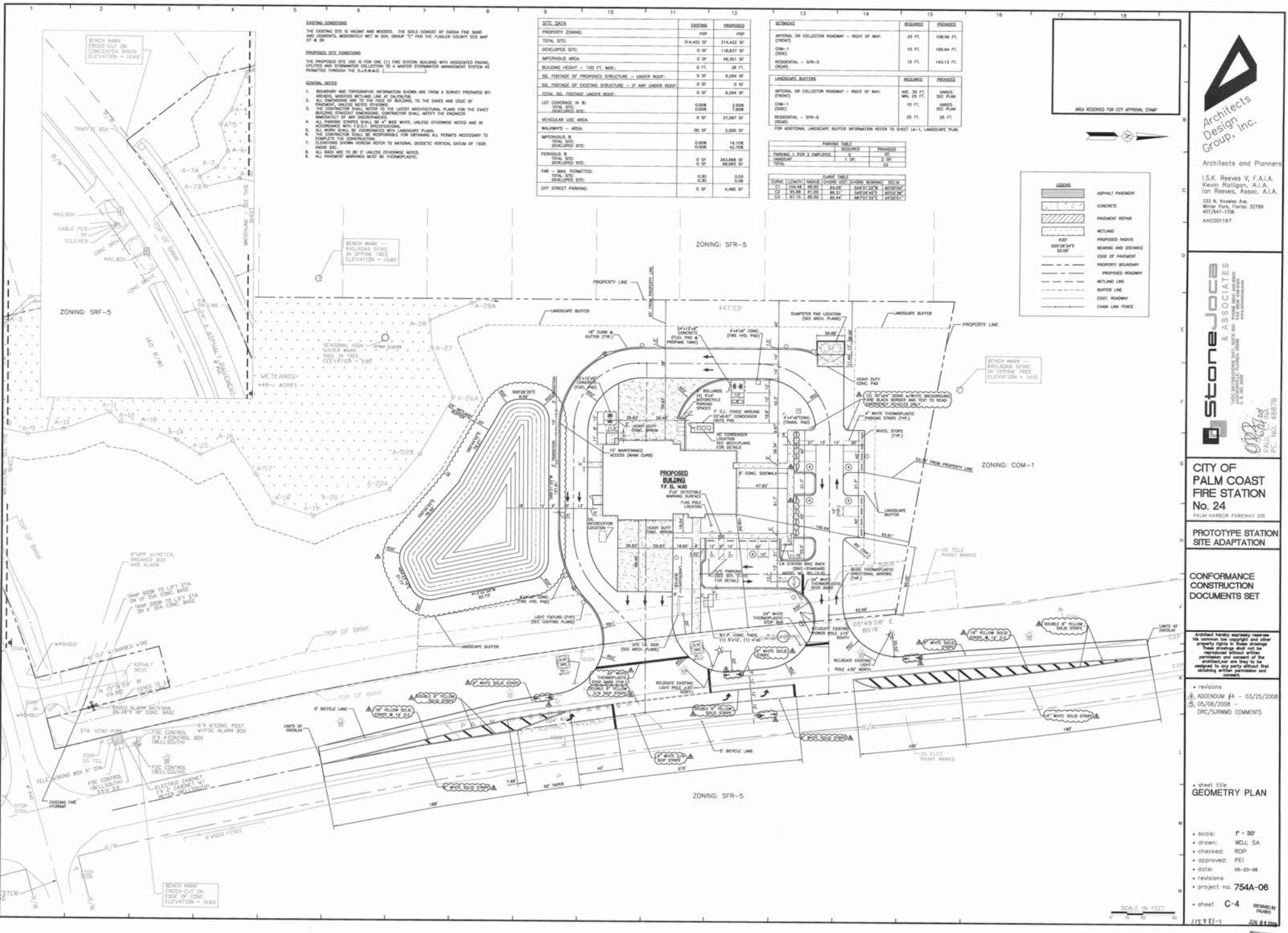
As part of the referenced ERP permitting, a determination from the State Historic Preservation Officer (SHPO) was secured. See attached. As noted within the document, “a review of the Florida Master Site File data indicated no significant archaeological or historical resources are recorded within the project areas.”

**Conclusion:** On February 15, 2018, a site inspection of Fire Station #24 (PIN: 07-11-31-7009-RP0F-00010) was performed. Outside of the project footprint of Fire Station #24 and a pump station along Farmsworth Drive, the site is vacant and vegetated in nature. The focus of the inspection was the southern extent of the subject property. The upland area appears to be of sufficient area for the placement of a communication tower site when considering existing wetlands, potential of listed species and cultural / historical resources and floodplain designations. Once project limits are established, a 100% gopher tortoise survey is recommended.

Attachments include:

- Construction plan sheet from SJRWMD approved plans
- SHPO letter





**EXISTING CONDITIONS**  
THE EXISTING SITE IS VACANT AND WOODED. THE SOILS CONSIST OF OASIS FINE SAND AND LOAMENTS, MODERATELY WET IN SOIL GROUP "C" FOR THE FLADEX COUNTY SOCS MAP 27 & 28.

**PROPOSED SITE CONDITIONS**  
THE PROPOSED SITE USE IS FOR ONE (1) FIRE STATION BUILDING WITH ASSOCIATED PARKING, UTILITIES AND STORMWATER COLLECTION TO A MASTER STORMWATER MANAGEMENT SYSTEM AS PERMITTED THROUGH THE S.W.A.W.M.D. 1.

**GENERAL NOTES**  
1. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ARE FROM A SURVEY PREPARED BY ARCHITECT/REGISTERED SURVEYOR LINE #14000000.  
2. ALL DIMENSIONS ARE TO THE FACE OF BUILDING, TO THE DAKES AND EDGE OF PARKING. UNLESS OTHERWISE SPECIFIED, DIMENSIONS SHALL BE TO THE CENTER OF THE BUILDING. EXISTING DIMENSIONS, CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.  
3. ALL DIMENSIONS SHALL BE TO THE FACE OF THE BUILDING, UNLESS OTHERWISE SPECIFIED.  
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS NECESSARY TO COMPLETE THE CONSTRUCTION.  
5. ELEVATIONS SHOWN HEREIN REFER TO NATIONAL GEOGRAPHIC VERTICAL DATUM OF 1989 (NGVD 89).  
6. ALL ROAD ARE TO BE 8' MINIMUM OVERLAP.  
7. ALL PAVEMENT MARKINGS MUST BE THERMOPLASTIC.

SITE DATA	EXISTING	PROPOSED
PROPERTY ZONING:	SFR	SFR
TOTAL SITE:	314,422 SF	314,422 SF
DEVELOPED SITE:	0 SF	118,837 SF
IMPERVIOUS AREA:	0 SF	49,381 SF
BUILDING HEIGHT - 100 FT. MAX:	0 FT.	38 FT.
SQ. FOOTAGE OF PROPOSED STRUCTURE - UNDER ROOF:	0 SF	8,264 SF
SQ. FOOTAGE OF EXISTING STRUCTURE - IF ANY UNDER ROOF:	0 SF	0 SF
TOTAL SQ. FOOTAGE UNDER ROOF:	0 SF	8,264 SF
LOT COVERAGE IN %:	0.00%	2.68%
TOTAL SITE:	0.00%	2.68%
DEVELOPED SITE:	0.00%	2.68%
VEHICULAR USE AREA:	0 SF	27,587 SF
WALKWAYS - AREA:	0 SF	2,500 SF
IMPERVIOUS %:	0.00%	16.10%
TOTAL SITE:	0.00%	16.10%
DEVELOPED SITE:	0.00%	16.10%
FAR - MAX. PERMITTED:	0.30	0.30
TOTAL SITE:	0.30	0.30
DEVELOPED SITE:	0.30	0.30
OFF STREET PARKING:	0 SF	4,480 SF

LANDSCAPE	REQUIRED	PROVIDED
ARTISAN OR COLLECTOR ROADWAY - RIGHT OF WAY (TYPICAL)	25 FT.	108.58 FT.
CON-1 (SIDE)	10 FT.	108.58 FT.
RESIDENTIAL - SFR-5 (SIDE)	15 FT.	143.13 FT.

LANDSCAPE BUFFER	REQUIRED	PROVIDED
ARTISAN OR COLLECTOR ROADWAY - RIGHT OF WAY (TYPICAL)	AC. 35 FT.	VARIES SEE PLAN
CON-1 (SIDE)	10 FT.	VARIES SEE PLAN
RESIDENTIAL - SFR-5 (SIDE)	25 FT.	25 FT.

PARKING	REQUIRED	PROVIDED
PARKING FOR 2 EMPLOYEES	1 SP.	2 SP.
LANDSCAPE	1 SP.	2 SP.

CURVE DATA	EXISTING	PROPOSED
CURVE LENGTH (FEET)	48.50	48.50
CURVE OFFSET (FEET)	24.25	24.25
CURVE BEARING (DEGREES)	180.00	180.00
CURVE DELTA (DEGREES)	180.00	180.00

**LEGEND**

- ASPHALT PAVEMENT
- CONCRETE
- PAVEMENT REPAIR
- WETLAND
- PROPOSED ROAD
- BEARING AND DISTANCE
- USE OF PAVEMENT
- PROPERTY BOUNDARY
- PROPOSED ROADWAY
- WETLAND LINE
- BUFFER LINE
- EXIST. ROADWAY
- CHAIN LINK FENCE

**Architects Design Group, Inc.**

Architects and Planners

I.S.K. Reeves V, F.A.I.A.  
Kevin Rotstein, A.I.A.  
Ian Reeves, Assoc. A.I.A.

333 N. Kowalew Ave.  
Winter Park, Florida 32789  
407/847-1108  
AAC001197

**StoneJocoe & Associates**

PAUL J. JOCOE, P.E., No. 48578

**CITY OF PALM BEACH**

**FIRE STATION**

**No. 24**

Palm Harbor Parkway SE

**PROTOTYPE STATION**

**SITE ADAPTATION**

**CONFORMANCE**

**CONSTRUCTION**

**DOCUMENTS SET**

Architect hereby expressly reserves the copyright and other property rights in these drawings. These drawings and the work shown hereon are not to be reproduced without written permission and consent of the architect. Any use of these drawings without written permission and consent is prohibited.

- revisions
- ADDENDUM #4 - 03/25/2008
- 05/06/2008 -
- DRC/SURVING COMMENTS

• sheet title

**GEOMETRY PLAN**

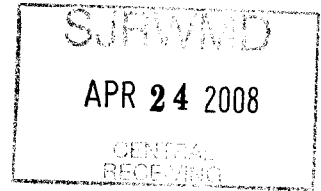
- scale: 1" = 30'
- drawn: WDJ, SA
- checked: ROP
- approved: PEI
- date: 05-25-08
- revisions
- project no: 754A-06

• sheet: C-4

INCHES IN FEET

DATE: 5/1/08

DESIGNED BY: WDJ



FLORIDA DEPARTMENT OF STATE  
**Kurt S. Browning**  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

Ms. Gloria Lewis  
St. Johns River Water Management District  
P.O. Box 1429  
Palatka, Florida 32178-1429

April 21, 2008

Re: Projects Reviewed by the Florida State Historic Preservation Office  
No Historic Properties Likely Affected – See List

RECEIVED IN  
PALATKA

APR 24 2008

REGULATORY  
INFORMATION MGT.

Dear Ms. Lewis:

Our office received and reviewed the referenced projects in accordance with Chapters 267 and 373, *Florida Statutes*, Florida's Coastal Management Program, and implementing state regulations, for possible impact to historic properties listed, or eligible for listing, in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value. The State Historic Preservation Officer is to advise and assist state and federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or minimize adverse effects.

A review of the Florida Master Site File data indicated that no significant archaeological or historical resources are recorded within the project areas. However, due to environmental conditions consistent with those found at other archaeological sites in Florida and lack of professional archaeological or historical investigation, there is some potential for undiscovered archaeological sites to occur. Therefore, it is the opinion of this agency that, in addition to the standard permitting condition, these permits, if issued, should include the following special condition regarding unexpected discoveries during ground disturbing activities on the property:

If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office  
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research  
(850) 245-6444 • FAX: 245-6452

☒ Historic Preservation  
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums  
(850) 245-6400 • FAX: 245-6433

☐ South Regional Office  
(954) 467-4990 • FAX: 467-4991

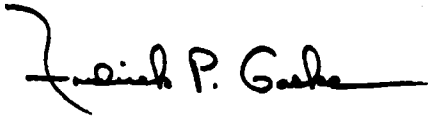
☐ North Regional Office  
(850) 245-6445 • FAX: 245-6435

☐ Central Regional Office  
(813) 272-3843 • FAX: 272-2340

Ms. Lewis  
April 21, 2008  
Page 2

For any questions concerning our comments, please contact Alyssa McManus, Historic Sites Specialist, by phone at (850) 245-6333, or by electronic mail at [ammcmanus@dos.state.fl.us](mailto:ammcmanus@dos.state.fl.us). We appreciate your continued interest in protecting Florida's historic properties.

Sincerely,



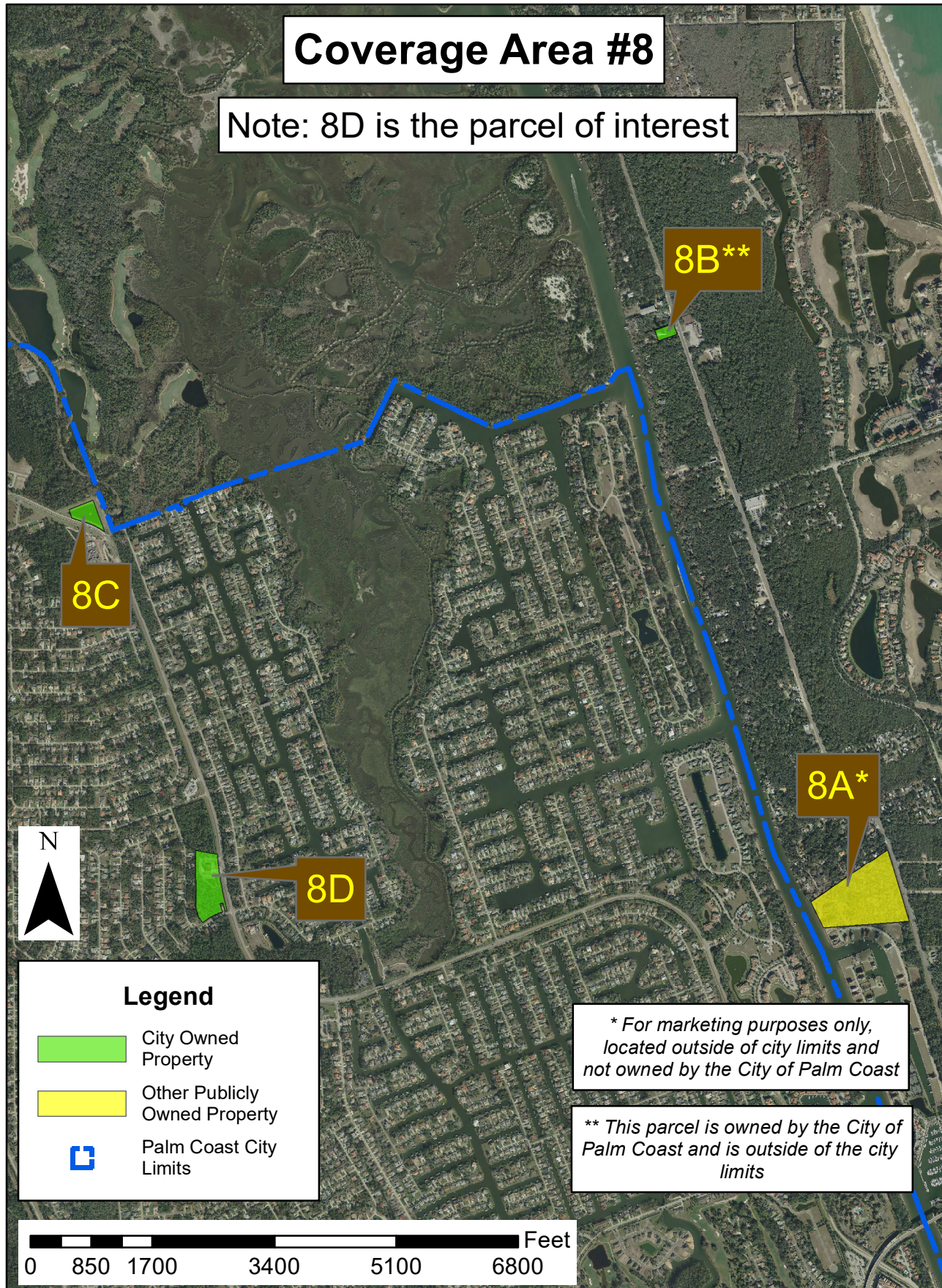
Frederick P. Gaske, Director, and  
State Historic Preservation Officer

<b>DHR NO.</b>	<b>App. No.</b>	<b>Applicant / Project Name</b>	<b>County</b>
2008-2215	40-031-115741-1	Soutel Drive Tansit and Roadway Imp.	Duval
2008-2214	40-031-115709-1	Waterleaf K-5	Duval
2008-2213	40-009-115688-1	East Coast Development Dental Office	Indian River
2008-1727	40-035-115381-1	Palm Coast Fire Station	Flagler
2008-1751	40-035-18525-7	Grand Reserve And Golf Club	Flagler
2008-1586	40-031-113139-1	Garden City Commercial	Duval
2008-1962	4-127-22729-18	Parcel 62 Development	Volusia
2008-1956	40-127-83176-3	New Central Warehouse Facility	Volusia
2008-1955	40-127-115653-1	Highlander Aviation Taxiway	Volusia
2008-2208	40-009-115588-1	Melbourne Community Boardwalk	Brevard
2008-2207	40-009-115608-1	Avocado Ditch Piping	Brevard
2008-1966	40-031-65381-7	Carroll Raised Walkway and Dock	Duval
2008-1961	40-127-22740	Halifax Plantation	Volusia



## Coverage Area #8

Note: 8D is the parcel of interest



The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.

Map Provided by the GIS Division

Date: 3/19/2018



# Area of Interest

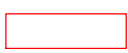
1: Fire Station #24, Parcel ID = 07-11-31-7009-RP0F0-0010

2: Lift Station, Parcel ID = 07-11-31-7009-RP0F0-0000

Note: Both of these parcels are owned by the City of Palm Coast



## Legend



Flagler County  
Parcels



Palm Coast City  
Limits

0 70 140 280 420 560 Feet

The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.

Map Provided by the GIS Division

Date: 3/19/2018





# 8D - Entire Area of Interest


*Parcel Number	Owner	Area (in acres)	Perimeter (in feet)	Description
0711317009RPOF00010	City of Palm Coast	0.370167	580	Entire area of interest



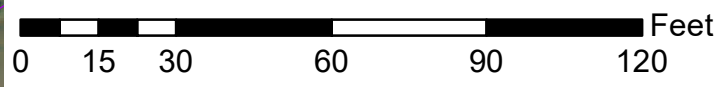
**Legend**

 8D - Area of Interest

 Flagler County Parcels

 Palm Coast City Limits

\* The area of interest is a section of this parcel, not the parcel in its entirety



The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.

## City of Palm Coast, Florida Agenda Item

Agenda Date: 4/03/2018

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	2742	<b>Account</b>
		<b>#</b>
<b>Subject</b>	RESOLUTION 2018-XX APPOINT DR. ELAINE STUDNICKI AS CO-CITY HISTORIAN	
<b>Background :</b> <b><u>Update from the March 27, 2018 Workshop:</u></b> This item was heard by City Council at their March 27, 2018 Workshop. There were no changes suggested to this item.  <b><u>Original Background from the March 27, 2018 Workshop:</u></b> In October 2000, the City Council appointed Mr. Art Dyke as the City Historian for the Palm Coast Historical Society. The Historical Society provides the history of Palm Coast to our future residents and to the citizens of the City of Palm Coast.  The Historical Society's Officers and Board of Directors have recommended City Council appoint Dr. Elaine Studnicki, as Co-City Historian at this time. Mr. Dyke will remain as the other Co-City Historian for the Palm Coast Historical Society.		
<b>Recommended Action :</b> Adopt Resolution 2018-XX appointing Dr. Elaine Studnicki, as Co-City Historian.		



**RESOLUTION 2018-\_\_\_\_**  
**CO-CITY HISTORIAN**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, PROVIDING FOR THE APPOINTMENT OF A CO-CITY HISTORIAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in October 2000, City Council adopted Resolution 2000-29, appointing Co-City Historians; and

**WHEREAS**, the continuation of documenting and preserving the City's history is important to future residents and to the citizens of Palm Coast; and

**WHEREAS**, the Historical Society Officers and Board of Directors recommend appointing Dr. Elaine Studnicki; and

**WHEREAS**, the City Council desires to appoint Dr. Elaine Studnicki as Co-City Historian.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF PALM COAST, FLORIDA:**

**SECTION 1. APPOINTMENT OF CO-CITY HISTORIAN.** That the City Council hereby appoints Dr. Elaine Studnicki as Co-City Historian for the City of Palm Coast.

**SECTION 2. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution 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 Resolution.

**SECTION 3. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 4. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage and adoption.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 3rd day of April 2018.

**CITY OF PALM COAST, FLORIDA**

\_\_\_\_\_  
Milissa Holland, Mayor

*ATTEST:*

\_\_\_\_\_  
Virginia A. Smith, City Clerk

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, City Attorney



## *PALM COAST HISTORICAL SOCIETY & MUSEUM*

March 2, 2018

Mayor Milissa Holland,

Subject: Co- Historian Appointment


The Officers and Board of Directors of the Palm Coast Historical Society recommend that the Council appoint Elaine Studnicki co-Historian for the City of Palm Coast. The City's present Historian, Art Dycke, understands the need for continuity in that position and would like to have Elaine work with him in carrying out the goals set by the City to record, promote and foster the study of Palm Coast's history. Elaine has worked as a volunteer for a number of years, and it is our belief that she is exceptionally qualified for the position.

Sincerely,

William Venne  
President, PCHS&M

Cc: Council members, Robert Cuff, Nick Klufis, Steven Nobile, and Heide Shipley.  
City manager, Jim Landon

PO Box 352613  
Palm Coast, FL 32135  
386-283-5929  
[www.palmcoasthistory.org](http://www.palmcoasthistory.org)  
Email the society at [info@palmcoasthistory.org](mailto:info@palmcoasthistory.org)

To: Palm Coast City Council  
From: Elaine Studnicki   
Ref: Co-Historian Position  
Date: March 5, 2018

In 2010 my husband David and I moved to Palm Coast. We owned property in Palm Coast since 1973 and climbed the historic tower at the Welcome Center to see our land *somewhere out there*. But in the last eight years we have truly experienced Palm Coast and all it has to offer. We liked it so much the rest of the family also moved here! Our two adult children live in Denver, Colorado and love to visit our pleasant town.

I also retired from education in 2010. For 28 years I taught children and adults in elementary school, middle school, and college. During my Director of Technology tenure, I earned my doctorate in Education, curriculum development certification as well as a principal certification.

I joined the historical society to help and learn more about my city. I don't take the position of co-historian lightly. I truly want to support the city of Palm Coast and all of the people who share a sense of community and purpose in its history and future.

My goals are simple in words and laborious in fulfillment. They are to continue the development of a historical program that reaches all citizens and to respectfully fulfill the historical society mission, which is the collection, preservation and dissemination of material related to the City of Palm Coast and its people.

February 28, 2018

To: Mayor Milissa Holland

City Council Members - Robert Cuff, Nick Klufas, Steven Nobile and Heide Shipley

City Manager - Jim Landon

Communications and Marketing - Cindi Lane

From: City Historian - Art Dycke

Re: Request for the appointment of Dr. Elaine Studnicki as Co-Historian for the City of Palm Coast

As a volunteer for the City of Palm Coast Historical Society during the past four years, Dr. Elaine Studnicki has exhibited her intense interest in Palm Coast history and demonstrated her leadership skills in fulfilling the City of Palm Coast Historical Society's stated mission which is "The collection, preservation and dissemination of material related to the City of Palm Coast and its people."

As corresponding secretary for the Society Elaine produced knowledgeable and interesting membership letters and promotional materials during the difficult times in 2015 and 2016 when Holland Park was being reconstructed and we had very limited access to our office. She has co-served with me on the recently completed Flagler County Centennial committee which met weekly for almost 2 years. She has a mastery of modern technology and office management and is a polished public speaker and conversationalist with a natural love of communicating with people of all ages. She has established an interesting geocache loop of our early historic sites.

I believe that all the aforementioned capabilities combine to make Dr. Elaine Studnicki an outstanding choice as Co-Historian to help assure a bright future for the City of Palm Coast Historical Society.

Please see the attached email dated Sunday, November 5, 2017 which describes my personal view of Elaine's role in our 2017 Founders Day celebration.

It is with respect, gratitude and enthusiasm that I support the nomination of Dr. Elaine Studnicki as Co-Historian for the City of Palm Coast.

Respectfully submitted, Art Dycke.



**From:** ART DYCKE <artedski@bellsouth.net>  
**Sent:** Sunday, November 05, 2017 9:55 PM  
**To:** Elaine Studnicki; William Venne; Art Dycke; Peter Kroeger; Jim Canfield; Carol Lemieux; Patricia Eldridge; Jack Pitman; Gladys Moore; Steve Jones; Kay Stafford; Jon Netts; Marge McKay; Yerdis Trexler; Nancy Morreale; cmdelmonte@yahoo.com; Mery Gable; Cindi Lane; Milissa Holland  
**Cc:** Art Dycke  
**Subject:** Palm Coast Historical Society

I want to extend my personal gratitude and thanks to Elaine Studnicki for all that she is doing to uplift, upgrade and modernize the City of Palm Coast Historical Society. For those of you that attended our 2017 Founders Day program on Sunday, October 29 at 1 PM in Holland Park, Elaine was the lady with the warm smile who greeted you at the entrance and gave you a full color agenda and brief description of our Society all of which she had designed and printed.

The event ended at 3:30 PM and by 4 PM Elaine sent the following email to our volunteers and participants: "Hi Everyone, are you warm yet? I hope so. It was a chilly Founder's Day but a successful one. The sun came out to keep us warm and the wind allowed us to save some energy and keep the posters in our office! I saw folks going in and out of our museum and office to look at our artifacts and poster boards. I even spoke to someone who joined today! Sweet! I also thought Art's movie was great, the band added a special touch to the event, and our guest speakers did a good job. And what's not to love about cookies! Perhaps next year we'll be in the Community Center and even more people will come. I counted about 50 in addition to the band. Thank you for all of your work today and in preparation for the event too. It truly is a collaborative effort and together we make it happen. It is fun working with each of you and it is important work. Work that goes beyond recognition. Still, you should know that you're the best and you are appreciated. On behalf of Art & Bill, Cheers, Elaine."

At 8:18 the next morning Elaine resumed acknowledging and thanking: attending dignitaries, speakers and presenters, the Community Band, and the City of Palm Coast: administration, communications, IT and parks and recreation department. I finally received her last email at 7:07 that evening.

Holland Park was officially closed to the public on March 4, 2015. The City has always provided maintenance and has allowed limited access to the buildings, increasing as the reconstruction of the park allowed. Elaine has been the chief editor, designer and mailer of Society communications to the City, Society volunteers, members and the public during the Holland Park reconstruction.

Elaine and I continue to serve on the Flagler County Centennial committee which has met at the Flagler County government building at 1:30 PM on almost every Tuesday since the beginning of last year and will continue to do so until the end of this year.

In my opinion, her administrative ability, jovial professionalism, talent and dedication to a more than 16 year old Palm Coast Historical Society has helped us to survive and headed us toward a hopeful future.

Personally, I know that I could not have done my job as City Historian without her assistance this year.

Elaine, this letter began with your acknowledging and thanking many others. I must now acknowledge my gratitude and thanks to you.

THANK YOU, THANK YOU, THANK YOU.

Art Dycke

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 4/03/2018

<b>Department</b>	Community Development	<b>Amount</b>	289,950.00
<b>Item Key</b>	2738	<b>Account</b>	<b>54029082-063000-85003</b>
<b>Subject</b>	RESOLUTION 2018-XX APPROVING A WORK ORDER WITH MCKIM & CREED, INC., FOR ENGINEERING DESIGN AND CONSTRUCTION SERVICES FOR THE HAZARD MITIGATION GRANT FOR THE INSTALLATION OF GENERATORS FOR 30 PUMP STATIONS		
<b>Background :</b> <b><u>Update from the March 27, 2018 Workshop:</u></b> This item was heard by City Council at their March 27, 2018 Workshop. There were no changes suggested to this item.			
<b><u>Original Background from the March 27, 2018 Workshop:</u></b> In February, City Council approved the Florida Division of Emergency Management cost share agreements for Hazard Mitigation Grant for the purchase and installation of generators for 30 pump stations throughout the City. These generators will be installed at existing pump stations. The generators will be placed on concrete pads and connected to the electrical panels. Some of the pump stations may need minor modifications to accommodate the new generators. In addition, the grants require specific administrative tasks, for example; Davis Bacon wage interviews, payroll verification and reimbursement requests.			
The total federal share obligation for the grant is \$1,196,777, which is 75% of the costs for the generators. The City’s share for the pump station generators is budgeted for FY 18 and 19.			
Staff recommends retaining McKim and Creed for design and construction engineering services for the Hazard Mitigation project. Work will be performed on an hourly rate basis for a fee not-to-exceed \$289,950.00. Funds for this project are budgeted in the Utility 5-year Capital Plan.			
<b>SOURCE OF FUNDS WORKSHEET FY 2018-2019</b>			
<b>Utility Capital Project- 54029082-063000-85003</b>		<b>\$2,130,000.00</b>	
Total Expenses/Encumbered to date		\$128,642.79	
Pending Work Orders/Contracts		\$	
Current Work Order		\$289,950.00	
Contingency		\$	
<b>Balance</b>		<b>\$1,711,407.21</b>	
<b>Recommended Action :</b> Adopt Resolution 2018-XX approving a work order with McKim & Creed, Inc., in the amount not-to-exceed \$289,950.00, for engineering design and construction services for the Hazard Mitigation Grants for the installation of generators for 30 pump stations.			



**RESOLUTION 2018-\_\_\_\_\_**  
**WORK ORDER WITH MCKIM & CREED, INC.,**  
**FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES**  
**FOR THE HAZARDOUS MITIGATION**  
**GRANT PROGRAM PUMP STATION GENERATORS**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING A WORK ORDER ISSUED TO MCKIM & CREED FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES FOR THE HAZARDOUS MITIGATION GRANT PROGRAM PUMP STATION GENERATORS PROJECT; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE WORK ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** McKim & Creed is engaged in a continuing services agreement to provide engineering services to the City of Palm Coast; and

**WHEREAS,** the City Council of the City of Palm Coast desires to issue a work order under said contract to McKim & Creed for engineering services relating to the design and construction of the Hazardous Mitigation Grant Program Pump Station Generators project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUCIL OF THE CITY OF PALM COAST, FLORIDA AS FOLLOWS:**

**SECTION 1. APPROVAL OF WORK ORDER.** The City Council of the City of Palm Coast hereby approves the terms and conditions of a work order to McKim & Creed, for engineering services relating to the design and construction of the Hazardous Mitigation Grant Program Pump Station Generators project, as attached hereto and incorporated herein by reference herein by reference as Exhibit “A.”

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute the work order as depicted in Exhibit “A.”

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, is shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption by the City Council.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 3<sup>rd</sup> day of April 2018.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit "A" – Work Order with McKim & Creed

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney

WORK ORDER # \_\_\_\_\_

PO #: \_\_\_\_\_



DATE: 03 / 16 /20 17

Project Manager's Initials NK

## SUPPLIER INFORMATION

## BID DETAILS

Name	McKim & Creed	Project Title	Hazardous Mitigation Grant Program Pump Station Generators
Street	139 Executive Circle, Suite 201	Bid #	RFQ-PW-U-14-05
City, State, Zip	Daytona Beach, FL 32114	City Council Approval date	3/18/17

**TOTAL COST: \$** 289,950.00  
 (must equal amount of Purchase Order)

1. **INCORPORATION BY REFERENCE** The provisions of the agreement dated 03 / 06 / 2009 ("Agreement") are hereby expressly incorporated by reference into and made a part of this Work Order.
2. **METHOD OF COMPENSATION** (chose one): ☐ **FIXED FEE** ☒ **NOT TO EXCEED\***  
 Fixed - Amount Proposed is set amount for services – will not change regardless of time. Not to exceed -: Spend over time shall not exceed Total Cost without approved change order
- \*If "NOT TO EXCEED", then TOTAL COST is (chose one): ☐ **UNIT BASED** ☒ **PERCENT OF FIXED FEE** \_\_\_\_ %
3. **PRICING** (chose one): ☒ **ATTACHED** ☐ **INCLUDED IN CONTRACT**
4. **SCHEDULE** (chose one): ☐ **AS NEEDED BASIS** ☒ **SHALL BE COMPLETED BY -** 12 / 31 / 20 19
5. **DESCRIPTION OF SERVICES** (chose one): ☒ **ATTACHED** ☐ **INCLUDED IN CONTRACT**
6. **OTHER ATTACHMENTS TO THIS WORK ORDER:** ☐ **No** ☒ **Yes** If yes, identify below:  
Scope of Services  
 \_\_\_\_\_  
 \_\_\_\_\_
7. **TIME IS OF THE ESSENCE:** The obligation of Supplier to perform services shall commence upon execution of this Work Order and shall be completed as set forth above. Time is of the essence. Failure to meet the completion date shall be a material default and may be grounds for termination of this Work Order and the Agreement.
8. **CONFLICT.** In the event of a conflict between the terms and conditions of the Agreement and this Work Order, the terms of the Agreement shall govern unless otherwise agreed to in writing by all parties. In the event of a conflict between the terms and conditions of this Work Order and any attachments, the terms of this Work Order shall govern unless otherwise agreed to in writing by all parties.

WITNESS WHEREOF, the parties hereto have made and executed this Work Order on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, for the purposes stated herein.

## SUPPLIER APPROVAL

By: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## CITY APPROVAL

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: Assistant City Manager or Designee

Date: \_\_\_\_\_

**CITY OF PALM COAST  
BACKUP POWER TO THIRTY (30) PUMP STATIONS  
FEMA GRANT NO.: FEMA-DR-4283-FL**

**PROPOSAL FOR DESIGN, SURVEY, PERMITTING,  
BIDDING, AND CONSTRUCTION SERVICES**

**I. INTRODUCTION**

The City of Palm Coast (CITY) had experienced a much wetter than normal year in 2017, and combined with power outages caused by Hurricane Irma, caused some of the CITY's lift/pump stations to exceed their pumping capacity and overflow. In order to prevent similar occurrences from taking place in the future, the CITY has applied for, and has been approved, to receive Federal and State monies in order to fund construction contracts to furnish and install thirty (30) permanent standby generators to be located at pump station sites throughout the CITY.

The work will be separated into six (6) separate contracts, with each contract incorporating five (5) standby generators at five (5) lift/pump station sites. In addition to the generators, an automatic transfer switch, aluminum enclosure, conduit and other electrical components will be incorporated at a total of thirty (30) lift/pump station sites.

With the project receiving funding from the Florida Division of Emergency Management and the Federal Emergency Management Agency (FEMA), this proposal will include a SUB-CONSULTANT'S effort to oversee the funding and compliance services necessary to assure that the provisions and requirements of the Hazard Mitigation Grant Program (HMGP) are met.

**II. OBJECTIVE**

The objective of this proposal is to provide engineering and oversight services to the City of Palm Coast for the for the design, survey, permitting, bidding and construction services for the incorporation of thirty (30) permanent standby generators to be installed at thirty (30) lift/pump station sites throughout the CITY.

McKim & Creed, Inc. (CONSULTANT) shall coordinate all work activities through the following CITY staff:

Richard Adams – Utility Director  
Steve Flanagan – Community Development Director  
Brian Matthews – Environmental Compliance Manager  
Mary Kronenberg – Project Manager

### III. SCOPE OF WORK

This Scope of Services has been developed to address the anticipated project requirements. Task items not specifically identified in this Scope of Services are not included. If, during the course of the Work Assignment, it is determined that additional work or assistance is necessary to complete this project, those items can be added as additional services at that time.

In preparing this Scope of Services and engineering services fee, the CONSULTANT makes the following assumptions:

- The CITY will provide available record drawings of the thirty (30) lift/pump stations.
- The CITY will provide all required documentation for submittal to the appropriate CITY committees and boards.
- Consistent with the professional standards of care and unless specifically provided herein, the CONSULTANT shall be entitled to rely upon the accuracy of data and information provided by the CITY or others without independent review or evaluation.

The CONSULTANT shall provide the SCOPE OF SERVICES as outlined below:

#### **Task 1: Project Kickoff and Data Collection**

- CONSULTANT shall develop project documents that will include project setup, project schedule, hard and electronic filing systems, and conduct internal kickoff meeting with the design team. Management of the Project will also be included with this task.
- CONSULTANT shall conduct a Project Kickoff Meeting with the CITY staff to discuss the overall project scope, approach and schedule. CONSULTANT shall prepare the meeting agenda and a detailed schedule for the kickoff meeting. Key team members will be identified and procedures for communication and data collection will be established. Meeting minutes will be prepared by CONSULTANT and distributed to meeting attendees.
- CONSULTANT shall work with the CITY to coordinate gathering any existing drawings or other data that is pertinent to the design of the Project.

## **Task 2: Design Services**

- CONSULTANT shall perform a specific purpose topographic survey of the thirty (30) lift/pump station sites.
- CONSULTANT shall provide electrical design services for the incorporation of permanent standby generators at thirty (30) pump station sites located throughout the CITY.
- CONSULTANT shall provide civil/site design services required at each of the thirty (30) lift/pump station sites. Design services shall include siting of the generator; design of the generator slab; detail sheets and standard sheets.
- CONSULTANT shall prepare six (6) Project Manuals to incorporate the latest front end documents and technical sections. Each manual will contain information that is specific to the five (5) lift/pump stations included within each manual.
- CONSULTANT shall prepare 60%, 90% and 100% design drawings and will review the 60% and 90% Drawings with CITY staff. Comments and input from staff will be incorporated into the Contract Documents.
- CONSULTANT shall prepare an Engineer's Opinion of Probable Construction Cost for the project. This information shall be presented to CITY staff for review at the 60%, 90%, and 100% design review stages. The cost will be pertinent to each contract containing the five (5) lift/pump stations.
- CONSULTANT shall provide a Quality Control and Quality Assurance (QA/QC) review of the Project. The review shall be conducted by a senior level engineer not directly involved with the Project in accordance with the CONSULTANT QA/QC procedures prior to each submittal.
- CONSULTANT shall provide electronic files of the Drawings and Project Manual to the CITY that is suitable for placement on the CITY'S website for bidders and suppliers.

## **Task 3: Prepare Permit Applications**

- CONSULTANT shall prepare and submit pump station site plans to the CITY for comments from the Technical Review Committee.
- CONSULTANT shall provide drawings to assist the Contractor with obtaining the CITY Building Permit.

- All permit fees will be paid by the CITY.
- Task Nos. 1, 2 and 3 must be completed and submitted to the Utility Director within 90 days of the issuance of Notice to Proceed or Purchase Order.

#### **Task 4: Negotiation and Bidding Services**

- CONSULTANT shall prepare and distribute the six (6) contract documents for the incorporation of permanent standby power at the thirty (30) lift/pump station sites and assist the CITY'S staff in bidding the construction of the project.
- CONSULTANT shall schedule six (6) pre-bid meetings to discuss the Project with prospective Contractors and answer questions they may have about the Project. CONSULTANT shall prepare and forward to the City any necessary clarifications or addenda during the bidding phase.
- CONSULTANT shall attend six (6) bid openings, review and evaluate the bids for this Project, prepare six (6) Bid Tabulations, and provide a Letter of Recommendation of Award for each of the six (6) contracts.

#### **Task 5: Construction Services for FEMA Grant**

##### **General**

Services described herein relate to the capital funding and compliance services during the design and construction phases of the backup power for pump stations project funded through the Hazard Mitigation Grant Program (HMGP) CFDA Number 97.039 (Project). These services will be provided to assist with compliance with the HMGP requirements.

The SUB-CONSULTANT will represent the CONSULTANT and the CITY and coordinate with the Florida Division of Emergency Management (DEM), CITY staff, the CONSULTANT, and construction companies in the funding administration process. Draft transmittal letters and final document submittals to the DEM to facilitate the funding will be prepared by the SUB-CONSULTANT, as needed. The CITY, the CONSULTANT, and the construction companies will provide documents and information as necessary to complete these tasks. The SUB-CONSULTANT will advise and draft responses to questions and/or comments relative to the funding if needed. The SUB-CONSULTANT will be available to provide advice and consultation relative to the funding process throughout the term of this agreement. SUB-CONSULTANT'S services include:



**A. Advisory Services**

For services not included in specific Tasks, the SUB-CONSULTANT will be available on an as needed basis to assist the CITY and the CONSULTANT, attend meetings as necessary, respond to questions, and provide guidance and advice to the CITY, the CITY'S staff, and the CONSULTANT relative to the funding process requirements. The SUB-CONSULTANT will represent the CITY before state and federal agencies and others in settling any issues relative to the funding and compliance process that may arise during the Project period covered in these Tasks. The SUB-CONSULTANT will be available to provide guidance and assistance for the CITY to meet with state and federal elected officials, state and federal agencies, and others if necessary.

**B. Construction Bidding Document Preparation Services**

The SUB-CONSULTANT will advise and assist the CONSULTANT in the preparation of contract bidding documents with conditions and provisions as may be required by the DEM and FEMA for bidding purposes. The SUB-CONSULTANT will assist the CONSULTANT in obtaining appropriate compliance requirement documents for inclusion in the bidding documents. The SUB-CONSULTANT will advise the CITY and the CONSULTANT of other requirements as may be needed to obtain approval of the DEM to prepare the project for bidding.

**C. Pre-Construction and Construction Progress Meetings**

The SUB-CONSULTANT will prepare for and attend a Pre-Construction Meeting and Construction Progress Meetings as needed and requested by the CONSULTANT or the CITY to provide guidance relative to the DEM program compliance requirements that apply during construction. If a written response to questions is needed, the SUB-CONSULTANT will assist the CONSULTANT and the CITY in the preparation of the response.

**D. Construction Compliance and Disbursement Requests**

The SUB-CONSULTANT will assist in monitoring the Minority and Women's Business Enterprises participation and provide reports as may be required by the DEM. The CONSULTANT will collect the monthly M/WBE utilization reports from the contractors and subcontractors when payment applications are received from the contractors and submit to the SUB-CONSULTANT. The SUB-CONSULTANT will advise the CONSULTANT and the CITY in the maintenance of files of compliance documentation as required for inspection by the DEM, auditors, and others. The SUB-CONSULTANT will notify the CONSULTANT

and the CITY of any exceptions noted in the review of the submitted documents and assist the CONSULTANT, CITY, and the contractor in maintaining compliance with the DEM requirements. The SUB-CONSULTANT will assemble the contractor's monthly pay estimates and invoices for other grant eligible costs along with supporting documentation as required by the DEM and prepare draft disbursement request packages. The CONSULTANT or the CITY will verify the contractor's work progress and accuracy of the contractor's monthly pay estimates. The SUB-CONSULTANT will prepare the disbursement requests and submit to the CITY for review, approval, signing, and submittal to the DEM. The SUB-CONSULTANT will represent the CONSULTANT and the CITY and coordinate with the DEM to settle any issues relating to the M/WBE requirements, or other compliance process requirements.

#### **Task 6: Post Design Construction Services**

- CONSULTANT shall advise and consult with the CITY for post design and construction activities. CONSULTANT will act as the CITY's representative as provided in the General Conditions of the Contract Documents concerning construction administrative matters as hereinafter described.
- For the purposes of this Scope of Services, it is assumed construction phase services will occur over a period of 300 (three hundred) days to Final Completion, or 270 (two hundred seventy) days from the date of the Notice to Proceed to Substantial Completion, in accordance with the proposed construction contract between the CITY and the Contractor.
- CONSULTANT shall attend and represent the CITY at preconstruction, progress, and project closeout meetings with the Contractor, surveyors, layout personnel and construction quality control testing personnel. CONSULTANT will also review and monitor Contractor's construction schedule and advise the CITY of any anticipated project delays and/or early completion indicated through such review and through construction progress observation. For scope purposes, progress meetings will be held on a bi-weekly basis.
- CONSULTANT shall check and review shop drawings, catalog data, diagrams, illustrations, schedules, samples, test and inspection results and other data the Contractor is required to submit, but only as to conformance with the overall design concept of the project and compliance with the Plans, Specifications, and other Contract Documents.
- CONSULTANT shall submit four (4) signed and sealed set of plans and one (1) electronic copy of each contract for submittal to the CITY's Technical Review

Committee of the Planning Department. CONSULTANT will not be required to submit utilization plans direct to the City Engineering Department.

- CONSULTANT shall provide three (3) signed and sealed set and one (1) electronic copy of plans of each contract to the Contractor for City Building Permit requirements. Contractor to submit to the City Building Department.
- CONSULTANT shall retain the services of a Geotechnical firm in order to perform compressive tests on concrete cylinders taken for the concrete slab for support of the generator at each lift/pump station site.
- CONSULTANT may, as the CITY's representative, require special inspection or testing of the work (whether or not fabricated, installed or completed). CONSULTANT shall act as interpreter of the terms and conditions of the Contract Documents and judge of the performance hereunder by the CITY and the Contractor and make decisions on all claims of the CITY and the Contractor relating to the execution and progress of the work and all other matters and questions related thereto; however, CONSULTANT shall not be liable for the results of any such interpretations or decisions rendered by CONSULTANT in good faith.
- Based on CONSULTANT's on-site observations as an experienced and qualified design professional and review of the Contractor's applications for payment, supporting data, and information received from the CITY, CONSULTANT shall determine the amounts owing to the Contractor and recommend approval in writing of payments to the Contractor in such amounts. Such recommendations shall constitute representations to the CITY, that are expressions of CONSULTANT's opinion, based on such observations and review, that the work has substantially progressed to the point indicated and that, to the best of CONSULTANT's knowledge, information and belief, the quality of the work is in accordance with the Contract Documents (subject to an evaluation of the work as a functioning project upon Substantial Completion and to the results of any subsequent tests called for in the Contract Documents).
- CONSULTANT shall make periodic visits to the work site to observe the progress and report to the CITY as to the amount of work completed, the overall quality of executed work, and observed impediments to the successful contract completion. CONSULTANT shall not be required to make exhaustive or continuous on-site observations as to the quality or quantity of completed work; CONSULTANT shall not be responsible for the construction means, methods, techniques, sequences, or procedures or the safety precautions incidental thereto. CONSULTANT's efforts will be directed toward providing assurance to the CITY that the completed project will substantially conform to the contract, plans,

and specifications, but CONSULTANT shall not be responsible for the Contractor's failure to perform the construction work in accordance with said documents. Based on on-site observation as an experienced and qualified design professional, CONSULTANT will keep the CITY informed as to the progress of the work, will endeavor to guard the CITY against defects and discrepancies and shall coordinate with the CITY and the Contractor as to disapproving or rejecting work which fails to meet the project plans, specifications or other Contract Documents.

- CONSULTANT shall not provide a record of the Contractor's activities throughout the construction, nor notations on the nature and cost of any extra work or changes ordered during construction. CONSULTANT is not responsible for the performance of the construction contract by the Contractor. In order to maintain a complete record of activities and changes, CONSULTANT shall rely on the CITY to provide information based on inspections conducted by the CITY.
- CONSULTANT shall, in conjunction with other CITY representatives, conduct punch list and final observations of the in-place work to determine if the work is completed substantially in accordance with the plans, specifications and other Contract Documents. These observations shall form the basis for CONSULTANT's review and recommendation for payment on the Contractor's final pay request.
- CONSULTANT shall review Contractor provided record drawings/surveys and other as-built data for installed facilities and bring any apparent discrepancies between the as-built conditions and the design conditions to the attention of the CITY. CONSULTANT shall coordinate with the Contractor regarding provision of the construction record drawings prior to final on-site inspections and punch list preparation. CONSULTANT shall also prepare and furnish to the CITY one (1) set of signed and sealed Record Drawings and one electronic copy (AutoCAD format) of the record drawings showing those changes made during the construction based on the data noted above. CONSULTANT will prepare statements of completion (qualified if necessary) certifying completion of the work, and submit statements in accordance with the Contract Documents, regulatory agencies, and CITY requirements.
- CONSULTANT shall not be responsible for the acts or omissions of the Contractor or any of the Contractor's Sub-Contractors, Agents, Employees, or other persons performing any of the work under the construction contract, or of others.

- CONSULTANT, through its survey sub-consultant, shall establish construction control points on the drawings for the Contractor's use during construction. CONSULTANT is not responsible for laying out the Contractor's work.
- This proposal includes SUB-CONSULTANT services for geotechnical testing (construction quality control) and surveying services. CONSULTANT shall coordinate with all the SUB-CONSULTANTS during construction.
- No other SUB-CONSULTANT services are included.

#### IV. FEES AND BILLING

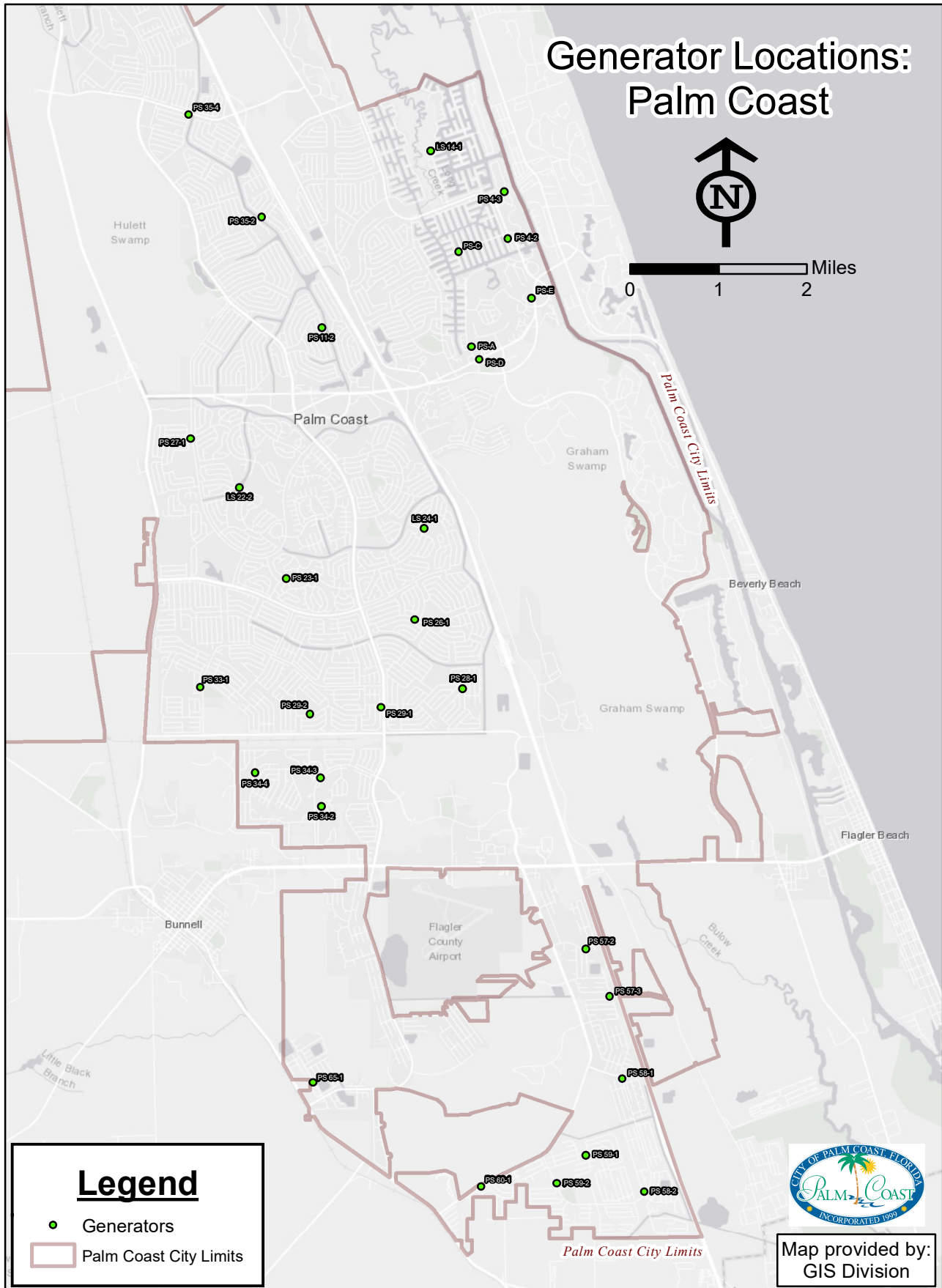
The proposed not-to-exceed fee has been calculated utilizing rates as approved in the base contract between CONSULTANT and the City of Palm Coast. Expenses for sub-consultants, printing, travel, telephone and all other related changes have been estimated and included in the above not-to-exceed fee. CONSULTANT shall invoice the CITY based on actual time and expenses and the total amount invoiced to the CITY shall not exceed \$289,950.00. A Fee Matrix showing the estimated hours and the rates is attached for your review.

P:\PROPOSALS ENGINEERING\Proposals 2018 For DB And PC\City Of Palm Coast\180678 - Backup Power To Five PS\180678 - Backup Power To Pump Stations FINAL 031518 .Doc

FEE MATRIX  
CITY OF PALM COAST  
MARCH 2018  
BACKUP POWER TO THIRTY (30) PUMP STATIONS  
FEMA GRANT NO.: FEMA-DR-4283-FL  
PROPOSAL FOR DESIGN, SURVEY, PERMITTING, BIDDING AND CONSTRUCTION SERVICES

STAFF CLASSIFICATION		Senior Project Manager		Senior Electrical Engineer		Senior Project Engineer		Project Engineer - Electrical		CAD Designer II		Construction Administrator III		Administrative Assistant		Subconsultant Services (Survey, Geotechnical and FEMA Compliance)	Direct Expenses	TOTAL PER TASK
TASK NO.	DESCRIPTION	RATE:	\$180	RATE:	\$188	RATE:	\$160	RATE:	\$105	RATE:	\$105	RATE:	\$112	RATE:	\$63			
		HOURS	TOTAL	HOURS	TOTAL	HOURS	TOTAL	HOURS	TOTAL	HOURS	TOTAL	HOURS	TOTAL	HOURS	TOTAL			
1	PROJECT KICKOFF & DATA COLLECTION																	
1.1	In-House Project Management/Internal Kick-Off Meeting	4	\$720	24	\$4,512	8	\$1,280			2	\$210			16	\$1,008			
1.2	Kickoff Meeting with the City Staff			8	\$1,504	4	\$640			4	\$420			4	\$252			
1.3	Coordinate Data Collection					8	\$1,280											
TASK 1 SUBTOTAL			\$720		\$6,016		\$3,200				\$630				\$1,260			\$11,826
2	DESIGN SERVICES																	
2.1	Topographic Survey for Pump Station Sites (ATS Land Surveying)					12	\$1,920									\$70,742		
2.2	Electrical Design			7	\$1,316			270	\$28,350					6	\$378			
2.3	Civil Design					70	\$11,200			450	\$47,250							
2.4	Prepare Project Manual			5	\$940	20	\$3,200	32	\$3,360			4	\$448	24	\$1,512			
2.5	60% and 90% Review Meetings with City Staff/Update Project					16	\$2,560							4	\$252			
2.6	Prepare an Opinion of Probable Cost at 60%, 90%, and 100% Design					16	\$2,560							6	\$378			
2.7	Quality Assurance/Quality Control	20	\$3,600															
2.8	Provide Electronic Files to City									6	\$630			6	\$378			
TASK 2 SUBTOTAL			\$3,600		\$2,256		\$21,440		\$31,710		\$47,880		\$448		\$2,898			\$110,232
3	PREPARE PERMIT APPLICATIONS																	
3.1	Technical Review Committee Submittals					4	\$640			2	\$210			2	\$126			
TASK 3 SUBTOTAL							\$640				\$210				\$126			\$976
4	NEGOTIATION AND BIDDING																	
4.1	Pre-Bid Meeting					12	\$1,920							12	\$756			
4.2	Prepare/Distribute Addenda					18	\$2,880			12	\$1,260			16	\$1,008			
4.3	Bid Opening Meeting					12	\$1,920							2	\$126			
4.4	Prepare Bid Tabulation and Recommendation of Award Letter					6	\$960							16	\$1,008			
TASK 4 SUBTOTAL							\$7,680				\$1,260				\$2,898			\$11,838
5	CONSTRUCTION SERVICES FOR FEMA GRANT																	
5.1	Advisory Services																	
5.2	Construction Bidding Document Preparation Services					8	\$1,280									\$4,800		
5.3	Pre-Construction and Construction Progress Meetings															\$4,200		
5.4	Construction Compliance and Disbursement Requests															\$4,500		
TASK 5 SUBTOTAL							\$1,280									\$15,600		
6	POST-DESIGN CONSTRUCTION SERVICES																	\$1,280
6.1	Attend Pre-Construction and Project Meetings					36	\$5,760							16	\$1,008			
6.2	Review Shop Drawings, RFIs and Other Submittals			10	\$1,880	6	\$960	22	\$2,310			8	\$896	20	\$1,260			
6.3	Provide Four (4) Sets of Signed & Sealed Drawings for City TRC Review									12	\$1,260			12	\$756			
6.4	Assist City with Change Order Preparation			1	\$188	12	\$1,920	2	\$210			2	\$224	6	\$378			
6.5	Review Pay Request Applications					9	\$1,440							4	\$252			
6.6	Perform Site Visits					120	\$19,200											
6.7	Geotechnical Firm for Compressive Strength Tests					2	\$320									\$5,000	\$1,000	
6.8	Attend Substantial and Final Observations of Work					24	\$3,840							6	\$378		\$200	
6.9	Review As-Built Drawings					8	\$1,280											
6.10	Provide Project Certification					8	\$1,280							12	\$756			
TASK 6 SUBTOTAL					\$2,068		\$36,000		\$2,520		\$1,260		\$1,120		\$4,788			\$47,756
Subtotal		24	\$4,320	55	\$10,340	439	\$70,240	326	\$34,230	488	\$51,240	14	\$1,568	190	\$11,970	\$104,842	\$1,200	
																TOTAL McKIM & CREED LABOR TASK NOS. 1 - 6		\$183,908
																SUBCONSULTANT SERVICES		\$104,842
																DIRECT EXPENSES		\$1,200
																TOTAL PROPOSAL		\$289,950





Document Path: \\gisrv01\GIS Server\WORKSPACE\Austin\Service\_Requests\sr8352\_GarannHopkinsMaryKronenbergSSO\Spill\GeneratorMaps\SSO\_Spill\_Map\_mashup\_with\_generators.mxd Date: 2/23/2018

The City of Palm Coast prepares and uses this map/map data for its own purposes. This map/map data displays general boundaries and may not be appropriate for site specific uses. The City uses data believed to be accurate; however, a degree of error is inherent in all maps. This map/map data is distributed AS-IS without warranties of any kind, either expressed or implied including, but not limited to, warranties of suitability to a particular purpose or use. This map/map data is intended for use only at the published scale. Detailed on-the-ground surveys and historical analyses of sites may differ substantially from this map/map data.



# City of Palm Coast, Florida

## Agenda Item

Agenda Date : 04/03/2018

<b>Department</b>	STREETS & DRAINAGE	<b>Amount</b>	\$125,000 (Estimated Annually)
<b>Item Key</b>	2739	<b>Account #</b>	Various
<b>Subject</b> RESOLUTION 2018-XX APPROVING A PRICE AGREEMENT FOR CONCRETE, ON AN AS NEEDED BASIS, WITH ARGOS READY MIX, LLC			
<b>Background :</b> <b><u>Update from the March 27, 2018 Workshop:</u></b> This item was heard by City Council at their March 27, 2018 Workshop. There were no changes suggested to this item.  <b><u>Original Background from the March 27, 2018 Workshop:</u></b> The Public Works Streets and Drainage Division, as well as a variety of other facilities throughout the City, are responsible for the maintenance and repair of all City sidewalks, driveway replacements, paths, headways, spillways and other stormwater structures. In an effort to obtain the best pricing and facilitate timely deliveries, staff wishes to enter into a one-year price agreement to secure the cost and availability of ready-mix concrete.  The 4,000 psi concrete with fiber mesh, will be purchased on an “as needed basis” for deliveries to various job locations within the City of Palm Coast.  City staff advertised and solicited bids for concrete in accordance with the City’s Purchasing Policy. One bid was received and was found to be responsive and responsible. Staff recommends entering into a contract with Argos Ready Mix, LLC, of Jacksonville, Florida, with facilities located in Bunnell, Florida at \$110.00 per cubic yard. The notice of intent to award and project bid overview is attached.  Since this is a price agreement, City staff will purchase concrete on an as needed basis using budgeted funds appropriated by City Council. The Fiscal Year 2018 Budget includes funding within various funds to purchase concrete. City staff estimate that the City will expend approximately \$125,000 annually under this piggyback contract.			
<b>Recommended Action :</b> Adopt Resolution 2018-XX approving a price agreement for concrete, on an as needed basis, with Argos Ready Mix, LLC, of Jacksonville, Florida.			

**RESOLUTION 2018-\_\_\_\_**  
**ARGOS READY MIX, LLC**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING THE PRICE AGREEMENT FOR CONCRETE 4,000 PSI WITH FIBER MESH, ON AN AS NEEDED BASIS, WITH ARGOS READY MIX LLC; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Argos Ready Mix LLC., has expressed a desire to provide concrete 4,000 PSI with fiber mesh to the City of Palm Coast; and

**WHEREAS**, the City desires to enter into a price agreement with Argos Ready Mix LLC, for the above referenced item.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:**

**SECTION 1. APPROVAL OF PRICE AGREEMENT.** The City Council of the City of Palm Coast hereby approves the terms and conditions of the price agreement, for concrete on an as needed basis, with Argos Ready Mix LLC, which is attached hereto and incorporated herein by reference as Exhibit "A."

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute the necessary documents.

**SECTION 3. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution 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 Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

**SECTION 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage and adoption.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 3rd day of April 2018.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit "A" – Price agreement with Argos Ready Mix LLC., for concrete 4,000 PSI with fiber mesh

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney



**Administrative Services & Economic Development**  
Central Services Division

160 Lake Avenue  
Palm Coast, FL 32164  
386-986-3730

## **NOTICE OF INTENT TO AWARD**

**Project:** ITB-PW-18-33 Concrete 4,000 PSI with Fiber Mesh

**Date:** March 19, 2018

**Appeal Deadline:** Appeals must be Filed by 5:00 PM on March 22, 2018

Firm	Bid
<b>Argos USA, LLC</b> Gainesville, FL	\$110.00 per yard

The intent of the City of Palm Coast is to award ITB-PW-18-33 to Argos USA, LLC.

**Cc: Contract Coordinator, Project Manager, ASED Director, Department Director**

*Bid protests arising under City Bidding Documents or Procedures shall be resolved under the City of Palm Coast Central Service Division's Bid Protest procedures.*

*A proposer may protest matters involving the award of this Bid within three (3) business days from the posting of this recommendation to award. Failure to protest to the City's Administrative Services and Economic Development Director, Beau Falgout (bfaigout@palmcoastgov.com) shall constitute a waiver of the protest proceedings.*

*Any decision of the Administrative Services and Economic Development Director may be appealed to the City Manager by filing a written appeal to the City Manager within seven (7) days of the Administrative Services and Economic Development Director's decision. Any decision of the City Manager may be appealed to the City Council by filing a written appeal to the City Clerk within seven (7) days of the City Manager's decision. The same procedures as above shall apply to contest the award of the contract.*



# ITB-PW-18-33 - Concrete 4,000 PSI with Fiber Mesh

## Project Overview

Project Details	
Reference ID	ITB-PW-18-33
Project Name	Concrete 4,000 PSI with Fiber Mesh
Project Owner	Jesse Scott
Project Type	ITB
Department	Procurement
Budget	\$0.00 - \$0.00
Project Description	This Invitation to Bid is issued for the purpose of establishing a one-year contract with a vendor(s) capable of supplying concrete (4,000psi with Fiber Mesh).
Open Date	Feb 14, 2018 8:00 AM EST
Close Date	Mar 15, 2018 2:00 PM EDT

Awarded Suppliers	Reason	Score
Argos		100 pts



## Seal status

Requested Information	Unsealed on	Unsealed by
Forms 1-10 and A,B and D	Mar 01, 2018 2:21 PM EST	Kelly Downey
Pricing Form C	Mar 01, 2018 2:21 PM EST	Kelly Downey

## Conflict of Interest

# Declaration of Conflict of Interest You have been chosen as a Committee member for this Evaluation. Please read the following information on conflict of interest to see if you have any problem or potential problem in serving on this committee. ## Code of Conduct All information related to submissions received from Suppliers or Service Providers must be kept confidential by Committee members. ## Conflict of Interest No member of a Committee shall participate in the evaluation if that Committee member or any member of his or her immediate family: \* has direct or indirect financial interest in the award of the contract to any proponent; \* is currently employed by, or is a consultant to or under contract to a proponent; \* is negotiating or has an arrangement concerning future employment or contracting with any proponent; or, \* has an ownership interest in, or is an officer or director of, any proponent. Please sign below acknowledging that you have received and read this information. If you have a conflict or potential conflict, please indicate your conflict on this acknowledgment form with information regarding the conflict. I have read and understood the provisions related to the conflict of interest when serving on the Evaluation Committee. If any such conflict of interest arises during the Committee's review of this project, I will immediately report it to the Purchasing Director.

Name	Date Signed	Has a Conflict of Interest?
Michael Marinelli	Mar 16, 2018 8:09 AM EDT	No
Arthur Strojny	Mar 15, 2018 4:54 PM EDT	No
Rose Conceicao	Mar 16, 2018 9:28 AM EDT	No



Jesse Scott	Mar 05, 2018 10:46 AM EST	No
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## Project Criteria

Criteria	Points	Description
Forms 1-10, A,B and D	Pass/Fail	All forms completed and filled out as requested, legible and signed & dated where required.
Pricing Form C	100 pts	Price noted as submitted for annual total in dollars.
<b>Total</b>	<b>100 pts</b>	



## Scoring Summary

### Active Submissions

	Total	Forms 1-10, A,B and D	Pricing Form C
Supplier	/ 100 pts	Pass/Fail	/ 100 pts
Argos	100 pts	Pass	100 pts (\$110)

# City of Palm Coast, Florida

## Agenda Item

Agenda Date: 4/03/2018

<b>Department</b>	UTILITY	<b>Amount</b>	As Needed
<b>Item Key</b>	2735	<b>Account</b>	# 54019082 034000
<b>Subject</b>	RESOLUTION 2018-XX APPROVING MASTER SERVICE AGREEMENTS WITH MULTIPLE FIRMS FOR WASTEWATER EMERGENCY TANK TRUCKING SERVICES		
<b>Background :</b> <b><u>Update from the March 27, 2018 Workshop:</u></b> This item was heard by City Council at their March 27, 2018 Workshop. There were no changes suggested to this item.			
<b><u>Original Background from the March 27, 2018 Workshop:</u></b> During times of extreme wet weather or abnormal events such as tropical storms, hurricanes, or tornadoes it may become necessary for the City to supplement the City tank truck fleet with outside contractors to assist the Wastewater Collection System with, pumping of excess inflow/infiltration of ground and surface water and reduce the possibility of sanitary sewer overflows in the wastewater collection and pumping system.			
In accordance with the City's Purchasing Policy, City staff advertised and solicited bids for wastewater emergency tank trucking services on an as needed basis. The City received four (4) bids which were responsive and responsible. The project bid overview and notice of intent to award are attached.			
Staff recommends City Council approving master service agreements with Environmental Control Systems, Inc., All Daytona Septic Tank Service, Inc., and Brownie's Septic Service, Inc. There is no expenditure associated with the current requested action. The services will be utilized as needed and in a way most advantageous to the City.			
<b>Recommended Action :</b> Adopt Resolution 2018-XX approving Master Service Agreements with multiple firms for wastewater emergency tank trucking services.			

**RESOLUTION 2018-\_\_\_\_**  
**WASTEWATER COLLECTION**  
**EMERGENCY TANK TRUCKING SERVICES**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, APPROVING MASTER SERVICE AGREEMENTS WITH ENVIRONMENTAL CONTROL SYSTEMS, INC. ALL DAYTONA SEPTIC TANK SERVICE, INC., AND BROWNIE’S SEPTIC TANK SERVICE INC.; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE SAID CONTRACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR IMPLEMENTING ACTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Environmental Control, Inc., All Daytona Septic Tank Service, Inc., and Brownie’s Septic Tank Service, Inc., have expressed a desire to provide Wastewater Collection Emergency Tank Trucking Services to the City of Palm Coast; and

**WHEREAS**, the City Council of the City of Palm Coast desires to award the above referenced price agreements with Environmental Control Systems, Inc., All Daytona Septic Tank Service, Inc., and Brownie’s Septic Tank Service, Inc.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:**

**SECTION 1. APPROVAL OF PRICE AGREEMENTS.** The City Council of the City of Palm Coast hereby approves the terms and conditions of the master service agreements for Wastewater Collection Emergency Tank Trucking Services with Environmental Control, Inc., All Daytona Septic Tank Service, Inc., and Brownie’s Septic Tank Service, which are attached hereto and incorporated herein by reference as Exhibit “A.”

**SECTION 2. AUTHORIZATION TO EXECUTE.** The City Manager, or designee, is hereby authorized to execute the necessary documents.

**SECTION 3. SEVERABILITY.** If any section or portion of a section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this Resolution.

**SECTION 4. CONFLICTS.** All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 5. IMPLEMENTING ACTIONS.** The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Resolution.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption by the City Council.

**DULY PASSED AND ADOPTED** by the City Council of the City of Palm Coast, Florida, on this 3<sup>rd</sup> day of April 2018.

**CITY OF PALM COAST, FLORIDA**

*ATTEST:*

\_\_\_\_\_  
MILISSA HOLLAND, MAYOR

\_\_\_\_\_  
VIRGINIA A. SMITH, CITY CLERK

Attachment: Exhibit "A" – Master Service Agreements with Environmental Control, Inc., All Daytona Septic Tank Service, Inc., and Brownie's Septic Tank Service, Inc.

Approved as to form and legality

\_\_\_\_\_  
William E. Reischmann, Jr., Esq.  
City Attorney



**Administrative Services & Economic Development**  
Central Services Division

160 Lake Avenue  
Palm Coast, FL 32164  
386-986-3730

## NOTICE OF INTENT TO AWARD

**Project:** ITB-UT-18-27 Wastewater Emergency Collection Services

**Date:** February 28, 2018

**Appeal Deadline:** Appeals must be Filed by 5:00 PM on March 3, 2018

Firm	Bid
<b>Environmental Control Systems, Inc.</b> Bunnell, FL	Multiple tanker sizes and rates. See spreadsheet below.
<b>All Daytona Septic Tank Service, Inc.</b> Holly Hill, FL	\$275.00 per hour (5,200 gallons)
<b>Brownie's Septic and Plumbing</b> Orlando, FL	Multiple tanker sizes and rates. See spreadsheet below.
<b>Hinterland Group</b> Cocoa, FL	Multiple tanker sizes and rates. See spreadsheet below.

The intent of the City of Palm Coast is to award ITB-UT-18-27 Wastewater Emergency Collection Services to:

1. Environmental Control Systems, Inc.
2. All Daytona Septic Tank Service, Inc.
3. Brownie's Septic and Plumbing

The award will cover all tanker sizes with corresponding hourly charges as submitted in the bid for the suppliers listed above.

**BID ANALYSIS SPREADSHEET OUTLINING HOURLY CHARGE BY  
VARIED TANKER SIZES:**

Bid Analysis							
ITB-UT-18-27 Wastewater Emergency Collection Services							
2/28/2018							
The contract will be awarded to one or more of the lowest qualified bidder/bidders based on cost per hour of operation.							
	Minimum Hours Charge	Hourly Rate for 4,200 gallon tanker	Hourly Rate for 4,600 gallon tanker	Hourly Rate for 5,000 gallon tanker	Hourly Rate for 5,200 gallon tanker	Hourly Rate for 6,000 gallon tanker	Hourly Rate for 7,000 gallon tanker
All Daytona Septic Tank Service, Inc.						\$275.00	
Minimum Charge Calculation	3					\$825.00	
Holy Hill, FL							
Brownies Septic and Plumbing		\$230.00	\$230.00	\$230.00	\$230.00		\$275.00
Minimum Charge Calculation	5	\$1,150.00	\$1,150.00	\$1,150.00	\$1,150.00		\$1,375.00
Orlando, FL							
Environmental Control Systems, Inc.		\$240.00				\$250.00	
Minimum Charge Calculation	1	\$240.00				\$250.00	
Bunnell, FL							
Hinterland Group		\$350.00	\$350.00	\$425.00	\$500.00	\$650.00	
Minimum Charge Calculation	5	\$1,750.00	\$1,750.00	\$2,125.00	\$2,500.00	\$3,250.00	
Cocoa, FL							



*Bid protests arising under City Bidding Documents or Procedures shall be resolved under the City of Palm Coast Central Service Division's Bid Protest procedures.*

*A proposer may protest matters involving the award of this Bid within three (3) business days from the posting of this recommendation to award. Failure to protest to the City's Administrative Services and Economic Development Director, Beau Falgout (bfaigout@palmcoastgov.com) shall constitute a waiver of the protest proceedings.*

*Any decision of the Administrative Services and Economic Development Director may be appealed to the City Manager by filing a written appeal to the City Manager within seven (7) days of the Administrative Services and Economic Development Director's decision. Any decision of the City Manager may be appealed to the City Council by filing a written appeal to the City Clerk within seven (7) days of the City Manager's decision. The same procedures as above shall apply to contest the award of the contract.*

**Cc: Contract Coordinator, Project Manager, AS&ED Director,  
Department Director**

**BID ANALYSIS SPREADSHEET OUTLINING HOURLY CHARGE BY  
VARIED TANKER SIZES:**

<b>Bid Analysis</b>							
<b>ITB-UT-18-27 Wastewater Emergency Collection Services</b>							
<b>2/28/2018</b>							
The contract will be awarded to one or more of the lowest qualified bidder/bidders based on cost per hour of operation.							
	Minimum Hours Charge	Hourly Rate for 4,200 gallon tanker	Hourly Rate for 4,600 gallon tanker	Hourly Rate for 5,000 gallon tanker	Hourly Rate for 5,200 gallon tanker	Hourly Rate for 6,000 gallon tanker	Hourly Rate for 7,000 gallon tanker
<b>All Daytona Septic Tank Service, Inc.</b>							
Minimum Charge Calculation	3				\$275.00		
Holy Hill, FL					\$825.00		
<b>Brownies Septic and Plumbing</b>		\$230.00	\$230.00	\$230.00	\$230.00		\$275.00
Minimum Charge Calculation	5	\$1,150.00	\$1,150.00	\$1,150.00	\$1,150.00		\$1,375.00
Orlando, FL							
<b>Environmental Control Systems, Inc.</b>		\$240.00				\$250.00	
Minimum Charge Calculation	1	\$240.00				\$250.00	
Bunnell, FL							
<b>Hinterland Group</b>		\$350.00	\$350.00	\$425.00	\$500.00	\$650.00	
Minimum Charge Calculation	5	\$1,750.00	\$1,750.00	\$2,125.00	\$2,500.00	\$3,250.00	
Cocoa, FL							



# ITB-UT-18-27 - Wastewater Emergency Collection Services

## Project Overview

Project Details	
Reference ID	ITB-UT-18-27
Project Name	Wastewater Emergency Collection Services
Project Owner	Jesse Scott
Project Type	ITB
Department	Procurement
Budget	\$0.00 - \$0.00
Project Description	This Invitation to Bid is issued for the purpose of soliciting bids for a service agreement with a pricing schedule for Emergency Tank Trucking of the Wastewater Collection System.
Open Date	Feb 07, 2018 8:00 AM EST
Close Date	Feb 22, 2018 2:00 PM EST

Awarded Suppliers	Reason	Score
Brownies Septic & Plumbing		0 pts



<b>Environmental Control Systems</b>		<b>0 pts</b>
<b>All Daytona Septic Tank Service, Inc</b>		<b>0 pts</b>

## Seal status

<b>Requested Information</b>	<b>Unsealed on</b>	<b>Unsealed by</b>
Forms 1-10 and A-D	Feb 22, 2018 2:00 PM EST	Jesse Scott
Pricing Form C-2	Feb 22, 2018 2:01 PM EST	Jesse Scott

## Conflict of Interest

# Declaration of Conflict of Interest You have been chosen as a Committee member for this Evaluation. Please read the following information on conflict of interest to see if you have any problem or potential problem in serving on this committee. ## Code of Conduct All information related to submissions received from Suppliers or Service Providers must be kept confidential by Committee members. ## Conflict of Interest No member of a Committee shall participate in the evaluation if that Committee member or any member of his or her immediate family: \* has direct or indirect financial interest in the award of the contract to any proponent; \* is currently employed by, or is a consultant to or under contract to a proponent; \* is negotiating or has an arrangement concerning future employment or contracting with any proponent; or, \* has an ownership interest in, or is an officer or director of, any proponent. Please sign below acknowledging that you have received and read this information. If you have a conflict or potential conflict, please indicate your conflict on this acknowledgment form with information regarding the conflict. I have read and understood the provisions related to the conflict of interest when serving on the Evaluation Committee. If any such conflict of interest arises during the Committee's review of this project, I will immediately report it to the Purchasing Director.

<b>Name</b>	<b>Date Signed</b>	<b>Has a Conflict of Interest?</b>
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Danny Ashburn	Feb 23, 2018 7:03 AM EST	No
ralph hand	Feb 23, 2018 7:24 AM EST	No
Jesse Scott	Feb 22, 2018 2:02 PM EST	No



## Project Criteria

Criteria	Points	Description
Forms 1-10 and A-D	Pass/Fail	Forms 1-10 and A-D completed and submitted as requested. All data points filled in with requested information. Legible.
Forms 1-10 and A-D	Pass/Fail	Technical Review for accuracy and information content.
Addenda	Pass/Fail	Signed and Dated
Pricing Spreadsheet C-2	0 pts	Summary of Cost
<b>Total</b>	<b>0 pts</b>	



## Scoring Summary

### Active Submissions

	Total	Forms 1-10 and A-D	Forms 1-10 and A-D	Addenda	Pricing Spreadsheet C-2
Supplier	/ 0 pts	Pass/Fail	Pass/Fail	Pass/Fail	/ 0 pts
Brownies Septic & Plumbing	0 pts	Pass	Pass	Pass	0 pts (\$1,150.00)
Environmental Control Systems	0 pts	Pass	Pass	Pass	0 pts (\$250)
Hinterland Group, Inc.	0 pts	Pass	Mixed	Pass	0 pts (\$2,500.00)
All Daytona Septic Tank Service, Inc	0 pts	Pass	Pass	Pass	0 pts (\$825)



## City of Palm Coast, Florida Agenda Item

Agenda Date: 04/03/2018

<b>Department Item Key</b>	CITY CLERK	<b>Amount Account</b>
<b>Subject</b>	PRESENTATION OF CERTIFICATES TO GRADUATING STUDENTS OF THE CITY OF PALM COAST'S CITIZENS ACADEMY CLASS	
<b>Background :</b>	<p>The members of the 42<sup>nd</sup> Citizens' Academy Class are graduating today. The Citizens' Academy was created to educate residents about the operation of our City government during the last five Monday evenings from 6:00 p.m. to 9:00 p.m., at which time, City Departments discussed operations relating to their department. In order to fully understand the function of each department, as it relates to the City, students were encouraged to ask questions during these sessions. Students are required to attend all classes in order to graduate and receive a certificate.</p>	
<b>Recommended Action:</b>	<p>Present certificates to the graduates of the 42<sup>nd</sup> class of the Palm Coast Citizens' Academy.</p>	

**City of Palm Coast, Florida**  
**Agenda Item**

Agenda Date : 04/03/2018

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	3069	<b>Account</b>
		<b>#</b>
<b>Subject</b> CALENDAR/WORKSHEET		
<b>Background :</b>		
<b>Recommended Action :</b>		



## Meeting Calendar for 4/4/2018 through 5/16/2018

**4/4/2018 5:30 PM**

PLDRB Special Meeting  
City Hall

**4/10/2018 9:00 AM**

City Council Workshop  
City Hall

**4/11/2018 10:00 AM**

Code Enforcement Board  
City Hall

**4/17/2018 9:00 AM**

City Council  
City Hall

**4/18/2018 5:30 PM**

Planning & Land Development Regulation Board  
City Hall

**4/24/2018 9:00 AM**

City Council Workshop  
City Hall

**4/26/2018 5:00 PM**

Beautification and Environmental Advisory Committee  
City Hall

**5/1/2018 6:00 PM**

City Council  
City Hall



## Meeting Calendar for 4/4/2018 through 5/16/2018

**5/2/2018 10:00 AM**

Code Enforcement Board  
City Hall

**5/8/2018 9:00 AM**

City Council Workshop  
City Hall

**5/9/2018 6:30 PM**

Leisure Services Advisory Committee  
City Hall

**5/11/2018 8:30 AM**

Volunteer Firefighters' Pension Board  
Fire Station #25

**5/15/2018 9:00 AM**

City Council  
City Hall

#	File #	Item	Title	Staff
			<b>Workshop 4/10/2018</b>	
1		Resolution	Debris Disposal MPA	Abreu
2		Presentation	Annual Investment Presentation	Alves
3		Presentation	SAP Evaluation Workshop #2	Bevan
4		Resolution	East Flagler Mosquito Control Services	Falgout
5		Resolution	Pump Station D Improvements	Kronenberg
6		Resolution	IA SOE Election Services	Smith
			<b>Business 4/17/2018</b>	
1		Resolution	Debris Disposal MPA	Abreu
2		Ordinance 2nd	Floodplain Management	Bevan
3		Ordinance 2nd	Bldgs and Bldg Regulation Technical Amendment	Bevan
4		Discussion	Shortlist Executive Search Firms	Falgout
5		Resolution	East Flagler Mosquito Control Services	Falgout
6		Resolution	Pump Station D Improvements	Kronenberg
7		Proclamation	Volunteer Recognition	Lane
8		Ordinance 2nd	Transportation Impact Fee	Papa
9		Presentation	Appoint Members of the BEAC	Smith
10		Resolution	IA SOE Election Services	Smith
			<b>Workshop 4/24/2018</b>	
1		Resolution	Consumptive Use Permit Modification	Adams/Matthews
2		Presentation	10 year Capital Improvement forecast	Cote
3		Presentation	Executive Search Firms	Council
4		Ordinance	Airport Area Overlay Master Plan	Meehan
			<b>Business 5/1/2018</b>	
1		Presentation	SAP Proposed Updates and Additional Priorities Adoption	Bevan
2		Proclamation	Nurses Week	Lane
3		Proclamation	Employee Appreciation Month	Lane
4		Ordinance 1st	Airport Area Overlay Master Plan	Meehan
5		Proclamation	Arbor Day	Mini
6		Presentation	Public Safety Update	Staly
			<b>Workshop 5/8/2018</b>	
1		Resolution	Contract Executive Search Firms	Council

2		Ordinance	Amend LDC Chapter 5 rewrite	Hoover
			<b>Business 5/15/2018</b>	
1		Discussion	Final Ranking Executive Search Firms	Council
2		Proclamation	Kids to Park Day	Lane
3		Ordinance 1st	Amend LDC Chapter 5 rewrite	Hoover
4		Ordinance 2nd	Airport Area Overlay Master Plan	Meehan
			<b>Workshop 5/29/2018</b>	
			<b>Business 6/5/2018</b>	
1		Resolution	Contract Executive Search Firms	Council
2		Ordinance 1st	Amend LDC Chapter 5 rewrite	Hoover
3		Presentation	Citizen's Academy Graduation 43	Lane
4		Proclamation	Fire	Lane
			<b>Future</b>	
1		Resolution	Master Plan SCADA Telemetry Standardization	Adams/Hogan
2		Resolution	Fixed Base Meter Reading	Adams/Zaleski
3		Resolution	Annual Fire Inspection Fees	Alves
4		Presentation	SAP Proposed Updates and Additional Priorities Adoption 5/1	Alves/Williams
5		Resolution	Presentation to City Council - Year to Date Budget Results 5/8	Alves/Williams
6		Presentation	Fund Accounting and Long Term Planning 5/29	Alves/Williams
7		Presentation	Property Tax and Other Revenue 6/12	Alves/Williams
8		Presentation	General Fund and TRIM Rate 7/10	Alves/Williams
9		Resolution	Proposed Millage Rate 7/17	Alves/Williams
10		Presentation	Proprietary and Special Revenue Funds 8/14	Alves/Williams
11		Resolution	Budget Workshop - Final Proposed Budget 8/28	Alves/Williams
12		Resolution	Permit compliance with NECGA (MOU and Conservation easement)	Bevan
13		Resolution	Purchase/Installation Ozone Odor Control Unit WWTP #1	Blake
14		Resolution	Purchase/Installation Primary Clarifier Process Equipment WWTP #1	Blake
15		Resolution	Interlocal Mala Compra Storm Drain Project	Blake/Kronenberg
16		Presentation	Finalize 5 Year CIP 7/31	Cote
17		Resolution	Stormwater and Environmental Engineering Services WO	Cote/Peel
18		Resolution	Property Exchange NECGA	Falgout
19		Resolution	IA Flagler Schools Fire Truck Donation	Forte
20		Resolution	WWTP#1 Odor Control	Kronenberg

<b>21</b>		Presentation	Citizen's Academy Graduation-10/16 44	Lane
<b>22</b>		Ordinance 1st	Coastal Trace FLUM	Papa
<b>23</b>		Ordinance 1st	Coastal Trace Rezoning	Papa



**City of Palm Coast, Florida**  
**Agenda Item**

Agenda Date : 4/3/2018 6:00:00 PM

<b>Department</b>	CITY CLERK	<b>Amount</b>
<b>Item Key</b>	3096	<b>Account</b>
		<b>#</b>
<b>Subject</b>	ATTACHMENTS TO MINUTES	
<b>Background :</b>		
<b>Recommended Action :</b>		

# Charter Amendments

## 2<sup>nd</sup> Reading

---



# Schedule

August 8 <sup>th</sup> 9:00 AM	Workshop – Charter Review Process
August 11 <sup>th</sup>	Website Live
September 12 <sup>th</sup> 9:00 AM	Workshop - Public Input Shared with City Council
September 27 <sup>th</sup> 6:00 PM	Special Charter Workshop – MHS
October 4 <sup>th</sup> 6:00 PM	Special Charter Workshop – ITMS
October 18 <sup>th</sup> 6:00 PM	Special Charter Workshop – BTMS
October 26 <sup>th</sup> 6:00 PM	Special Charter Workshop – FPC
January 9th 9:00 AM	Workshop – Facilitator Summary Report
February 27 <sup>th</sup> 9:00 AM	Workshop – Draft Ordinance
March 20 <sup>th</sup> 9:00 AM	Meeting – Ordinance 1 <sup>st</sup> Reading
<b>April 3<sup>rd</sup> 6:00 PM</b>	<b>Meeting – Ordinance 2<sup>nd</sup> Reading</b>
<b>November 6, 2018</b>	<b>General Election</b>



# Proposed Amendments

1. UPDATE OUTDATED AND TO CLARIFY AMBIGUOUS CHARTER PROVISIONS
2. REVISE THE CHARTER REVIEW PROCESS TO INCLUDE AN ADVISORY CHARTER COMMITTEE
3. REVISE THE PROCESS TO FILL A VACANCY IN THE OFFICE OF A COUNCIL MEMBER



**Proposed Ordinance(s)  
Floodplain Damage Protection  
&  
Technical Amendments to Florida Building Code**

**April 3, 2018**



# Floodplain Management Timeline

Date	Activity	Affect on Flood Insurance Premiums
02-02-2002	Accepted into the NFIP	Citizens can secure flood insurance
05-01-2004	CRS Class 7	15% reduction*
07-17-2006	Flood Insurance Rate Map(s) Effective Date	Flood zone(s) changed
08-19-2008	Unified Land Development Code adopted	
05-01-2009	CRS Class 6	20% reduction*
11-20-2014	CRS Class 5	25% reduction*
05-01-2017	CRS Class 4	30% reduction*
12-31-2017	Florida Building Code Effective Date (6 <sup>th</sup> Edition)	
06-06-2018	Flood Insurance Rate Map(s) Effective Date for new maps	Flood zone(s) will change. Proposed ordinance respects new effective date.

\*Note: For policies issued for properties within the Special Flood Hazard Area



# Ordinance(s) Background

- To remain consistent with the NFIP standards, it is in the public interest to adopt floodplain management regulations that are coordinated within the Florida Building Code.
- The Florida Division of Emergency Management (FDEM) has created a state model ordinance to help communities.
- FDEM provided direct consultation to assist staff with merging the model ordinance, existing regulations of the Unified Land Development Code, Florida Building Code and higher standards of the City's CRS program.





# FCARD – Request for Feedback

Three meetings conducted with Flagler County Association for Responsible Development (FCARD)

April 13, 2017; January 25, 2018; and February 15, 2018

Action: Feedback applied, reviewed by FDEM and CRS technical experts, and two sections were modified and found acceptable by reviewing entities.



# Comprehensive Plan Analysis

## Objective 6.1.12 – Floodplain Protection

Maintain the hydrological and ecological function of floodplain areas by reducing loss of flood storage capacity and protecting the functional value of wetlands.

Policies 6.1.12.1, 6.1.12.2, 6.1.12.3, and 6.1.12.4

Staff Findings: The Ordinance is consistent with Comprehensive Plan Policies.



# Planning and Land Development Regulation Board

- January 17, 2018 PLDRB Workshop
- PLDRB Business Meeting (February 21, 2018) – Recommended that City Council Approve Ordinance Section 10.02, LDC by a 6-0 vote

# Recommendation

- Staff and PLDRB recommend that City Council approve Ordinance associated with Chapter 10.02, Land Development Code.
- Staff recommends that City Council approve Ordinance Chapter 15 Technical Amendments to the Florida Building Code, Code of Ordinance.

Questions???



# GRAND LANDINGS

Application #3481

Proposed 1<sup>st</sup> Modification to  
Amend and Restate the MPD

City Council Meeting

April 3, 2018



# Background

- Original Zoning approved by Flagler County as a PUD in 2005.
- Annexed into City in 2007;
- City amended PUD to MPD in 2014;
- City of Palm Coast Ordinance # 2014-11 is the controlling document.



*Find Your Florida*



# Location & Aerial

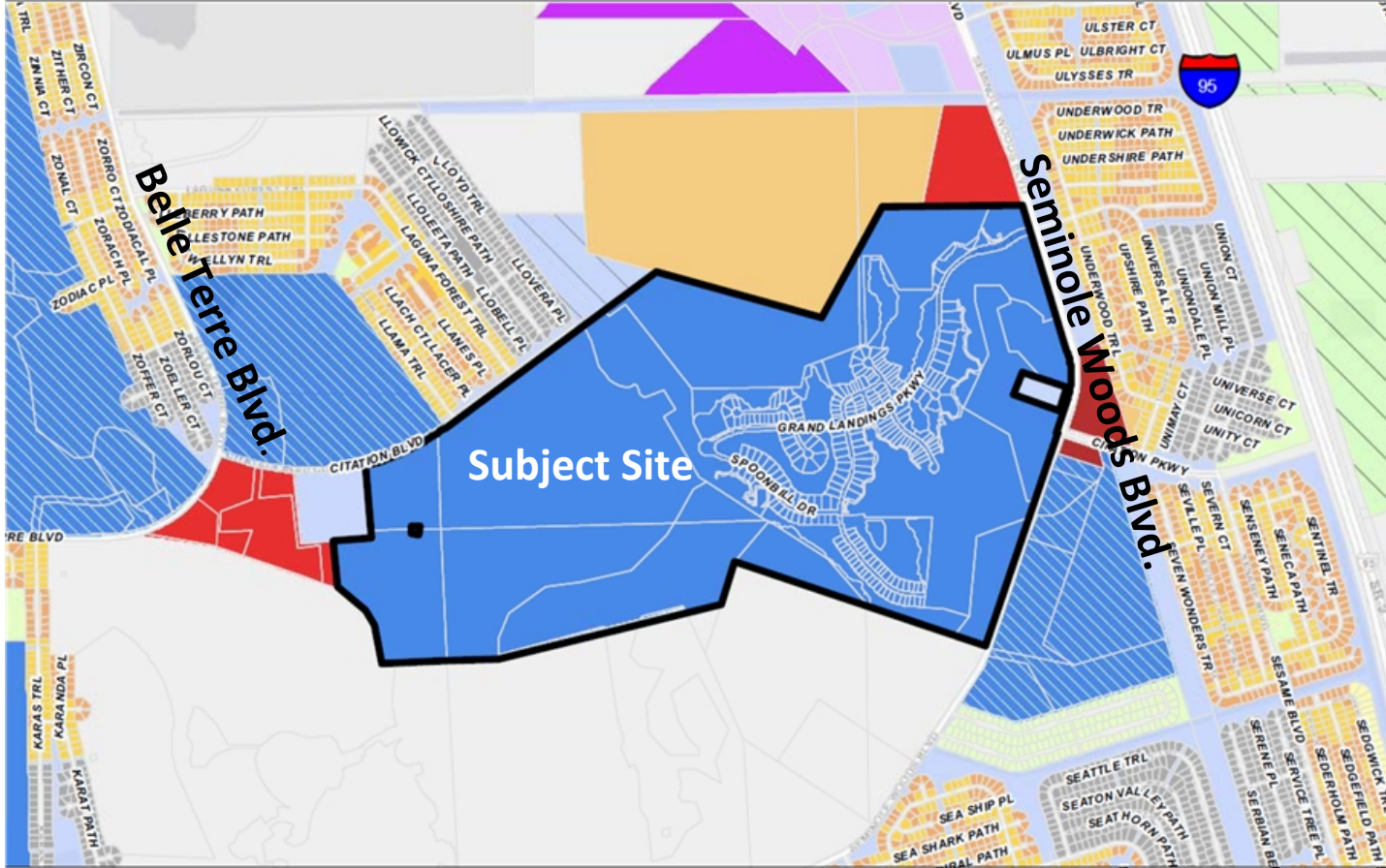


## General Location

- South of airport
- South SR100
- East of Belle Terre Blvd.
- West of Seminole Woods Parkway



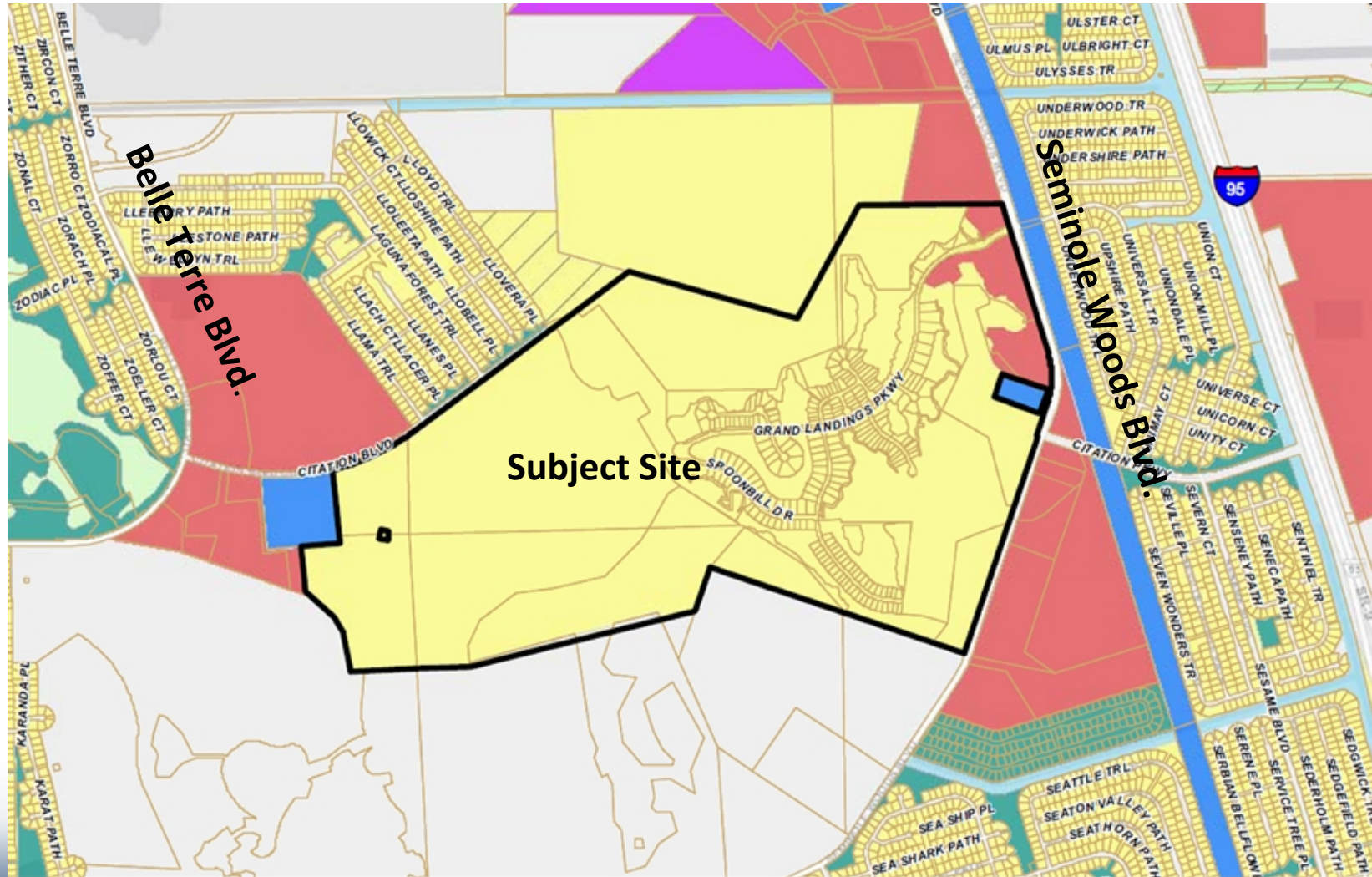
# Zoning



## History

- Approved by Flagler County in 2005
- Annexed into City of Palm Coast in 2007
- City approved MPD Ordinance in 2014.

# Future Land Use



## Notes

- 774 acres
- MPD allows single family attached and detached homes.
- Includes a commercial component oriented to Seminole Woods Blvd.



# GRAND LANDINGS

**MPD allows up to 749 units**

Number of Platted Lots	
Phase 1	102
Phase 2	77
Phase 3	110
Phase 4	
Phase 5	
Phase 6	
Total to Date	289

**Development is occurring on about 40% of Master Plan including the Community Center Amenity.  
Phases 3B & 3C are currently under construction.**



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# GRAND LANDINGS MPD

**Applicant's request – Grand Landings JTL**

Relates to two Sections of Current MPD;

- Section 6(b)1 -Wetland buffer language;
  - To allow buffer to meet the City requirement.
- Section 7(a) -Site Development Plan;
  - Size of lot and lot width.



*Find Your Florida*

# Proposed Changes – Wetland buffer

- Allow averaging consistent with Chapter 10.01.08A of the City's Unified Land Development Code;
  - Current 25 foot buffer minimum.
  - Proposed change allows an average of 25 feet but no less than 15 feet.
- City proposed change is to allow *wildfire mitigation* as an allowable use in wetland buffer;

# Entitlements

Neighborhood Information Meeting held February 12, 2018.

No proposed changes to:

- Number of units;
- Minimum house size;
- Setbacks;
- Open space;
- Overall development program.



# Proposed Changes- Site development regulations

- Reduce allowable lot minimum from 50 feet to 45 feet;
- Reduce allowable lot size from 6,250 SF to 5,000 SF.

# Ruby

The Seasons Collection

J911



Elevation A



Elevation B



Elevation C



Elevation K



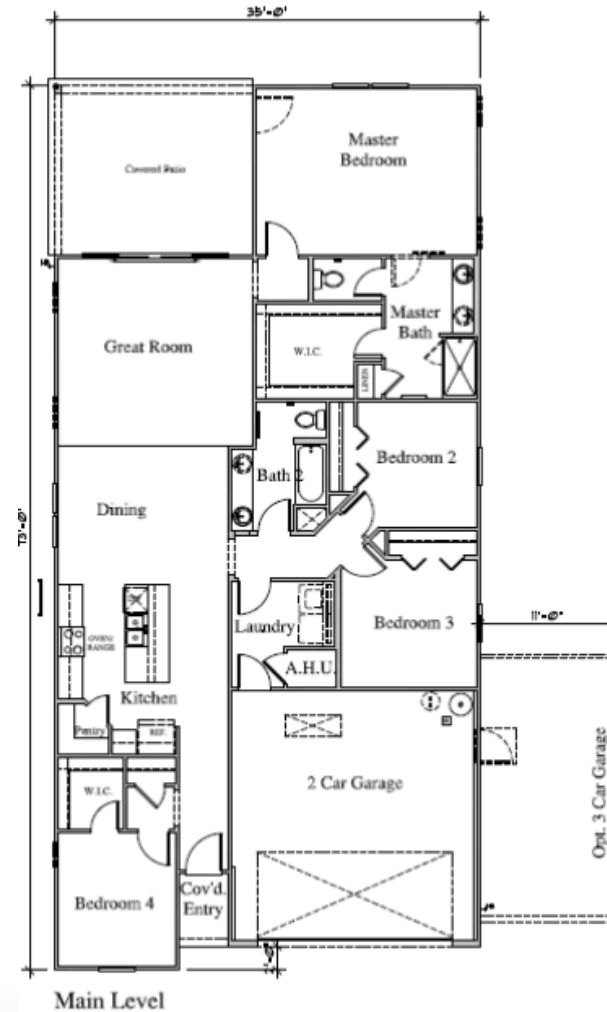
Elevation L



Elevation M

# Ruby

The Season's Collection



## Features:

- 1 Story Home
- 4 Bedrooms
- 2 Baths
- 2 Car Garage
- Opt. 3 Car Garage
- 1,822 Sq. Ft.

# Coral

J



Elevation A



Elevation B



Elevation C



Elevation K



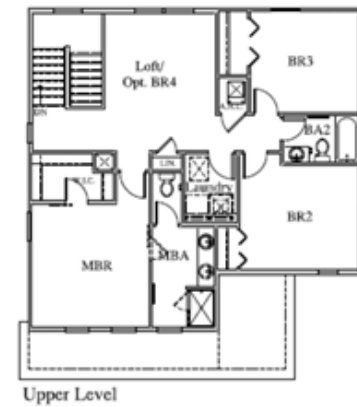
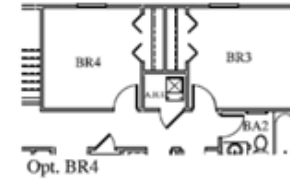
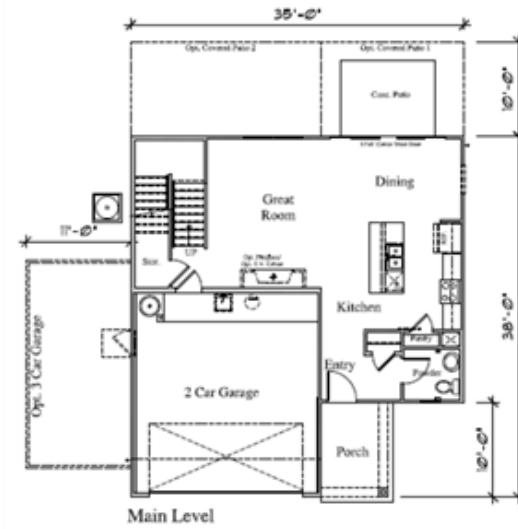
# Coral

Seasons Collection

J903

## Features:

- 1772 Sq. Ft.
- 2 Story Home
- 3 to 4 Bedrooms
- 2 1/2 Baths
- 2 Car Garage
- Opt. 3 Car Garage



# Summarized Findings

## Section 2.05.05 Review findings:

- A. Not in conflict with the public interest;
- B. Consistent with the Comprehensive Plan;
- C. No financial liability ;
- D. No unreasonable hazard, or nuisance to the public health, safety and welfare;
- E. All development will comply with applicable requirements.

## Section 2.09.04. Review findings with respect to MPD projects:

- A. Consistency with Comprehensive Plan;
- B. Consistency with intent of LDC;
- C. Compatibility with surrounding area;
- D. Adequate provision of infrastructure;
- E. Feasibility and benefits of project;
- F. Impacts of project.



# Recommendation

Consistent with the PLDRB recommendation, approve the four proposed amendments to Ordinance 2014-11 (Application 3481) and adopt the proposed *First Amended and Restated Grand Lands MPD*.

# Grand Landings MPD

## Questions



# Transportation Impact Fee Study

## City Council Public Hearing

APRIL 2018



Presented By:





## Transportation Impact Fee Study Milestones

- City Council Workshop on Land Use Schedule and Fee Calculations
- Follow-up workshops with stakeholders



Presented By:



## Transportation Impact Fee Study Update Costs of Additional Roadway Capacity

### Road Improvement Program Cost Estimate Summary

• Road Costs not in the LRTP	\$ 41,747,743.30
• Intersection Costs	\$ 13,282,500.00
• Traffic Signal Optimization	<u>\$ 3,000,000.00</u>
• Non-LRTP Improvement Costs	\$ 58,030,243.30
• <b>10% Funding for LRTP Roadways</b>	<u>\$ 10,349,268.00</u>
• Non-LRTP and 10% Funding Costs	<b>\$ 68,379,511.30</b>



Presented By:



**LTG**

Engineering  
& Planning



## Transportation Impact Fee Study Incentivization

### Fee-based Economic Incentives

- Promotion of In-fill (Vested, Platted Single Family Attached or Detached) based on plat recording date
- Diversity of housing choice
  - Single Family
  - Multi-Family
  - Active Adult
- Manufacturing rate
- No Right-of-Way (construction cost accommodates stormwater improvements)
- Intersections vs. Street Widening
- Multi-tenant Retail vs. Free Standing Retail



Presented By:



## Transportation Impact Fee Ordinance

- Continue with Annual Adjustment based on FDOT construction costs
- Create Benefit District to fund specific improvements through dedicated impact fees
- Update Impact Fee report/study every five-years (previously six-years)
- Implementation - 30 days for decrease, 90 days for increase (with exemption for new building if building permit is issued by Feb. 1, 2019)



Presented By:



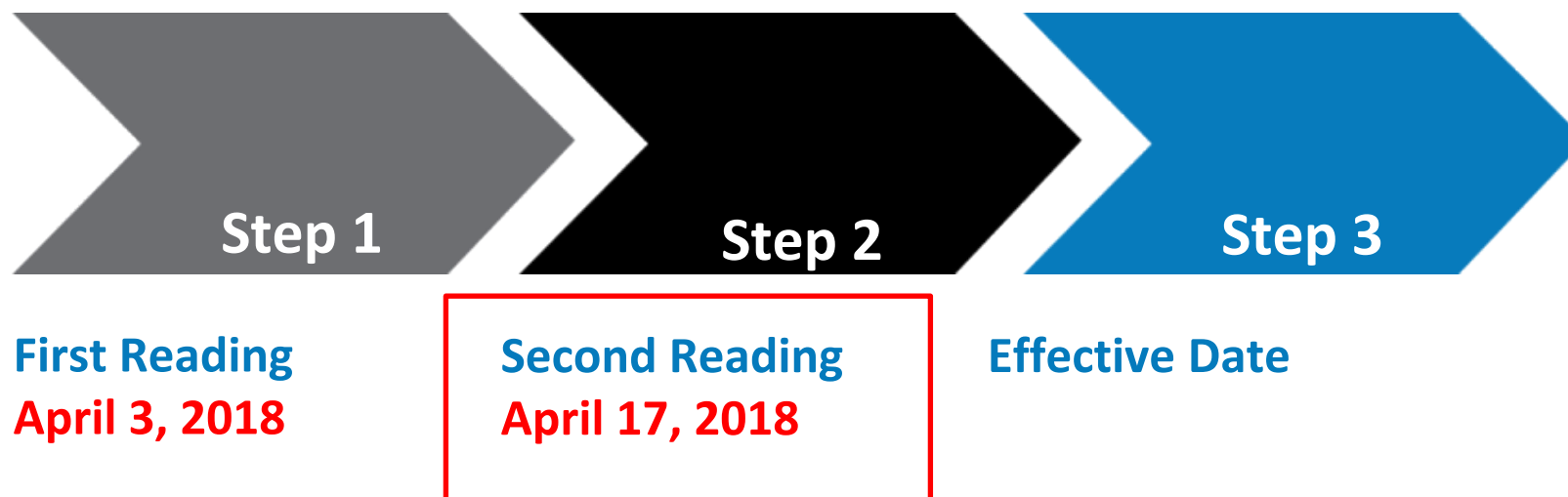
**LTG**

Engineering  
& Planning



## Transportation Impact Fee Study Next Steps

☒ Following Today's Presentation



Presented By:



## Transportation Impact Fee [Questions or Comments](#)



Presented By:



# **PALM TOWN CENTER MPD REZONING**

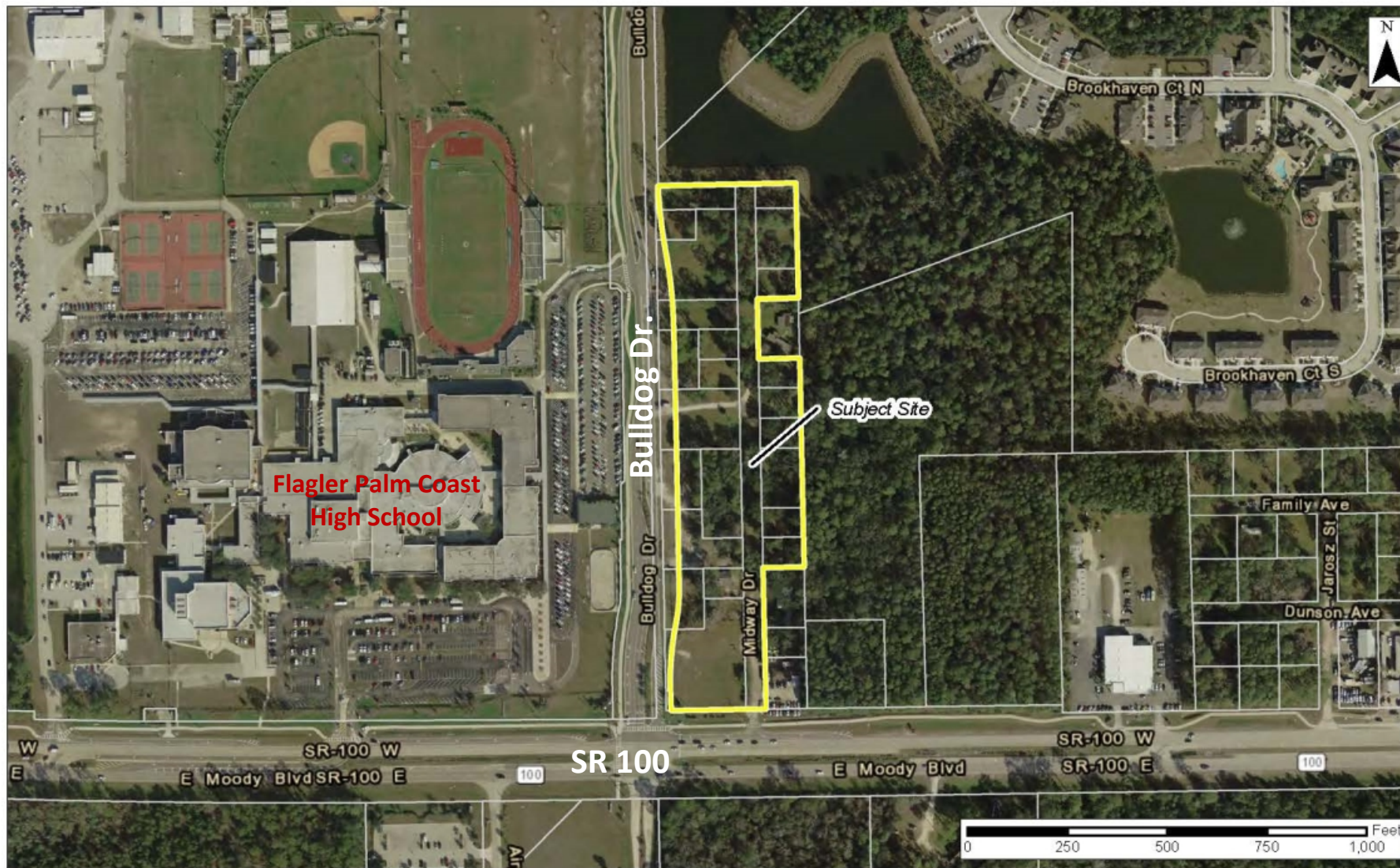
**City Council Public Hearing  
on April 3, 2018**







# Aerial

Palm Town  
Center MPD is  
9.09 +/- acres



## Large Scale Location Map

-  Subject Site
-  Parcel Boundaries



Map Provided by the GIS Division  
Date: 1/24/2018

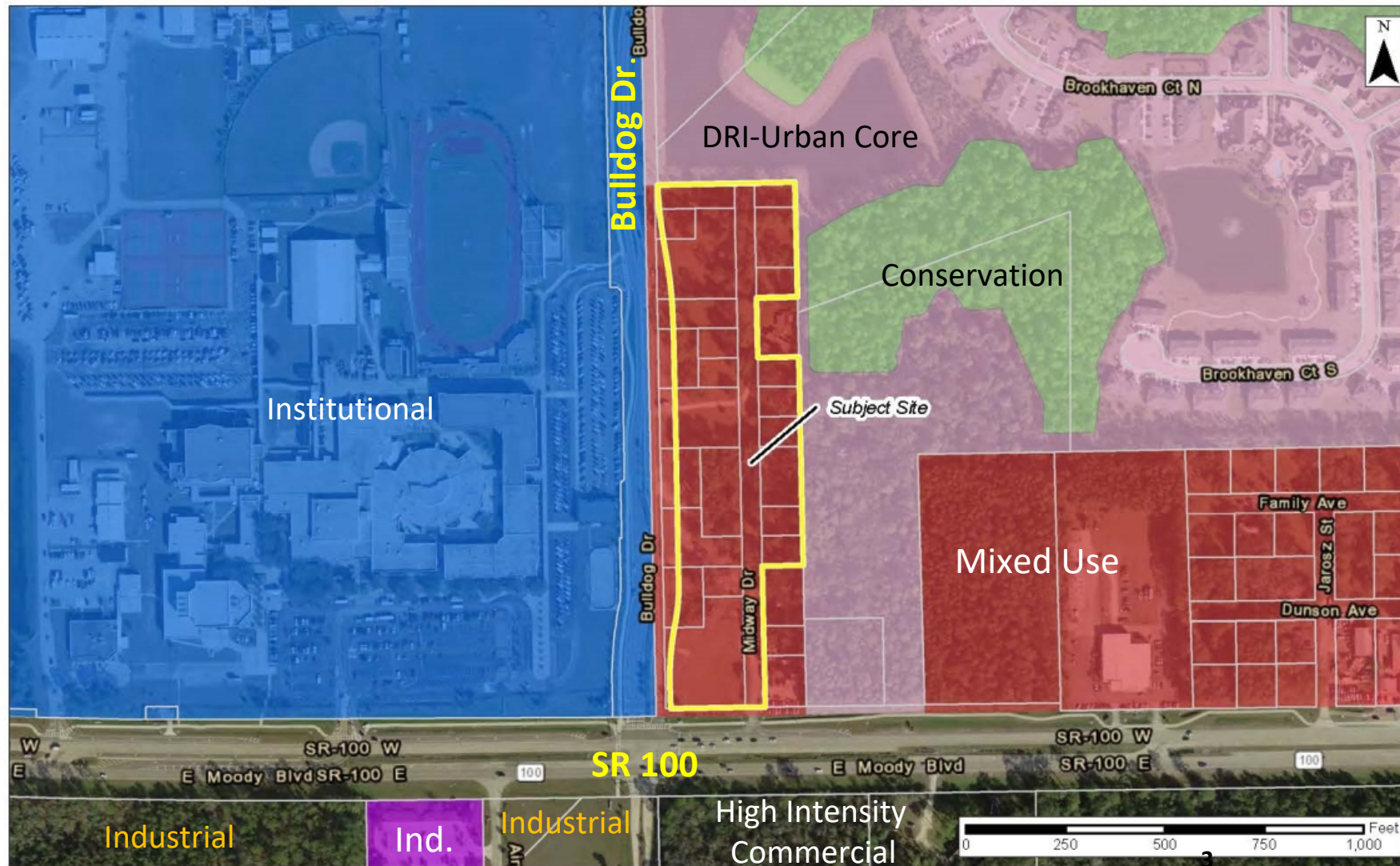
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# FLUM

Subject property is designated Mixed Use



FLUM Classification Map



Map Provided by the GIS Division

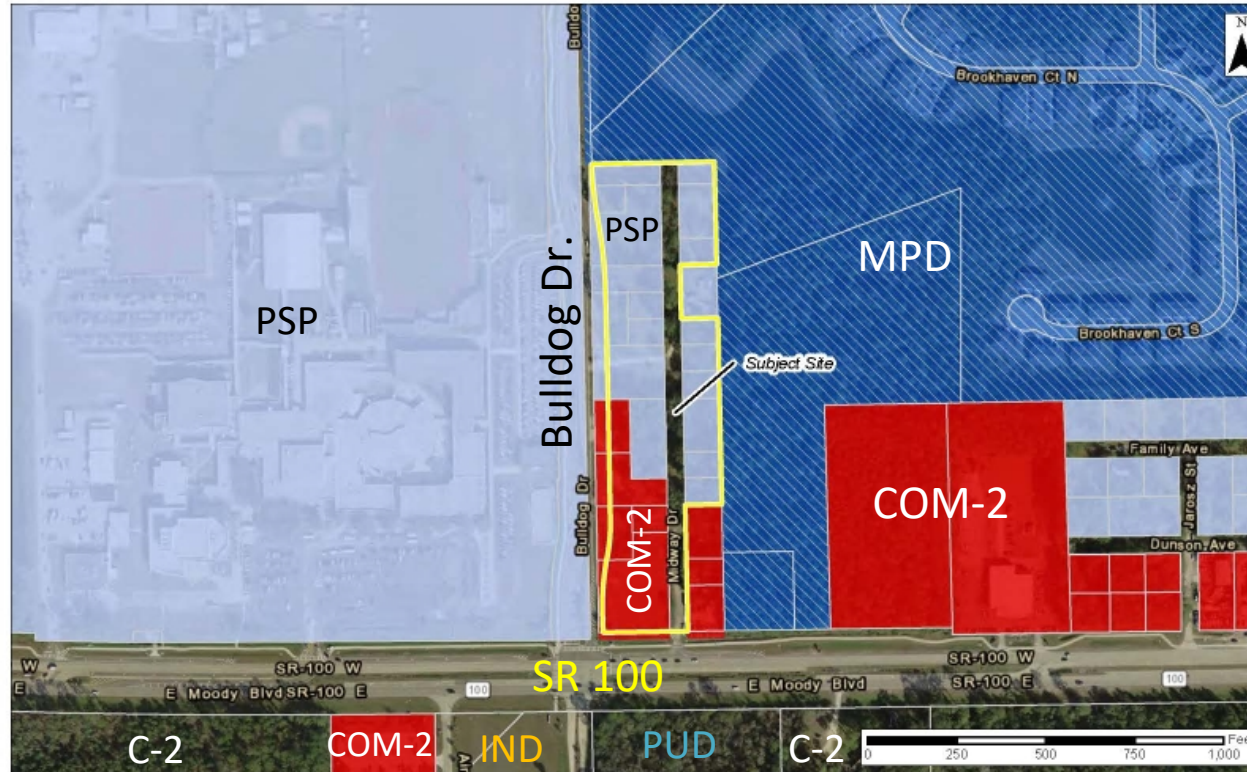
Date: 1/24/2018

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# Existing Zoning Map



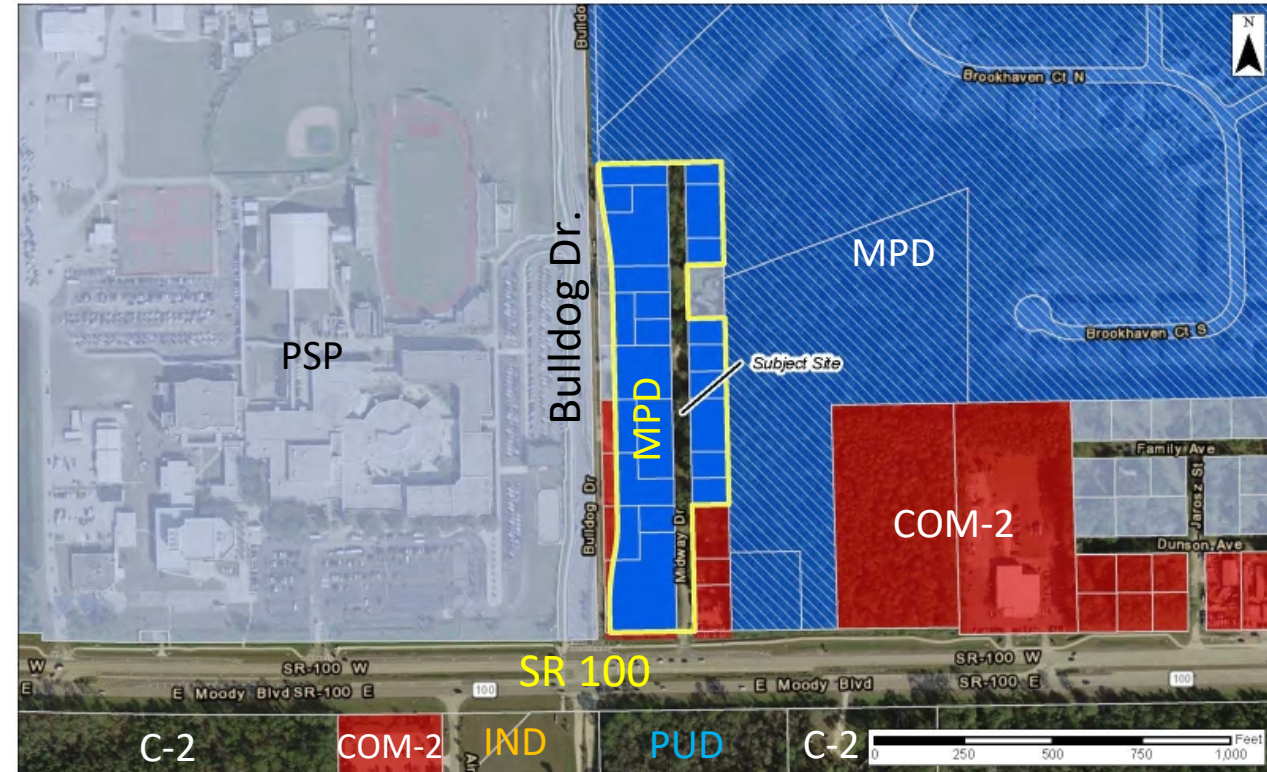
Existing Zoning Map



Map Provided by the GIS Division  
Date: 1/24/2018

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# Proposed Zoning Map



Proposed Zoning Map

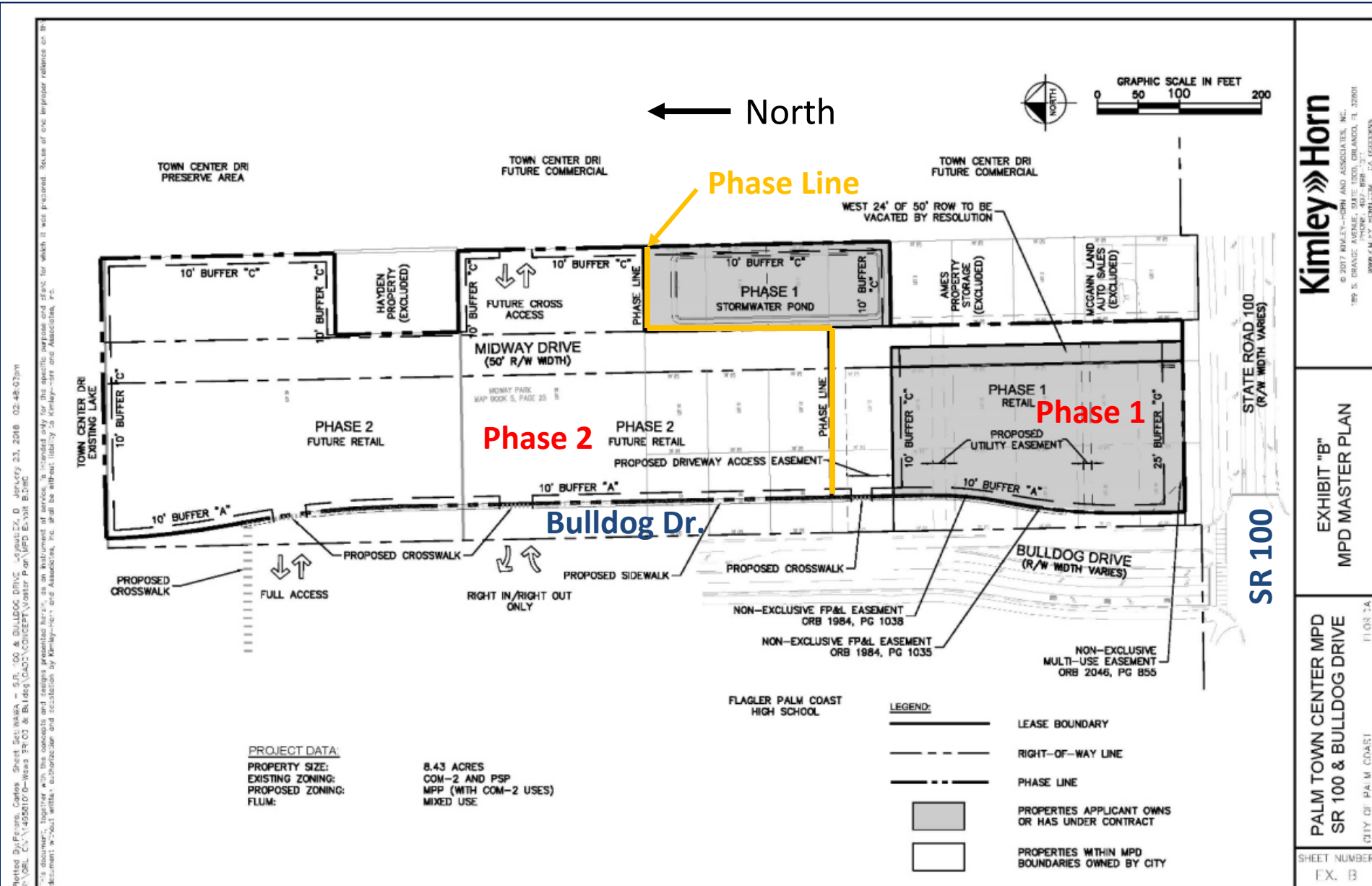


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Date: 1/24/2018

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# Exhibit "B" - MPD Master Plan

Project is intended to be developed in two phases with Phase 1 for a Wawa convenience store





Plotted By: Perino, Carlos Sheet Set: WAWA - S.R. 100 & BULLDOG DRIVE Layout: EX. C January 16, 2018 11:19:05am  
 C:\DEL\_C\1495010\0-Wawa EX-100 & Bulldog\CAO\CONCEPT\Wawa Plan\PDF Export C.DWG



# Exhibit "D-1" - Phase 1 Conceptual Building Elevation

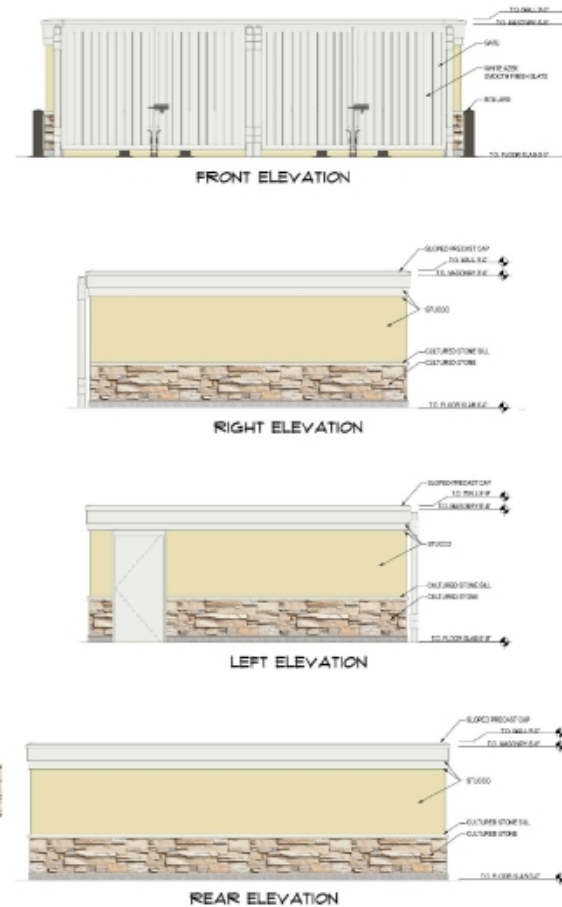


## LDC Modification

Parapet may extend up to 25% above supporting wall in lieu of 15% in order to hide rooftop A/C and mechanical equipment.



P. J. Lee, B. F. Peters, C. S. Smith, S. W. A. S. R. D. & B. L. DODGE. NEV. Lepidoptera, 7 January 20, 1919. 08:32-20:00



PALM TOWN CENTER MPD  
SR 100 & BULLDOG DRIVE  
CITY OF PALM COAST  
FLORIDA

PALM COAST  
Find Your Florida







# Five Review Criteria from Sec. 2.05.05 of LDC

MPD Rezoning or Development Order is analyzed for:

- A) Must not be in conflict with public interest
- B) Must be consistent with LDC and Comprehensive Plan
- C) Must not impose a significant liability or hardship on City
- D) Must not create an unreasonable hazard or nuisance
- E) Must comply with all applicable government standards



# Staff Analysis Based on LDC Chapter 2, Sec. 2.05.05

- Planning staff reviewed these five criteria and provided detailed findings in the staff report.
- The MPD Rezoning will not create a nuisance, hazard, or any compatibility issues as it meets all development standards and is in compliance with its Mixed Use designation on FLUM.
- The redevelopment of the site is consistent with numerous policies of the FLUE and Transportation Element of Comp. Plan.
- Project meets standards of the Gateway Overlay Zone and LDC.



# Planning and Land Development Regulation Board

- No one from the public spoke for or against it at this meeting
- The MPD Rezoning was reviewed and recommended for approval by a 6-0 vote on Feb. 21<sup>st</sup>

# Recommendation

Planning staff and the PLDRB recommend to City Council approval of the MPD Development Agreement to rezone 9.09 +/- acres from General Commercial (COM-2) and Public/Semi-Public (PSP) to Palm Town Center MPD, Application # 3488.





# Questions

# Wireless Master Plan Amendment

March 27, 2018





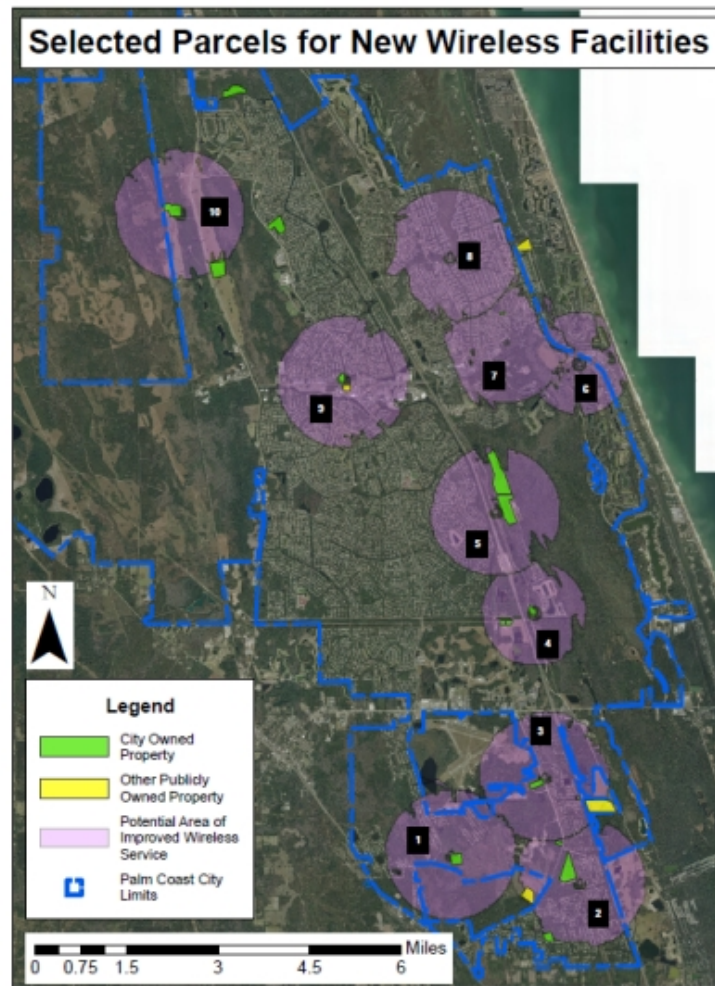
# Wireless Communications Facilities Ordinance

## Wireless Master Plan

1. Adopted January 16, 2018 by Resolution
2. Includes 29 publically-owned sites



# Wireless Master Plan



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Map Provided by the GIS Division  
Date: 1/4/2018

### Identify Properties

- Palm Coast Owned
- Location
- Size
- Setbacks
- Use
- Visual Impact



## Wireless Master Plan Amendment



- Fire Station #24 site
- 7.2 acres in size
- PSP zoning
- Northwestern corner of Palm Harbor & Farmsworth Drive.
- Proposed Site 8-D.



# Wireless Master Plan Amendment –Fire Station #24

## 8D - Proposed Subject Site

*Parcel Number	Owner	Area (in acres)	Perimeter (in feet)	Description
0711317009RPOF00010	City of Palm Coast	0.338327	545	Proposed subject site



- Limits access to Farmsworth Drive
- Adjacent to lift station
- Room for lift station to expand
- Allows future uses on overall subject site
- Approximately 75' by 75'' footprint with access.